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Contents

Federal Register

Vol. 70, No. 53

Monday, March 21, 2005

Agriculture Department
See Commodity Credit Corporation
See Foreign Agricultural Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration
See National Agricultural Statistics Service
See Natural Resources Conservation Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13443

Census Bureau
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13448–13449

Centers for Disease Control and Prevention
NOTICES
CDC-INFO Contact Center; consolidated consumer response service for health information inquiries; announcement, 13506
Meetings:
National Center for Environmental Health Agency for Toxic Substances and Disease Registry—
Scientific Counselors Board, 13506–13507

Centers for Medicare & Medicaid Services
RULES
Medicare:
Medicare Advantage Program, 13401–13402
Medicare Prescription Drug Benefit, 13397–13400
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13507–13508

Children and Families Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13508–13511

Coast Guard
RULES
Great Lakes pilotage regulations:
Rate adjustments
Correction, 13574

Commerce Department
See Census Bureau
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13448

Commodity Credit Corporation
NOTICES
Loan and purchase programs:
Advance Direct and Counter-Cyclical program payments; repayment period extension, 13443–13444

Customs and Border Protection Bureau
NOTICES
Automation program test:
Automated Commercial Environment—
Truck carrier accounts; automated manifest test, 13514–13516
Customhouse broker license cancellation, suspension, etc.:
Secure Customs Broker, Inc., et al., 13516–13517

Defense Nuclear Facilities Safety Board
NOTICES
Recommendations:
Nuclear material; storage and handling outside engineered contamination barriers; safe packaging criteria, 13482–13485

Education Department
RULES
Postsecondary education:
Higher education discretionary grant programs, 13371–13377
NOTICES
Grants and cooperative agreements; availability, etc.:
Elementary and secondary education—
Indian Education Formula Grants to local educational agencies, 13485–13486
Postsecondary education—
Teacher Quality Enhancement Program, 13486–13489

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Office of Biological and Environmental Research (BER) recommendations:
Microbes, microbial consortia, or modest-genome sized organisms; sequencing targets in support of science missions, 13489–13492

Environmental Protection Agency
RULES
Air programs; State authority delegations:
Louisiana; correction, 13396–13397
PROPOSED RULES
Air programs; State authority delegations:
Arizona, 13425–13442
NOTICES
Meetings:
National Drinking Water Advisory Council, 13499–13500

Farm Credit System Insurance Corporation
NOTICES
Meetings:
Farm Credit System Insurance Corporation Board, 13500

Federal Aviation Administration
RULES
Airworthiness directives:
Airbus, 13345–13347
Boeing, 13347–13356, 13368–13370
Cessna, 13356–13358, 13362–13365
Fairchild Aircraft, Inc., 13359–13362
General Electric Co., 13365–13368

Class E airspace, 13370
Procedural rules:
Investigative and enforcement procedures; civil penalty actions, 13345
NOTICES
Advisory circulars; availability, etc.:
Safety analysis; guidance methods, 13568

Federal Communications Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13500–13501

Federal Deposit Insurance Corporation
PROPOSED RULES
Meetings:
Petition for Rulemaking to Preempt Certain State Laws; public hearing, 13413–13425

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings, 13493–13496
Meetings; Sunshine Act, 13496–13499
Applications, hearings, determinations, etc.:
East Kentucky Power Cooperative, Inc., 13492
Hot Spring Power Co., LP, 13492–13493
Interstate Natural Gas Association of America, 13493
New Dominion Energy Cooperative, 13492
United Illuminating Co., et al., 13493

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 13543

Federal Motor Carrier Safety Administration
NOTICES
Motor carrier safety standards:
Driver qualifications—
National Cooperative Refinery Association et al., 13568–13570

Federal Railroad Administration
NOTICES
Traffic control systems; discontinuance or modification:
Union Pacific Railroad Co., 13570

Federal Trade Commission
NOTICES
Prohibited trade practices:
CompUSA Inc., 13501–13502
Sharma, Priti, et al., 13502–13503

Fish and Wildlife Service
RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and shellfish; subsistence taking, 13377–13396

Foreign Agricultural Service
NOTICES
Trade adjustment assistance; applications, petitions, etc.:
A.Sam Farm, Inc., 13444

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Mississippi, 13449
Missouri
Pfizer, Inc.; pharmaceuticals manufacturing facilities, 13449–13450
Pennsylvania, 13450
Puerto Rico
Pepsi-Cola Manufacturing International, Ltd.; soft drink and juice beverage concentrate manufacturing plant, 13450
Tennessee
Sanford LP; pencil manufacturing and writing and art products warehousing/distribution facility, 13450–13451
Virginia, 13451

Forest Service
RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and shellfish; subsistence taking, 13377–13396
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13444–13445
Meetings:
National Tree-marking Paint Committee, 13445–13446

General Services Administration
NOTICES
Environmental statements; notice of intent:
Derby Line, VT; border station facility, 13503–13504

Grain Inspection, Packers and Stockyards Administration
PROPOSED RULES
Fees:
Official inspection and weighing services, 13411–13413
NOTICES
Beans; U.S. standards, 13446

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Children and Families Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
NOTICES
Reports and guidance documents; availability, etc.:
Healthcare experiences of people with mobility impairment; measurements, 13504–13506

Homeland Security Department
See Coast Guard
See Customs and Border Protection Bureau

Housing and Urban Development Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13517–13518
Grants and cooperative agreements; availability, etc.:
Discretionary programs (SuperNOFA), 13575–14383

Indian Affairs Bureau
NOTICES
Indian entities recognized as eligible to receive services from BIA; list, 13518–13535
Tribal-State Compacts approval; Class III (casino) gambling:
Osage Nation, OK, 13535
Pawnee Tribe, OK, 13535
Reno-Sparks Indian Colony, NV, 13536

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Reclamation Bureau

Internal Revenue Service
NOTICES
Meetings:
Taxpayer Advocacy Panels, 13572

International Trade Administration
NOTICES
Antidumping:
Bottle-grade polyethylene terephthalate (PET) resin from—
India, 13451–13453
Indonesia, 13456–13458
Taiwan, 13454–13456
Thailand, 13453–13454
Corrosion-resistant carbon steel flat products from—
Canada, 13458–13459
Small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from—
Brazil, 13459–13460
Countervailing duties:
Bottle-grade polyethylene terephthalate (PET) resin from—
India, 13460–13462
Thailand, 13462–13464

International Trade Commission
NOTICES
Import investigations:
Andean Trade Preference Act; effect on U.S. economy and on Andean drug crop eradiation, 13542
Live swine from—
Canada, 13542–13543

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Resource Advisory Council—
Dakotas, 13536
Resource management plans, etc.:
San Diego County Border Mountains, CA, 13536–13537

Millennium Challenge Corporation
NOTICES
Reports and guidance documents; availability, etc.:
Millennium Challenge Corp.; quarterly report, 13543

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

National Agricultural Statistics Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13446–13447

National Archives and Records Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13543–13544

National Institutes of Health
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13511–13512
National toxicology program:
Antimicrobial cleaning products; non-animal methods and approaches for determining skin and eye irritation potential; data request and panel nominations, 13512–13513
Reports and guidance documents; availability, etc.:
Ocular corrosives and severe irritants; evaluation of current validation status of in vitro test methods for identification, 13513–13514

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Northeastern United States fisheries—
Atlantic bluefish, 13402–13406
Atlantic mackerel, squid and butterfish, 13406–13410
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13464–13466
Marine mammals:
Incidental taking; authorization letters, etc.—
Lamont Doherty Earth Observatory; Aleutian Islands; marine seismic surveys; cetaceans and pinnipeds, 13466–13479
Meetings:
North Pacific Fishery Management Council, 13479–13480
Permits:
Endangered and threatened species, 13480
Marine mammals, 13480–13481

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
Flight 93 National Memorial, PA, 13537–13538
Environmental statements; availability, etc.:
Golden Gate National Recreation Area, CA; fire management plan, 13538–13540
Environmental statements; record of decision:
Saint Croix National Scenic River, WI, 13540
National Register of Historic Places:
Pending nominations, 13540–13541

National Science Foundation
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13544
Meetings:
Biological Sciences Advisory Committee, 13544–13545
Computer and Information Science and Engineering Advisory Committee, 13545

Natural Resources Conservation Service
NOTICES
Field office technical guides; changes:
Virginia, 13447–13448

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Consumer Energy Co., 13545

Occupational Safety and Health Administration
RULES
Safety and health standards:
Shipyard employment fire protection; information collection, 13370–13371

Personnel Management Office
RULES
Absence and leave:
Senior Executive Service; accrual and accumulation, 13343–13345
NOTICES
Excepted service:
Schedules A, B, and C: positions placed or revoked—Updates, 13546–13550
Privacy Act:
Computer matching programs, 13550–13551

Postal Rate Commission
NOTICES
Negotiated service agreements:
Bank One Corp., 13551–13552

Reclamation Bureau
NOTICES
Central Valley Improvement Act:
Water management plans; evaluation criteria development, 13541–13542

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Burnham Investors Trust, et al., 13552–13555
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 13555–13557
Chicago Board Options Exchange, Inc., 13557–13560
National Association of Securities Dealers, Inc., 13560–13562
National Securities Clearing Corp., 13562–13563
Pacific Exchange, Inc., 13563–13564

Small Business Administration
NOTICES
Applications, hearings, determinations, etc.:
L Capital Partners, L.P., 13565
Walker Investment Fund II, L.P., 13565

State Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13565–13567
Meetings:
Eastern Europe and Independent States of Former Soviet Union Study Advisory Committee, 13567

Statistical Reporting Service
See National Agricultural Statistics Service

Substance Abuse and Mental Health Services Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13514

Surface Transportation Board
NOTICES
Railroad services abandonment:
Sunset Railway Co. et al., 13570–13571

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 13567–13568

Transportation Department
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Railroad Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 13571–13572

Veterans Affairs Department
NOTICES
Meetings:
Gulf War Veterans' Illnesses Research Advisory Committee, 13573

Separate Parts In This Issue

Part II
Housing and Urban Development Department, 13575–14383

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
630.....13343

7 CFR
Proposed Rules:
800.....13411

12 CFR
Proposed Rules:
Ch. 3.....13413

14 CFR
13.....13345
39 (9 documents) 13345, 13347, 13349, 13353, 13356, 13359, 13362, 13365, 13368
71.....13370

29 CFR
1915.....13370

34 CFR
606.....13371
607.....13371
611.....13371
637.....13371
648.....13371
656.....13371
657.....13371
658.....13371
660.....13371
661.....13371
662.....13371
663.....13371
664.....13371
669.....13371

36 CFR
242.....13377

40 CFR
61.....13396
Proposed Rules:
52.....13425
81.....13425

42 CFR
400.....13397
403.....13397
411.....13397
417 (2 documents) 13397, 13401
422.....13401
423.....13397

46 CFR
401.....13574

50 CFR
100.....13377
648 (2 documents) 13402, 13406

Rules and Regulations

Federal Register
Vol. 70, No. 53
Monday, March 21, 2005

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 630

RIN 3206–AK72

Absence and Leave; SES Annual Leave

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management is issuing interim regulations to implement a provision of the Federal Workforce Flexibility Act of 2004 which provides a higher annual leave accrual rate of 1 day (8 hours) per biweekly pay period for members of the Senior Executive Service, employees in senior-level and scientific or professional positions, and other employees covered by equivalent pay systems.

DATES: *Effective Date:* The interim regulations will become effective on March 21, 2005.

Comment Date: Comments must be received on or before May 20, 2005.

ADDRESSES: Send or deliver written comments to Donald J. Winstead, Deputy Associate Director for Pay and Performance Policy, Division for Strategic Human Resources Policy, Office of Personnel Management, Room 7H31, 1900 E Street, NW., Washington, DC 20415–8200; by FAX at: (202) 606–0824, or by e-mail at *pay-performance-policy@opm.gov*.

FOR FURTHER INFORMATION CONTACT: Sharon Dobson by telephone at (202) 606–2858; by fax at (202) 606–0824; or by e-mail at *pay-performance-policy@opm.gov*.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) is issuing interim regulations to implement section 202(b) of the Federal Workforce Flexibility Act of 2004 (Pub. L. 108–411, October 30, 2004). Section 202(b) amends 5 U.S.C. 6303 to add a new section (f) to provide that members of the Senior Executive Service (SES), employees in senior-level (SL) and scientific or professional (ST) positions, and employees covered by an equivalent pay system, as determined by OPM, who are covered by the Federal annual and sick leave program established under chapter 63 of title 5, United States Code, will accrue annual leave at the rate of 1 day (8 hours) for each full biweekly pay period, without regard to their length of service in the Federal Government. Under 5 U.S.C. 6311, OPM has general authority to issue regulations necessary to administer the Federal annual and sick leave program established under chapter 63 of title 5, United States Code. We have amended the regulations at 5 CFR 630.301(a) to reflect the new annual leave accrual rate for members of the SES and employees in SL/ST positions.

The higher annual leave accrual rate became effective on October 30, 2004 (the date of enactment of the Federal Workforce Flexibility Act of 2004). Section 6303 of title 5, United States Code, provides that employees accrue annual leave on the basis of full biweekly pay periods. Since the annual leave accrual rate changed during the October 17–30, 2004, pay period, agencies must credit annual leave accruals at the 8-hour accrual rate for affected employees who are employed for the full pay period beginning on October 17, 2004.

Section 202(b) provides OPM with the authority to provide the 8-hour annual leave accrual rate to employees covered by a pay system that is equivalent to the SES pay system or the SL/ST pay system, as determined by OPM. We have extended coverage of the higher annual leave accrual rate to employees in the Senior Foreign Service, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and the Senior Intelligence Service. (See *http://www.opm.gov/oca/compmemo/2004/2004–23.asp*.) In addition, we have approved agency requests to extend coverage to additional categories of employees which OPM has determined are covered by pay systems that are equivalent to the SES or SL/ST pay system. A list of the additional categories of employees to which OPM has extended coverage of the higher annual leave accrual rate is posted on OPM's Web site in the fact sheet titled ''Annual Leave Accrual Rates for the Senior Executive Service, Senior-Level and Scientific or Professional Positions, or Equivalent Positions'' at *http://www.opm.gov.oca/leave/HTML/ANNUAL.asp*.

The law and the interim regulations at 5 CFR 630.301(b) allow the head of an agency to request that OPM authorize the 8-hour annual leave accrual rate for additional categories of employees who hold positions in pay systems determined by OPM to be equivalent to the SES pay system or the SL/ST pay system. Such a request must include documentation that the affected pay system is equivalent to the SES or SL/ST pay system because it meets all three of the following conditions:

1. Pay rates are established under an administratively determined (AD) pay system that was created under a separate statutory authority. If an AD position has a single rate of pay established under an authority outside of 5 U.S.C. chapters 51 and 53, that single rate (excluding locality pay) must be higher than the rate for GS–15, step 10 (excluding locality pay). If an AD position is paid within a rate range established under an authority outside of 5 U.S.C. chapters 51 and 53, the minimum rate of the rate range (excluding locality pay) must be at least equal to the minimum rate for the SES and SL/ST pay systems (120 percent of the rate for GS–15, step 1, excluding locality pay), and the maximum rate of the rate range (excluding locality pay) must be at least equal to the rate for level IV of the Executive Schedule.

2. Covered positions are equivalent to a ''Senior Executive Service position'' as defined in 5 U.S.C. 3132(a)(2), a senior-level position (*i.e.*, a non-executive position that is classified above GS–15, such as a high-level special assistant or a senior attorney in a highly-specialized field who is not a manager, supervisor, or policy advisor), or a scientific or professional position as described in 5 U.S.C. 3104; and

3. Covered positions are subject to a performance appraisal system established under 5 U.S.C. chapter 43 and 5 CFR part 430, subparts B and C,

or other applicable legal authority, for planning, monitoring, developing, evaluating, and rewarding employee performance.

If OPM approves an agency's request to extend coverage of the higher annual leave accrual rate to additional categories of employees, the change to the higher accrual rate will become effective for the pay period during which OPM approves the agency's request. As coverage is approved for additional categories of employees, they will be added to the list of approved categories at *http://www.opm.gov.oca/leave/HTML/ANNUAL.asp*.

The higher annual leave accrual rate applies only to an employee who holds a position covered by the SES or SL/ST pay system or a position covered by a pay system determined by OPM to be equivalent to the SES or SL/ST pay system. An employee who moves from a covered pay system to a noncovered pay system is no longer entitled to the higher annual leave accrual rate. In such a case, the employee's annual leave accrual rate must be determined based on his or her length of Federal service, as provided in 5 U.S.C. 6303(a). Agencies must continue to follow current guidance in determining the service computation date for leave for current and newly appointed members of the SES, employees in SL/ST positions, and employees who hold positions in equivalent pay systems.

Waiver of Notice of Proposed Rulemaking and Delayed Effective Date

Pursuant to 5 U.S.C. 553(b)(3)(B), I find that good cause exists for waiving the general notice of proposed rulemaking. Also, pursuant to 5 U.S.C. 553(d)(3), I find that good cause exists for making this rule effective in less than 30 days. These regulations implement a provision of Public Law 108–411, which became effective on October 30, 2004. The waiver of the requirements for proposed rulemaking and a delay in the effective date is necessary to ensure timely implementation of the law as intended by Congress.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 630

Government employees.

Office of Personnel Management.

Dan G. Blair,

Acting Director.

■ Accordingly, OPM is amending 5 CFR part 630 as follows:

PART 630—ABSENCE AND LEAVE

■ 1. The authority citation for part 630 is revised to read as follows:

Authority: 5 U.S.C. 6311; 630.301 also issued under Pub. L. 103–356, 108 Stat. 3410 and Pub. L. 108–411, 118 Stat 2312; 630.303 also issued under 5 U.S.C. 6133(a); 630.306 and 630.308 also issued under 5 U.S.C. 6304(d)(3), Pub. L. 102–484, 106 Stat. 2722, and Pub. L. 103–337, 108 Stat. 2663; subpart D also issued under Pub. L. 103–329, 108 Stat. 2423; 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100–566, 102 Stat. 2834, and Pub. L. 103–103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L. 100–566, and Pub. L. 103–103; subpart K also issued under Pub. L. 105–18, 111 Stat. 158; subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103–3, 107 Stat. 23; and subpart M also issued under 5 U.S.C. 6391 and Pub. L. 102–25, 105 Stat. 92.

Subpart C—Annual Leave

■ 2. In § 630.301, the section heading is revised, paragraphs (a), (b), (c), (d), and (e) are redesignated as paragraphs (e), (f), (g), (h), and (i), respectively, and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 630.301 Annual leave accrual and accumulation—Senior Executive Service.

(a) Annual leave accrues at the rate of 1 day (8 hours) for each full biweekly pay period for an employee who is covered by 5 U.S.C. 6301, who is employed for the full pay period, and who—

(1) Holds a position in the Senior Executive Service (SES) which is subject to 5 U.S.C. 5383; or

(2) Holds a senior-level (SL) or scientific or professional (ST) position which is subject to 5 U.S.C. 5376.

(b) The head of an Executive agency may request that OPM authorize an annual leave accrual rate of 1 full day (8 hours) for each biweekly pay period for additional categories of employees who are covered by 5 U.S.C. 6301 and who hold positions that are determined by OPM to be equivalent to positions subject to the pay systems under 5 U.S.C. 5383 or 5376. Such a request must include documentation that the affected pay system is equivalent to the SES or SL/ST pay system because it meets all three of the following conditions:

(1) Pay rates are established under an administratively determined (AD) pay system that was created under a separate statutory authority. If an AD position has a single rate of pay established under an authority outside of 5 U.S.C. chapters 51 and 53, that single rate (excluding locality pay) must be higher than the rate for GS–15, step 10 (excluding locality pay). If an AD position is paid within a rate range established under an authority outside of 5 U.S.C. chapters 51 and 53, the minimum rate of the rate range (excluding locality pay) must be at least equal to the minimum rate for the SES and SL/ST pay systems (120 percent of the rate for GS–15, step 1, excluding locality pay), and the maximum rate of the rate range (excluding locality pay) must be at least equal to the rate for level IV of the Executive Schedule;

(2) Covered positions are equivalent to a ''Senior Executive Service position'' as defined in 5 U.S.C. 3132(a)(2), a senior-level position (*i.e.*, a non-executive position that is classified above GS–15, such as a high-level special assistant or a senior attorney in a highly-specialized field who is not a manager, supervisor, or policy advisor), or a scientific or professional position as described in 5 U.S.C. 3104; and

(3) Covered positions are subject to a performance appraisal system established under 5 U.S.C. chapter 43 and 5 CFR part 430, subparts B and C, or other applicable legal authority, for planning, monitoring, developing, evaluating, and rewarding employee performance.

(c) If OPM approves an agency's request to cover additional categories of employees, the higher annual leave accrual rate will become effective for the pay period during which OPM approves the agency's request. Agencies must credit annual leave at the 8-hour accrual rate for affected employees who are employed for the full pay period.

(d) An employee who moves to a position not covered by this section will no longer be entitled to the higher annual leave accrual rate established under paragraph (a) or (b) of this section, except as provided in 5 U.S.C. 6303(a). Upon movement to a noncovered position, an employee's annual leave accrual rate must be determined based on his or her years of creditable service, as provided in 5 U.S.C. 6303(a).

* * * * *

■ 3. In § 630.301, in newly redesignated paragraph (f)(2), remove the phrase ''in paragraph (a) of this section'' and add in

its place ''in paragraph (e) of this section''.

■ 4. In § 630.301, in newly redesignated paragraphs (g) and (i), remove the phrase ''under paragraph (d) of this section'' and add in its place ''under paragraph (h) of this section'' wherever it occurs.

[FR Doc. 05–5508 Filed 3–18–05; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 13

Rules of Practice in FAA Civil Penalty Actions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA amended the procedural regulations governing the assessment of civil penalties against persons other than individuals acting as pilots, flight engineers, mechanics or repairmen in a notice published in the **Federal Register** on February 18, 2005. We explained in the preamble of that notice that we were amending the procedural rules to provide the FAA Hearing Docket's new address and new instructions on filing of documents. We inadvertently failed to amend the rule about filing an appeal, to include the new address informtion. We are now making that inadvertently omitted amendment.

DATES: This rule is effective on March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Vicki Leemon, Office of the Chief Counsel, Adjudication Branch, 800 Independence Avenue, SW., Washington, DC 20591; telephone 202/385–8227.

SUPPLEMENTARY INFORMATION:

Background

The Administrator may impose a civil penalty against a person other than an individual acting as a pilot, flight engineer, mechanic, or repairman, after notice and an opportunity for a hearing on the record, for violations cited in 49 U.S.C. 46301(d)(2) or 47531. 49 U.S.C. 46301(d)(7)(A) and 47531. These violations, in general, involve aviation safety issues. Also, under 49 U.S.C. 5123 and 49 CFR 1.47(k), the Administrator may, after notice and an opportunity for a hearing, assess a civil penalty against any person who knowingly violates the Federal hazardous materials transportation law, 49 U.S.C. chapter 51, or any of its implementing regulations. The rules governing proceedings in these civil penalty cases are set forth in 14 CFR 13.16 and 14 CFR part 13, subpart G. We recently amended those rules to, among other things, provide the new address of the FAA Hearing Docket. 70 FR 8236, February 18, 2005. As we explained in the February 18, 2005, notice, the FAA Hearing Docket is now located in Room 2014 of the Wilbur Wright Building, 600 Independence Avenue, SW., Washington, DC 20591. Anyone hand-delivering a document for filing should go to the Wilbur Wright Building at the above address. Packages sent by expedited courier to the Hearing Docket should be addressed as follows: Hearing Docket, Federal Aviation Administration, 600 Independence Avenue, SW., Wilbur Wright Building—Room 2014, Washington, DC 20591; Att: Hearing Docket Clerk, AGC–430.

As explained further in the February 18, 2005, notice, all envelopes and packages sent by U.S. Mail to individuals in the Wilbur Wright Building are processed by the FAA Headquarters' mail room staff located at 800 Independence Avenue, SW., Washington, DC 20591. Consequently, anyone using U.S. Mail to file a document should use the following address: Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Att: Hearing Docket Clerk, AGC–430, Wilbur Wright Building—Room 2014.

We explained in the February 18, 2005, notice that we were revising several sections of 14 CFR part 13, subpart G—including 14 CFR 13.233—to include this new information. However, we failed to include the actual revision in the notice. This technical amendment is intended to correct that omission from the previous revision.

Procedural Matters

In general, under the APA, 5 U.S.C. 533, agencies must publish regulations for public comment and give the public at least 30 days notice before adopting regulations. There is an exception to these requirements if the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. In this case, the FAA finds that notice and comment requirements are unnecessary due to the administrative nature of the changes. It is in the public interest that the revision to 14 CFR 13.233 takes effect promptly so that anyone appealing from an administrative law judge's initial decision or order knows the correct address to use for the Hearing Docket. This revision was inadvertently omitted during the prevision revision. The amendments set forth in this notice do not affect the rights or duties of any regulated entity.

List of Subjects in 14 CFR Part 13

Administrative practice and procedure, Air transportation, Aviation safety, Hazardous materials transportation, Investigations, Law enforcement, Penalties.

The Amendments

■ Accordingly, the Federal Aviation Administration amends part 13 of title 14, Code of Federal Regulations as follows:

PART 13—INVESTIGATIVE AND ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 13 continues to read as follows:

Authority: 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 106(g), 5121–5124, 40113–40114, 44103–44106, 44702–44703, 44709–44710, 44713, 46101–46110, 46301–46316, 46318, 46501–46502, 46504–46507, 47106, 47111, 47112, 47122, 47306, 47531–47532; 49 CFR 1.47.

■ 2. Amend § 13.233 by revising the second sentence of paragraph (a) to read as follows:

§ 13.233 Appeal from initial decision.

(a) * * * A party must file the notice of appeal in the FAA Hearing Docket using the appropriate address listed in § 13.210(a). * * *

* * * * *

Issued in Washington, DC on March 15, 2005.

Rebecca MacPherson,

Assistant Chief Counsel for Regulations.

[FR Doc. 05–5439 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20025; Directorate Identifier 2004–NM–208–AD; Amendment 39–14016; AD 2005–06–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330, A340–200, and A340–300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Model A330, A340–200, and A340–300 series airplanes. This AD requires repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary. This AD is prompted by reports of cracking of a certain bracket that attaches the flight deck instrument panel to the airplane structure. We are issuing this AD to detect and correct a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

DATES: This AD becomes effective April 25, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of April 25, 2005.

ADDRESSES: For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2005–20025; the directorate identifier for this docket is 2004–NM–208–AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for all Airbus Model A330, A340–200, and A340–300 series airplanes. That action, published in the **Federal Register** on January 12, 2005 (70 FR 2067), proposed to require repetitive inspections of a certain bracket that attaches the flight deck instrument panel to the airplane structure; replacement of the bracket with a new, improved bracket; and related investigative and corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Clarification of Final Rule

We have revised paragraphs (i)(3)(i) and (i)(3)(ii) to clarify that the compliance times are relative to the replacement of a certain bracket that attaches the flight deck instrument panel to the airplane structure.

Conclusion

We have carefully reviewed the available data, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD will affect about 19 Model A330 series airplanes of U.S. registry. The required inspection will take about 1 work hour per airplane, per inspection cycle, at an average labor rate of $65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $1,235, or $65 per airplane, per inspection cycle.

There are currently no affected Model A340–200 or –300 series airplanes of U.S. registry. However, if one of these airplanes is imported and put on the U.S. Register in the future, this cost estimate will also apply to those airplanes.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005–06–08 Airbus: Amendment 39–14016. Docket No. FAA–2005–20025; Directorate Identifier 2004–NM–208–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Airbus Model A330, A340–200, and A340–300 series airplanes; certificated in any category.

Unsafe Condition

(d) This AD was prompted by reports of cracking of a certain bracket that attaches the flight deck instrument panel to the airplane structure. We are issuing this AD to detect and correct a cracked bracket. Failure of this bracket, combined with failure of the horizontal beam, could result in collapse of the left part of the flight deck instrument panel, and consequent reduced controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Service Bulletin Reference

(f) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Airbus Service Bulletins A330–25–3227 (for Model A330 series airplanes); and A340–25–4230 (for Model A340–200 and –300 series airplanes); both including Appendix 01; and both dated June 17, 2004; as applicable.

Initial Inspection

(g) At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a detailed inspection of the bracket having part number (P/N) F2511012920000, which attaches the flight deck instrument panel to airplane structure, in accordance with the service bulletin.

(1) For Model A330 series airplanes: Prior to the accumulation of 16,500 total flight cycles, or within 60 days after the effective date of this AD, whichever is later.

(2) For Model A340–200 and –300 series airplanes: Prior to the accumulation of 9,700 total flight cycles, or within 2,700 flight cycles after the effective date of this AD, whichever is later.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

No Cracking/Repetitive Inspections

(h) If no cracking is found during the initial inspection required by paragraph (g) of this AD: Repeat the inspection thereafter at the applicable interval specified in paragraph (h)(1) or (h)(2) of this AD.

(1) For Model A330 series airplanes: Intervals not to exceed 13,800 flight cycles.

(2) For Model A340–200 and –300 series airplanes: Intervals not to exceed 7,000 flight cycles.

Crack Found/Replacement, Reporting, and Repetitive Inspections

(i) If any cracking is found during any inspection required by paragraph (g) or (h) of this AD: Do the actions in paragraphs (i)(1), (i)(2), and (i)(3) of this AD, except as provided by paragraph (j) of this AD.

(1) Before further flight: Replace the cracked bracket with a new, improved bracket having P/N F2511012920095, in accordance with the service bulletin.

(2) Within 30 days after performing the inspection, or within 30 days after the effective date of this AD, whichever is later: Report the cracked fitting to Airbus, Department AI/SE–A21, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. The report must include the airplane serial number, the number of flight cycles and flight hours on the airplane, the date of the inspection, and whether both flanges of a bracket are broken. Submitting Appendix 01 of the applicable service bulletin is acceptable for compliance with this paragraph. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120–0056.

(3) Inspect the replaced bracket at the time specified in paragraph (i)(3)(i) or (i)(3)(ii) of this AD. Then, do repetitive inspections or replace the bracket as specified in paragraph (h) or (i) of this AD, as applicable.

(i) For Model A330 series airplanes: Within 16,500 flight cycles after replacing the bracket.

(ii) For Model A340–200 and –300 series airplanes: Within 9,700 flight cycles after replacing the bracket.

(j) If both flanges of a bracket are broken: Before further flight, replace the bracket as specified in paragraph (i)(1) and perform any applicable related investigative and corrective actions (which may include inspections for damage to surrounding structure caused by the broken bracket, and corrective actions for any damage that is found), in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

Alternative Methods of Compliance (AMOCs)

(k) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(l) French airworthiness directives F–2004–140 and F–2004–141, both dated August 18, 2004, also address the subject of this AD.

Material Incorporated by Reference

(m) You must use Airbus Service Bulletin A330–25–3227, including Appendix 01, dated June 17, 2004; or Airbus Service Bulletin A340–25–4230, including Appendix 01, dated June 17, 2004; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW, room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 8, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5297 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19945; Directorate Identifier 2004–NM–22–AD; Amendment 39–14017; AD 2005–06–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR Series Airplanes Equipped With General Electric (GE) CF6–45 or –50 Series Engines

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR series airplanes, equipped with GE CF6–45 or –50 series engines. This AD requires modifying the side cowl assemblies on the engines by replacing existing wear plates with new extended wear plates and installing new stop fittings. This AD is prompted by reports of a gap at the interface of the lower portion of the side cowl and the aft flange of the thrust reverser. We are issuing this AD to prevent an excessive quantity of air from entering the fire zone that surrounds the engine, which, in the event of an engine fire, could result in an inability to control or extinguish the fire.

DATES: This AD becomes effective April 25, 2005.

The incorporation by reference of certain publications listed in the AD is approved by the Director of the Federal Register as of April 25, 2005.

ADDRESSES: For service information identified in this AD, contact Boeing

Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2004–19945; the directorate identifier for this docket is 2004–NM–22–AD.

FOR FURTHER INFORMATION CONTACT: Dan Kinney, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6499; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for certain Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR series airplanes, equipped with General Electric CF6–45 or –50 series engines. That action, published in the **Federal Register** on January 3, 2005 (70 FR 51), proposed to require modifying the side cowl assemblies on the engines by replacing existing wear plates with new extended wear plates and installing new stop fittings.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the single comment that has been submitted on the proposed AD. The commenter supports the proposed AD.

Conclusion

We have carefully reviewed the available data, including the comment that has been submitted, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 140 airplanes of the affected design in the worldwide fleet. This AD affects about 38 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Fleet cost
Modification per Boeing Service Bulletin 747–71–2300, Revision 1	72	$65	$25,736	$30,416	$1,155,808

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005–06–09 Boeing: Amendment 39–14017. Docket No. FAA–2004–19945; Directorate Identifier 2004–NM–22–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–200B, 747–200C, 747–200F, 747–300, and 747SR series airplanes; certificated in any category; equipped with General Electric CF6–45 or –50 series engines.

Unsafe Condition

(d) This AD was prompted by reports of a gap at the interface of the lower portion of the side cowl and the aft flange of the thrust reverser. We are issuing this AD to prevent an excessive quantity of air from entering the fire zone that surrounds the engine, which, in the event of an engine fire, could result in an inability to control or extinguish the fire.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Modification

(f) Within 24 months after the effective date of this AD: Modify the side cowl assemblies on the engines by replacing existing wear plates with new extended wear plates and installing new stop fittings, by doing all actions according to the Accomplishment Instructions of Boeing

Service Bulletin 747–71–2300, Revision 1, dated October 30, 2003. Any applicable corrective actions must be done before further flight.

On Condition: Removal of Bulb Seals and Other Specified Actions

(g) If bulb seals were installed on the trailing edge of the fan thrust reverser in accordance with Boeing Service Letter 747–SL–71–045: Concurrently with or before further flight after accomplishing paragraph (f) of this AD, remove the bulb seals, plug the open holes in the trailing edge of the fan thrust reverser, and adjust the cowl latches as applicable, in accordance with Boeing Service Letter 747–SL–71–045–C, dated April 10, 2003.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(i) You must use Boeing Service Bulletin 747–71–2300, Revision 1, dated October 30, 2003; and Boeing Service Letter 747–SL–71–045–C, including Attachment, dated April 10, 2003; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of those documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 8, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5298 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19535; Directorate Identifier 2004–NM–78–AD; Amendment 39–14020; AD 2005–06–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747SP, and 747SR Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747SP, and 747SR series airplanes. That AD currently requires one-time inspections for cracking in certain upper deck floor beams and follow-on actions. This new AD expands the existing inspection area and requires inspecting fastener holes in certain areas of airplanes modified previously, and taking corrective actions if necessary. This action also defines new sources for instructions for repairs and post-modification/repair inspections. This AD is prompted by reports of fatigue cracking of the upper chord of certain upper deck floor beams. We are issuing this AD to find and fix cracking in certain upper deck floor beams, which could extend and sever floor beams adjacent to the body frame and result in rapid depressurization and loss of controllability of the airplane.

DATES: This AD becomes effective April 25, 2005.

The incorporation by reference of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004, is approved by the Director of the Federal Register as of April 25, 2005.

On October 16, 2002 (67 FR 57510, September 11, 2002), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2004–19535; the directorate identifier for this docket is 2004–NM–78–AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR Part 39) with an AD to supersede AD 2002–18–04, amendment 39–12878 (67 FR 57510, September 11, 2002). The existing AD applies to certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747SP, and 747SR series airplanes. The proposed AD was published in the **Federal Register** on November 5, 2004 (69 FR 64525), to continue to require one-time inspections for cracking in certain upper deck floor beams and follow-on actions. The proposed AD would expand the existing inspection area, and would require inspecting fastener holes in certain areas of airplanes modified previously, and taking corrective actions if necessary. The proposed AD also would define new sources for instructions for repairs and post-modification/repair inspections.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD by a single commenter.

Request To Revise Delegation Language

The commenter requests that we revise the proposed AD to change references to approval of repairs or alternative methods of compliance (AMOCs) by Boeing Company Designated Engineering Representatives (DERs). The commenter states that these provisions should refer to approval by Authorized Representatives (ARs) of the Boeing Delegation Option Authorization (DOA) Organization. The commenter notes that, since the issuance of the proposed AD, Boeing has received a DOA.

We concur. We have revised paragraphs (h)(1)(i), (h)(2), and (i) of this

AD (which are restated requirements of AD 2002–18–04) to delegate the authority to approve a repair to a Boeing Company DER or to an AR of the Boeing DOA Organization. We have revised paragraphs (m) and (o)(2) to delegate the authority to approve a repair or an AMOC to an AR of the Boeing DOA.

Request To Revise Note 2 to Acknowledge Terminating Action

The commenter requests that we revise Note 2 of the proposed AD, which states:

> There is no terminating action at this time for the repetitive post-modification/repair inspections in accordance with paragraph (i) of this AD, and instructions for those inspections are not provided in the original issue of Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001.

The commenter notes that paragraph (l) of the proposed AD states that doing the initial inspection required by that paragraph terminates the repetitive inspections required by paragraph (i).

We agree. Note 2 was carried over with the other requirements of AD 2002–18–04. We inadvertently failed to revise the note to reflect the fact that inspecting in accordance with paragraph (l) of this AD terminates the requirements of paragraph (i) of this AD. We have revised Note 2 of this AD to remove the statement that there is no terminating action for the inspections in paragraph (i) of this AD.

Request To Revise Paragraph (j)

The commenter requests that we clarify paragraph (j) of the proposed AD to specify that only the holes not previously inspected in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001, need to be inspected in accordance with that paragraph. The commenter points out that paragraph (g) of the proposed AD requires modifying the upper deck floor beams at STA 340 and STA 360. If this modification is not done at the time of the inspection required by paragraph (f) of the proposed AD, paragraph (g) specifies that the inspection in paragraph (f) must be repeated immediately prior to accomplishing the modification in paragraph (g). The commenter notes that, after the effective date of the AD, this repeat inspection must be accomplished in accordance with Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004. Thus, paragraph (j) need only require the inspection of holes not previously inspected by the original issue of the service bulletin.

We agree with the commenter's intent, but we find that no change to this AD is necessary to meet the commenter's intent. Paragraph (j) of the proposed AD already specifies doing ''* * * inspections for cracking of the fastener holes inboard of the body frame that were not previously inspected on the STA 340 and STA 360 upper deck floor beams.'' After further review, however, we have determined that the detailed inspection that would have been required by paragraph (j) of this AD is the same as the one required by paragraph (f) of this AD. Therefore, we have revised paragraph (j) of this AD to remove the requirement to perform a detailed inspection.

The commenter also requests that we allow the inspections required by paragraph (j) of the proposed AD to be accomplished in accordance with Part 6 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1. The commenter states no rationale for its request.

We do not concur. We note that the inspections and corrective actions specified in Part 6 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, are applicable only to airplanes modified in accordance with the initial release of Boeing Alert Service Bulletin 747–53A2459. No change to the AD is necessary in this regard.

Request To Revise Paragraph (l)

The commenter requests that we revise paragraph (l) of the proposed AD to acknowledge an equivalent inspection for the purposes of establishing the applicable compliance time for the initial inspection specified in Table 3 of the proposed AD. The commenter states that an inspection in accordance with Part 6, Figure 14, of Boeing Service Bulletin 747–53A2459, Revision 1, is equivalent to an inspection in accordance with Figure 12 of Boeing Service Bulletin 747–53A2459, Revision 1. The commenter states that the same holes are covered by Figure 14 and Figure 12, and the same method is used for the inspection.

We concur, for the reasons stated by the commenter. We have revised paragraph (l) of this AD to specify that, for the purposes of paragraph (l) and Table 3 of this AD, an inspection in accordance with Part 6, Figure 14, of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, is equivalent to an inspection in accordance with Part 5, Figure 12, of that service bulletin.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD will affect about 433 airplanes worldwide. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Initial inspections (required by AD 2002–18–04)	8	$65	$520	125	$65,000
Modification/permanent repair (required by AD 2002–18–04)	24	65	1,560	125	195,000
Post-mod/repair inspection (required by AD 2002–18–04)	[1] 24	65	[1] 1,560	125	[1] 195,000
One-time inspection of fastener holes inboard of the body frame (new requirement)	24	65	1,560	N/A	[2] 1,560

[1] Per inspection cycle.
[2] Per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–12878 (67 FR 57510, September 11, 2002), and by adding the following new airworthiness directive (AD):

2005–06–12 Boeing: Amendment 39–14020. Docket No. FAA–2004–19535; Directorate Identifier 2004–NM–78–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) This AD supersedes AD 2002–18–04, amendment 39–12878.

Applicability

(c) This AD applies to Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300, 747SP, and 747SR series airplanes; line numbers 1 through 810 inclusive; certificated in any category; and not equipped with a nose cargo door.

Unsafe Condition

(d) This AD was prompted by reports of fatigue cracking of the upper chord of certain upper deck floor beams. We are issuing this AD to find and fix cracking in certain upper deck floor beams, which could extend and sever floor beams adjacent to the body frame and result in rapid depressurization and loss of controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Requirements of AD 2002–18–04

Inspections

(f) At the compliance time specified in paragraph (f)(1) or (f)(2) of this AD, as applicable, perform one-time detailed and open-hole high-frequency eddy current (HFEC) inspections for cracking in the upper deck floor beams at station (STA) 340 and STA 360, in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001; or Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004. As of the effective date of this AD, only Revision 1 may be used. For the purposes of this AD, flight cycles with a cabin differential pressure of 2.0 psi or less are not calculated into the compliance thresholds specified in this AD. However, all cabin pressure records must be maintained for each airplane, and no fleet averaging of cabin pressure is allowed.

Note 1: For the purposes of this AD, a detailed inspection is: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) For airplanes with 22,000 or fewer total flight cycles as of October 16, 2002 (the effective date of AD 2002–18–04): Do the inspections prior to the accumulation of 16,000 total flight cycles, or within 1,500 flight cycles after October 16, 2002, whichever is later.

(2) For airplanes with more than 22,000 total flight cycles as of the effective date of this AD: Do the inspections within 500 flight cycles after October 16, 2002.

Modification

(g) If no crack is found during the inspections in accordance with paragraph (f) of this AD: Within 5,000 flight cycles after the initial inspections, modify the upper deck floor beams at STA 340 and STA 360, in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001; or Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004. As of the effective date of this AD, only Revision 1 may be used. If this modification is not done before further flight after the inspections required by paragraph (f) of this AD, those inspections must be repeated one time, immediately before accomplishing the modification in this paragraph. If any crack is found during these repeat inspections, before further flight, accomplish paragraph (h)(2) of this AD.

Repair

(h) If any crack is found during the inspections in accordance with paragraph (f) of this AD: Before further flight, repair in accordance with either paragraph (h)(1) or (h)(2) of this AD.

(1) Accomplish repairs in accordance with paragraphs (h)(1)(i) and (h)(1)(ii) of this AD.

(i) Accomplish a time-limited repair (including removing certain fasteners and the existing strap, performing open-hole HFEC inspections of the chord and web, stop-drilling web cracks, replacing the outboard section of the web, if applicable, and installing new straps) in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001; or Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004; except where the service bulletin specifies to contact Boeing for appropriate action, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER), or an Authorized Representative (AR) for the Boeing Delegation Option Authorization (DOA) Organization, who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved as required by this paragraph, the approval must specifically reference this AD. As of the effective date of this AD, only Revision 1 of the service bulletin may be used.

(ii) Within 18 months or 1,500 flight cycles after installation of the time-limited repair in accordance with paragraph (h)(1)(i) of this AD, whichever is first, do paragraph (h)(2) of this AD.

(2) Accomplish a permanent repair in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001; or Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004; except where the service bulletin specifies to contact Boeing for appropriate action, repair in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER, or an AR for the Boeing DOA Organization, who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved as required by this paragraph, the approval must specifically reference this AD. As of the effective date of this AD, only Revision 1 of the service bulletin may be used.

Repetitive Inspections: Post-Modification/ Repair

(i) Within 15,000 flight cycles after modification of the upper deck floor beams in accordance with paragraph (g) of this AD, or after permanent repair of the upper deck floor beams in accordance with paragraph (h) of this AD, as applicable: Perform either open-hole HFEC inspections for cracking of fastener holes common to the upper chord, reinforcement straps, and the body frame; or surface HFEC inspections for cracking along the lower edge of the upper chord of the floor beam at the intersection with the body frame; and repeat these inspections at the interval specified in paragraph (i)(1) or (i)(2) of this AD, as applicable, until the initial inspection required by paragraph (l) of this AD is complete. Perform these inspections and repair any cracking found during these inspections in accordance with a method approved by the Manager, Seattle ACO, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company DER, or an AR for the Boeing DOA Organization, who has been authorized by the Manager, Seattle ACO, to make such findings. For an inspection or repair method to be approved as required by this paragraph, the approval must specifically reference this AD.

(1) If the most recent inspection used the surface HFEC method: Repeat the inspection within 1,000 flight cycles.

(2) If the most recent inspection used the open-hole HFEC method: Repeat the inspection every 3,000 flight cycles.

Note 2: Instructions for post-modification/ repair inspections are not provided in the original issue of Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001.

New Requirements of This AD

One-Time Inspection for Airplanes Inspected Previously

(j) For airplanes on which the inspection in paragraph (f) of this AD has been done prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001, but the modification specified in paragraph (g) or the permanent repair specified in paragraph (h) of this AD has not been done: At the applicable time specified in Table 1 of this AD, do a one-time open-hole HFEC inspection for cracking of the fastener holes inboard of the body frame that were not previously inspected on the STA 340 and STA 360 upper deck floor beams. Do this inspection in accordance with Part 1 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004.

TABLE 1.—COMPLIANCE TIMES FOR PARAGRAPH (J)

Total number of accumulated flight cycles as of the effective date of this AD	Compliance time
22,000 or fewer	Within 5,000 flight cycles after the initial open-hole HFEC inspection for cracking in accordance with paragraph (f) of this AD, or within 1,000 flight cycles after the effective date of this AD, whichever is later.
22,001 or more	Prior to the accumulation of 25,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever is later.

One-Time Inspection for Airplanes Modified/ Repaired Previously

(k) For airplanes on which the modification specified in paragraph (g) or the permanent repair specified in paragraph (h) of this AD has been done prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001: At the applicable time specified in Table 2 of this AD, do a one-time open-hole HFEC inspection for cracking of fastener holes common to the modification straps, in accordance with Part 6 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004.

TABLE 2.—COMPLIANCE TIMES FOR PARAGRAPH (K)

Total number of accumulated flight cycles when the modification or permanent repair was done	Compliance time
22,000 or fewer	Within 3,000 flight cycles after doing the modification or permanent repair, or 1,000 flight cycles after the effective date of this AD, whichever is later.
22,001 or more	Within 1,500 flight cycles after doing the modification or permanent repair, or 1,000 flight cycles after the effective date of this AD, whichever is later.

Repetitive Inspections: Post-Modification/ Repair

(l) Do open-hole HFEC inspections for cracking of the STA 340 and STA 360 upper deck floor beams at fastener holes common to the upper chord, reinforcement straps, and body frame; or do surface HFEC inspections for cracking along the lower edge of the upper chord and reinforcement straps of the floor beams. Do the applicable inspection in accordance with Part 5 of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004. Do the initial inspections at the applicable times specified in Table 3 of this AD, and repeat the inspection at the applicable interval specified in Figure 9 of the service bulletin. Completing the initial inspection required by this paragraph terminates the repetitive inspections required by paragraph (i) of this AD. For airplanes on which paragraph (i) of this AD has not been done, doing the initial inspection required by this paragraph at the specified compliance time eliminates the need to comply with paragraph (i) of this AD. For the purposes of this paragraph and Table 3 of this AD, an inspection in accordance with Part 6, Figure 14, of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, is equivalent to an inspection in accordance with Part 5, Figure 12, of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1.

TABLE 3.—COMPLIANCE TIMES FOR INITIAL INSPECTION REQUIRED BY PARAGRAPH (L)

For the inspections identified in the following figures referenced in Figure 9 of the service bulletin—	For these airplanes—	Do the inspection—
Figure 10 or 11	Airplanes not inspected previously in accordance with paragraph (i) of this AD.	Within 15,000 flight cycles after doing the modification or permanent repair.
Figure 10 or 11	Airplanes inspected previously in accordance with paragraph (i) of this AD using the surface HFEC method for the most recent inspection.	Within 1,000 flight cycles after the most recent inspection.
Figure 10 or 11	Airplanes inspected previously in accordance with paragraph (i) of this AD using the open-hole HFEC method for the most recent inspection.	Within 3,000 flight cycles after the most recent inspection.
Figure 12 or 13	All airplanes	Within 6,000 flight cycles after doing the modification or permanent repair, or within 1,000 flight cycles after the effective date of this AD, whichever is later.

Repair

(m) If any crack is found during any inspection required by paragraph (j), (k), or (l) of this AD: Before further flight, repair in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004; except where the service bulletin specifies to contact Boeing for appropriate action, repair in accordance with a method approved by the Manager, Seattle ACO; or in accordance with data meeting the type certification basis of the airplane approved by an AR for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved, the approval must specifically reference this AD.

Reporting Not Required

(n) Although Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004, specifies to report certain body frame cracks on certain airplanes, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(o)(1) The Manager, Seattle ACO, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an AR for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make such findings.

(3) AMOCs approved previously in accordance with AD 2002–18–04 are approved as alternative methods of compliance with paragraphs (f), (g), (h), and (i) of this AD.

Material Incorporated by Reference

(p) You must use Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001; or Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004; to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approves the incorporation by reference of Boeing Service Bulletin 747–53A2459, Revision 1, dated March 11, 2004, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The Director of the Federal Register previously approved the incorporation by reference of Boeing Alert Service Bulletin 747–53A2459, dated January 11, 2001, as of October 16, 2002 (67 FR 57510, September 11, 2002).

(3) The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW, room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 9, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5388 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19495; Directorate Identifier 2003–NM–180–AD; Amendment 39–14019; AD 2005–06–11]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –100B, –100B SUD, –200B, and –300 Series Airplanes; and Model 747SR and 747SP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747–100, –100B, –100B SUD, –200B, and –300 series airplanes; and Model 747SR and 747SP series airplanes. That AD currently requires repetitive inspections to detect fatigue cracking in the upper deck floor beams located at certain body stations, and repair, if necessary. This new AD lowers the threshold for the existing inspections and requires new repetitive inspections of previously repaired areas, and repair if necessary. This AD is prompted by the results of an additional detailed analysis that indicate fatigue cracks can initiate sooner than has previously been observed. We are issuing this AD to prevent failure of the upper deck floor beams at certain body stations due to fatigue cracking, which could result in rapid decompression and reduced controllability of the airplane.

DATES: This AD becomes effective April 25, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of April 25, 2005.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2004–19495; the directorate identifier for this docket is 2003–NM–180–AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend part 39 of the Federal Aviation Regulations (14 CFR Part 39) with an AD to supersede AD 2000–04–17, amendment 39–11600 (65 FR 10695, February 29, 2000). The existing AD applies to certain Boeing Model 747–100, –100B, –100B SUD, –200B, and –300 series airplanes; and Model 747SR and 747SP series airplanes. The proposed AD was published in the **Federal Register** on November 3, 2004 (69 FR 63965), to continue to require repetitive inspections to detect fatigue cracking in the upper deck floor beams located at certain body stations, and repair, if necessary. The action also proposed to lower the threshold for the existing repetitive inspections. In addition, the action also proposed to require new repetitive inspections of previously repaired areas, and repair of any crack.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

Request To Exclude Counting of Certain Flight Cycles

One commenter, the airplane manufacturer, requests that paragraph (g) of the proposed AD be revised to exclude counting of flight cycles with a cabin differential pressure of 2.0 pounds per square inch (psi) or less when determining the number of flight cycles to be used to determine the inspection compliance threshold and repeat intervals for the proposed actions. The commenter notes that this would align with the requirements of paragraph (c) of AD 2004–03–11, amendment 39–13455 (69 FR 5920, February 9, 2004). The commenter states that the fatigue and crack growth behavior at the floor panel holes in the upper chord of the upper deck floor beams, which are the subject of the proposed AD, is caused by tension stresses in the floor beam upper chords. The tension stresses in the 747 upper deck floor beams at stations 340, 360, and 380 are almost entirely the result of reacting load due to cabin differential pressure. Thus, the commenter concludes that it is technically correct to not count flights, which have a low cabin differential pressure and do not significantly contribute to fatigue and crack growth.

We do not agree with the commenter's request. Although we discussed the matter of not granting credit for pressurization cycles less than 2.0 psi in the ''Differences Between the Proposed AD and Service Bulletin'' section of the proposed AD, we find that further clarification is necessary.

The commenter correctly notes that the requirements of paragraph (c) of AD 2004–03–11 exclude counting pressurization cycles less than 2.0 psi. We acknowledge the commenter's technical rationale for not counting the pressurization cycles less than 2.0 psi in this AD. However, we do not agree with the commenter's request for the following reasons:

- There have been several instances on other in-service issues where analytical rationales, similar to that of the commenter, have indicated that pressurization cycles less than 2.0 psi should not be counted. However, when fleet records have been examined, the airplanes engaging in such operations are having the same or greater occurrences of crack findings compared to those on which all pressurized flights are counted. As a result, we carefully consider such matters based on all available factors, including individual operators' specific maintenance programs, technical rationale, and fleet experience.
- We have found that such provisions are applicable only to a small number of operators that may not pressurize their airplanes above 2.0 psi in all their flights. We have determined that the best way to handle such circumstances is for operators to request an alternative method of compliance (AMOC) in accordance with paragraph (n) of this AD, rather than increasing the complexity of the AD by addressing each operator's unique situation.

Request To Allow Changing of Inspection Methods

The same commenter requests that paragraph (h) of the proposed AD be revised to allow changing repetitive inspection methods in paragraph (h)(1) or (h)(2) of the proposed AD no matter which inspection method was used previously, provided that the corresponding repetitive inspection interval of 3,000 flight cycles or 750 flight cycles, respectively, is imposed. The commenter notes that this is allowed in Figure 1 of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002 (referenced as the appropriate source of service information for accomplishing the proposed actions).

We agree. We have determined that, after accomplishing any inspection required by paragraph (h)(1) or (h)(2) of this AD, accomplishing any subsequent inspection using the alternate inspection method is adequate to detect cracking, provided that its corresponding repetitive interval is used. We have revised paragraph (h) of this AD accordingly.

Changes to Delegation Authority

Boeing has received a Delegation Option Authorization (DOA). We have revised certain new requirements in this final rule to delegate the authority to approve an alternative method of compliance for any repair required by this AD to the Authorized Representative for the Boeing DOA Organization rather than the Designated Engineering Representative. We have also revised certain requirements of AD 2000–04–17, which are retained in this final rule, to provide this delegation authority as an option.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 539 Model 747–100, –100B, –100B SUD, –200B, and –300 series airplanes; and Model 747SR and

747SP series airplanes worldwide of the affected design. This AD will affect about 168 airplanes of U.S. registry.

The actions that are currently required by AD 2000–04–17 and retained in this AD take about 15 work hours per airplane, at an average labor rate of $65 per work hour. Based on these figures, estimated cost of the currently required actions is $163,800, or $975 per airplane, per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing amendment 39–11600 (65 FR 10695, February 29, 2000), and by adding the following new airworthiness directive (AD):

2005–06–11 Boeing: Amendment 39–14019. Docket No. FAA–2004–19495; Directorate Identifier 2003–NM–180–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) This AD supersedes AD 2000–04–17, amendment 39–11600 (65 FR 10695, February 29, 2000).

Applicability

(c) This AD applies to Boeing Model 747–100, –100B, –100B SUD, –200B, and –300 series airplanes; and Model 747SR and 747SP series airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

Unsafe Condition

(d) This AD was prompted by the results of an additional detailed analysis that indicate fatigue cracks can initiate sooner than has previously been observed. We are issuing this AD to prevent failure of the upper deck floor beams at certain body stations (BS) due to fatigue cracking, which could result in rapid decompression and reduced controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

New Initial Compliance Time

(f) At the earlier of the times specified in paragraphs (f)(1) and (f)(2) of this AD, do the actions specified in paragraph (h) of this AD.

(1) Before the accumulation of 28,000 total flight cycles, or within 60 days after March 15, 2000 (the effective date of AD 2000–04–17, amendment 39–11600), whichever occurs later.

(2) Before the accumulation of 18,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

Determining Number of Flight Cycles for Compliance Time

(g) For the purposes of calculating the compliance threshold for the actions required by paragraph (f) of this AD, all pressurized flight cycles, including the number of flight cycles in which cabin differential pressure is at 2.0 pounds per square inch (psi) or less, must be counted when determining the number of flight cycles that have occurred on the airplane. Where the service bulletin and this AD differ, the AD prevails.

Requirements of AD 2000–04–17 and New Repair Method

(h) At the time specified in paragraph (f) of this AD, perform the actions required by either paragraph (h)(1) or (h)(2) of this AD. After any inspection, operators may conduct the subsequent inspection using the alternate inspection method provided that its corresponding repetitive inspection interval is used, rather than the interval for the previous inspection method.

(1) Gain access to the upper deck floor beams from above the upper deck floor, and perform an open-hole high frequency eddy current (HFEC) inspection to detect cracking of the upper deck floor beams at BS 340 and 360, and on both the left and right sides of the floor beam at BS 380 between buttock lines (BL) 40 and 76; in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

(i) If no cracking is found, perform the actions required by paragraph (h)(1)(i)(A), (h)(1)(i)(B), or (h)(1)(i)(C) of this AD, in accordance with the alert service bulletin.

(A) Repeat the inspection required by paragraph (h)(1) of this AD at intervals not to exceed 3,000 flight cycles.

(B) Modify (oversize) the floor panel attachment fastener holes as specified in Figure 5 of the alert service bulletin, and repeat the inspection required by paragraph (h)(1) of this AD within 10,000 flight cycles. Repeat the inspection at intervals not to exceed 3,000 flight cycles.

(C) Do the applicable repair procedures shown in Part 3 of the Accomplishment Instructions of the alert service bulletin; except where the alert service bulletin specifies to contact Boeing for appropriate action, before further flight, repair in accordance with paragraph (h)(1)(ii)(A) of this AD.

(ii) If any cracking is found, before further flight, do the action specified in either paragraph (h)(1)(ii)(A) or (h)(1)(ii)(B) of this AD.

(A) Repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) or Authorized Representative (AR) for the Boeing Delegation Option Authorization (DOA) who has been authorized by the Manager, Seattle ACO to make such findings. For a repair method to be approved by the

Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(B) Repair in accordance with Part 3 of the Accomplishment Instructions of the alert service bulletin; except where the alert service bulletin specifies to contact Boeing for appropriate action, before further flight, repair in accordance with paragraph (h)(1)(ii)(A) of this AD.

(2) Gain access to the upper deck floor beams from below the upper deck floor; and perform a surface HFEC inspection to detect cracking of the floor beams at BS 340 and 360, and on both the left and right sides of the floor beam at BS 380 between BL 40 and 76; in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

(i) If no cracking is found, repeat the inspection required by paragraph (h)(2) of this AD at intervals not to exceed 750 flight cycles.

(ii) If any cracking is found, before further flight, do the action specified in paragraph (h)(1)(ii) of this AD.

New Post-Repair Inspection

(i) For areas repaired in accordance with paragraph (h)(1)(i)(C) or (h)(1)(ii)(B) of this AD: Before the accumulation of the applicable threshold specified in the ''New Inspection Threshold'' column in Table 1 of Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002, after accomplishing the repair; or within 1,000 flight cycles after the effective date of this AD; whichever occurs later: Do the actions specified in paragraphs (i)(1) through (i)(3) of this AD, as applicable.

(1) For locations that have been repaired by oversizing the fastener holes only (*i.e.*, repair strap and/or clip not installed) as shown in Part 3 of the Accomplishment Instructions of Revision 1 or 2 of the alert service bulletin: Perform an open-hole HFEC inspection to detect cracking of the upper deck floor beams, in accordance with Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

(2) For locations previously repaired as shown in Figure 8 of Revision 1 or 2 of the alert service bulletin: Do an open-hole HFEC inspection to detect cracks at the fastener holes of the floor panel attachment and the inboard and outboard end fastener locations common to the repair strap, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

(3) For locations previously repaired as shown in Figure 9 or Figure 10 of Revision 1 or 2 of the alert service bulletin: Do a surface HFEC inspection to detect cracks at the upper chord along the edge of the trimmed surface; and perform an open-hole HFEC inspection to detect cracks at the fastener holes of the floor panel attachment and the inboard and outboard end fastener locations common to the repair strap, in accordance with Part 4 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002.

(j) If no crack is detected during any inspection required by paragraphs (i)(1) through (i)(3) of this AD, repeat the applicable inspection thereafter at intervals not to exceed 3,000 flight cycles.

(k) If any crack is detected during any inspection required by paragraph (i)(1) through (i)(3) of this AD, before further flight, do the action specified in paragraph (h)(1)(ii)(A) of this AD.

(l) For areas repaired in accordance with paragraph (h)(1)(ii)(A) of this AD that do not have a post-repair inspection program approved by the Manager, Seattle ACO, or according to data meeting the certification basis of the airplane approved by an AR for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make those findings: Do the actions specified in paragraph (h) of this AD at the time specified in that paragraph.

Credit for Previous Released Alert Service Bulletin

(m) Actions accomplished before the effective date of this AD per Boeing Alert Service Bulletin 747–53A2431, dated February 10, 2000; or Revision 1, dated March 8, 2001; are acceptable for compliance with the applicable requirements of this AD.

Alternative Methods of Compliance (AMOCs)

(n)(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an AR for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(3) AMOCs, approved previously per AD 2000–14–17, amendment 39–11600, are approved as AMOCs with paragraph (h)(1)(ii)(A) of this AD, provided that a post-repair inspection program has been approved by the Manager, Seattle ACO, or by a Boeing Company Designated Engineering Representative or an AR for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make those findings.

Material Incorporated by Reference

(o) You must use Boeing Alert Service Bulletin 747–53A2431, Revision 2, dated June 13, 2002, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW, room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 9, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5386 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20587; Directorate Identifier 2005–CE–10–AD; Amendment 39–14021; AD 2005–05–53 R1]

RIN 2120–AA64

Airworthiness Directives; The Cessna Aircraft Company Models 172R, 172S, 182T, and T182T Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) to revise emergency AD 2005–05–53 for The Cessna Aircraft Company (Cessna) Models 172R, 172S, 182T, and T182T airplanes. This AD contains the same information as emergency AD 2005–05–53 R1 and publishes the action in the **Federal Register**. It requires you to do a one-time detailed inspection of the flight control system, correct installations that do not conform to type design, and repair any damage. This AD is the result of flight control system problems found on airplanes within Cessna's control that could also exist on airplanes produced and delivered within a certain time period. We are issuing this AD to prevent loss of airplane control due to incorrect or inadequate rigging of critical flight systems.

DATES: This AD becomes effective on March 21, 2005, to all affected persons who did not receive emergency AD 2005–05–53 R1, issued March 5, 2005. Emergency AD 2005–05–53 R1 contained the requirements of this amendment and became effective immediately upon receipt. As of March 21, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations.

We must receive any comments on this AD by April 30, 2005.

ADDRESSES: Use one of the following to submit comments on this AD:

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* 1–202–493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- To get the service information identified in this proposed AD, contact The Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006.

To view the comments to this AD, go to *http://dms.dot.gov*. The docket number is FAA–2005–20587; Directorate Identifier 2005–CE–10–AD.

FOR FURTHER INFORMATION CONTACT: Chris B. Morgan, Aerospace Engineer, FAA, Wichita ACO, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4154; facsimile: (316) 946–4107; e-mail: *chris.b.morgan@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

What events caused this action? The FAA was notified that inadequate or incorrect flight controls rigging may exist on recently produced Cessna Models 172R, 172S, 182T, and T182T airplanes. The following issues were identified through Cessna's inspection of airplanes still at their production facility:

- Two airplanes with ailerons not engaging the upper stops and one with a flap push/pull rod missing the nut on the bolt.
- Elevator cables chafing fuel lines near the fuel selector, which caused damage to the fuel lines.
- Elevator trim cables routed outside the cotter pins in the horizontal stabilizer.
- Elevator trim cables crossed twice (trim functioned correctly in flight).
- Control cables rubbing structures such as bulkheads and center consoles.
- Aileron bell crank adjustment screw interference with stringer.
- Barrels on control cables not safety pinned or incorrectly pinned.
- Control cables routed outside of pulleys.
- A bent flap bell crank.

After careful review of all available information related to the subject presented above, FAA determined that:

- Operation of the affected Models 172R, 172S, 182T, and T182T airplanes should be prohibited until all the flight control systems are inspected and any discrepancies corrected; and
- AD action should be taken to prevent loss of airplane control due to incorrect or inadequate rigging of critical flight systems.

Consequently, we issued emergency AD 2005–05–53 on March 4, 2005, to require a one-time detailed inspection of the flight control system, correction of installations that do not conform to type design, and repair of any damage.

The serial number designations included in AD 2005–05–53 were incorrect. We then revised AD 2005–05–53 to correct the serial numbers in the AD.

Why is it important to publish this AD? The FAA found that immediate corrective action was required, that notice and opportunity for prior public comment were impracticable and contrary to the public interest, and that good cause existed to make the AD effective immediately by individual letters issued on March 5, 2005, to all known U.S. operators of Cessna Models 172R, 172S, 182T, and T182T airplanes. These conditions still exist, and AD 2005–05–53 R1 is published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

Will I have the opportunity to comment before you issue the rule? This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20587; Directorate Identifier 2005–CE–10–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

Will this AD impact various entities? We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20587; Directorate Identifier 2005–CE–10–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2005–05–53 R1 The Cessna Aircraft Company: Amendment 39–14021; Docket No. FAA–2005–20587; Directorate Identifier 2005–CE–10–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on March 21, 2005, to all affected persons who did not receive emergency AD 2005–05–53 R1, issued March 5, 2005. Emergency AD 2005–05–53 R1 contained the requirements of this amendment and became effective immediately upon receipt.

Are Any Other ADs Affected By This Action?

(b) This AD revises emergency AD 2005–05–53 R1.

What Airplanes Are Affected by This AD?

(c) This AD affects the following airplanes that are certificated in any category:

Model	Serial numbers
172R	17281234 through 17281236.
172S	172S9774 through 172S9776, 172S9778 through 172S9781, 172S9783,172S9784, 172S9786, 172S9788 through 172S9791, and 172S9793.
182T	18281522 through 18281525, and 18281537.
T182T	T18208353 through T18208365, T18208367 through T18208369, T18208371, and T18208372.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of flight control system problems found on airplanes within Cessna's control that could also exist on airplanes produced and delivered within a certain time period. We are issuing this AD to prevent loss of airplane control due to incorrect or inadequate rigging of critical flight systems. Airplanes affected by this AD may have additional flight control issues beyond those listed in ''What events caused this AD action?'

What Must I Do To Address This Problem?

(e) The following specifies action you must do per this AD and other pertinent information to address this problem:

Actions	Compliance	Procedures
(1) Do a one-time detailed inspection of the flight control system, correct installations that do not conform to type design, and repair any damage.	Prior to further flight after March 21, 2005 (the effective date of this AD), except for those who received emergency AD 2005–05–53 R1, issued March 5, 2005. Emergency AD 2005–05–53 R1 contained the requirements of this amendment and became effective immediately upon receipt.	Follow Chapter 5 TIME LIMITS/MAINTENANCE CHECKS of whichever of the following applies: • Model 172 Maintenance Manual using the List of Effective Pages, dated June 7, 2004. • Model 182/T182 Maintenance Manual using the List of Effective Pages, dated March 1, 2004.
(2) Special special flight permits or positioning flights are not permitted for this AD.	Not applicable	14 CFR 39.19 allows special flight permits for all ADs, unless specifically prohibited in a specific AD. This emergency AD prohibits such flight permits. If an aircraft is in a location where necessary services are not available to perform the inspections identified above, contact Cessna ProductSupport at (316) 517–5800.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. You may submit your request through your Flight Standards District Office (FSDO) Principal Inspector, who may add comments and then send your request to the Manager, Wichita Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance or for further information about this AD, contact Chris B. Morgan, Aerospace Engineer, FAA, Wichita ACO, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4154; facsimile: (316) 946–4107; e-mail: *chris.b.morgan@faa.gov*.

Does This AD Incorporate Any Material by Reference?

(g) You must do the actions required by this AD following the instructions in Chapter 5 TIME LIMITS/ MAINTENANCE CHECKS of the Model 172 Maintenance Manual using the List of Effective Pages, dated June 7, 2004; or the Model 182/T182 Maintenance Manual using the List of Effective Pages, dated March 1, 2004. The Director of the Federal Register approved the incorporation by reference of this documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov*. The docket number is FAA–2005–20587.

Issued in Kansas City, Missouri, on March 11, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5385 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–12–AD; Amendment 39–14023; AD 2005–06–13]

RIN 2120–AA64

Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new Airworthiness Directive (AD) to supersede AD 99–06–02, which currently applies to certain Fairchild Aircraft (Fairchild) SA226 and SA227 series airplanes. AD 99–06–02 requires you to repetitively inspect the wing spar center web cutout on both wings for cracks between Wing Station (WS) 8 and WS 17.5. That AD also requires you to repair any area found cracked before further flight. The repair will eliminate the need for the repetitive inspections on that particular wing spar. Since that AD became effective, we have determined that we inadvertently omitted certain Model SA227–CC/DC airplane serial numbers from the applicability. This AD retains the actions of AD 99–06–02 and adds additional Model SA227–CC/DC airplanes to the Applicability section. The actions specified in this AD are intended to detect and correct fatigue cracking of the wing spar center web cutout area, which could result in structural failure of the wing spar. This could lead to loss of control of the airplane.

DATES: This AD becomes effective on May 2, 2005.

On April 16, 1999 (64 FR 11761, March 10, 1999), the Director of the Federal Register approved the incorporation by reference of Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–6, dated April 7, 1998; Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–6, dated December 8, 1997; Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 5, dated April 7, 1998; Fairchild SA226/227 Series Structural Repair Manual, part number (P/N) 27–10054–079, pages 57 through 90; Initial Issue: March 1, 1983; Revision 28, dated June 24, 1998; and Fairchild SA227 Series Structural Repair Manual, P/N 27–10054–127, pages 47 through 60; Initial Issue: December 1, 1991; Revision 7, dated June 24, 1998.

As of May 2, 2005, the Director of the Federal Register approved the incorporation by reference of Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, SA227 Series, Reissue C, dated January 18, 1991; Fairchild Airframe Inspection Manual ST–UN–M002, SA226 Series, Reissue A, dated December 9, 1986; and Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, SA227 Commuter Category, Initial issue dated December 6, 1991.

ADDRESSES: You may get the service information identified in this AD from Field Support Engineering, Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490; telephone: (210) 824–9421; facsimile: (210) 820–8609.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–12–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Hung Viet Nguyen, FAA, Forth Worth Airplane Certification Office (ACO), 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5155; facsimile: (817) 222–5960.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? AD 99–06–02, Amendment 39–11066 (64 FR 11761, March 10, 1999), currently requires you to do the following on certain Fairchild SA226 and SA227 series airplanes:

—Repetitively inspecting the wing spar center web cutout on both wings for cracks between Wing Station (WS) 8 and WS 17.5; and

—Immediately repairing any area found cracked. This repair will eliminate the need for the repetitive inspections on that particular wing spar.

Doing the actions as specified in AD 99–06–02 is required per the following documents:

—Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–6, dated April 7, 1998;

—Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–6, dated December 8, 1997;

—Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 5, dated April 7, 1998;

—Fairchild SA226/227 Series Structural Repair Manual, part number (P/N) 27–10054–079, pages 57 through 90; Initial Issue: March 1, 1983; Revision 28, dated June 24, 1998; and

—Fairchild SA227 Series Structural Repair Manual, P/N 27–10054–127, pages 47 through 60; Initial Issue: December 1, 1991; Revision 7, dated June 24, 1998.

AD 99–06–02 was the result of reports of cracks in the wing spar center web cutout caused by fatigue due to airplane maneuvering and wind gusts.

What has happened since AD 99–06–02 to initiate this action? The FAA inadvertently omitted certain Fairchild Model SA227–CC/DC airplane serial numbers from the applicability of AD 99–06–02. In particular, we restricted the applicability of these airplanes to serial numbers CC/DC784 and CC/DC790 through CC/DC878. Any Fairchild Model SA227–CC/DC airplane incorporating a serial number from CC/DC879 through CC/DC896 should also be affected by the actions of AD 99–06–02.

What is the potential impact if FAA took no action? If not detected and corrected, fatigue cracking of the wing spar center web cutout area could result in structural failure of the wing spar to the point of failure with consequent loss of control of the airplane.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Fairchild SA226 and SA227 series airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on April 23, 1999 (64 FR 19934). The NPRM proposed to retain the actions of AD 99–06–02 and add additional Model SA227–CC/DC airplanes to the applicability section.

Was the public invited to comment? We provided the public the opportunity to participate in developing this AD. The following presents the comment received on the proposal and FAA's response to the comment:

Comment Issue: Incorporate Revised Service Information

What is the commenter's concern? The manufacturer has revised the applicable service information to incorporate minor changes.

These revisions do not change the procedures contained in the service information referenced in AD 99–06–02; however, the manufacturer suggests incorporating the revised service information into the final rule AD action.

What is FAA's response to the concern? We concur with the

commenter and will make this change in the final rule AD action.

Conclusion

What is FAA's final determination on this issue? We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for the changes discussed above and minor editorial corrections. We have determined that these changes and minor corrections:

—Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Changes to 14 CFR Part 39—Effect on the AD

How does the revision to 14 CFR part 39 affect this AD? On July 10, 2002, the FAA published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes does this AD impact? We estimate that this AD affects 508 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to do the inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
5 work hours × $65 = $325	Not Applicable	$325	$325 × 508 = $165,100

These figures only take into account the costs of the initial inspection and do not take into account the costs of repetitive inspections and the costs associated with any repair that would be necessary if cracks are found. We have no way of determining the number of repetitive inspections an owner/operator will incur over the life of the airplane, or the number of airplanes that will need repairs.

We estimate the following costs to do any necessary repairs in both wing spar center webs that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need this repair:

Labor cost to repair cracked wing spar center webs on both sides of the airplane	Parts cost	Total cost per airplane to repair cracked wing spar center webs on both sides of the airplane
400 work hours × $65 = $26,000	$400	$26,000 + $400 = $26,400

What is the difference between the cost impact of this AD and the cost impact of AD 99–06–02? The only difference between AD 99–06–02 and this AD is the addition of 18 Fairchild Model SA227–CC/DC airplanes that we inadvertently omitted from the Applicability section of AD 99–06–02. Therefore, the only impact this AD has over that already required by AD 99–06–02 is the cost of the actions on the 18 additional airplanes.

Regulatory Findings

Will this AD impact various entities? We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket No. 99–CE–12–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. FAA amends § 39.13 by removing Airworthiness Directive (AD) 99–06–02, Amendment 39–11066 (64 FR 11761, March 10, 1999), and by adding a new AD to read as follows:

2005–06–13 Fairchild Aircraft, Inc.: Amendment 39–14023; Docket No. 99–CE–12–AD; Supersedes AD 99–06–02, Amendment 39–11066.

When Does This AD Become Effective?

(a) This AD becomes effective on May 2, 2005.

What Other ADs Are Affected by This Action?

(b) This AD supersedes AD 99–06–02, Amendment 39–11066.

What Airplanes Are Affected by This AD?

(c) This AD affects the following airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
(1) SA226–AT	AT001 through AT074.
(2) SA226–TC	TC201 through TC419.
(3) SA226–T	T201 through T291.
(4) SA226–T(B)	T(B)276 and T(B)292 through T(B)417.
(5) SA227–TT	TT421 through TT541.
(6) SA227–TT(300)	TT(300)447, TT(300)465, TT(300)471, TT(300)483, TT(300)512, TT(300)518, TT(300)521, TT(300)527, TT(300)529, and TT(300)536.
(7) SA227–AC	AC406, AC415, AC416, and AC420 through AC785.
(8) SA227–AT	AT423 through AT631 and AT695.
(9) SA227–BC	BC762, BC764, BC766, and BC770 through BC789.
(10) SA227–CC/DC	CC/DC784, and CC/DC790 through CC/DC896.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of reports of cracks in the wing spar center web cutout caused by fatigue due to airplane maneuvering and wind gusts. The actions specified in this AD are intended to detect and correct fatigue cracking of the wing spar center web cutout area, which could result in structural failure of the wing spar. This could lead to loss of control of the airplane.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Inspect each wing spar center web cutout for cracks between Wing Station (WS) 8 and WS 17.5.	Initially inspect upon accumulating 6,500 hours time-in-service (TIS) on each wing spar; within the next 2,000 hours TIS after the last inspection done following the applicable Airworthiness Limitations Manual (the last inspection done following AD 99–06–02); or within the next 500 hours TIS after May 2, 2005 the effective date of this AD, whichever occurs later. Repetitively inspect thereafter at intervals not to exceed 2,000 hours TIS.	*For Models SA227–TT, SA227–AT, SAA227–AC, and SA227–BC airplanes:* Follow Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–6, dated April 7, 1998; or Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, SA227 Series, Reissue C dated January 18, 1991, at the revision levels stated on page iii and page iv (page iii dated August 16, 1995, and page iv dated March 8, 2004); *For Models* SA226–T, SA226–T(B), SA226–AT, and SA226–TC airplanes; Follow Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–6, dated December 8, 1997; or Fairchild Airframe Inspection Manual ST–Un–M002, Reissue A, SA226 Series, dated December 9, 1986, at the revision levels stated on page iii and page iv (page iii dated April 7, 1998 and page iv dated March 8, 2004); and *For Models SA227–CC and SA227–DC airplanes:* Follow Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 5, dated April 7, 1998; or Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, SA227 Commuter Category, Initial issue dated December 6, 1991, at the revision levels stated on page iii and page iv (page iii dated July 29, 2003, and page iv dated March 8, 2004).
(2) If any crack(s) is/are found during any inspection required by paragraph (e)(1) of this AD, repair the crack(s). This repair eliminates the repetitive inspections required in paragraph (e)(1) of this AD for that particular wing spar.	Before further flight	*For Models SA226–T, SA226–T(B), SA226–AT, SA226–TC, SA227–TT, SA227–AT, SA227–AC, and SA227–BC airplanes:* Follow Fairchild SA226/227 Series Structural Repair Manual, part number (P/N) 27–10054–079, pages 57 through 90; Initial Issue: March 1, 1983; Revision 28, dated June 24, 1998; and *For Models SA227–CC and SA227–DC airplanes:* Follow Fairchild SA227 Series Structural Repair Manual, P/N 27–10054–127, pages 47 through 60; Initial Issue: December 1, 1991; Revision 7, dated June 24, 1998.

Actions	Compliance	Procedures
(3) The repetitive inspections required in paragraph (e)(1) of this AD may be terminated if the wing spar center web repair specified in paragraph (e)(2) of this AD has been done on both the left and right wing spar. If one wing spar center web has been repaired, then repetitive inspections are still required on the other one until the repair is done.	Not applicable	Not applicable.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19:

(1) Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Fort Worth Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance, contact Mr. Hung Viet Nguyen, Forth Worth ACO, FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone: (817) 222–5155; facsimile: (817) 222–5960.

(2) Alternative methods of compliance approved for AD 99–06–02 are considered approved as alternative methods of compliance for this AD.

Does This AD Incorporate Any Material by Reference?

(g) You must do the inspections required by this AD following the instructions in Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–6, dated April 7, 1998; Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–8, dated March 8, 2004; Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–6, dated December 8, 1997; Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–9, dated March 8, 2004; Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 5, dated April 7, 1998; or Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 7, dated March 8, 2004, as applicable. You must do the repairs required by this AD following the instructions in Fairchild SA226/227 Series Structural Repair Manual, part number (P/N) 27–10054–079, pages 57 through 90; Initial Issue: March 1, 1983; Revision 28, dated June 24, 1998; or Fairchild SA227 Series Structural Repair Manual, P/N 27–10054–127, pages 47 through 60; Initial Issue: December 1, 1991; Revision 7, dated June 24, 1998, as applicable.

(1) On April 16, 1999 (64 FR 11761, March 10, 1999), and in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, the Director of the Federal Register approved the incorporation by reference of Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, Rev. No. C–6, dated April 7, 1998; Fairchild Airframe Inspection Manual ST–UN–M002, Rev. No. A–6, dated December 8, 1997; Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, Rev. No. 5, dated April 7, 1998; Fairchild SA226/227 Series Structural Repair Manual, part number (P/N) 27–10054–079, pages 57 through 90; Initial Issue: March 1, 1983; Revision 28, dated June 24, 1998; and Fairchild SA227 Series Structural Repair Manual, P/N 27–10054–127, pages 47 through 60; Initial Issue: December 1, 1991; Revision 7, dated June 24, 1998.

(2) As of May 2, 2005, and in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, the Director of the Federal Register approved the incorporation by reference of Fairchild Airframe Airworthiness Limitations Manual ST–UN–M001, SA227 Series, Reissue C dated January 18, 1991, at the revision levels stated on page iii and page iv (page iii dated August 16, 1995, and page iv dated March 8, 2004); Fairchild Airframe Inspection Manual ST–UN–M002, Reissue A, SA226 Series, dated December 9, 1986, at the revision levels stated on page iii and page iv (page iii dated April 7, 1998, and page iv dated March 8, 2004); and Fairchild Airframe Airworthiness Limitations Manual ST–UN–M003, SA227 Commuter Category, Initial issue dated December 6, 1991, at the revision levels stated on page iii and page iv (page iii dated July 29, 2003, and page iv dated March 8, 2004).

(3) You may get a copy from Field Support Engineering, Fairchild Aircraft, Inc., P.O. Box 790490, San Antonio, Texas 78279–0490. You may review copies at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on March 14, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5383 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20513; Directorate Identifier 2005–CE–07–AD; Amendment 39–14022; AD 2005–05–52]

RIN 2120–AA64

Airworthiness Directives; the Cessna Aircraft Company Models 402C and 414A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) to supersede emergency AD 2005–05–51 and AD 2000–23–01 for The Cessna Aircraft Company (Cessna) Models 402C and 414A airplanes. This AD contains the same information as emergency AD 2005–05–52 and publishes the action in the **Federal Register**. It requires you to eddy current inspect the forward wing spars and visually inspect the aft and auxiliary spars. This AD is the result of extensive cracks found on three wing spars of the affected airplanes. We are issuing this AD to detect and correct cracking in the wing spars before the cracks grow to failure. Such a wing failure could result in the wing separating from the airplane with consequent loss of control of the airplane.

DATES: This AD becomes effective on March 21, 2005, to all affected persons who did not receive emergency AD 2005–05–52, issued March 2, 2005. Emergency AD 2005–05–52 contained the requirements of this amendment and became effective immediately upon receipt. As of March 21, 2005, the Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations.

We must receive any comments on this AD by April 30, 2005.

ADDRESSES: Use one of the following to submit comments on this AD:

• *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.

• *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

• *Fax:* 1–202–493–2251.

• *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• To get the service information identified in this proposed AD, contact The Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006.

To view the comments to this AD, go to *http://dms.dot.gov.* The docket number is FAA–2005–20513; Directorate Identifier 2005–CE–07–AD.

FOR FURTHER INFORMATION CONTACT: Paul Nguyen, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4125; facsimile: (316) 946–4107; e-mail: *paul.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION: *What events caused previous FAA AD action?* The FAA has received reports of (and is analyzing data from) cracks found in the wings of two Cessna Model 402C airplanes.

On the first airplane, early information indicates the airplane had severe cracking on its left wing in the vicinity of the forward spar and outboard engine beam. The main lower spar cap had completely failed at about Wing Station (WS) 114. The airplane also had cracks in the lower wing skin and the web splice doubler. Also found were two popped rivets: one between the heat shield and the wing skin and another between the factory installed web splice doublers and web. The airplane had 20,355 total hours time-in-service (TIS).

During the airplane's most recent flights before the cracking was found, the pilot noticed that roll trim was required. The flights required the pilot to use aileron trim for level flight to keep the wings level. The airplane landed safely and inspection revealed the cracks.

On the second airplane, fatigue cracks were found at about WS 114 in the main lower spar cap of another Model 402C airplane that had over 20,000 total hours TIS. Fatigue analysis shows that similar fatigue cracks could also develop in the wings of the Model 414A airplanes.

Airworthiness Directive (AD) 2000–23–01, Amendment 39–11971 (65 FR 70645), required repetitive visual inspections of the forward, aft, and auxiliary wing spars for cracks on Cessna Model 402C airplanes. These inspections are at intervals not to exceed 110 hours TIS.

Logbook records indicated that both airplanes with cracked spars were in compliance with AD 2000–23–01.

The FAA's analysis of the incidents presented above showed that, in the interim, the inspections of AD 2000–23–01 should be done more frequently and particular attention paid to certain areas.

Therefore, FAA issued Emergency AD 2005–05–51 to detect and correct cracking in the wing spars of the Cessna Models 402C and 414A airplanes before the cracks grow to failure. Such a wing failure could result in the wing separating from the airplane with consequent loss of control of the airplane.

Emergency AD 2005–05–51 superseded AD 2000–23–01 and:

• Required the visual inspections of the forward, aft, and auxiliary wings spars for cracks more frequently on Model 402C airplanes including special emphasis areas;

• Added inspection requirements for the Model 414A airplanes; and

• Included provisions to position the airplane to a home base, hangar, maintenance facility, etc.

Emergency AD 2005–05–51 did not affect those airplanes that incorporate a spar strap modification on each wing following the original release of (or a later FAA-approved revision to) Cessna Service Bulletin MEB02–5 and Cessna Service Kit SK402–47 (currently at MEB02–5 Revision 2 and SK402–47B).

What has caused this particular AD action? Emergency AD 2005–05–51 was considered an interim action to immediately require visual inspection of the forward, aft, and auxiliary wing spars for cracks. The intent was to detect immediate and existing cracking before it grew to wing failure.

The FAA has also received a report of a third crack found at WS 112 on a Model 402C airplane.

Cessna has developed new inspection techniques (eddy current) for the forward spar that are more effective at detecting cracks before the structural integrity of the wing is compromised. These inspection techniques will allow for longer intervals between repetitive inspections than in emergency AD 2005–05–51.

Recent fatigue analysis that Cessna did (and the FAA reviewed) reveals that eddy current inspections of the forward wing spars combined with visual inspections of the aft and auxiliary spars will address the unsafe condition of these airplanes until long-term continued operational safety is assured through the Cessna-developed and FAA-approved spar strap modifications. Specifically:

• The eddy current inspection will replace the visual inspection of the forward spar that emergency AD 2005–05–51 currently requires; and

• The visual inspections of the aft and auxiliary spars will be maintained from emergency AD 2005–05–51, but will only be required repetitively every 100 hours TIS instead of every 15 hours TIS.

Cessna has issued the following service information to include procedures to eddy current inspect the Models 402C and 414A airplanes:

• Cessna Service Bulletin MEB99–3, Revision 2, dated February 28, 2005 (Model 402C); or

• Cessna Service Bulletin MEB00–7, Revision 2, dated February 28, 2005 (Model 414A).

The FAA's Determination

After careful review of all available information related to the subject presented above, including the above-referenced service bulletins, FAA has determined that:

• The forward wings spars should be inspected using eddy current methods on Cessna Models 402C and 414A airplanes;

• The visual inspections of the aft and auxiliary spars should be maintained from emergency AD 2005–05–51 (but not inspected as often); and

• AD action should be taken to detect and correct cracking in the wing spars before the cracks grow to failure. Such a wing failure could result in the wing separating from the airplane with consequent loss of control of the airplane.

Consequently, we issued emergency AD 2005–05–52 to supersede emergency AD 2005–05–51.

Why is it important to publish this AD? The FAA found that immediate corrective action was required, that notice and opportunity for prior public comment were impracticable and contrary to the public interest, and that good cause existed to make the AD effective immediately by individual letters issued on March 2, 2005, to all known U.S. operators of Cessna Models 402C and 414A airplanes. These

conditions still exist, and the AD is published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

Will I have the opportunity to comment before you issue the rule? This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20513; Directorate Identifier 2005–CE–07–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us through a nonwritten communication, and that contact relates to a substantive part of this AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend the AD in light of those comments.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this AD.

Regulatory Findings

Will this AD impact various entities? We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Will this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20513; Directorate Identifier 2005–CE–07–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2000–23–01, Amendment 39–11971 (65 FR 70645), and adding the following new AD:

2005–05–52 The Cessna Aircraft Company: Amendment 39–14022; Docket No. FAA–2005–20513; Directorate Identifier 2005–CE–07–AD.

When Does This AD Become Effective?

(a) This AD becomes effective on March 21, 2005, to all affected persons who did not receive emergency AD 2005–05–52, issued March 2, 2005. Emergency AD 2005–05–52 contained the requirements of this amendment and became effective immediately upon receipt.

Are Any Other ADs Affected by This Action?

(b) This AD supersedes the following:

(1) Emergency AD 2005–05–51, issued February 20, 2005; and

(2) AD 2000–23–01, Amendment 39–11971.

What Airplanes Are Affected by This AD?

(c) This AD affects Model 402C and 414A airplanes, all serial numbers, that:

(1) are certificated in any category; and

(2) do not incorporate a spar strap modification on each wing spar following the original release of (or a later FAA-approved revision to) Cessna Service Bulletin MEB02–5 and Cessna Service Kit SK402–47 (currently at MEB02–5 Revision 2 and SK402–47B).

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of extensive cracks found on three wing spars of the affected airplanes. We are issuing this AD to detect and correct cracking in the wing spars before the cracks grow to failure. Such a wing failure could result in the wing separating from the airplane with consequent loss of control of the airplane.

What Must I Do to Address This Problem?

(e) *Visual Inspections for all Model 402C airplanes With Fewer than 15,000 Hours Total Time-in-service (TIS):* Initially inspect upon accumulating 10,000 hours TIS on the airplane or at the next inspection that would have been required by AD 2000–23–01 or emergency AD 2005–05–51, whichever occurs later. Repetitively inspect thereafter at intervals not to exceed 110 hours TIS until accumulating 15,000 hours TIS:

(1) Perform both a visual external and internal inspection of the forward, aft, and auxiliary wing spars for cracks.

(2) Do these visual inspections following the *Accomplishment Instructions* section of Cessna Service Bulletin MEB99–3 (Model 402C), Revision 2, dated February 28, 2005.

(3) When doing the inspections, pay particular attention to the following areas:

(i) *Just Outboard of the Engine Beam*

(A) The main lower spar cap at Wing Station (WS) 114.

(B) The three rivets on both the inboard and outboard sides of WS 114 (total of six rivets) in the main lower spar cap as viewed from the access hole.

(C) The main spar web at WS 112.5.

(ii) *Just Inboard of the Inboard Engine Beam*

(A) The main lower spar cap between WS 80 and WS 89.

(B) The two attach bolts on the main spar just inboard of the WS 89.18 rib.

(f) *Eddy Current and Visual Inspections:* Perform eddy current inspections of the forward wing spars combined with visual inspections of the aft and auxiliary spars. Do these inspections following the *Accomplishment Instructions* section of Cessna Service Bulletin MEB99–3 (Model 402C) or Cessna Service Bulletin MEB00–7 (Model 414A), both at Revision 2 and both dated February 28, 2005.

Affected airplanes	Eddy current and visual inspections	Repetitive Eddy current and visual inspection interval
(1) For Model 414A airplanes, serial numbers 414A001 through 414A0047 and 414A0049 through 414A0200.	At whichever of the following occurs later: • Upon accumulating 8,500 hours TIS on the airplanes; • At the next inspection that would have been required by emergency AD 2005–05–51 (required at intervals not to exceed 15 hours TIS); or • Within the next 2 days after the effective date of this AD (2 days after receipt for those who received emergency AD 200505–52).	Thereafter at intervals not to exceed 100 hours TIS.
(2) For the following airplanes that have 15,000 hours or more TIS or upon accumulating 15,000 hours TIS: (i) All Model 402C airplanes. (ii) Model 414A airplanes, serial numbers 414A0201 through 414A1212.	At whichever of the following occurs later: • Upon accumulting 15,000 hours TIS on the airplane; • At the next inspection that would have been required by emergency AD 2005–05–51 (required at intervals not to exceed 15 hours TIS); or • Within the next 2 days after effective date of this AD (2 days after receipt for those who received emergency AD 2005–05–52).	Thereafter at intervals not to exceed 100 hours TIS.

Note: The Cessna service bulletins allow for either a visual inspection or eddy current inspection of the forward spars on all airplanes affected by this AD. Visual inspections of the forward spars do not satisfy the requirements of this AD for the airplanes referenced in paragraphs (f)(1) and (f)(2) of this AD. These airplanes must have the forward spars inspected using the eddy current methods specified in the Cessna service bulletins.

(g) *Cracks Found:* If you find any crack on any forward, aft, or auxiliary wing spar; or in surrounding structure such as spar webs or skins during any inspection required by this AD, before further flight do the following:

(1) Obtain an FAA-approved repair scheme from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800, facsimile: (316) 942–9006; and

(2) Incorporate this repair scheme.

(h) *Reporting Requirement:* As soon as possible, but no later than 24 hours after any inspection required by this AD and as defined below:

(1) Submit a report of inspection findings to the Manager, Wichita Aircraft Certification Office (ACO), by fax: (316) 946–4107.

(i) Include a report for ''cracks found'' or ''no cracks found'' on the initial inspection; and

(ii) Include a report only for ''cracks found'' on the repetitive inspections.

(2) The report must include your name and a contact phone number, the results of the findings, a description of any cracking found, the airplane serial number, and the total number of hours TIS on the airplane. The ''Lower Wing Spars and Skin Inspection Report'' included in Cessna Service Bulletin MEB99–3 and MEB00–7 may be utilized for this reporting requirement.

May I Request an Alternative Method of Compliance?

(i) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Wichita Aircraft Certification Office (ACO), FAA.

(1) For information on any already approved alternative methods of compliance or for further information about this AD, contact Paul Nguyen, Aerospace Engineer, FAA, Wichita ACO, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946–4125; facsimile: (316) 946–4107; e-mail: *paul.nguyen@faa.gov.*

(2) Alternative methods of compliance that were approved for AD 2000–23–01 or emergency AD 2005–05–51 are not approved for this emergency AD.

Does This AD Incorporate Any Material by Reference?

(j) You must do the actions required by this AD following the instructions in Cessna Service Bulletin MEB99–3 (Model 402C) or Cessna Service Bulletin MEB00–7 (Model 414A), both at Revision 2 and both dated February 28, 2005. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To get a copy of this service information, contact Cessna Aircraft Company, Product Support P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 517–5800; facsimile: (316) 942–9006. To review copies of this service information, go to the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html* or call (202) 741–6030. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001 or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2005–20513.

Issued in Kansas City, Missouri, on March 11, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5382 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–41–AD; Amendment 39–14015; AD 2005–06–07]

RIN 2120–AA64

Airworthiness Directives; General Electric Company (GE) CF6–80A1/A3 and CF6–80C2A Series Turbofan Engines, Installed on Airbus Industrie A300–600 and A310 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for GE CF6–80A1/A3 and CF6–80C2A series turbofan engines. That AD currently requires completing one of the following actions before further flight:

• Performing a directional pilot valve (DPV) pressure check for leakage, and, if necessary, replacing the DPV assembly with a serviceable assembly, or

• Replacing the DPV assembly with a serviceable assembly, or

• Deactivating the thrust reverser, and revising the FAA-approved airplane flight manual (AFM) to require applying performance penalties for certain takeoff conditions if a thrust reverser is deactivated.

That AD also requires revising the Emergency Procedures Section of the FAA-approved AFM to include a flight crew operational procedure for use in the event of any indication of an in-flight thrust reverser deployment.

This AD specifies the same requirements for leak checks, but increases the interval between required checks. This AD also removes the requirement to revise the Limitations Section and the Emergency Procedures Section of the applicable AFM when deactivating one or both thrust reversers. This AD results from Airbus Industrie, the airplane manufacturer, revising the master minimum equipment list (MMEL) to include procedures for operating the airplane with the thrust reversers deactivated, and revising the AFM to include procedures for emergency operation if the thrust reversers deploy while in flight. This AD also results from the engine manufacturer recommending extending the interval between inspecting or replacing the DPV. We are issuing this AD to prevent inadvertent thrust reverser deployment, which, if it occurs in-flight, could result in loss of control of the airplane.

DATES: This AD becomes effective April 25, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 25, 2005.

ADDRESSES: You can get the service information identified in this AD from Middle River Aircraft Systems, Mail Point 46, 103 Chesapeake Park Plaza, Baltimore, MD 21220, Attn: Product Support Engineering; telephone (410) 682–0098, fax (410) 682–0100.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Karen Curtis, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7192; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to GE CF6–80A1/A3 and CF6–80C2A series turbofan engines. We published the proposed AD in the **Federal Register** on July 29, 2004 (69 FR 45295). That action proposed the same requirements for leak checks as the AD being superseded, AD 99–18–19, Amendment 39–11285 (64 FR 48277, September 23, 1999), but would increase the interval between required checks.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request That the AD Be Closed

One commenter requests that the AD be closed instead of superseded. The commenter states his airplanes have never experienced a leaky DPV.

We do not agree. Although the operator has not yet experienced any leaks, the possibility still exists that a DPV leak may occur. This type of leak is a hidden failure that cannot be detected at the system level, and could result in inadvertent thrust reverser deployment, which, if it occurs in-flight, could result in loss of control of the airplane. This superseding AD reflects the favorable inspection results, by extending the inspection interval.

Request To Address Alternative Methods of Compliance (AMOCs)

One commenter requests that any AMOCs issued under AD 99–18–19 be addressed in the superseding AD. The commenter states that it would be beneficial if operators did not have to submit new AMOC requests for deviations or changes previously approved by the FAA under AD 99–18–19.

We agree that any known AMOCs should be addressed in this superseding AD. The two known AMOCs issued under AD 99–18–19, however, are no longer necessary under the superseding AD. Any AMOCs that may have been overlooked and are not made obsolete by this superseding AD should be brought to the attention of the FAA Engine Certification Office.

Request for Increased Inspection Interval

One commenter requests that an increased inspection interval for engines configured with the Third Line of Defense (TLOD) system be included in this superseding AD. The commenter cites service bulletins issued by Airbus, and an AD issued by the Direction Generale de L'Aviation Civile (DGAC), the airworthiness authority for France, as substantiation for the interval increase. The commenter acknowledges that the DGAC AD does not affect U.S. registered airplanes.

We do not agree. The FAA Engine Certification Office has not yet approved the increased interval for engines configured with the TLOD system. The DGAC AD referenced by the commenter, AD 1999–242–289 R1, dated July 7, 2004, was subsequently cancelled by the European Aviation Safety Agency (EASA) with the issuance of AD 1999–242–289 R2. This cancellation notice stated that AD 1999–242–289 R1 was replaced by FAA AD 99–18–19, as noted on EASA cover document 2002–362–IMP.

Request To Clarify the Reason for Issuing a Superseding AD

In the proposed AD, we stated that the proposed AD ''results from revisions to the manufacturer's alert service bulletins''. We received an internal request to clarify the reason for the superseding AD. For clarification, we have changed the final rule to state:

''This AD results from Airbus Industrie, the airplane manufacturer, revising the master minimum equipment list (MMEL) to include procedures for operating the airplane with the thrust reversers deactivated, and revising the AFM to include procedures for emergency operation if the thrust reversers deploy while in flight. This AD also results from the engine manufacturer recommending extending the interval between inspecting or replacing the DPV.''

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 544 engines of the affected design in the worldwide fleet. We estimate that 192 engines installed on airplanes of U.S. registry will be

affected by this AD. We also estimate that it will take about 1 work hour per engine to perform the actions (about 227 per year), and that the average labor rate is $65 per work hour. Required parts will cost about $12,000 per engine. We estimate that operators will replace 9 percent of the existing DPVs. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $259,915.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket No. 99–NE–41–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–11285 (64 FR 48277, September 23, 1999) and by adding a new airworthiness directive, Amendment 39–14015, to read as follows:

2005–06–07 General Electric Company: Amendment 39–14015. Docket No. 99–NE–41–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) This AD supersedes AD 99–18–19, Amendment 39–11285.

Applicability: (c) This AD applies to General Electric Company (GE) CF6–80A1/A3 and CF6–80C2A series turbofan engines. These engines are installed on, but not limited to, Airbus Industrie A300–600 and A310 series airplanes.

Unsafe Condition

(d) This AD results from Airbus Industrie, the airplane manufacturer, revising the master minimum equipment list (MMEL) to include procedures for operating the airplane with the thrust reversers deactivated, and revising the Airplane Flight Manual (AFM) to include procedures for emergency operation if the thrust reversers deploy while in flight. This AD also results from the engine manufacturer recommending extending the interval between inspecting or replacing the directional pilot valve (DPV). We are issuing this AD to prevent inadvertent thrust reverser deployment, which, if it occurs in-flight, could result in loss of control of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Credit for Initial Actions

(f) Performing the initial actions using Middle River Aircraft Systems (MRAS) Alert Service Bulletin (ASB) No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003, or earlier revision or MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003, or earlier revision, satisfies the requirements of paragraphs (g) and (i) of this AD.

GE CF6–80A1/A3 Series Engines Initial Actions

(g) For GE CF6–80A1/A3 series engines, do either paragraph (g)(1) or (g)(2) of this AD.

(1) Before further flight, perform a pressure check of the DPV for leakage. Use 2.B.(1) through 2.B.(12) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003, and if necessary, do either of the following:

(i) Replace the DPV assembly with a serviceable assembly and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003, or

(ii) Deactivate the thrust reverser and do the following:

(A) Replace the DPV with a serviceable DPV within 10 calendar days.

(B) Perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003.

(2) Before further flight, replace the DPV assembly with a serviceable assembly, and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003.

GE CF6–80A1/A3 Series Engines Repetitive Actions

(h) For GE CF6–80A1/A3 series engines, do either paragraph (h)(1) or (h)(2) of this AD within 1,400 hours time-in-service (TIS) since the last action.

(1) Perform a pressure check of the DPV for leakage. Use 2.B.(1) through 2.B.(12) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003, and if necessary, do either of the following:

(i) Replace the DPV assembly with a serviceable assembly and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003, or

(ii) Deactivate the thrust reverser and do the following:

(A) Replace the DPV with a serviceable DPV within 10 calendar days.

(B) Perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003.

(2) Replace the DPV assembly with a serviceable assembly, and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(7) of the Accomplishment Instructions of MRAS ASB No. CF6–80A1/A3 SB 78A4022, Revision 2, dated September 17, 2003.

GE CF6–80C2A Series Engines Initial Actions

(i) For GE CF6–80C2A series engines, do either paragraph (i)(1) or (i)(2) of this AD.

(1) Before further flight, perform a pressure check of the DPV for leakage. Use 2.B.(1) through 2.B.(12) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003, and if necessary, do either of the following:

(i) Replace the DPV assembly with a serviceable assembly and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003, or

(ii) Deactivate the thrust reverser and do the following:

(A) Replace the DPV with a serviceable DPV within 10 calendar days.

(B) Perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003.

(2) Before further flight, replace the DPV assembly with a serviceable assembly, and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A4022, Revision 2, dated September 17, 2003.

GE CF6–80C2A Series Engines Repetitive Actions

(j) For GE CF6–80C2A series engines, do either (j)(1) or (j)(2) of this AD within 1,400 hours TIS since the last action.

(1) Perform a pressure check of the DPV for leakage. Use 2.B.(1) through 2.B.(12) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003, and if necessary, do either of the following:

(i) Replace the DPV assembly with a serviceable assembly and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003, or

(ii) Deactivate the thrust reverser and do the following:

(A) Replace the DPV with a serviceable DPV within 10 calendar days.

(B) Perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003.

(2) Replace the DPV assembly with a serviceable assembly, and perform an operational check of the thrust reverser. Use 2.C.(1) through 2.C.(5) of the Accomplishment Instructions of MRAS ASB No. CF6–80C2A SB 78A1081, Revision 2, dated September 17, 2003.

Definition of Serviceable DPV Assembly

(k) For the purpose of this AD, a serviceable DPV assembly is:

(1) An assembly that has accumulated zero time in service, or

(2) An assembly that has accumulated zero time in service after having passed the tests in the MRAS Component Maintenance Manual GEK 85007 (78–31–51), Revision No. 6 or later, Directional Pilot Valve, Page Block 101, Testing and Troubleshooting, or

(3) An assembly that has been successfully leak checked using Paragraph 2.B. of the Accomplishment Instructions of MRAS ASB No. 78A4022, Revision 2, dated September 17, 2003, or earlier revision, or ASB No. 78A1081, Revision 2, dated September 17, 2003, or earlier revision, as applicable, immediately before installation on the airplane.

Alternative Methods of Compliance

(l) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD, if requested, using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(m) You must use the Middle River Aircraft Systems (MRAS) Alert Service Bulletins (ASB) listed in Table 1 of this AD to perform the actions required by this AD. The Director of the Federal Register approved the incorporation by reference of the documents listed in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Middle River Aircraft Systems, Mail Point 46, 103 Chesapeake Park Plaza, Baltimore, MD 21220, Attn: Product Support Engineering; telephone (410) 682–0098, fax (410) 682–0100. You can review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Table 1 follows:

TABLE 1.—INCORPORATION BY REFERENCE

Middle River Aircraft Systems ASB No.	Page number(s) shown on the page	Revision level shown on the page	Date shown on the page
78A4022, Total pages: 18	ALL	2	September 17, 2003.
78A1081, Total pages: 18	ALL	2	September 17, 2003.

Related Information

(n) None.

Issued in Burlington, Massachusetts, on March 9, 2005.

Francis A. Favara,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–5299 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19493; Directorate Identifier 2004–NM–69–AD; Amendment 39–14018; AD 2005–06–10]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 767–200, –300, and –300F series airplanes. This AD requires replacing the inboard fairing seal common to the vapor barrier seal of each strut assembly. This AD is prompted by discovery during production that a section of vapor barrier seal was missing from the spar web cavities of the upper aft struts of both wings. We are issuing this AD to prevent flammable fluids from leaking onto parts of a hot exhaust system of a shut-down engine of an airplane on the ground, which could result in ignition of the flammable fluids and an uncontained fire. This could also lead to an emergency evacuation of the airplane and possible injury to passengers.

DATES: This AD becomes effective April 25, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of April 25, 2005.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Washington, DC. This docket number is FAA–2004–19493; the directorate identifier for this docket is 2004–NM–69–AD.

FOR FURTHER INFORMATION CONTACT: John L. Vann, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6513; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for certain Boeing Model 767–200, –300, and –300F series airplanes. That action, published in the **Federal Register** on November 3, 2004 (69 FR 63963), proposed to require replacing the inboard fairing seal common to the vapor barrier seal of each strut assembly.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

Agreement With Proposed AD

Two commenters, the manufacturer and an operator, agree with the proposed AD.

Request for Extended Compliance Time

One commenter, another operator, requests that we change the compliance deadline from 60 months to 84 months after the effective date. The operator states that this will allow the airlines to accomplish the required maintenance within their heavy maintenance visit schedules, thereby minimizing aircraft out-of-service time and the associated extra expense.

We do not agree with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, we considered the safety implications, the level of effort needed to incorporate the change, and normal maintenance schedules for the timely accomplishment of the modification. In consideration of these items, we have determined that a 60-month interval will ensure an acceptable level of safety and allow the modifications to be done with no airplane out-of-service time during scheduled maintenance intervals for most affected operators. We have not changed the final rule.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD as proposed, except for minor editorial changes.

Clarification of Costs of Compliance

We have discovered that the numbers shown in the proposed AD were incorrect for the worldwide total of affected airplanes and affected airplanes of U.S. registry. We have changed the Costs of Compliance section of this AD to reflect the correct numbers of affected airplanes.

Costs of Compliance

There are about 723 airplanes worldwide of the affected design. This AD will affect about 228 airplanes of U.S. registry. The actions will take about 4 work hours per airplane, at an average labor rate of $65 per work hour. Required parts will cost about $185 per airplane. Based on these figures, the estimated cost of the AD for U.S. operators is $101,460, or $445 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005–06–10 Boeing: Amendment 39–14018. Docket No. FAA–2004–19493; Directorate Identifier 2004–NM–69–AD.

Effective Date

(a) This AD becomes effective April 25, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 767–200, –300, and –300F series airplanes;

certificated in any category; equipped with General Electric and Pratt and Whitney engines; as identified in Boeing Service Bulletin 767–54–0107, Revision 1, dated December 18, 2003.

Unsafe Condition

(d) This AD was prompted by discovery during production that a section of vapor barrier seal was missing from the spar web cavities of the upper aft struts of both wings. We are issuing this AD to prevent flammable fluids from leaking onto parts of a hot exhaust system of a shut-down engine of an airplane on the ground, which could result in ignition of the flammable fluids and an uncontained fire. This could also lead to an emergency evacuation of the airplane and possible injury to passengers.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Installation of Seal

(f) Within 60 months after the effective date of this AD, replace the inboard fairing seal common to the vapor barrier seal of each strut assembly with a new inboard fairing seal in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–54–0107, Revision 1, dated December 18, 2003.

Seal Installations Accomplished Per Previous Issue of Service Bulletin

(g) Seal installations accomplished in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–54–0107, dated January 16, 2003, are considered acceptable for compliance with the corresponding action specified in this AD.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(i) You must use Boeing Service Bulletin 767–54–0107, Revision 1, dated December 18, 2003, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124 2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW, room PL–401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 9, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5387 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–20060; Airspace Docket No. 05–ACE–2]

Modification of Class E Airspace; Rolla, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: This document confirms the effective date of the direct final rule which revises Class E airspace at Rolla, MO.

DATES: *Effective Date:* 0901 UTC, May 12, 2005.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA published this direct final rule with a request for comments in the **Federal Register** on February 7, 2005 (70 FR 6334). The FAA uses the direct final rulemaking procedure for a non-controversial rule where the FAA believes that there will be no adverse public comment. This direct final rule advised the public that no adverse comments were anticipated, and that unless a written adverse comment, or a written notice of intent to submit such an adverse comment, were received within the comment period, the regulation would become effective on May 12, 2005. No adverse comments were received, and thus this notice confirms that this direct final rule will become effective on that date.

Issued in Kansas City, MO on March 7, 2005.

Anthony D. Roetzel,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–5440 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

RIN 1218–AB51

Fire Protection in Shipyard Employment; Approval of Information Collection Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule; announcement of the Office of Management and Budget (OMB) approval of information collection requirements.

SUMMARY: OSHA is announcing that the collections of information contained in the Fire Protection in Shipyard Employment Standard (29 CFR part 1915, subpart P) have been approved by OMB under the Paperwork Reduction Act of 1995. The OMB approval number is 1218–0248.

DATES: Effective March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Todd Owen, OSHA, Directorate of Standards and Guidance, Room N3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION: OSHA published a final rule for Fire Protection in Shipyard Employment on September 15, 2004, at 69 FR 55668 to provide increased protection for shipyard employment workers from the hazards of fire on vessels and vessel sections and at related land-side facilities. The final rule became effective on December 14, 2004. As required by the Paperwork Reduction Act of 1995, the **Federal Register** notice for the final rule stated that compliance with the collection of information requirements was not required until those collections of information had been approved by OMB and until the Department of Labor published a notice in the **Federal Register** announcing the OMB control number assigned by OMB. Under 5 CFR 1320.5(b), an agency may not conduct or sponsor a collection of information unless: (1) The collection of information displays a currently valid OMB control number; and (2) the agency informs the potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

On September 19, 2004, the Agency submitted the Fire Protection in

Shipyard Employment (29 CFR part 1915, subpart P) information collection request to OMB for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). On November 30, 2004, OMB approved the collections of information and assigned OMB Control Number 1218–0248. The approval for the collection expires on November 30, 2007. The approved collections of information are:

1915.501—General Provisions

Paragraph (d)(1) Multi-employer worksites, Host employer responsibilities.

Paragraph (d)(2) Multi-employer worksites, Contract employer responsibilities.

1915.502—Fire Safety Plan

Paragraph (a) Employer responsibilities (to create a fire safety plan).

Paragraph (b) Plan elements.

Paragraph (c) Reviewing the plan with employees.

Paragraph (d) Additional employer requirements.

1915.504—Fire Watches

Paragraph (a) Written fire watch policy.

1915.505—Fire Response

Paragraph (a) Employer responsibilities (written fire response policy).

Paragraph (b) Required written policy information.

Paragraph (d) Organization of internal fire response functions.

1915.506—Hazards of Fixed Extinguishing Systems on Board Vessels and Vessel Sections

Paragraph (b) Requirements for automatic and manual systems.

1915.507—Land-Side Fire Protection Systems

Paragraph (c) General requirements for fixed extinguishing systems.

1915.508—Training

Paragraph (a) Training Frequency.

Paragraph (b) Training for all employees.

Paragraph (c) Additional training requirements for employees expected to fight incipient stage fires.

Paragraph (d) Additional training requirements for employees designated to perform fire response activities.

Paragraph (e) Additional training requirements for employees assigned to fire watch duty.

Paragraph (f) Records.

List of Subjects in 29 CFR Part 1915

Reporting and recordkeeping requirements.

Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this document. The authority for this document is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed in Washington, DC on March 15, 2005.

Jonathan L. Snare,

Acting Assistant Secretary of Labor.

■ Accordingly, the Occupational Safety and Health Administration amends 29 CFR part 1915, as set forth below.

PART 1915—[AMENDED]

■ 1. The authority citation for part 1915 continues to read in part as follows:

Authority: § 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2002 (67 FR 65008) as applicable.

* * * * *

■ 2. In § 1915.8, the table is amended by adding the entries for the following sections, in numerical order, to read as follows:

§ 1915.8 OMB Control numbers under the Paperwork Reduction Act

* * * * *

1915.501(d)	1218–0248
1915.502(a)	1218–0248
1915.502(b)	1218–0248
1915.502(c)	1218–0248
1915.502(d)	1218–0248
1915.504(a)	1218–0248
1915.505(a)	1218–0248
1915.505(b)	1218–0248
1915.505(d)	1218–0248
1915.506(b)	1218–0248
1915.507(c)	1218–0248
1915.508(a)	1218–0248
1915.508(b)	1218–0248
1915.508(c)	1218–0248
1915.508(d)	1218–0248
1915.508(e)	1218–0248
1915.508(f)	1218–0248

* * * * *

[FR Doc. 05–5500 Filed 3–18–05; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF EDUCATION

34 CFR Parts 606, 607, 611, 637, 648, 656, 657, 658, 660, 661, 662, 663, 664, and 669

Higher Education Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: These final regulations remove all references to points in the selection criteria the Department of Education (Department) uses to evaluate applications submitted under the higher education discretionary grant programs. We are taking this action because the current point assignments are outdated and do not permit sufficient flexibility to establish important program objectives. Taking this action allows us that flexibility and ensures that grant awards are made to high quality applicants.

The final regulations also remove the requirement that in competitions for grants under the Partnership and Teacher-Recruitment components of the Teacher Quality Enhancement Grants Program, the Secretary hold a two-stage competition in which applicants must submit a pre-application and a full application. The current structure did not prove effective in producing high quality applications for this program. Removing the requirement for a pre-application reduces burden on applicants and the Department and allows both to target their resources on the full application stage.

There are some amendments in these final regulations that are purely technical corrections to the regulations.

DATES: These regulations are effective April 20, 2005.

FOR FURTHER INFORMATION CONTACT: Lorraine Kennedy, U.S. Department of Education, 1990 K Street, NW., room 8018, Washington, DC 20006–8544. Telephone: (202) 502–7762. Pamela Maimer, U.S. Department of Education, 1990 K Street, NW., room 8014, Washington, DC 20006–8544. Telephone: (202) 502–7704.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to either contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: On December 22, 2004, the Secretary

published a notice of proposed rulemaking (NPRM) for 34 CFR parts 606, 607, 611, 637, 648, 656, 657, 658, 660, 661, 662, 663, 664, and 669 in the **Federal Register** (69 FR 76636). In the preamble of the NPRM, the Secretary discussed on pages 76636 and 76637 the major changes proposed to the current regulations. These are as follows:

- The Secretary proposed removing the mandatory point values from the selection criteria in the regulations associated with the application process for discretionary grant programs. These amendments provide the Secretary with the flexibility to select specific point values from year to year to address current priorities for the programs.
- The Secretary also proposed amending 34 CFR part 611, which governs the Teacher Quality Enhancement Grants (TQE) program. This amendment makes discretionary the existing requirement that in competitions for grants under the program's Partnership and Teacher-Recruitment components, the Secretary conduct a two-stage process for selecting applicants involving the submission and review of pre-applications and full applications.

There were no differences between the NPRM and these final regulations.

Analysis of Comments

In response to the Secretary's invitation in the NPRM, the Department did not receive any comments on the changes to the TQE program. Several parties submitted comments on the proposed regulations regarding removal of mandatory point values. An analysis of the comments follows.

Generally, we do not address technical and other minor changes—and suggested changes the law does not authorize the Secretary to make.

Analysis of Comments and Changes

Comments: Several commenters believed that the elimination of points will result in some institutions being denied the opportunity to compete for grants because they will not have enough time to prepare because of the change.

Discussion: The Secretary does not agree that eliminating specific point values from the regulations will reduce the opportunity for potential grantees to compete for grants. The regulations continue to specify the criteria used in making the grants in each program. Moreover, the points to be awarded for each criteria will be specified in a **Federal Register** notice or in the application package, which will be available in enough time for potential applicants to prepare their applications.

Change: None.

Comment: Several commenters wrote that eliminating points from the criteria will result in a reduced focus on institutions that serve disadvantaged students or programs that serve a particular group.

Discussion: The Secretary understands the concerns of the commenters. We do not believe that the proposed change will lead to reduced focus on institutions that serve disadvantaged students or particular groups of students. Removing point values from the regulations does not change the selection criteria or otherwise change the focus of the programs.

Change: None.

Comment: Several commenters stated that the elimination of points would result in a preference for four-year institutions over two-year institutions.

Discussion: We have no reason to believe that the removal of points from the regulations will result in a preference for four-year institutions over two-year institutions in grant awards. The selection criteria will remain the same, so the removal of points will not effect the selection of applicants.

Change: None.

Executive Order 12866

1. Potential Costs and Benefits

We have reviewed these final regulations in accordance with Executive Order 12866. Under the terms of the order we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering these programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these final regulations, we have determined that the benefits regulations justify the costs.

We have also determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

2. Summary of Potential Costs and Benefits

We discussed the potential costs and benefits of these final regulations in the preamble to the NPRM in the section titled **SUPPLEMENTARY INFORMATION**.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have a significant economic impact on a substantial number of small entities. Small entities affected by these regulations are small institutions of higher education. The changes will not have a significant economic impact on the institutions affected.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. We display the valid OMB control numbers assigned to collections of information in these final regulations at the end of the affected sections of the regulations.

Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

List of Subjects

34 CFR Parts 606 and 607

Colleges and universities, Grant programs—education, Reporting and recordkeeping requirements.

34 CFR Part 611

Colleges and universities, Elementary and secondary education, Grant programs—education.

34 CFR Part 637

Colleges and universities, Educational study programs, Equal educational opportunity, Grant programs—education, Reporting and recordkeeping requirements, Science and technology, Women.

34 CFR Part 648

Colleges and universities, Grant programs—education, Reporting and recordkeeping requirements, Scholarships and fellowships.

34 CFR Part 656

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements.

34 CFR Part 657

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements, Scholarships and fellowships.

34 CFR Part 658

Colleges and universities, Cultural exchange programs, Educational study programs, Grant programs—education.

34 CFR Part 660

Colleges and universities, Cultural exchange programs, Educational Research, Educational study programs, Grant programs—education.

34 CFR Part 661

Business and industry, Colleges and universities, Educational study programs, Grant programs—education, Student aid.

34 CFR Part 662

Colleges and universities, Educational Research, Educational study programs, Grant programs—education, Scholarships and fellowships.

34 CFR Part 663

Colleges and universities, Educational Research, Educational study programs, Grant programs—education, Scholarships and fellowships, Teachers.

34 CFR Part 664

Colleges and universities, Educational Research, Educational study programs, Grant programs—education, Teachers.

34 CFR Part 669

Colleges and universities, Educational Research, Educational study programs, Grant programs—education, Reporting and recordkeeping requirements, Teachers.

Dated: March 16, 2005.

Sally L. Stroup,

Assistant Secretary for Postsecondary Education.

■ For the reasons discussed in the preamble, the Secretary amends parts 606, 607, 611, 637, 648, 656, 657, 658, 660, 661, 662, 663, 664, and 669 of title 34 of the Code of Federal Regulations as follows:

PART 606—DEVELOPING HISPANIC-SERVING INSTITUTIONS PROGRAM

■ 1. The authority citation for part 606 continues to read as follows:

Authority: 20 U.S.C. 1101 *et seq.*, unless otherwise noted.

■ 2. Section 606.20 is amended by—
■ A. Revising paragraph (b);
■ B. In paragraph (c)(1), removing the words ''scores at least 50 points'' and adding, in their place, the words ''meets the requirements''; and
■ C. Removing paragraph (c)(2)(i) and redesignating paragraphs (c)(2)(ii) and (c)(2)(iii) as paragraphs (c)(2)(i) and (c)(2)(ii), respectively.

The revision reads as follows:

§ 606.20 How does the Secretary choose applications for funding?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 3. Section 606.21 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 606.21 What are the selection criteria for planning grants?

The Secretary evaluates an application for a planning grant on the basis of the criteria in this section.

* * * * *

■ 4. Section 606.22 is amended by—
■ A. Revising the introductory text;
■ B. Removing all of the parentheticals that end in ''points)'';
■ C. In paragraphs (a)(1) and (a)(2), removing the punctuation ''.''; and
■ D. In paragraph (a)(3), adding the word ''and'' after the punctuation '';''.

The revision reads as follows:

§ 606.22 What are the selection criteria for development grants?

The Secretary evaluates an application for a development grant on the basis of the criteria in this section.

* * * * *

■ 5. Section 606.23 is amended by—
■ A. Removing all of the parentheticals that end in ''point)''; and
■ B. Revising the introductory text of paragraphs (a) and (b) to read as follows:

§ 606.23 What special funding consideration does the Secretary provide?

(a) If funds are available to fund only one additional planning grant and each of the next fundable applications has received the same number of points under § 606.20 or 606.21, the Secretary awards additional points, as provided in the application package or in a notice published in the **Federal Register**, to any of those applicants that—

* * * * *

(b) If funds are available to fund only one additional development grant and each of the next fundable applications has received the same number of points under § 606.20 or 606.22, the Secretary awards additional points, as provided in the application package or in a notice published in the **Federal Register**, to any of those applicants that—

* * * * *

PART 607—STRENGTHENING INSTITUTIONS PROGRAM

■ 6. The authority citation for part 607 continues to read as follows:

Authority: 20 U.S.C. 1507–1509c, 1066–1069f, unless otherwise noted.

■ 7. Section 607.20 is amended by—
■ A. Removing paragraph (c) and redesignating paragraphs (b)(1) and (2) as paragraphs (c)(1) and (2), respectively;
■ B. In redesignated paragraph (c)(2), removing the reference to ''(b)(1)'' and adding, in its place, the reference ''(c)(1)'';
■ C. Adding a new paragraph (b); and
■ D. Revising paragraph (d).

The addition and revision read as follows:

§ 607.20 How does the Secretary choose applications for funding?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

(d) The Secretary considers funding an application for a development grant that—

(1) Is submitted with a comprehensive development plan that satisfies all the elements required of such a plan under § 607.8; and

(2) In the case of an application for a cooperative arrangement grant, demonstrates that the grant will enable each eligible participant to meet the goals and objectives of its comprehensive development plan better

and at a lower cost than if each eligible participant were funded individually.

* * * * *

■ 8. Section 607.21 is amended by—

■ A. Removing all of the parentheticals that end in ''points)''; and

■ B. Revising the introductory text to read as follows:

§ 607.21 What are the selection criteria for planning grants?

The Secretary evaluates an application for a planning grant on the basis of the criteria in this section.

* * * * *

■ 9. Section 607.22 is amended by—

■ A. Revising the introductory text;

■ B. Removing all of the parentheticals that end in ''points)'';

■ C. In paragraphs (a)(1) and (a)(2), removing the punctuation ''.''; and

■ D. In paragraph (a)(3), adding the word ''and'' after the punctuation '';''.

The revision reads as follows:

§ 607.22 What are the selection criteria for development grants?

The Secretary evaluates an application for a development grant on the basis of the criteria in this section.

* * * * *

■ 10. Section 607.23 is amended by—

■ A. Removing all of the parentheticals that end in ''point)''; and

■ B. Revising the introductory text of paragraphs (a) and (b) to read as follows:

§ 607.23 What special funding consideration does the Secretary provide?

(a) If funds are available to fund only one additional planning grant and each of the next fundable applications has received the same number of points under § 607.20 or 607.21, the Secretary awards additional points, as provided in the application package or in a notice published in the **Federal Register**, to any of those applicants that—

* * * * *

(b) If funds are available to fund only one additional development grant and each of the next fundable applications has received the same number of points under § 607.20 or 607.22, the Secretary awards additional points, as provided in the application package or in a notice published in the **Federal Register**, to any of those applicants that—

* * * * *

PART 611—TEACHER QUALITY ENHANCEMENT GRANTS PROGRAM

■ 11. The authority citation for part 611 continues to read as follows:

Authority: 20 U.S.C. 1021 *et seq.* and 1024(e), unless otherwise noted.

§ 611.2 [Amended]

■ 12. Section 611.2 is amended by, in paragraph (a), removing the words ''paragraphs (a)(1), (a)(2)(iii), or (a)(3)(iii) of § 611.3'' and adding, in their place, the words ''paragraphs (a)(1), (a)(2)(i)(B), (a)(2)(ii), (a)(3)(i)(B), or (a)(3)(ii) of § 611.3''.

■ 13. Section 611.3 is amended by—

■ A. Revising paragraphs (a)(2) and (a)(3); and

■ B. In paragraph (b), removing the words ''paragraphs (b)(2)(ii) and (b)(3)(ii)'' and adding, in their place, the words ''paragraphs (a)(2)(i)(A) and (a)(3)(i)(A)''.

The revisions read as follows:

§ 611.3 What procedures does the Secretary use to award a grant?

* * * * *

(a) * * *

(2) For the Partnership Grants Program, the Secretary may use a two-stage application process to determine which applications to fund.

(i) If the Secretary uses a two-stage application process, the Secretary uses—

(A) The selection criteria in §§ 611.21 through 611.22 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(B) For those applicants invited to submit full applications, the selection criteria and competitive preference in §§ 611.23 through 611.25 to evaluate the full program applications.

(ii) If the Secretary does not use a two-stage application process, the Secretary uses the selection criteria and competitive preference in §§ 611.23 through 611.25 to evaluate applications.

(3) For the Teacher Recruitment Grants Program, the Secretary may use a two-stage application process to determine which applications to fund.

(i) If the Secretary uses a two-stage application process, the Secretary uses—

(A) The selection criteria in § 611.31 to evaluate pre-applications submitted for new grants, and to determine those applicants to invite to submit full program applications; and

(B) For those applicants invited to submit full applications, the selection criteria in § 611.32 to evaluate the full program applications.

(ii) If the Secretary does not use a two-stage application process, the Secretary uses the selection criteria in § 611.32 to evaluate applications.

* * * * *

PART 637—MINORITY SCIENCE AND ENGINEERING IMPROVEMENT PROGRAM

■ 14. The authority citation for part 637 continues to read as follows:

Authority: 20 U.S.C. 1067–1067c, 1067g–1067k, 1068, 1068b, unless otherwise noted.

■ 15. Section 637.31 is amended by—

■ A. Revising paragraph (b); and

■ B. Removing paragraph (c) and redesignating paragraphs (d)(1), (2), and (3) as paragraphs (c)(1), (2), and (3), respectively.

The revision reads as follows:

§ 637.31 How does the Secretary evaluate an application?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 16. Section 637.32 is amended by—

■ A. Revising the introductory text;

■ B. Removing all of the parentheticals that end in ''points)'';

■ C. In paragraph (a)(2)(v), removing the parenthetical ''(See EDGAR 34 CFR 75.581)'' and adding, in its place, the parenthetical ''(See 34 CFR 75.580)''.

■ D. In paragraph (b)(2)(iv), removing the word ''groups'' the second time it appears and adding, in its place, the word ''group'';

■ E. In paragraph (d)(1), removing the parenthetical ''(See EDGAR 34 CFR 75.590—Evaluation by the grantee; where applicable)'' and adding, in its place, the parenthetical ''(See 34 CFR 75.590)'';

■ F. Removing the authority citation that appears immediately before paragraph (f); and

■ G. Revising paragraph (f)(2)(iii).

The revisions read as follows:

§ 637.32 What selection criteria does the Secretary use?

The Secretary evaluates applications on the basis of the criteria in this section.

* * * * *

(f) * * *

(2) * * *

(iii) Involvement of appropriate individuals, especially science faculty, in identifying the institutional needs.

* * * * *

PART 648—GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

■ 17. The authority citation for part 648 continues to read as follows:

Authority: 20 U.S.C. 1135–1135ee, unless otherwise noted.

■ 18. Section 648.30 is amended by—
■ A. Revising paragraph (b); and
■ B. Removing paragraph (c).
The revision reads as follows:

§ 648.30 How does the Secretary evaluate an application?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 19. Section 648.31 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 648.31 What selection criteria does the Secretary use?

The Secretary evaluates an application on the basis of the criteria in this section.

* * * * *

PART 656—NATIONAL RESOURCE CENTERS PROGRAM FOR FOREIGN LANGUAGE AND AREA STUDIES OR FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

■ 20. The authority citation for part 656 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

■ 21. Section 656.20 is amended by revising paragraph (b) to read as follows:

§ 656.20 How does the Secretary evaluate an application?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 22. Section 656.21 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 656.21 What selection criteria does the Secretary use to evaluate an application for a comprehensive Center?

The Secretary evaluates an application for a comprehensive Center on the basis of the criteria in this section.

* * * * *

■ 23. Section 656.22 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 656.22 What selection criteria does the Secretary use to evaluate an application for an undergraduate Center?

The Secretary evaluates an application for an undergraduate Center on the basis of the criteria in this section.

* * * * *

PART 657—FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS PROGRAM

■ 24. The authority citation for part 657 continues to read as follows:

Authority: 20 U.S.C. 1122, unless otherwise noted.

■ 25. Section 657.20 is amended by—
■ A. In paragraph (a), adding the word ''institutional'' before the word ''application''; and
■ B. Revising paragraph (b) to read as follows:

§ 657.20 How does the Secretary evaluate an institutional application for an allocation of fellowships?

* * * * *

(b) The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 26. Section 657.21 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Adding introductory text to read as follows:

§ 657.21 What criteria does the Secretary use in selecting institutions for an allocation of fellowships?

The Secretary evaluates an institutional application for an allocation of fellowships on the basis of the criteria in this section.

* * * * *

PART 658—UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAM

■ 27. The authority citation for part 658 continues to read as follows:

Authority: 20 U.S.C. 1124, unless otherwise noted.

■ 28. Section 658.30 is revised to read as follows:

§ 658.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application from an institution of higher education or a combination of such institutions on the basis of the criteria in §§ 658.31 and 658.32. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(b) The Secretary evaluates an application from an agency or organization or professional or scholarly association on the basis of the criteria in §§ 658.31 and 658.33. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1124)

■ 29. Section 658.31 is amended by—
■ A. Removing the parentheticals ''(10)'' and ''(5)'' each time they appear; and
■ B. Revising the introductory text to read as follows:

§ 658.31 What selection criteria does the Secretary use?

The Secretary evaluates an application for a project under this program on the basis of the criteria in this section.

* * * * *

■ 30. Section 658.32 is amended by—
■ A. Removing the parentheticals ''(15)'' and ''(10)'' each time they appear; and
■ B. Revising the introductory text to read as follows:

§ 658.32 What additional criteria does the Secretary apply to institutional applications?

In addition to the criteria referred to in § 658.31, the Secretary evaluates an application submitted by an institution of higher education or a combination of such institutions on the basis of the criteria in this section.

* * * * *

■ 31. Section 658.33 is amended by—
■ A. In paragraph (a), removing the parenthetical ''(30)''; and
■ B. Revising the introductory text to read as follows:

§ 658.33 What additional criterion does the Secretary apply to applications from organizations and associations?

In addition to the criteria referred to in § 658.31, the Secretary evaluates an application submitted by an organization or association on the basis of the criterion in this section.

* * * * *

PART 660—THE INTERNATIONAL RESEARCH AND STUDIES PROGRAM

■ 32. The authority citation for part 660 continues to read as follows:

Authority: 20 U.S.C. 1125, unless otherwise noted.

■ 33. Section 660.30 is revised to read as follows:

§ 660.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a research project, a study, or a survey on the basis of the criteria in §§ 660.31 and 660.32. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(b) The Secretary evaluates an application for the development of specialized instructional materials on the basis of the criteria in §§ 660.31 and 660.33. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1125)

■ 34. Section 660.31 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 660.31 What selection criteria does the Secretary use for all applications for a grant?

The Secretary evaluates an application for a project under this program on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 35. Section 660.32 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 660.32 What additional selection criteria does the Secretary use for an application for a research project, a survey, or a study?

In addition to the criteria referred to in § 660.31, the Secretary evaluates an application for a research project, study, or survey on the basis of the criteria in this section.

* * * * *

■ 36. Section 660.33 is amended by—
■ A. Removing all of the parentheticals that end in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 660.33 What additional selection criteria does the Secretary use for an application to develop specialized instructional materials?

In addition to the criteria referred to in § 660.31, the Secretary evaluates an application to develop specialized instructional materials on the basis of the criteria in this section.

* * * * *

PART 661—BUSINESS AND INTERNATIONAL EDUCATION PROGRAM

■ 37. The authority citation for part 661 continues to read as follows:

Authority: 20 U.S.C. 1130–1130b, unless otherwise noted.

■ 38. Section 661.30 is revised to read as follows:

§ 661.30 How does the Secretary evaluate an application?

The Secretary evaluates an application for a grant under this program on the basis of the criteria in § 661.31. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1130a)

■ 39. Section 661.31 is amended by—
■ A. Removing all of the parentheticals that end in ''points)'';
■ B. In paragraph (e), adding the punctuation ''.'' after the word ''resources''; and
■ C. Revising the introductory text to read as follows:

§ 661.31 What selection criteria does the Secretary use?

The Secretary evaluates an application for a grant under this program on the basis of the criteria in this section.

* * * * *

PART 662—FULBRIGHT-HAYS DOCTORAL DISSERTATION RESEARCH ABROAD FELLOWSHIP PROGRAM

■ 40. The authority citation for part 662 continues to read as follows:

Authority: Section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

■ 41. Section 662.21 is amended by—
■ A. Removing all of the parentheticals that end in ''points)'' and removing the parentheticals ''(10)'', ''(15)'', and ''(5)'' wherever they appear;
■ B. In paragraph (c)(2), removing the word ''a''; and
■ C. Revising paragraph (a) to read as follows:

§ 662.21 What criteria does the Secretary use to evaluate an application for a fellowship?

(a) *General.* The Secretary evaluates an application for a fellowship on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

PART 663—FULBRIGHT-HAYS FACULTY RESEARCH ABROAD FELLOWSHIP PROGRAM

■ 42. The authority citation for part 663 continues to read as follows:

Authority: Sec. 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), 22 U.S.C. 2452(b)(6), unless otherwise noted.

■ 43. Section 663.21 is amended by—
■ A. Removing all of the parentheticals that end in ''points)'' and removing the parentheticals ''(10)'', ''(15)'', and ''(5)'' wherever they appear; and
■ B. Revising paragraph (a) to read as follows:

§ 663.21 What criteria does the Secretary use to evaluate an application for a fellowship?

(a) *General.* The Secretary evaluates an application for a fellowship on the basis of the criteria in this section. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

PART 664—FULBRIGHT-HAYS GROUP PROJECTS ABROAD FELLOWSHIP PROGRAM

■ 44. The authority citation for part 664 continues to read as follows:

Authority: 22 U.S.C. 2452(b)(6), unless otherwise noted.

■ 45. Section 664.30 is amended by—
■ A. Revising paragraph (a);
■ B. Removing paragraph (b); and
■ C. Redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

The revision reads as follows:

§ 664.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application for a Group Project Abroad on the basis of the criteria in § 664.31. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

* * * * *

■ 46. Section 664.31 is amended by—
■ A. Removing all of the parentheticals that end in ''points).'' and removing the parenthetical that ends in ''points)''; and
■ B. Revising the introductory text to read as follows:

§ 664.31 What selection criteria does the Secretary use?

The Secretary uses the criteria in this section to evaluate applications for the purpose of recommending to the J. William Fulbright Foreign Scholarship Board Group Projects Abroad for funding under this part.

* * * * *

PART 669—LANGUAGE RESOURCE CENTERS PROGRAM

■ 47. The authority citation for part 669 continues to read as follows:

Authority: 20 U.S.C. 1123, unless otherwise noted.

■ 48. Section 669.20 is revised to read as follows:

§ 669.20 How does the Secretary evaluate an application?

The Secretary evaluates an application for an award on the basis of the criteria contained in §§ 669.21 and 669.22. The Secretary informs applicants of the maximum possible score for each criterion in the application package or in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1123)

■ 49. Section 669.21 is amended by—

■ A. Removing all of the parentheticals that end in ''points)'';

■ B. In paragraph (c), removing the symbol ''§''; and

■ C. Revising the introductory text to read as follows:

§ 669.21 What selection criteria does the Secretary use?

The Secretary evaluates an application on the basis of the criteria in this section.

* * * * *

[FR Doc. 05–5547 Filed 3–18–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AT46

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2005–06 Subsistence Taking of Fish and Shellfish Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2005–06 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. This rulemaking replaces the fish and shellfish taking regulations included in the ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2004 Subsistence Taking of Fish and Wildlife Regulations,'' which expire on March 31, 2005. This rule also amends the Customary and Traditional Use Determinations of the Federal Subsistence Board (Section ____.24 of Subpart C).

DATES: Sections ____.24(a)(2) and (3) are effective April 1, 2005. Sections ____.27 and ____.28 are effective April 1, 2005, through March 31, 2006.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In 1978, the State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114). On January 8, 1999 (64 FR 1276), the Departments extended jurisdiction to include waters in which there exists a Federal reserved water right. This amended rule conformed the Federal Subsistence Management Program to the Ninth Circuit's ruling in *Alaska* v. *Babbitt.* Consistent with Subparts A, B, and C of these regulations as revised May 7, 2002 (67 FR 30559), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participated in the development of regulations for Subparts A, B, and C, and the annual Subpart D regulations.

All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 apply to regulations found in this subpart.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 and 242.22 (2002) and 50 CFR 100.11 and 100.22 (2002), and for the purposes identified therein, we divide Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to exercise a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils had a substantial role in reviewing the proposed rule (69 FR 5105, February 3, 2004) and making recommendations for this final rule. Moreover, the Council Chairs, or their designated representatives, presented their Council's recommendations at the Board meeting of January 11–13, 2005.

Summary of Changes

Section ____.24 (Customary and traditional use determinations) was originally published in the **Federal Register** (57 FR 22940) on May 29, 1992. Since that time, the Board has made a number of Customary and Traditional Use Determinations at the request of impacted subsistence users. Those modifications, along with some administrative corrections, were last published in the **Federal Register** on February 3, 2004 (69 FR 5105). During its January 11–13, 2005, meeting, the Board made new determinations in addition to various annual season and harvest limit changes. The public has had extensive opportunity to review and comment on all changes. Additional details on the recent Board modifications are contained below in Analysis of Proposals Adopted by the Board.

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations are also subject to an annual review process providing for modification each year. We published proposed Subpart D regulations for the 2005–06 seasons, harvest limits, and methods and means on February 3, 2004, in the **Federal Register** (69 FR 5105). A 45-day comment period providing for public review of the proposed rule and calling for proposals was advertised by mail, radio, and newspaper. During that period, the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. The Board received a total of 30 proposals for changes to Customary and Traditional Use Determinations or to Subpart D. Subsequent to the review period, the Board prepared a booklet describing the proposals and distributed it to the public. The public had an additional 30 days in which to comment on the proposals for changes to the regulations. The 10 Regional Councils then met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. One of the proposals was not considered, being withdrawn before Board consideration. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments on the remaining proposals.

Analysis of Proposals Rejected by the Board

The Board rejected 11 proposals. With one exception, all of these actions were based on recommendations from at least one Regional Council.

The Board rejected one proposal that requested significant restrictions on the exercise of customary trade. The Board rejected this proposal as an unnecessary restriction on subsistence users.

One proposal requested us to restrict the size of gillnets in the Yukon River. This proposal was rejected because it would have resulted in Federal regulations that are more restrictive than State regulations and the Board viewed it as an unnecessary restriction on subsistence users.

One proposal to establish a 6-day fall chum salmon season in Subdistrict 5D was rejected based on conservation concerns and the ability of in-season managers to protect salmon runs for long-term subsistence opportunities.

The Board rejected two proposals requesting revisions to the subsistence fishing schedule for the Yukon and Kuskokwim Rivers. The Board rejected these proposals because the current fishing schedules are a result of a coordinated effort by users and government bodies to rebuild depressed salmon stocks and are for the long-term benefit of all users. Additionally, in-season managers already have the authority to relax schedules when run strength is adequate to allow additional harvest.

The Board rejected one proposal that would have removed the requirement for a Federal subsistence fishing permit for steelhead in the Yakutat Fishery Management Area. This proposal was rejected because the Board cited a need to have harvest data on a resource that is vulnerable to overharvest.

The Board rejected one proposal contrary to the recommendation of the Regional Council in order to prevent detrimental impacts to subsistence users from harassment when taking resources for ceremonial purposes and in order to assure long-term conservation of the resources being used.

Two proposals rejected by the Board related to the incidental take of fish in the Southeastern Alaska Area. The Board viewed these proposals as serving no useful purpose, addressing no conservation concerns, being confusing to the users, and generally being unenforceable.

The Board rejected one proposal that would have removed a closure restriction in the Kutlaku Lake area. This proposal was rejected because of a continuing conservation concern for the sockeye salmon stocks of this system.

The Board rejected one proposal that would have placed additional harvest restrictions on steelhead in southeast Alaska. This proposal was rejected because the Board sees no immediate conservation concern for steelhead and thus the proposal would have placed unnecessary restrictions on subsistence users.

Analysis of Proposals Adopted by the Board

The Board adopted 17 proposals. A number of proposals dealing with the same issue were dealt with as a package. Some proposals were adopted as submitted and others were adopted with modifications suggested by the respective Regional Council or developed during the Board's public deliberations.

All of the adopted proposals were recommended for adoption by at least one of the Regional Councils and were based on meeting customary and traditional uses, conforming with harvest practices, or protecting fish populations. Detailed information

relating to justification for the action on each proposal may be found in the Board meeting transcripts, available for review at the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska, or on the Office of Subsistence Management Web site (*http://alaska.fws.gov/asm/home.html*). Additional technical clarifications and removal of excess or duplicative text have been made, which result in a more readable document.

In the Cook Inlet Fishery Management Area, we corrected the text to prohibit the use of gillnets in freshwater. This action is necessary to protect populations of rainbow trout, steelhead, and other freshwater species susceptible to over harvest and was addressed in a Correcting Amendment published June 28, 2000 (65 FR 39815). Through an administrative error, we failed to carry through with this correction in later rulemaking documents. There is no impact on subsistence users because no one uses a gillnet to fish for smelt in freshwater in this area.

In the final rule, we deleted the reference to the Holitna River in §____.27(h)(4) because the Holitna River is not within jurisdiction as identified in §____.3(b). Similarly, we also deleted reference to Tuxedni Bay in §____.24(a)(3). An opinion by the Department of the Interior Solicitor's Office concluded that the boundaries of the Alaska Maritime National Wildlife Refuge do not extend below mean high tide and that those waters are not within Federal jurisdiction as identified in §____.3. When questions of jurisdiction are brought to our attention, we immediately review the issue and make any appropriate modifications to our regulations as we have done here. In addition, we revised the regulations pertaining to specific management areas as follows:

Yukon-Northern Fishery Management Area

The Board adopted one proposal affecting residents of the Yukon-Northern Fishery Management Area, resulting in the following change to the regulations found in §____.27.

- Established a drift gillnet fishery for king salmon in Districts 4B and 4C of the Yukon River.

Kuskokwim Fishery Management Area

The Board adopted two proposals affecting residents of the Kuskokwim Fishery Management Area, resulting in the following changes to the regulations found in §____.24.

- Revised the customary and traditional use determination for rainbow trout.

Bristol Bay Fishery Management Area

The Board adopted one proposal affecting residents of the Bristol Bay Fishery Management Area, resulting in the following change to the regulations found in §____.27.

- Removed the permit requirement when harvesting char and rainbow trout.

Prince William Sound Fishery Management Area

The Board adopted five proposals affecting residents of the Prince William Sound Fishery Management Area, resulting in the following changes to the regulations found in §§____.24 and _____.27.

- Established customary and traditional use determinations for eulachon in portions of the fishery management area.
- Revised the customary and traditional use determination for salmon in the Chitina and Glennallen Subdistricts of the fishery management area.
- Established limits on the amount of salmon that may be sold in customary trade in the Upper Copper River District.

Additionally, the Board concurred in the correction of an administrative error relative to restrictions on the taking of salmon in the Prince William Sound Area.

Southeastern Alaska Fishery Management Area

The Board adopted nine proposals affecting residents of the Southeastern Alaska Fishery Management Area, resulting in the following changes to the regulations found in §____.27.

- Revised regulations to allow fishing with rod and reel within 300 feet of a fish ladder unless posted by the USDA Forest Service.
- Specified specific gear types allowable for the taking of salmon and steelhead.
- Established harvest limits for sockeye salmon.
- Clarified that there are generally no harvest limits for pink or chum salmon.
- Established regulations for a southeast Alaska steelhead fishery.
- Provided for the use of handlines for snagging for salmon and steelhead. Established a definition of snagging.
- Allowed the accumulation of subsistence harvest limits with sport harvest limits.
- Simplified the coho salmon harvest regulations, removed the annual harvest limit, and removed the prohibition on retaining incidentally-caught trout and sockeye salmon.
- Provided harvest regulations for cutthroat trout, rainbow trout, Dolly Varden, grayling, and brook trout.

Additionally, following consultation with the Transboundary Panel and the Pacific Salmon Commission, the Board has implemented regulations for the subsistence harvest of chinook and coho salmon in the Stikine River.

Administrative Procedure Act Compliance

The Board finds that additional public notice under the Administrative Procedure Act (APA) for this final rule is unnecessary and contrary to the public interest. The Board has provided extensive opportunity for public input and involvement in excess of standard APA requirements, including participation in multiple Regional Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Board's decision on any particular proposal for regulatory change. Over the 12 years the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of regulations. A lapse in regulatory control could seriously affect the continued viability of fish and shellfish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(d) to make this rule effective less than 30 days after publication.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory

cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, implemented Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940, published May 29, 1992; amended January 8, 1999, 64 FR 1276; June 12, 2001, 66 FR 31533; and May 7, 2002, 67 FR 30559) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available by contacting the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with the concurrence of the Secretary of Agriculture, determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and has therefore signed a Finding of No Significant Impact.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and assigned OMB control number 1018–0075, which expires August 31, 2006. We may not conduct or sponsor, and you are not required to respond to, a collection of information request unless it displays a currently valid OMB control number.

Other Requirements

Regulatory Planning and Review (Executive Order 12866)—In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action subject to OMB review. OMB makes this determination. This action will not have an annual economic effect of $100 million or adversely affect any economic sector, productivity, competition, jobs, the environment, or other units of government. Therefore, a cost-benefit and economic analysis is not required. This action will not create inconsistencies with other agencies' actions or otherwise interfere with an action taken or planned by another agency. This action will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This action will not raise novel legal or policy issues.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant economic effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as tackle, boat, and gasoline dealers. The number of small entities affected is unknown; however, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that the effects will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, we estimate that 24 million pounds of fish (including 8.3 million pounds of salmon) are harvested by the local subsistence users annually and, if given a dollar value of $3.00 per pound for salmon (**Note:** $3.00 per pound is much higher than the current commercial value for salmon) and $0.58 per pound for other fish, would equate to about $34 million in food value Statewide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over wildlife resources on Federal lands.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), 512 DM 2, and E.O. 13175, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not a significant regulatory action under Executive Order 13211, affecting energy supply, distribution, or use, this action is not a significant action and no Statement of Energy Effects is required.

Drafting Information

William Knauer drafted these regulations under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Rod Simmons, Alaska Regional Office, U.S. Fish and Wildlife Service; Bob Gerhard, Alaska Regional Office, National Park Service; Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs; and Steve Kessler, USDA-Forest Service, provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

■ For the reasons set out in the preamble, the Federal Subsistence Board amends Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, ____.24(a)(2) and (3) are revised to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(2) *Fish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
KOTZEBUE AREA	All fish	Residents of the Kotzebue Area.
NORTON SOUND-PORT CLARENCE AREA:		
Norton Sound-Port Clarence Area, waters draining into Norton Sound between Point Romanof and Canal Point.	All fish	Residents of Stebbins, St. Michael, and Kotlik.
Norton Sound-Port Clarence Area, remainder.	All fish	Residents of the Norton Sound-Port Clarence Area.
YUKON-NORTHERN AREA:		
Yukon River drainage	Salmon, other than fall chum salmon	Residents of the Yukon River drainage and the community of Stebbins.
Yukon River drainage	Fall chum salmon	Residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper bay, and Chevak.
Yukon River drainage	Freshwater fish (other than salmon)	Residents of the Yukon-Northern Area.
Remaider of the Yukon-Northern Area	All fish	Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26–B.
KUSKOKWIM AREA	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.
	Rainbow trout	Residents of the communities of Akiachak, Akiak, Aniak, Atmautluak, Bethel, Chuathbaluk, Crooked Creek, Eek, Goodnews Bay, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Platinum, Quinhagak, Tuluksak, Tuntutuliak, and Upper Kalskag.
	Pacific cod	Resident of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.
	All other fish other than herring	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.
Waters around Nunivak Island	Herring and herring roe	Residents within 20 miles of the coast between the westernmost tip of the Naskonat Peninsula and the terminus of the Ishowik River and on Nunivak Island.
BRISTOL BAY AREA:		
Nushagak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichak District-Naknek River drainage.	Salmon and freshwater fish	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichak District-Kvichak/Iliamna-Lake Clark drainage.	Salmon and freshwater fish	Residents of the Kvichak/Iliamna-Lake Clark drainage.

Area	Species	Determination
Togiak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
Egegik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of South Naknek, the Egegik District and freshwater drainages flowing into the district.
Ugashik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Ugashik District and freshwater drainages flowing into the district.
Togiak District	Herring spawn on kelp	Residents of the Togiak District and freshwater drainages flowing into the district.
Remainder of the Bristol Bay Area	All fish	Residents of the Bristol Bay Area.
ALEUTIAN ISLANDS AREA	All fish	Residents of the Aleutian Islands Area and the Pribilof Islands.
ALASKA PENINSULA AREA	Halibut	Residents of the Alaska Peninsula Area and the communities of Ivanof Bay and Perryville.
	All other fish in the Alaska Peninsula Area.	Residents of the Alaska Peninsula Area.
CHIGNIK AREA	Halibut, salmon and fish other than rainbow/steelhead trout.	Residents of the Chignik Area.
KODIAK AREA—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52′ North latitude) mid-stream Shelikof Strait, and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (57°1′22″ North latitude 156°20′30″ West longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
Kodiak Area	Fish other than rainbow/steelhead trout and salmon.	Residents of the Kodiak Area.
COOK INLET AREA	Fish other than salmon, Dolly Varden, trout, char, grayling, and burgot.	Residents of the Cook Inlet Area.
	Salmon, Dolly Varden, trout, char, grayling, and burbot.	No Determination.
PRINCE WILLIAM SOUND AREA:		
Southwestern District and Green Island	Salmon	Residents of the Southwestern District, which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.
North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
Copper River drainage upstream from Haley Creek.	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass and along the Nebesna Road.
Gulkana National Wild and Scenic River	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Cooper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Chitina Subdistrict of the Upper Copper River District.	Salmon	Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

Area	Species	Determination
Glennallen Subdistrict of the Upper Copper River District.	Salmon	Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, Tok and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.	Salmon	Residents of Mentasta Lake and Dot Lake.
Remainder of the Prince William Sound Area	Salmon	Residents of the Prince William Sound Area.
Waters of the Bering River area from Point Martin to Cape Suckling.	Eulachon	Residents of Cordova.
Waters of the Copper River Delta from the Eyak River to Point Martin.	Eulachon	Residents of Cordova, Chenega Bay, and Tatitlek.
YAKUTAT AREA:		
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden, steelhead trout, and smelt	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Remainder of the Yakutat Area	Dolly Varden, trout, smelt, and eulachon	Residents of Southeastern Alaska and Yakutat
SOUTHEASTERN ALASKA AREA:		
District 1—Section 1E in waters of the Naha River and Roosevelt Lagoon.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
District 1—Section 1F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
Districts 2, 3, and 5 and waters draining into those Districts.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage.
District 5—North of a line from Point Barrie to Boulder Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 6 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage; residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 7 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 8 and waters draining into that District.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into Districts 7 & 8, residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island), and residents of Meyers Chuck.
District 9—Section 9A	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9B north of the latitude of Swain Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.

Area	Species	Determination
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30′ West longitude, including Killisnoo Island.
District 13—Section 13A south of the latitude of Cape Edward.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13B north of the latitude of Redfish Cape.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C east of the longitude of Point Elizabeth.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30′ West longitude, including Killisnoo Island.
District 14—Section 14B and 14C	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.
Remainder of the Southeastern Alaska Area	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.

(3) *Shellfish determinations*. The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
BERING SEA AREA	All shellfish	Residents of the Bering Sea Area.
ALASKA PENINSULA—ALEUTIAN ISLANDS AREA.	Shrimp, Dungeness, king, and Tanner crab.	Residents of the Alaska Peninsula-Aleutian Islands Area.
KODIAK AREA	Shrimp, Dungeness, and Tanner crab	Residents of the Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough, except those residents on the Kodiak Coast Guard base.
COOK INLET AREA:		
Federal waters in the Tuxedni Bay Area within the boundaries of Lake Clark National Park.	Shellfish	Residents of Tuxedni Bay, Chisik Island, and Tyonek.
PRINCE WILLIAM SOUND AREA	Shrimp, clams, Dungeness, king, and Tanner crab.	Residents of the Prince William Sound Area.
SOUTHEASTERN ALASKA—YAKUTAT AREA:		
Section 1E south of the latitude of Grant Island light.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 1F north of the latitude of the northernmost tip of Mary Island, waters of Boca de Quadra.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 3A and 3B	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	Residents of the Southeast Area.

* * * * *

■ 3. In Subpart D of 36 CFR part 242 and 50 CFR part 100, ____.27 and ____.28 are added effective March 1, 2005, through March 31, 2006, to read as follows:

§ ____.27 Subsistence taking of fish.

(a) *Applicability*. (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.

(2) You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative, except as modified by regulations in § ____.27(i). This means that if you have taken the harvest limit for a particular species under a

subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

(b) [*Reserved*].

(c) *Methods, means, and general restrictions.* (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;
(ii) A drift gillnet;
(iii) A purse seine;
(iv) A hand purse seine;
(v) A beach seine;
(vi) Troll gear;
(vii) A fish wheel;
(viii) A trawl;
(ix) A pot;
(x) A longline;
(xi) A fyke net;
(xii) A lead;
(xiii) A herring pound;
(xiv) A dip net;
(xv) Jigging gear;
(xvi) A mechanical jigging machine;
(xvii) A handline;
(xviii) A cast net;
(xix) A rod and reel; and
(xx) A spear.

(2) You must include an escape mechanism on all pots used to take fish or shellfish. The escape mechanisms are as follows:

(i) A sidewall, which may include the tunnel, of all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of 6 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, or the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(ii) All king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots may, instead of complying with paragraph (c)(2)(i) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least 6 inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed-release device, designed to release in no more than 30 days in saltwater, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed-release device. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) For subsistence fishing for salmon, you may not use a gillnet exceeding 50 fathoms in length, unless otherwise specified in this section. The gillnet web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(5) You may not use live nonindigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fishwheel facing midstream of the river.

(7) You may use kegs or buoys of any color but red on any permitted gear, except in the following areas where kegs or buoys of any color, including red, may be used:

(i) Yukon-Northern Area; and
(ii) Kuskokwim Area.

(8) You must have your first initial, last name, and address plainly and legibly inscribed on each keg, buoy, stakes attached to gillnets, stakes identifying gear fished under the ice, and any other unattended fishing gear which you use to take fish for subsistence uses.

(9) You may not use explosives or chemicals to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) *Transactions between rural residents.* Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade to rural residents may not exceed $500.00 annually.

(ii) Upper Copper River District—The total number of salmon per household taken within the Upper Copper River District and exchanged in customary trade to rural residents may not exceed 50% of the annual harvest of salmon by the household. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.

(12) *Transactions between a rural resident and others.* In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $500.00 annually. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording

requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(13) *No sale to, nor purchase by, fisheries businesses.*

(i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

(14) Except as provided elsewhere in this section, you may not take rainbow/steelhead trout.

(15) You may not use fish taken for subsistence use or under subsistence regulations in this part as bait for commercial or sport fishing purposes.

(16) [Reserved].

(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types;

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(18) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish for subsistence uses at any time.

(19) Provisions on ADF&G subsistence fishing permits that are more restrictive or in conflict with the provisions contained in this section do not apply to Federal subsistence users.

(20) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which harvest limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally taken subsistence fish.

(21) The taking of fish from waters within Federal jurisdiction is authorized outside of published open seasons or harvest limits if the harvested fish will be used for food in traditional or religious ceremonies that are part of funerary or mortuary cycles, including memorial potlatches, provided that:

(i) Prior to attempting to take fish, the person (or designee) or Tribal Government organizing the ceremony contacts the appropriate Federal fisheries manager to provide the nature of the ceremony, the parties and/or clans involved, the species and the number of fish to be taken, and the Federal waters from which the harvest will occur;

(ii) The taking does not violate recognized principles of fisheries conservation, and uses the methods and means allowable for the particular species published in the applicable Federal regulations (the Federal fisheries manager will establish the number, species, or place of taking if necessary for conservation purposes);

(iii) Each person who takes fish under this section must, as soon as practical, and not more than 15 days after the harvest, submit a written report to the appropriate Federal fisheries manager, specifying the harvester's name and address, the number and species of fish taken, and the date and locations of the taking; and

(iv) No permit is required for taking under this section; however, the harvester must be eligible to harvest the resource under Federal regulations.

(d) [*Reserved*].

(e) *Fishing permits and reports.* (1) You may take salmon only under the authority of a subsistence fishing permit, unless a permit is specifically not required in a particular area by the subsistence regulations in this part, or unless you are retaining salmon from your commercial catch consistent with paragraph (f) of this section.

(2) The U.S. Fish and Wildlife Service Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

(3) If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

(ii) You must obtain the permit prior to fishing;

(iii) You must have the permit in your possession and readily available for inspection while fishing or transporting subsistence-taken fish;

(iv) If specified on the permit, you must record, prior to leaving the harvest site, daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and

(v) If the return of catch information necessary for management and conservation purposes is required by a fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances. You must also return any tags or transmitters that have been attached to fish for management and conservation purposes.

(f) *Relation to commercial fishing activities.* (1) If you are a Federally-qualified subsistence user who also commercial fishes, you may retain fish for subsistence purposes from your lawfully-taken commercial catch.

(2) When participating in a commercial and subsistence fishery at the same time, you may not use an

amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) You may not possess, transport, give, receive, or barter subsistence-taken fish or their parts which have been taken contrary to Federal law or regulation or State law or regulation (unless superseded by regulations in this part).

(h) [*Reserved*]

(i) *Fishery management area restrictions.* (1) *Kotzebue Area.* The Kotzebue Area includes all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(i) You may take fish for subsistence purposes without a permit.

(ii) You may take salmon only by gillnets, beach seines, or a rod and reel.

(iii) In the Kotzebue District, you may take sheefish with gillnets that are not more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a stretched-mesh size larger than 7 inches.

(iv) You may not obstruct more than one-half the width of a stream, creek, or slough with any gear used to take fish for subsistence uses, except from May 15 to July 15 and August 15 to October 31 when taking whitefish or pike in streams, creeks, or sloughs within the Kobuk River drainage and from May 15 to October 31 in the Selawik River drainage. Only one gillnet 100 feet or less in length with a stretched-mesh size from 2½ to 4½ inches may be used per site. You must check your net at least once in every 24-hour period.

(2) *Norton Sound-Port Clarence Area.* The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Point Romanof, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish at any time in the Port Clarence District.

(ii) In the Norton Sound District, you may take fish at any time except as follows:

(A) In Subdistricts 2 through 6, if you are a commercial fishermen, you may not fish for subsistence purposes during the weekly closures of the State commercial salmon fishing season, except that from July 15 through August 1, you may take salmon for subsistence purposes 7 days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a stretched-mesh size that does not exceed 4½ inches, and with beach seines;

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8 a.m. Monday until 8 p.m. Saturday.

(iii) You may take salmon only by gillnets, beach seines, fishwheel, or a rod and reel.

(iv) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, jigging gear, spear, lead, or a rod and reel.

(v) In the Unalakleet River from June 1 through July 15, you may not operate more than 25 fathoms of gillnet in the aggregate nor may you operate an unanchored gillnet.

(vi) You must have a subsistence fishing permit for net fishing in all waters from Cape Douglas to Rocky Point.

(vii) Only one subsistence fishing permit will be issued to each household per year.

(3) *Yukon-Northern Area.* The Yukon-Northern Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° West longitude, including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in §____.27(i)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4B and 4C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(iv) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6 p.m. Sunday until 6 p.m. Tuesday.

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(vi) In Districts 1, 2, 3, and Subdistrict 4A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vii) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(viii) In Subdistrict 4A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take chinook salmon during the State commercial fishing season, with drift gillnet gear only, from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday.

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;

(B) Bonanza Creek;

(C) Jim River including Prospect and Douglas Creeks.

(x) You may not subsistence fish in the Delta River.

(xi) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June

15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(xii) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xiv) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the State commercial salmon fishing season using gillnets with stretched-mesh larger than 6-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;

(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take chinook salmon during the last 18-hour period of the weekly regulatory opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

(xvi) Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the State commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time, for commercial, personal use, and subsistence purposes;

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms and each drift gillnet may not exceed 50 fathoms in length;

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other operating commercial use, personal use, or subsistence fishing gear except that, at the site approximately 1 mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the ''Slide,'' you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear, and in District 4, from Old Paradise Village upstream to a point 4 miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(D) During the State commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods;

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure from June 15 through September 15.

(xvii) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xviii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

(xix) Only one subsistence fishing permit will be issued to each household per year.

(xx) In Districts 1, 2, and 3, you may not possess chinook salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xxi) In the Yukon River drainage, chinook salmon must be used primarily for human consumption and may not be targeted for dog food. Dried chinook salmon may not be used for dogfood anywhere in the Yukon River drainage. Whole fish unfit for human consumption (due to disease, deterioration, deformities), scraps, and small fish (16 inches or less) may be fed to dogs. Also, whole chinook salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may be fed to dogs:

(A) After July 10 in the Koyukuk River drainage;

(B) After August 10, in Subdistrict 5D, upstream of Circle City.

(4) *Kuskokwim Area.* The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, you may not take salmon for 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period for District 1.

(iv) In District 1, Kuskokuak Slough, from June 1 through July 31 only, you may not take salmon for 16 hours before and during each State open commercial salmon fishing period in the district.

(v) In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period in each district.

(vi) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon by net gear or fishwheel for 16 hours before or during, and for 6 hours after each open commercial salmon fishing period in the district. You may subsistence fish for salmon with rod and reel 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by this paragraph (i)(4) of this section.

(vii) You may not take subsistence fish by nets in the Goodnews River east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before or during,

and for 6 hours after each State open commercial salmon fishing period.

(viii) You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.

(ix) You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.

(x) You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Holitna, Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(xi) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xii) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.

(xiii) You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.

(xiv) Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.

(xv) The maximum depth of gillnets is as follows:

(A) Gillnets with 6-inch or smaller stretched-mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch stretched-mesh may not be more than 35 meshes in depth.

(xvi) You may take halibut only by a single handheld line with no more than two hooks attached to it.

(xvii) You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.

(xviii) You may take rainbow trout only in accordance with the following restrictions:

(A) You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;

(B) You may not use gillnets, dip nets, or fyke nets for targeting rainbow trout from March 15 through June 15;

(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes;

(D) There are no harvest limits with handline, spear, rod and reel, or jigging.

(5) Bristol Bay Area. The Bristol Bay Area includes all waters of Bristol Bay, including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) In all State commercial salmon districts, from May 1 through May 31 and October 1 through October 31, you may subsistence fish for salmon only from 9 a.m. Monday until 9 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, you may take salmon only during State open commercial salmon fishing periods.

(iii) In the Egegik River from 9 a.m. June 23 through 9 a.m. July 17, you may take salmon only during the following times: from 9 a.m. Tuesday to 9 a.m. Wednesday and from 9 a.m. Saturday to 9 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.

(v) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(vi) Within any district, you may take salmon, herring, and capelin by drift and set gillnets only.

(vii) Outside the boundaries of any district, you may take salmon by set gillnet only, except that you may also take salmon by spear in the Togiak River, excluding its tributaries.

(viii) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(ix) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(x) You must stake and buoy each set gillnet. Instead of having the identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(xi) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xii) During State closed commercial herring fishing periods, you may not use gillnets exceeding 25 fathoms in length for the subsistence taking of herring or capelin.

(xiii) You may take fish other than salmon, herring, capelin, and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may take salmon only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit for salmon may be issued to each household per year.

(xvi) In the Togiak River section and the Togiak River drainage, you may not possess coho salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(xvii) You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are 2 per day/2 in possession with no size limit from April 10 through October 31 and 5 per day/5 in possession with no size limit from November 1 through April 9.

(xviii) If you take rainbow trout incidentally in other subsistence net fisheries, or through the ice, you may retain them for subsistence purposes.

(6) *Aleutian Islands Area.* The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36′ North latitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, except as may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(D) Waters of McLees Lake and its tributaries and outlet stream;

(E) All freshwater on Adak Island and Kagalaska Island in the Adak District.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all waters of Alaska on the north side of the Alaska peninsula southwest of a line from Cape Menshikof (57°28.34′ North latitude, 157°55.84′ West longitude) to Cape Newenham (58°39.00′ North latitude, 162° West longitude) and east of the longitude of Cape Sarichef Light (164°55.70′ West longitude) and on the south side of the Alaska Peninsula from a line extending from Scotch Cape through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55°33.98′ North latitude, 159°35.88′ West longitude).

(i) You may take fish, other than salmon, rainbow/steelhead trout, or char, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time except within 24 hours before and within 12 hours following each State open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(v) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(x) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(8) *Chignik Area.* The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for 3 miles from a point near Kilokak Rocks at 57°10.34′ North latitude, 156°20.22′ West longitude (the longitude of the southern entrance to Imuya Bay) then due south, and a line extending 135°southeast from Kupreanof Point at 55°33.98′ North latitude, 159°35.88′ West longitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take salmon in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(v) If you hold a commercial fishing license, you may not subsistence fish for salmon from 48 hours before the first State commercial salmon fishing opening in the Chignik Area through September 30.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake you may not use purse seines.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(x) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(9) *Kodiak Area.* The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°51.10′ North latitude), west of 150° West longitude, north of 55°30.00′ North latitude, and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57°10.34′ North latitude, 156°20.22′ West longitude (the longitude of the southern entrance of Imuya Bay), then due south.

(i) You may take fish other than salmon, rainbow/steelhead trout, char, bottomfish, or herring at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before or during, and for 24 hours

after any State open commercial salmon fishing period. The use of skiffs from any type of vessel is allowed;

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets, and you may have no other type of salmon gear on board the vessel.

(iii) You may not subsistence fish for salmon in the following locations:

(A) Womens Bay closed waters—all waters inside a line from the tip of the Nyman Peninsula (57°43.23′ North latitude, 152°31.51′ West longitude), to the northeastern tip of Mary's Island (57°42.40′ North latitude, 152°32.00′ West longitude), to the southeastern shore of Womens Bay at 57°41.95′ North latitude, 152°31.50′ West longitude;

(B) Buskin River closed waters—all waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80′ North latitude, 152°28.38′ West longitude, to a point offshore at 57°45.35′ North latitude, 152°28.15′ West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15′ North latitude, 152°28.65′ West longitude;

(C) All waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek;

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island.

(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.

(vi) You must record on your subsistence permit the number of subsistence fish taken. You must complete the record immediately upon landing subsistence-caught fish, and must return it by February 1 of the year following the year the permit was issued.

(vii) You may take fish other than salmon and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

(x) You may take halibut only by a single handheld line with not more than two hooks attached to it.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(10) *Cook Inlet Area.* The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58°51′06″ North latitude) and a line extending south from Cape Fairfield (148°50′15″ West longitude).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take grayling or burbot for subsistence purposes.

(iii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section).

(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56).

(v) You may only take smelt with dip nets in fresh water from April 1 through June 15. There are no harvest or possession limits for smelt.

(vi) Gillnets may not be used in freshwater, except for the taking of whitefish in the Tyone River drainage.

(11) *Prince William Sound Area.* The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon.

(ii) You may take fish by gear listed in paragraph (c)(1) of this part unless restricted in this section or under the terms of a subsistence fishing permit.

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas. You may accumulate harvest limits of salmon authorized for the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations.

(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.

(vi) Rainbow/steelhead trout and other freshwater fish caught incidentally to salmon by fish wheel in the Upper Copper River District may be retained.

(vii) Freshwater fish other than rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District may be retained. Rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District must be released unharmed to the water.

(viii) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit, or rainbow/steelhead trout caught incidentally to salmon by fishwheel, unless the anal (ventral) fin has been immediately removed from the fish. You must immediately record all retained fish on the subsistence permit. Immediately means prior to concealing the fish from plain view or transporting the fish more than 50 feet from where the fish was removed from the water.

(ix) You may take salmon in the Upper Copper River District from May 15 through September 30 only.

(x) The total annual harvest limit for subsistence salmon fishing permits in combination for the Glennallen Subdistrict and the Chitina Subdistrict is as follows:

(A) For a household with 1 person, 30 salmon, of which no more than 5 may be chinook salmon taken by dip net and no more than 5 chinook taken by rod and reel;

(B) For a household with 2 persons, 60 salmon, of which no more than 5 may be chinook salmon taken by dip net and no more than 5 chinook taken by rod and reel, plus 10 salmon for each additional person in a household over 2 persons, except that the household's limit for chinook salmon taken by dip net or rod and reel does not increase;

(C) Upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with 1 person, of which no more than 5 may be chinook salmon taken by dip net and no more than 5 chinook taken by rod and reel, or no more than a total of 500 salmon for a permit issued to a

household with 2 or more persons, of which no more than 5 may be chinook salmon taken by dip net and no more than 5 chinook taken by rod and reel.

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year;

(B) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(C) You must return your permit no later than October 31 of the year in which the permit is issued, or you may be denied a permit for the following year;

(D) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by Section ____.27(i)(11) and during fishing operations;

(E) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(F) You must personally operate your fish wheel or dip net;

(G) You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) If you are a fishwheel owner:

(A) You must register your fish wheel with ADF&G or the Federal Subsistence Board;

(B) Your registration number and a wood, metal, or plastic plate at least 12 inches high by 12 inches wide bearing either your name and address, or your Alaska driver's license number, or your Alaska State identification card number in letters and numerals at least 1 inch high, must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water;

(C) Only the current year's registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel;

(D) You are responsible for the fish wheel; you must remove the fish wheel from the water at the end of the permit period;

(E) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain.

(xiii) If you are operating a fishwheel:

(A) You may operate only one fish wheel at any one time;

(B) You may not set or operate a fish wheel within 75 feet of another fish wheel;

(C) No fish wheel may have more than two baskets;

(D) If you are a permittee other than the owner, you must attach an additional wood, metal, or plastic plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, to the fish wheel so that the name and address are plainly visible.

(xiv) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xiv):

(A) The permit will list all households and household members for whom the fish wheel is being operated. The permit will identify a person who will be responsible for each fish wheel in a similar manner to a fish wheel owner as described in paragraph (i)(11)(xii) of this section;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or Federal Subsistence Board when households are added to the list, and the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization are not eligible for a separate household subsistence fishing permit for the Upper Copper River District;

(D) The permit will include provisions for recording daily catches for each fish wheel; location and number of fish wheels; full legal name of the individual responsible for the lawful operation of each fish wheel as described in paragraph (i)(11)(xii) of this section; and other information determined to be necessary for effective resource management.

(xv) You may take salmon in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit available from the National Park Service under the following conditions:

(A) You may take salmon only in those waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek;

(B) You may use only fish wheels, dip nets, and rod and reel on the Copper River and only dip nets, spears, and rod and reel in Tanada Creek;

(C) You may take salmon only from May 15 through September 30 or until the season is closed by special action;

(D) You may retain chinook salmon taken in a fishwheel in the Copper River. You may not take chinook salmon in Tanada Creek;

(E) You must return the permit to the National Park Service no later than October 15.

(xvi) You may take pink salmon for subsistence purposes from freshwater with a dip net from May 15 until September 30, 7 days per week, with no harvest or possession limits in the following areas:

(A) Green Island, Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island, and adjacent islands, and the mainland waters from the outer point of Granite Bay located in Knight Island Passage to Cape Fairfield;

(B) Waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.

(12) *Yakutat Area.* The Yakutat Area includes all waters and drainages of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Yakutat Area.

(ii) You may not take salmon during the period commencing 48 hours before a State opening of commercial salmon net fishing season and ending 48 hours after the closure. This applies to each river or bay fishery individually.

(iii) When the length of the weekly State commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6 a.m. to 6 p.m. on Saturday in that location.

(iv) You may take salmon, trout (other than steelhead), and char only under authority of a subsistence fishing permit. You may take steelhead trout only in the Situk and Ahrnklin Rivers and only under authority of a Federal subsistence fishing permit.

(v) If you take salmon, trout, or char incidentally by gear operated under the terms of a subsistence permit for

salmon, you may retain them for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vi) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gillnet at all times when it is being used to take salmon.

(viii) You may block up to two-thirds of a stream with a gillnet or seine used for subsistence fishing.

(ix) You must remove the dorsal fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) You must possess a subsistence fishing permit to take Dolly Varden. The daily harvest and possession limit is 10 Dolly Varden of any size.

(13) *Southeastern Alaska Area.* The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish other than salmon, trout, grayling, and char in the Southeastern Alaska Area at any time.

(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.

(iii) In the Southeastern Alaska Area, a rainbow trout is defined as a fish of the species Oncorhyncus mykiss less than 22 inches in overall length. A steelhead is defined as a rainbow trout with an overall length of 22 inches or larger.

(iv) Unless otherwise specified in this § ____.27(i)(13), allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

(v) Unless otherwise specified in this § ____.27(i)(13), you may use a handline for snagging salmon or steelhead.

(vi) You may fish with a rod and reel within 300 feet of a fish ladder unless the site is otherwise posted by the USDA Forest Service. You may not fish from, on, or in a fish ladder.

(vii) You may accumulate annual Federal subsistence harvest limits authorized for the Southeastern Alaska Area with harvest limits authorized under State of Alaska sport fishing regulations.

(viii) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your subsistence fishing permit.

(ix) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems within the city limits of Petersburg, Wrangell, and Sitka.

(x) You shall immediately remove the pelvic fins of all salmon when taken.

(xi) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xii) If a harvest limit is not otherwise listed for sockeye in this § ____.27(i)(13), the harvest limit for sockeye salmon is the same as provided for State subsistence or personal use fisheries. If a harvest limit is not established for the State subsistence or personal use fisheries, the possession limit is 10 sockeye and the annual harvest limit is 20 sockeye per household for that stream.

(xiii) For the Salmon Bay Lake system, the daily harvest and season limit per household is 30 sockeye salmon.

(xiv) For Virginia Lake (Mill Creek), the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xv) For Thoms Creek, the daily harvest limit per household is 20 sockeye salmon, and the season limit per household is 40 sockeye salmon.

(xvi) The Sarkar River system above the bridge is closed to the use of all nets by both Federally-qualified and non-Federally qualified users.

(xvii) Only Federally-qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Pillar Bay. In the Falls Lake Bay and Gut Bay drainages, the possession limit is 10 sockeye salmon per household. In the Pillar Bay drainage, the individual possession limit is 15 sockeye salmon with a household possession limit of 25 sockeye salmon.

(xviii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.

(xix) You may take chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household and will be valid for 15 days. Permits may be revalidated for additional 15-day periods. Only dipnets, spears, gaffs, rod and reel, beach seine, or gillnet not exceeding 15 fathoms in length with mesh size no larger than 5½ inches may be used.

(A) You may take chinook salmon from May 15 through June 20. The annual limit is 5 chinook salmon per household.

(B) You may take sockeye salmon from July 1 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 15 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

(xx) You may take coho salmon under the terms of a subsistence fishing permit, except in the Stikine and Taku Rivers. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dipnets, spears, gaffs, handlines, and rod and reel may be used. Bait may only be used from September 15 through November 15.

(xxi) Unless noted on a Federal subsistence harvest permit, there are no harvest limits for pink or chum salmon.

(xxii) Unless otherwise specified in this § ____.27(i)(13), you may take steelhead under the terms of a subsistence fishing permit. The open season is January 1 through May 31. The daily household harvest and possession limit is one with an annual household limit of two. You may only use a dip net, gaff, handline, spear, or rod and reel with artificial lure or fly. You may not use bait. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiii) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, handline, spear, or rod and reel with artificial lure or fly. You may not use bait. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales/Kosciusko Islands has been

reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, handline, spear, or rod and reel with artificial lure or fly. You may not use bait. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiv) In addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout apply:

(A) The daily household harvest and possession limit is 20 Dolly Varden; there is no closed season or size limit;

(B) The daily household harvest and possession limit is 20 brook trout; there is no closed season or size limit;

(C) The daily household harvest and possession limit is 20 grayling; there is no closed season or size limit;

(D) The daily household harvest limit is 6 and the household possession limit is 12 cutthroat or rainbow trout in combination; there is no closed season or size limit;

(E) You may only use a rod and reel with artificial fly or lure unless the use of bait is specifically permited in 5 AAC 47;

(F) The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

§ ____.28 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) [*Reserved*].

(c) You may take shellfish for subsistence uses at any time in any area of the public lands by any method unless restricted by this section.

(d) *Methods, means, and general restrictions.* (1) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear to take shellfish:

(i) Abalone iron;
(ii) Diving gear;
(iii) A grappling hook;
(iv) A handline;
(v) A hydraulic clam digger;
(vi) A mechanical clam digger;
(vii) A pot;
(viii) A ring net;
(ix) A scallop dredge;
(x) A sea urchin rake;
(xi) A shovel; and
(xii) A trawl.

(3) You are prohibited from buying or selling subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) You may not use explosives and chemicals, except that you may use chemical baits or lures to attract shellfish.

(5) Marking requirements for subsistence shellfish gear are as follows:

(i) You must plainly and legibly inscribe your first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except when fishing through the ice, when you may substitute for the keg or buoy a stake inscribed with your first initial, last name, and address inserted in the ice near the hole; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(ii) Kegs or buoys attached to subsistence crab pots also must be inscribed with the name or United States Coast Guard number of the vessel used to operate the pots.

(6) Pots used for subsistence fishing must comply with the escape mechanism requirements found in § ____.27(c)(2).

(7) You may not mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(e) *Taking shellfish by designated harvest permit.* (1) Any species of shellfish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user (beneficiary), you may designate another Federally-qualified subsistence user to take shellfish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman may harvest for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) You may not fish with more than one legal limit of gear as established by this section.

(5) You may not designate more than one person to take or attempt to take shellfish on your behalf at one time. You may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on your behalf.

(f) If a subsistence shellfishing permit is required by this section, the following conditions apply unless otherwise specified by the subsistence regulations in this section:

(1) You may not take shellfish for subsistence in excess of the limits set out in the permit unless a different limit is specified in this section;

(2) You must obtain a permit prior to subsistence fishing;

(3) You must have the permit in your possession and readily available for inspection while taking or transporting the species for which the permit is issued;

(4) The permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) If specified on the permit, you must keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch, and such other information as may be required for management or conservation purposes;

(6) You must complete and submit subsistence fishing reports at the time specified for each particular area and fishery;

(7) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(g) *Subsistence take by commercial vessels.* No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, Tanner crab, or Dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening and ending 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, if you are a commercial fisherman, you may retain shellfish for your own use from your lawfully taken commercial catch.

(h) You may not take or possess shellfish smaller than the minimum legal size limits.

(i) *Unlawful possession of subsistence shellfish.* You may not possess, transport, give, receive, or barter shellfish or their parts taken in violation of Federal or State regulations.

(j) (1) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this section, unless:

(i) The shellfish has been taken with gear deployed and retrieved by the client or guest who is a Federally-qualified subsistence user;

(ii) The gear has been marked with the client's or guest's name and address; and

(iii) The shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(2) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence shellfish fishery when that vessel is being chartered.

(k) *Subsistence shellfish areas and pertinent restrictions.* (1) *Southeastern Alaska-Yakutat Area.* No marine waters are currently identified under Federal subsistence management jurisdiction.

(2) *Prince William Sound Area.* No marine waters are currently identified under Federal subsistence management jurisdiction.

(3) *Cook Inlet Area.* (i) You may take shellfish for subsistence purposes only as allowed in this section (k)(3).

(ii) You may not take king crab, Dungeness crab, or shrimp for subsistence purposes.

(iii) In the subsistence taking of Tanner crab:

(A) Male Tanner crab may be taken only from July 15 through March 15;

(B) The daily harvest and possession limit is 5 male Tanner crabs;

(C) Only male Tanner crabs 5½ inches or greater in width of shell may be taken or possessed;

(D) No more than 2 pots per person, regardless of type, with a maximum of 2 pots per vessel, regardless of type, may be used to take Tanner crab.

(iv) In the subsistence taking of clams:

(A) The daily harvest and possession limit for littleneck clams is 1,000 and the minimum size is 1.5 inches in length;

(B) The daily harvest and possession limit for butter clams is 700 and the minimum size is 2.5 inches in length.

(v) Other than as specified in this section, there are no harvest, possession, or size limits for other shellfish, and the season is open all year.

(4) *Kodiak Area.* (i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a State closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit must specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only male Dungeness crabs with a shell width of 6½ inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the State opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is six crabs per household; only male king crab with shell width of 7 inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) You may only use one crab pot, which may be of any size, to take king crab;

(D) You may take king crab only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab;

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit per person is 12 male crabs with a shell width 5½ inches or greater.

(5) *Alaska Peninsula-Aleutian Islands Area.* (i) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed State commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit must specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(ii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(iii) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crabs per person; only crabs with a shell width of 6½ inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1 through January 31.

(iv) The daily harvest and possession limit is 12 male Tanner crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(6) *Bering Sea Area.* (i) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots, and ring net.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit must specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) In waters south of 60° North latitude, the daily harvest and possession limit is 12 male Dungeness crabs per person.

(iv) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily harvest and possession limit is six male crabs per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° North latitude, you may take crab only from June 1 through January 31;

(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.

(v) In waters south of 60°North latitude, the daily harvest and possession limit is 12 male Tanner crabs.

Dated: January 19, 2005.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

Dated: January 25, 2005.

Steve Kessler,

Subsistence Program Leader, USDA-Forest Service.

[FR Doc. 05–5469 Filed 3–18–05; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[LA–69–2–7617c; FRL–7887–2]

National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correcting amendment.

SUMMARY: EPA is correcting the delegation of standards for national emission standards for hazardous air pollutants which EPA approved as part of the delegation of authority to Louisiana on March 26, 2004. This document corrects an error in the final rule pertaining to the EPA's delegation of national emission standards for hazardous air pollutants for asbestos to Louisiana.

DATES: This amendment is effective on March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Jeff Robinson, (214) 665–6435 or by e-mail at *Robinson.Jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document wherever ''we,'' or ''our'' are used we mean EPA. On March 26, 2004, (69 FR 15687), we published a final rulemaking action announcing the delegation of authority of certain NESHAPs to the Louisiana Department of Environmental Quality. EPA received no public comments on the direct final rule, therefore, the effective date of action was April 26, 2004. Subsequently, the Louisiana Department of Environmental Quality notified EPA that we had not included the delegation of subpart M—Asbestos in the chart detailing the current part 61 standards delegated to Louisiana. The original part 61 delegation to Louisiana occurred on October 14, 1983, with formal notification in the **Federal Register** on February 7, 1984 (49 FR 4471). In the notification, Louisiana was authorized to assume NESHAP partial delegation responsibilities for future standards and requirements. This administrative rulemaking action reflects EPA's delegation of subpart M—Asbestos to Louisiana. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting a historical delegation that occurred in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B). Statutory and Executive Order Reviews Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk

and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of March 21, 2005. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to 40 CFR 61.04(c)(6)(ii) for Louisiana is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Radon, Reporting and recordkeeping requirements, Uranium, Vinyl chloride.

Dated: March 11, 2005.

Richard E. Greene,

Regional Administrator, Region 6.

■ 40 CFR part 61 is amended as follows:

PART 61—[AMENDED]

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 61.04 is amended by revising paragraph (c)(6)(ii) to read as follows:

§ 61.04 Address.

* * * * *

(c) * * *

(6) * * *

(ii) *Louisiana.* The Louisiana Department of Environmental Quality (LDEQ) has been delegated the following Part 61 standards promulgated by EPA, as amended in the **Federal Register** through July 1, 2002. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 61 STANDARDS—STATE OF LOUISIANA [1]

Subpart	LDEQ [2]
A General Provisions	X
C Beryllium	X
D Beryllium Rocket Motor Firing	X
E Mercury	X
J Equipment Leaks of Benzene	X
L Benzene Emissions from Coke By-Product Recovery Plants	X
M Asbestos	X
N Inorganic Arsenic Emissions from Glass Manufacturing Plants	X
O Inorganic Arsenic Emissions from Primary Copper Smelters	X
P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities	X
V Equipment Leaks	X
Y Benzene Emissions from Benzene Storage Vessels	X
BB Benzene Emissions from Benzene Transfer Operations	X
FF Benzene Emissions from Benzene Waste Operations	X

[1] Program delegated to Louisiana Department of Environmental Quality (LDEQ).

[2] Authorities which may not be delegated include: § 61.04(b), Addresses of State and Local Implementing Agencies; § 61.12(d)(1), Compliance with Standards and Maintenance Requirements, Alternate Means of Emission Limitation; § 61.13(h), Major Change to an Emissions Test; § 61.14(g), Major Modifications to Monitoring Requirements; § 61.16, Availability of Information Procedures; § 61.53(c)(4), List of Approved Design, Maintenance, and Housekeeping Practices for Mercury Chlor-Alkali Plants; and all authorities identified within specific subparts (*e.g.*, under ''Delegation of Authority'') that cannot be delegated.

* * * * *

[FR Doc. 05–5518 Filed 3–18–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 400, 403, 411, 417, 423

CMS–4068–F2

RIN 0938–AN08

Medicare Program; Medicare Prescription Drug Benefit; Interpretation

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; interpretation.

SUMMARY: This final rule modifies or clarifies our interpretations in several areas of the final rule titled ''Medicare Prescription Drug Benefit'' published in the **Federal Register** on January 28, 2005. First, it clarifies our interpretation of ''entity'', to respond to inquiries we received subsequent to the publication of the Prescription Drug Benefit (Part D) final rule on January 28, 2005. We were asked whether a joint enterprise could be considered an ''entity'' under section 1860D–12(a)(1) of the Social Security Act (the Act), for purposes of offering a prescription drug plan (PDP). Our interpretation is discussed in the Supplementary Information section of this final rule.

Second, also subsequent to the publication of the Prescription Drug Benefit (Part D) final rule on January 28, 2005, we received inquiries from parties about our discussion of the actuarial equivalence standard and the manner in which an employee health plan sponsor could apply the aggregate net value test in the regulatory text of the final rule. Our interpretation is discussed in the ''Provisions'' section of this final rule.

In addition, subsequent to publishing the August 3, 2004 proposed rule (69 FR 46684), we received comments on how the late enrollment penalty would be coordinated with the late enrollment penalty for Part B, and whether the one percent penalty would be sufficient to control for adverse selection. We clarify in the Provisions section of this final rule that the example given in the proposed rule, published on August 3, 2004, did not accord with the proposed or final regulatory language because it did not account for the fact that the base beneficiary premium increases on an annual basis. To remedy this error and in response to comments received on the proposed rule, we provide an interpretation that as the base beneficiary premium increases, the late enrollment penalty must also increase, and is in keeping with how the Part B penalty is calculated.

Finally, we are providing clarifying language related to transitioning Part D enrollees from their prior drug coverage to their new Part D plan coverage.

The Medicare Prescription Drug Benefit final rule will take effect on March 22, 2005. Our interpretations are deemed to be included in that final rule.

DATES: *Effective Date:* These interpretations are effective on March 22, 2005.

FOR FURTHER INFORMATION CONTACT: Tracey McCutcheon, (410) 786–6715.

SUPPLEMENTARY INFORMATION:

I. Background and Clarification of ''Entity''

Subsequent to the publication of the Medicare Prescription Drug Benefit (Part D) final rule on January 28, 2005 (70 FR 4194), we have received inquiries from parties interested in offering a prescription drug plan (PDP) concerning what organizational requirements they must meet in order to be eligible to offer such a plan. Several health plans, each licensed by a State as a risk-bearing entity, have inquired as to whether they could jointly enter into a contract with us to offer a single PDP in a multistate region. The participating health plans would contract with each other to create a single ''joint enterprise.'' They have asked us whether such a joint enterprise could be considered an ''entity'' under section 1860D–12(a)(1) of the Act, for purposes of offering a PDP.

The statute generally requires that the ''entity'' be licensed by the State as a risk bearing entity where it offers benefits. The health plans seeking jointly to offer a PDP propose to meet this requirement through the State license each participating health plan holds in the State in which it does business. Each plan would be at risk, and fully responsible, for each PDP enrollee in its State, or portion of a State in which it is licensed and operating. Together, the entire region will be covered by an insurer licensed by the State to bear risk in the State where the enrollee lives.

We have determined that such a joint enterprise could be treated as a single ''entity'' for purposes of offering a PDP, as long as the enterprise as a whole meets all applicable Medicare requirements, and there is no substantive difference between this arrangement and a traditional entity from a Medicare enrollee's perspective. This means that the joint enterprise must, at a minimum: (1) Enter into a single contract under which it was accountable, through its participants individually or in the aggregate, for meeting all applicable Medicare requirements, including, since a regional entity cannot continue to operate in a service area that is less than the entire region, providing us with a description of the contracting entity's plan in the event that one or more parties in the joint enterprise terminates its participation (or is terminated by another party) in the enterprise in a contract year; (2) submit a single bid covering the entire PDP Region, which includes a uniform benefit, uniform cost-sharing, as well as a uniform premium, including how the joint enterprise will allocate risk among the multiple parties in the region; (3) offer a region-wide network of providers that is accessible to all enrollees in the plan, regardless of where in the region they live; (4) market the plan under a single name throughout the region; and (5) provide uniform enrollee customer service and appeal and grievance rights throughout the region. In addition, where the regulations specifically govern the activities of the entity, such as the requirement for fidelity bonds for officers, or certifications associated with receipt of payment, each State-licensed plan comprising the joint enterprise will be required to meet such requirements individually. We will issue operational guidance concerning the process by which we will make payment to these joint enterprise entities. The preamble to the Part D final rule scheduled to take effect on March 22, 2005 is hereby deemed to include the foregoing clarification concerning our interpretation of the word ''entity.'' We may also issue further guidance on how individual requirements (such as, for example, those related to termination, apportionment of liability, and the imposition of sanctions) will apply to joint enterprises and the plans participating in such enterprises.

Requirements for Issuance of Regulations

Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) amended section 1871(a) of the Act and requires the Secretary, in consultation with the Director of the Office of Management and Budget, to establish and publish timelines for the publication of Medicare final regulations based on the previous publication of a Medicare proposed or interim final regulation. Section 902 of the MMA also states that the timelines for these regulations may vary but shall not exceed 3 years after publication of the preceding proposed or interim final regulation except under exceptional circumstances.

This final rule provides, prior to the effective date of the final regulations published on January 28, 2005, interpretations of the final regulations. In addition, this final rule was published within the 3-year time limit imposed by section 902 of the MMA. Therefore, we believe that the final rule is in accordance with the Congress' intent to ensure timely publication of final regulations.

II. Provisions of the Final Regulations

Subsequent to the publication of the Prescription Drug Benefit (Part D) final rule on January 28, 2005, we have received inquiries from parties about our discussion of the actuarial equivalence standard, as applied to a single retiree group health plan with multiple benefit options under § 423.884(d)(5)(iv) of the final rule. Specifically, these parties have inquired as to whether an employee health plan sponsor could apply the aggregate net value test under that rule to a chosen subset of those benefit options that meet the gross value test, rather than to all of them. For the reasons that follow, while we had not considered this option when we drafted the final rule, we find that it will be consistent with the principle of letting the sponsor identify the benefit options to which it wants the net value test applied. We accordingly believe that this option should be added to the two options discussed in the preamble to the final rule.

Section 423.884(d)(5)(iv) of the final rule provides that for a sponsor maintaining employment-based retiree health coverage with two or more benefit options, a sponsor must attest that all benefit options for which the sponsor claims the retiree subsidy separately satisfy the gross value test, and either separately or in the aggregate satisfy the net value test. This establishes the principle that the sponsor can identify the benefit options for which it is potentially seeking a subsidy. After considering the above inquiry, we believe that § 423.884(d)(5)(iv) can be read to permit a sponsor to claim the retiree subsidy for: (1) All benefit options that separately meet the gross value test and the net value test; (2) all benefit options that separately meet the gross value test and in the aggregate meet the net value test; and (3) a subset of the benefit options that separately meet the gross value test and in the aggregate meet the net value test. For example, if a retiree group health plan consists of five benefit options, all of which separately meet the gross value test, the plan could claim the subsidy for: (1) Each of the benefit options that separately meets the net value test; (2) all five benefit options if in the aggregate they meet the net value test; or (3) a subset of the five benefit options if in the aggregate this subset meet the net value test (for example, three of the five benefit options). If a sponsor should choose to aggregate a subset of the benefit options in a plan in order to meet the net value test, it could not collect the subsidy for the remaining options in the plan if the remaining options do not pass the net value test individually or in the aggregate.

In response to comments on the application of the actuarial equivalence

standard to retiree group health plans with multiple benefit options, the preamble to the January 28, 2005 final rule (70 FR 4409) stated that ''the final rule provides sponsors with flexibility by allowing them to choose whether to apply the net prong of the actuarial equivalence test for each benefit option, or to apply the net prong of the actuarial equivalence test on an aggregated basis for all benefit options within a group health plan that satisfy the gross test.'' While we believe that both these options should be available, limiting sponsors to these two options will foreclose sponsors from claiming the retiree subsidy for a subset of the benefit options separately meeting the gross value that in the aggregate meet the net value test (the third option described above). We believe the following statement is a more accurate reflection of our policy of maximizing sponsor choice and flexibility, as reflected in the final rule at § 423.884(d)(5)(iv): ''The final rule provides sponsors with flexibility by allowing them to choose whether to apply the net prong of the actuarial equivalence test for each benefit option, or to apply the net prong of the actuarial equivalence test on an aggregated basis to two or more benefit options within a group health plan that satisfy the gross test and for which the sponsor is claiming the retiree subsidy.'' The preamble to the Part D final rule scheduled to take effect on March 22, 2005 is hereby amended to include the foregoing alternative interpretation in place of that set forth in the final rule published on January 28, 2005 concerning application of the actuarial equivalence standard to employment-based retiree health coverage with multiple benefit options.

We believe our policy, as described in this final rule, is a reasonable extension of the interpretation of section 1860D–22(a)(2)(A) of the Act set forth in the final rule. Section 1860D–22(a)(2)(A) of the Act provides that a sponsor's attestation regarding the actuarial equivalence of the prescription drug coverage under its plan to standard prescription drug coverage under Part D shall be made in accordance with the processes and methods described in section 1860D–11(c) of the Act. As noted elsewhere in the preamble, we interpret section 1860D–11(c) of the Act as providing the Secretary with broad discretion to establish more than one process for determining the actuarial valuation of prescription drug coverage. Moreover, we believe the reference to ''the actuarial value of prescription drug coverage under the [sponsor's] plan'' in section 1860D–22(a)(2)(A) of the Act is ambiguous, and reasonably could be interpreted to mean the actuarial value of a single benefit option or multiple benefit options within the group health plan in the aggregate. At this point in time, we elect not to choose among these reasonable interpretations of section 1860D–22(a)(2)(A) of the Act, and instead provide sponsors with flexibility that will accommodate their offering a wide variety of benefit options for their retirees while promoting our stated goals of maximizing the number of beneficiaries that retain their employer/union-sponsored retiree drug coverage while avoiding windfalls to sponsors.

The final rule at § 423.286(d)(3) contains our formula for calculation of the late enrollment penalty. That section states that for 2006 and 2007 the penalty equals one percent of the base beneficiary premium (computed under § 423.286(c)) ''unless another amount is specified in a separate issuance based on available analysis or other information as determined by the Secretary.'' The same language for § 423.286(d)(3) also was included in the proposed rule published on August 3, 2004. In the proposed rule, at 69 FR 46684, we provided an example stating that if the penalty amount is $.36 per month in 2004, and a beneficiary is subject to 12 months of penalty, the beneficiary will pay an additional $.36 * 12 or $4.32 per month as long as they are enrolled in Part D. We are clarifying in this final rule that the example provided in the proposed rule conflicted with regulatory language and could not be correct because it did not account for the fact that the base beneficiary premium, upon which the penalty is based, changes on an annual basis. Given these changes, the reference to the base beneficiary premium in § 423.286(d) must be read to mean that as the base beneficiary premium changes, the late enrollment penalty, when set at one percent of the amount, also changes. Thus, assuming the one percent rule, the late enrollment penalty for 2007 would be based on the amount of the base beneficiary premium for 2007. In addition, during the comment period on the proposed rule, we received comments asking how the late enrollment penalty would be coordinated with the late enrollment penalty for Part B, and whether a one percent penalty would be sufficient to control for adverse selection. Our clarification also responds to these comments because it ensures that the late enrollment penalty is calculated in a manner that coordinates more properly with the Part B penalty, where the penalty is always a percentage of the current year's premium. Finally, in response to some the commenters' statements that any late enrollment penalty should properly account for adverse selection, the statute provides that the late enrollment penalty is the greater of an actuarially determined amount or one percent for each uncovered month. Given the newness of the program and the lack of data to determine an actuarially based penalty, we are initially implementing the penalty based on the one percent methodology. Once we have sufficient program experience, we will reassess this policy. To the extent that an actuarially determined amount provides a greater disincentive to late enrollment, we will move to that methodology given the statutory requirement that the penalty be the larger amount. The preamble to the Part D final rule scheduled to take effect on March 22, 2005 is hereby deemed to include the foregoing clarification.

In the preamble to the final Medicare Prescription Drug Benefit regulation (FR 70 4194), published on January 28, 2005, we responded to comments on the need expressed by a number of commenters supporting a transition period for beneficiaries, particularly full-benefit dual eligibles who are transitioning to the Medicare Part D benefit from other drug coverage. We responded by agreeing with the commenters that Part D plans should have processes in place to transition current enrollees from their old coverage to their new Part D plan coverage, particularly in cases in which the beneficiary is taking Part D drugs that are not covered on the plan's formulary at time of enrollment. We further responded that ''we envision that the need for such a transition period will be limited for several reasons.'' We would like to clarify what we meant by this latter statement. We did not intend to signal with this statement that there should be a very limited application of, need for or duration of transition plans. What we intended to say is that there are other beneficiary protections in the formulary review and exceptions and appeals processes that would meet some of the same needs.

Instead, we know that there are a variety of circumstances in which a beneficiary will need to be appropriately transitioned from their currently prescribed drugs to alternative drugs covered under the Part D plan's formulary. It is for these special circumstances that we require Part D plans to have an established transition process. To further clarify this transition

issue, we provide a brief discussion of the importance we place on protecting beneficiaries as they transition from a prior plan's drug coverage to a new Part D plan's coverage and an overview of our expectations for Part D plans as they develop their transitions processes.

We strongly believe that this is an important issue not only for beneficiaries during the initial transition to the Medicare drug benefit on January 1, 2006, but also for new enrollees after the initial implementation of the program, and for individuals who switch from one plan to another after implementation of the benefit. We also believe it is important to differentiate the transition process to appropriately address the different needs of beneficiaries moving between treatment settings due to changes in level of care.

As noted in the preamble and in § 423.120(b)(3) of our final rule, Part D plans are required to establish an appropriate transition process for new enrollees who are transitioning to Part D from other prescription drug coverage, and whose current drug therapies may not be included in their Part D plan's formulary. Also as noted in the preamble we will review Part D plans' transition processes. Our proposed approach to evaluating a transition process review is consistent with our intent to provide potential plan sponsors with maximum flexibility to develop their own formularies in order to manage their prescription drug benefit offerings. We expect plans to document how it will ensure that new enrollees, who are stabilized on drugs that are not on the plan's formulary and that are known to have risks associated with any changes in the prescribed regimen, will continue to have access to medically necessary drugs without adverse health consequences. In addition, it is important that the transition process take into account the unique needs of residents of long term care (LTC) facilities enrolling into a new Part D plan, especially given the fact that a large proportion of residents may be dually eligible for both Medicare and full Medicaid benefits, and therefore, could be auto-enrolled into the plan without making an affirmative selection based on the individual's existing treatment needs.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

IV. Waiver of 30-Day Delay in Effective Date

We ordinarily provide an effective date 30 days after the publication of a final rule in the **Federal Register.** We can waive this delay, however, if we find good cause that it is impracticable, unnecessary, or contrary to the public interest, and we incorporate a statement of this finding and the reasons for it in the rule issued. The Medicare Prescription Drug Benefit final rule goes into effect on March 22, 2005. This final rule clarifies our interpretations in several areas that are deemed to be included in the January 28, 2005 final rule. We believe that delaying the effective date of this interpretation would be contrary to the public interest because it would shorten the already tight time frame for the enrollment of health plans into the Part D program. Therefore, we believe it is necessary to have this interpretation of our existing policy take effect at the same time as the Medicare Prescription Drug Benefit final rule. Accordingly, we believe there is good cause to waive the 30-day delay in effective date, and this interpretation will be effective on the effective date of the Medicare Prescription Drug Benefit final rule, March 22, 2005.

V. Regulatory Impact

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any one year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined that this rule will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined that this rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. This rule will have no consequential effect on the governments mentioned or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of E.O. 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 2, 2005.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Approved: March 16, 2005.

Michael O. Leavitt,

Secretary.

[FR Doc. 05–5592 Filed 3–18–05; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 417 and 422

[CMS–4069–F2]

RIN 0938–AN06

Medicare Program; Establishment of the Medicare Advantage Program; Interpretation

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; interpretation.

SUMMARY: This final rule clarifies our interpretation of the meaning of ''entity'' in the final rule titled ''Medicare Program; Establishment of the Medicare Advantage Program'' published in the **Federal Register** on January 28, 2005 (70 FR 4588). Subsequent to the publication of the Medicare Advantage (MA) final rule on January 28, 2005, we have received inquiries from parties interested in offering an MA Regional Plan concerning whether they could jointly enter into a contract with us to offer a single MA Regional Plan in a multistate region. The participating health plans wish to contract with each other to create a single ''joint enterprise.'' They have asked us whether such a joint enterprise could be considered an ''entity'' under sections 1859(a)(1) and 1855(a)(1) of the Social Security Act, for purposes of offering an MA Regional Plan. The MA final rule is scheduled to take effect on March 22, 2005. Our interpretation of the word ''entity'' that follows in the ''Supplementary Information'' section of this final rule is deemed to be included in that final rule.

DATES: *Effective Date:* This regulation is effective on March 22, 2005.

FOR FURTHER INFORMATION CONTACT: Jane Andrews, (410) 786–3133.

SUPPLEMENTARY INFORMATION:

I. Background and Clarification of ''Entity''

Subsequent to the publication of the Medicare Advantage (MA) final rule in the **Federal Register** on January 28, 2005 (70 FR 4588), we have received inquiries from parties interested in offering an MA Regional Plan concerning what organizational requirements they must meet in order to be eligible to offer such a plan. Several health plans, each licensed by a State as a risk-bearing entity, have inquired as to whether they could jointly enter into a contract with us to offer an MA Regional Plan in a multistate region. The participating health plans wish to contract with each other to create a single ''joint enterprise.'' They have asked us whether such a joint enterprise could be considered an ''entity'' under sections 1859(a)(1) and 1855(a)(1) of the Social Security Act, for purposes of offering an MA plan.

The statute generally requires that the ''entity'' be licensed by the State as a risk bearing entity where it offers benefits. The health plans seeking jointly to offer an MA Regional Plan propose to meet this requirement through the State license that each participating health plan holds in the State in which it does business. Each plan would be at risk for, and fully responsible for, each MA plan enrollee in its State, or a portion of a State in which it is licensed and operating. Together, the entire region would be covered by an insurer licensed by the State to bear risk where the enrollee lives.

In considering this proposal, we have determined that such a joint enterprise could be treated as a single ''entity'' for purposes of offering an MA Regional Plan, as long as the enterprise as a whole meets all applicable Medicare requirements, and there is no substantive difference between this arrangement and a traditional entity from a Medicare enrollee's perspective. This means that the joint enterprise must, at a minimum—(1) enter into a single contract under which it was accountable, through its participants individually or in the aggregate, for meeting all applicable Medicare requirements, including, since a regional entity cannot continue to operate in a service area that is less than the entire region, providing us with a description of the contracting entity's plan in the event that one or more parties in the joint enterprise terminates their participation (or are terminated by another party) in the enterprise in a contract year; (2) submit a single bid covering the entire MA Region, which would include a uniform benefit, uniform cost-sharing, as well as a uniform premium, and information about how the joint enterprise will allocate risk among the multiple parties in the region; (3) offer a region-wide network of providers that is accessible to all enrollees in the plan, regardless of where in the region they live; (4) market the plan under a single name throughout the region; and (5) provide uniform enrollee customer service and appeal and grievance rights throughout the region. In addition, where the regulations specifically govern the activities of the entity, such as the requirement for fidelity bonds for officers, or certifications associated with receipt of payment, each State-licensed plan comprising the joint enterprise would be required to meet such requirements individually. We will issue operational guidance concerning the process by which we will make payment to these joint enterprise entities. The preamble to the January 28, 2005 MA final rule scheduled to take effect on March 22, 2005 is deemed to include the foregoing clarification concerning our interpretation of the word ''entity.'' We may also issue further guidance on how individual requirements (such as, for example, those related to termination, apportionment of liability, and the imposition of sanctions) will apply to joint enterprises and the plans participating in such enterprises.

Requirements for Issuance of Regulations

Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) amended section 1871(a) of the Act and requires the Secretary, in consultation with the Director of the Office of Management and Budget, to establish and publish timelines for the publication of Medicare final regulations based on the previous publication of a Medicare proposed or interim final regulation. Section 902 of the MMA also states that the timelines for these regulations may vary but shall not exceed 3 years after publication of the preceding proposed or interim final regulation except under exceptional circumstances.

This final rule interprets provisions set forth in the January 28, 2005 final regulation. In addition, this final rule has been published within the 3-year time limit imposed by section 902 of the MMA. Therefore, we believe that the final rule is in accordance with the Congress' intent to ensure timely publication of final regulations.

II. Waiver of 30-Day Delay in Effective Date

We ordinarily provide an effective date 30 days after the publication of a final rule in the **Federal Register**. We can waive this delay, however, if we find good cause that it is impracticable, unnecessary, or contrary to the public interest, and we incorporate a statement of this finding and the reasons for it in the rule issued. The MA final rule sets forth requirements for offering a regional MA plan beginning on January 1, 2006.

Therefore, those wishing to offer a regional MA plan must submit an

application, receive CMS approval, and comply with all applicable requirements in time to offer the plan on January 1, 2006. We believe that delaying the effective date of this interpretation would be contrary to the public interest because it would shorten the already tight time frame for implementing a regional MA plan for some potential applicants. Therefore, we believe it is necessary to have this interpretation of our existing policy take effect at the time as the MA final rule.

Accordingly, we believe there is good cause to waive the 30-day delay in effective date, and this interpretation will be effective on the effective date of the MA final rule, March 22, 2005.

III. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

IV. Regulatory Impact Statement

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6 million to $29 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined that this rule will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined that this rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. This rule will have no consequential effect on the governments mentioned or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of E.O. 13132 are not applicable.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Authority: Sections 1851 through 1859 of the Social Security Act (42 U.S.C. 1395w–21 through 1395w–28).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 2, 2005.

Mark B. McClellan,

Administrator, Centers for Medicare & Medicaid Services.

Approved: March 16, 2005.

Michael O. Leavitt,

Secretary.

[FR Doc. 05–5591 Filed 3–18–05; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 050125017–5068–02; I.D. 011905E]

RIN 0648–AR57

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues 2005 specifications for the Atlantic bluefish fishery, including state-by-state commercial quotas, a recreational harvest limit, and recreational possession limits for Atlantic bluefish off the east coast of the United States. The final specifications for the fishing year (FY) 2005 are a commercial quota of 10.398 million lb (4.716 million kg), and a recreational harvest limit of 20.157 million lb (9.143 million kg), as adjusted by the research set-aside quota (RSA) of 297,750 lb (135,057 kg). The intent of these specifications is to establish the allowable 2005 harvest levels and possession limits to attain the target fishing mortality rate (F), consistent with the stock rebuilding program in Amendment 1 to the Atlantic Bluefish Fishery Management Plan (FMP).

DATES: Effective April 20, 2005, through December 31, 2005.

ADDRESSES: Copies of the specifications document, including the Environmental Assessment (EA), Regulatory Impact Review (RIR), and the Initial Regulatory Flexibility Analysis (IRFA) are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South Street, Dover, DE 19901–6790. The specifications document is also accessible via the Internet at *http://www.nero.nmfs.gov*. The Final Regulatory Flexibility Analysis (FRFA) consists of the IRFA, public comments and responses contained in this final rule, and a summary of impacts and alternatives contained in this final rule. The small entity compliance guide is available from Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930–2298. The 39th Stock Assessment Review Committee

(SARC) Panelist Reports are available at: *http://www.nefsc.noaa.gov/nefsc/saw/saw39/.*

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Policy Analyst, (978) 281–9244, fax at (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations implementing the FMP appear at 50 CFR part 648, subparts A and J. Regulations requiring annual specifications are found at § 648.160. The FMP requires that the Mid-Atlantic Fishery Management Council (Council) recommend, on an annual basis, total allowable landings (TAL) for the fishery, consisting of a commercial quota and recreational harvest limit.

The assessment and surplus production model approach was approved by the Council's Scientific and Statistical Committee for updating the analyses used by the Atlantic States Marine Fisheries Commission (Commission) and the Council's Bluefish Monitoring Committee (Monitoring Committee) for annual quota setting. Based on the recommendations of the Monitoring Committee, the Council's Bluefish Committee makes a recommendation to the Council, which in turn makes a recommendation to the Regional Administrator. The Regional Administrator reviews the recommendation and may revise it, if necessary, to achieve the FMP objectives. In addition, because the FMP is a joint plan with the Commission, the Commission's Bluefish Board adopts complementary measures through a state-by-state quota system. In August 2004, the Monitoring Committee and Council concurred that the current regulations are sufficient to ensure that the 2005 TAL would not be exceeded.

This rule implements final specifications for the Atlantic bluefish fishery for 2005 that are unchanged from the proposed specifications published on February 8, 2005 (70 FR 6608). A complete discussion of the development of these specifications is included in the proposed rule and is not repeated here. These measures are the same as those implemented for 2005 by the states under the Commission's Interstate Fishery Management Plan.

Final Specifications

Stock Assessment

In June 2004, the Northeast Fisheries Science Center (NEFSC) Stock Assessment Workshop (SAW 39) reviewed an updated assessment for bluefish. The peer review process of SAW 39 rejected the revised assessment results, concluding that the model provided no concrete evidence of bluefish stock status. The workshop panelists advised that, because the 2003 assessment was rejected and the status of the stock unknown, the total allowable landing specifications should continue at 2004 levels (see **ADDRESSES** for link to panelist reports).

2005 TAL

The FMP requires that the annual harvest be set based upon either the target fishing mortality rate (F) specified in the FMP (0.31 for 2005) or the most recent estimate of F, whichever is lower. The 2005 recommendation is based on the estimate of F from 2002; F = 0.184. More recent estimates of F are not available because stock assessments have been considered unreliable. Projection results indicated that the bluefish stock biomass would increase from an estimated 129.367 million lb (58.7 million kg) in 2003, to 165.853 million lb (75.2 million kg) in 2004. The estimated 2004 biomass had an associated yield of 34.215 million lb (15.5 million kg) in 2004. The best information available indicates that the Total Allowable Catch (TAC) of 34.215 million lb (15.5 million kg) could achieve the target fishing mortality rate (F = 0.184) in 2005, based on an estimated biomass of 207.785 million lb (94.2 million kg) in 2005.

The TAL for 2005 is derived by subtracting estimated discards of 3.362 million lb (1.542 million kg) from the TAC. After subtracting discards, the 2005 TAL is roughly 4 percent less than that allocated in 2004, or 30.853 million lb (13.994 million kg). Based strictly on the percentages specified in the FMP (17 percent commercial, 83 percent recreational), the commercial quota would be 5.245 million lb (2.379 million kg), and the recreational harvest limit would be 25.608 million lb (11.615 million kg). In addition, up to 3 percent of the TAL may be allocated as RSA. The discussion below describes how the TAL is allocated to the commercial and recreational sectors, and then adjusted downward proportionally to account for any approved bluefish RSA.

Commercial Quota and Recreational Harvest Limit

The FMP specifies that, if 17 percent of the TAL is less than 10.50 million lb (4.76 million kg), and the recreational fishery is not projected to land its harvest limit for the upcoming year, the commercial fishery may be allocated up to 10.50 million lb (4.76 million kg) as its quota, provided that the combination of the projected recreational landings and the commercial quota does not exceed the TAL. Consistent with the FMP and regulations governing the bluefish fishery, the Council recommended, and NMFS approved, a transfer of 5.254 million lb (2.383 million kg) from the initial 2005 recreational allocation of 25.608 million lb (11.615 million kg), resulting in a recreational harvest limit of 20.353 million lb (9.232 million kg). This transfer is based on recreational harvest information over the last 10 years that indicates bluefish landings have ranged between 8.3 and 15.5 million lb (3.74 and 7.05 million kg). In addition, there is no reason to expect that landings will increase to the recreational harvest limit of 25.608 million lb (11.615 million kg) in 2005. Therefore, NMFS increases the 2005 commercial allocation for bluefish to 10.5 million lb (4.76 million kg), the same as was allocated in 2004. The increase is being implemented by the states under the Commission's Interstate FMP for Atlantic Bluefish.

RSA

A request for proposals was published in the **Federal Register** to solicit research proposals for 2005 that could utilize RSA, based on research priorities identified by the Council (March 9, 2004; 69 FR 10990). One research project that would utilize bluefish RSA quota was approved by the NOAA Grants Office. The FMP allows the Council and NMFS to allocate up to 3 percent of the TAL as RSA, to support fishery research. Therefore, a 297,750-lb (135,057-kg) RSA is specified for 2005; less than 1 percent of the total allowed under the FMP. Accounting for the RSA, in an amount proportional to the commercial and recreational allocation after the quota transfer, the final adjusted commercial quota for 2005 is 10.398 million lb (4.716 million kg) and the adjusted recreational harvest limit is 20.157 million lb (9.143 million kg).

Recreational Possession Limit

A possession limit of 15 fish will be maintained for the 2005 FY.

State Commercial Allocations

Proposed state commercial allocations for the recommended 2005 commercial quota are shown in Table 1 (below), based on the percentages specified in the FMP. The table shows the allocations both before and after the deduction made to reflect the proposed RSA allocation.

TABLE 1.—FINAL BLUEFISH COMMERCIAL STATE-BY-STATE ALLOCATIONS FOR 2005

States	Quota percent share	2005 Commercial quota		2005 Commercial quota (lb) with research set-aside	2005 Commercial quota (kg) with research set-aside
		(lb)	(kg)		
ME	0.6685	70,193	31,839	69,515	31,532
NH	0.4145	43,523	19,742	43,102	19,551
MA	6.7167	705,254	319,901	698,448	316,811
RI	6.8081	714,851	324,254	707,952	321,122
CT	1.2663	132,962	60,311	131,678	59,728
NY	10.3851	1,090,436	494,618	1,079,912	489,840
NJ	14.8162	1,555,701	705,661	1,540,688	698,844
DE	1.8782	197,211	89,454	195,308	88,590
MD	3.0018	315,189	142,969	312,147	141,588
VA	11.8795	1,247,348	565,793	1,235,310	560,327
NC	32.0608	3,366,384	1,526,982	3,333,897	1,512,231
SC	0.0352	3,696	1,676	3,660	1,660
GA	0.0095	998	452	988	448
FL	10.0597	1,056,269	479,120	1,046,075	474,492
Total [1]	100.0001	10,500,000	4,762,769	10,398,671	4,716,759

[1] Kilograms are as converted from pounds and due to rounding may not necessarily add as they appear.

Comments and Responses

The following two comments were received concerning the February 8, 2005 (70 FR 6608) proposed rule.

Comment: One commenter expressed general support for environmental reforms and marine sanctuaries. The commenter indicated that the commercial fishery landings information was unreliable and biased and that these catch statistics result in correspondingly high quota allocations to the commercial sector. The commenter suggested that the TAC be reduced by 50 percent and by 10 percent in each subsequent year. The commenter did not support the use of research quotas.

Response: This final rule is designed to provide for the fair and efficient use of the Federal bluefish quotas. While NMFS acknowledges the importance of the issues raised by the commenter, those of a general nature are outside the scope of this rulemaking. The commenter gave no specific rationale for why the quotas ought to be reduced. There is no known scientific basis for reducing the quotas as suggested by the commenter. The reasons presented by the Council and NMFS for recommending these final specifications are discussed in the preambles to both the proposed and final rules, and sufficient analysis is contained within the supporting documents. This final rule implements measures to reduce bluefish fishing mortality to levels less than those prescribed under the FMP in year 7 of the stock rebuilding plan. These specifications were developed based on the best information available at the time, including, but not limited to: Commercial and recreational catch/landing statistics, current estimates of fishing mortality, stock abundance, discards for the recreational fishery, and juvenile recruitment. Also, the research quota reduces proportionally both the recreational and commercial catch allocations, and provides a unique and equitable mechanism to provide funding for fisheries research while maintaining the TAL at a level that is intended to prevent overfishing of the bluefish stock.

Comment 2: A recreational fishermen expressed opposition to restricting the recreational harvest limits through possession limits without similar restrictions being placed on the commercial sector. Furthermore, the recreational fishermen commented that the recreational creel limit should be reduced from 15 to 10 fish. This comment was conditioned as follows: (1) If there were to be reductions in recreational limits, the commercial fishery should not receive any complementary increases in quota; or (2) if the recreational harvest limit were to remain unchanged, there should be an allowance for no more than 10 adult-sized fish (the remainder would be juveniles).

Response: The Commission and the Council agreed that a possession limit of 15 fish per person is appropriate to limit bluefish mortality to sustainable levels and further rebuild the bluefish stock. Furthermore, the Council recommended, and NMFS, in an exercise of its discretion, transferred quota from the recreational sector to the commercial sector in accordance with the FMP guidelines. Based on the most recent projections of recreational landings, NMFS is confident that the recreational fishery will not land its harvest limit for the upcoming year; therefore, the transfer is allowed.

Classification

This action is authorized by 50 CFR part 648 and has been determined to be not significant for purposes of Executive Order 12866.

Included in this final rule is the Final Regulatory Flexibility Analysis (FRFA) prepared pursuant to section 604(a) of the Regulatory Flexibility Act (RFA). The FRFA describes the economic impact that this final rule will have on small entities and incorporates the IRFA, which is summarized in the proposed rule, the comments and responses to the proposed rule (70 FR 6608, February 8, 2005), and the analyses completed in support of this action. A copy of the EA, RIR, and IRFA are available from the Council (*see* **ADDRESSES**).

The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated here.

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being considered, and the objectives of, and legal basis for, the final rule is found in the preamble to this final rule.

Summary of Significant Issues Raised in Public Comments

Two comments were submitted on the proposed rule, but were not specific to the IRFA or the economic effects of the rule. NMFS has responded to the comments in the Comments and Responses section of the preamble to this final rule. No changes were made to

the final rule as a result of the comments received.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

An active participant in the commercial bluefish fishery sector is defined as any vessel that reported having landed one or more pounds of bluefish to NMFS-permitted dealers during calendar year 2003. Vessels fishing for bluefish with a Federal permit intending to sell their catch must do so to NMFS-permitted dealers. All vessels affected by this rulemaking have gross receipts less than $3.5 million and are considered to be small entities under the RFA (up to $3.5 million or $5.0 million in gross annual receipts for commercial and recreational activity, respectively). Since there are no large entities participating in this fishery, there are no disproportionate effects resulting from small versus large entities. Since costs are not readily available, vessel profitability cannot be determined directly. Therefore, changes in gross revenue were used as a proxy for profitability.

Of the active, federally permitted vessels in 2003, 856 landed bluefish from Maine to North Carolina. Dealer data do not cover vessel activity from South Carolina to Florida. South Atlantic Trip Ticket Report data indicate that 871 vessels landed bluefish in North Carolina in 2003, including federally permitted vessels and those fishing only in state waters. These data also indicate that bluefish landings in South Carolina and Georgia represented less than 0.1 percent of total landings. Therefore, it is assumed that no vessels landed bluefish from those states. According to South Atlantic Trip Ticket Report data, 413 commercial vessels landed bluefish to dealers on Florida's east coast in 2003 (this may include vessels fishing only in state waters).

In addition, in 2003, approximately 2,063 party/charter vessels may have been active and/or caught bluefish in either state or Federal waters. All of these vessels are considered small entities under the RFA, having gross receipts of less than $5 million annually. Since the recreational possession limits will remain at 15 fish per person, there should be no impact on demand for party/charter vessel fishing, and, therefore, no impact on revenues earned by party/charter vessels.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

No additional reporting, recordkeeping, or other compliance requirements are included in this final rule.

Description of the Steps Taken To Minimize Economic Impact on Small Entities

Specification of commercial quota, recreational harvest levels, and possession limits is constrained by the conservation objectives of the FMP, under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. However, none of the alternatives to these final specifications would further mitigate economic impacts to vessels engaged in the fishery more than the chosen alternative.

The Council analyzed three alternatives. The TAL recommendation and RSA are unchanged in the alternatives, as the TAL is the level that would achieve the target F in 2005 and the RSA is the amount approved through the grants process. The difference between the preferred alternative (Alternative 1) and Alternatives 2 and 3, therefore, relates only to the manner in which the overall TAL is allocated between the commercial and recreational components of the bluefish fishery. These allocations and harvest limits include the RSA adjustment. Under Alternative 1, the commercial quota allocation is 10.398 million lb (4.716 million kg), and the recreational harvest limit is 20.157 million lb (9.143 million kg). Under Alternative 2, the commercial quota allocation would be 5.194 million lb (2.356 million kg) and the recreational harvest limit would be 25.361 million lb (11.504 million kg). Under Alternative 3, the commercial quota allocation would be 9.490 million lb (4.305 million kg) with a recreational harvest limit of 21.065 million lb (9.555 million kg).

The preferred commercial quota alternative represents a 1 percent decrease from the 2004 commercial quota, and is attributed to a difference in discards (the TAC and RSA remain unchanged from last year). The 2005 recreational harvest limit under this alternative would be 5 percent lower than the recreational harvest limit specified for 2004. However, the recreational harvest limit would still be approximately twice the recreational landings in 2003. Bluefish landings for the 1994–2003 period, ranged from 8.3 million lb (3.743 million kg) to 15.541 million lb (7.049 million kg). Comparing the high end of this range to the recreational harvest limits specified in 2004, landings were 7 percent lower than the limit specified for this year (21.150 million lb (9.59 million kg)). A projection based on preliminary recreational data for 2004 indicates that landings will be 22 percent lower than the recreational harvest limit specified for 2004. Based on recreational landing trends, it is anticipated that the recreational fishing sector will land less than 83 percent of the recreational harvest limit for 2005. Therefore, under Alternative 1, no vessels would realize significant revenue reductions.

A total of 853 vessels were projected to incur revenue losses as a result of the proposed commercial quota allocation, with 95 percent of those estimated to incur losses of less than 5 percent, and 50 of these vessels would incur losses greater than 5 percent. The affected entities would be mostly smaller vessels that land bluefish in New York. In addition, economic analysis of recent South Atlantic Trip Ticket Report data indicated small reductions, on average, in revenue for fishermen that land bluefish in North Carolina (0.05 percent). No revenue reduction is expected for vessels that land bluefish in Florida as a consequence of the proposed 2005 quota compared to 2003 landings in that state.

The allocations specified in Alternative 2 represent a 49 percent decrease in the commercial quota from the 2004 commercial quota, and a 20 percent increase in the recreational harvest limit when compared to the harvest limit in 2004. However, due to recent trends in bluefish recreational landings, it is expected that landings in 2005 will be substantially lower than the recreational harvest limit for 2005 under Alternative 1, which is approximately 25 percent less than the recreational harvest level under Alternative 2. The reduction in the commercial quota would cause 23 vessels to have revenue losses of 50 percent or more, while 70 vessels would have revenue losses of from 5 to 49 percent. An additional 460 vessels would incur revenue losses of less than 5 percent of their total ex-vessel revenue. Also, South Atlantic Trip Ticket Report data were evaluated to further assess the economic impacts associated with the change in quota levels in 2005 compared to landings in 2003. This evaluation indicated that, on average, reduction in revenues due to a potential change in the landings level is expected to be small for fishermen that land bluefish in North Carolina (less than 2 percent). No revenue reduction is expected for vessels that land bluefish

in Florida as a consequence of the proposed 2005 quota compared to 2003 landings in that state.

Alternative 3 represents a 9 percent decrease in the total allowable commercial landings for bluefish in 2005 versus 2004. The 2004 recreational harvest limit under this alternative would be 34 percent higher than the estimated recreational landings in 2003. Under this scenario, a total of 61 vessels would incur revenue losses of from 5 to 39 percent due to the reduction in the commercial quota. An additional 244 commercial vessels would incur revenue losses of less than 5 percent of their total ex-vessel revenue. The same conclusions as were drawn under Alternative 2 for fishermen that land bluefish in North Carolina and Florida can be applied to this alternative. Table 2 (below) contains a summary of the allocations to the recreational and commercial fisheries under the three alternatives.

TABLE 2.—COMPARISON (IN LBS) OF THE ALTERNATIVES OF QUOTA COMBINATIONS REVIEWED

	2005 Initial TAL	2005 Initial commercial quota	2005 Initial recreational harvest limit	2005 Research set-aside	2005 Adjusted commercial quota	2005 Adjusted recreational harvest limit
Quota Alternative 1 (Status Quo/No Action)						
Council Preferred Alternative	30,853,578	10,500,000	20,353,578	297,750	10,398,671	20,157,157
Quota Alternative 2						
Projection Based Alternative	30,853,578	5,245,108	25,608,470	297,750	5,194,491	25,361,337
Quota Alternative 3						
Based on 1995 to 2000 Commercial TAL	30,853,578	9,583,000	21,270,578	297,750	9,490,520	21,065,308

The Council further analyzed the impacts on revenues of the proposed RSA specified in all three alternatives. The social and economic impacts of this proposed RSA are expected to be minimal. Assuming the full RSA is allocated for bluefish, the set-aside amount could be worth as much as $86,348 dockside, based on an average 2003 ex-vessel price of $0.29 per pound for bluefish. Assuming an equal reduction among all 853 active dealer reported vessels, this could mean a reduction of about $101 per individual vessel. Changes in the recreational harvest limit would be insignificant (less than a 1 percent decrease), if 1 percent of the TAL is used for research. It is unlikely that there would be negative economic impacts as a result of the RSA. A full analysis is available from the Council (see **ADDRESSES**).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 15, 2005.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 05–5541 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 041221358–5065–02; I.D. 121504A]

RIN 0648–AR56

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule, 2005 initial specifications.

SUMMARY: NMFS announces final specifications for the 2005 fishing year for the Atlantic mackerel, squid, and butterfish (MSB) fisheries. This action also implements a 3.0–inch (7.62–cm) minimum codend mesh size requirement for butterfish otter trawl trips greater than 5,000 lb (2,268 kg). In addition, this action includes three regulatory language changes that reflect previously approved measures in the FMP. The intent of this final rule is to promote the development and conservation of the MSB resource.

DATES: Effective April 20, 2005, through December 31, 2005.

ADDRESSES: Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Final Regulatory Flexibility Analysis (FRFA), are available from: Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298. The EA/RIR/IRFA is accessible via the Internet at *http:/www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Eric Jay Dolin, Fishery Policy Analyst, 978–281–9259, fax 978–281–9135.

SUPPLEMENTARY INFORMATION:

Background

Proposed 2005 initial specifications were published on January 10, 2005 (70 FR 1686). Public comments were accepted through February 9, 2005. The final specifications are unchanged from those that were proposed. A complete discussion of the development of the specifications appears in the preamble to the proposed rule and is not repeated here.

2005 Final Initial Specifications

The following table contains the final initial specifications and research set aside (RSA) for the 2005 MSB fisheries. For 2005, two project proposals requesting *Loligo* squid set-aside landings were recommended for approval and will be forwarded to the NOAA Grants Office for award, for a total RSA of 255.1 mt. Consistent with the recommendations, the quotas in this final rule have been adjusted to reflect the projects recommended for approval. If the awards are not made by the NOAA

Grants Office for any reason, NMFS will give notice of an adjustment to the annual quota to return the unawarded set-aside amount to the fishery.

TABLE 1. FINAL INITIAL ANNUAL SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR THE FISHING YEAR JANUARY 1 THROUGH DECEMBER 31, 2005.

Specifications	*Loligo*	*Illex*	Mackerel	Butterfish
Max OY	26,000	24,000	N/A[1]	12,175
ABC	17,000	24,000	335,000	4,545
IOY	16,744.9[4]	24,000	115,000[2]	1,681
DAH	16,744.9	24,000	115,000[3]	1,681
DAP	16,744.9	24,000	100,000	1,681
JVP	0	0	0	0
TALFF	0	0	0	0

[1]Not applicable.
[2]IOY may be increased during the year, but the total ABC will not exceed 335,000 mt.
[3]Includes 15,000 mt of Atlantic mackerel recreational allocation.
[4]Excludes 255.1 mt for Research Set-Aside.
OY is optimum yield; ABC is allowable biological catch; IOY is initial optimum yield; DAH is domestic annual harvest; DAP is domestic annual processing; JVP is joint venture processing; and TALFF is total allowable level of foreign fishing.

NMFS also implements three clarifications to the Atlantic mackerel, squid, and butterfish regulations. The first, in § 648.21, removes references to the dates on which the proposed and final rules for the annual specifications must be published by the Administrator, Northeast Region, NMFS (Regional Administrator), because it is not necessary to specify these dates in regulatory text. The second clarification, in § 648.23, revises a confusing sentence to make it clearer. The third clarification, in § 648.4(a)(5)(i), clarifies that the *Illex* permit moratorium is in effect until July 1, 2009.

2005 Final Specifications

Atlantic Mackerel

The final rule specifies an Atlantic mackerel IOY of 115,000 mt, as well as a DAH of 115,000 mt (which includes 15,000 mt for the recreational fishery), a JVP of zero, and a TALFF of zero.

Loligo Squid

In 2004, the Council specified the annual quota and other measures for *Loligo* squid for a period of up to 3 years (i.e., 2004 - 2007). After a review of available information, the Council recommended no change to the *Loligo* quota or other measures in 2005, and NMFS concurs with this recommendation. Based on research projects approved for 2005, the Council recommended that the RSA for scientific research for *Loligo* squid not exceed 255.1 mt. This final rule specifies a 2005 Max OY for *Loligo* squid of 26,000 mt, an ABC of 17,000 mt, and an IOY is 16,744.9, which takes into account the 255.1–mt RSA. The 2005 quarterly allocations for *Loligo* are as follows:

TABLE 2. *Loligo* SQUID QUARTERLY ALLOCATIONS

Quarter	Percent	Metric Tons[1]	Research Set-aside
I (Jan-Mar)	33.23	5,564.3	N/A
II (Apr-Jun)	17.61	2,948.8	N/A
III (Jul-Sep)	17.3	2,896.9	N/A
IV (Oct-Dec)	31.86	5,334.9	N/A
Total	100	16,744.9	255.1

[1]Quarterly allocations after 255.1–mt RSA deduction.

Also unchanged from 2004, the 2005 directed fishery will be closed in Quarters I-III when 80 percent of the periods' allocation are harvested, with vessels restricted to a 2,500–lb (1,134–kg) *Loligo* squid trip limit per single calender day until the end of the respective quarter. The directed fishery will close when 95 percent of the total annual DAH has been harvested, with vessels restricted to a 2,500–lb (1,134–kg) *Loligo* squid trip limit per single calender day for the remainder of the year. Quota overages from Quarter I will be deducted from the allocation in Quarter III, and any overages from Quarter II will be deducted from Quarter IV. By default, quarterly underages from Quarters II and III will carry over into Quarter IV, because Quarter IV does not close until 95 percent of the total annual quota has been harvested. Additionally, if the Quarter I landings for *Loligo* squid are less than 80 percent of the Quarter I allocation, the underage below 80 percent will be applied to Quarter III.

Illex Squid

This final rule specifies that Max OY, IOY, ABC and DAH will be 24,000 mt, which maintains the status quo. The *Illex* directed fishery will be closed when 95 percent of the quota (22,800 mt) is harvested. The catch limit for squid/butterfish incidental catch permit holders will be 10,000 lb (4,536 kg). This also represents the trip limit in effect when the directed fishery is closed.

Butterfish

This final rule specifies that the IOY will be 1,681 mt, which will achieve the target fishing mortality rate (75 percent of Fmsy) specified in the FMP based on the most recent stock assessment for the species (Stock Assessment Review Committee (SARC) 38). This final rule also implements a 3.0–inch (7.62–cm) minimum codend mesh size requirement for butterfish otter trawl trips greater than 5,000 lb (2,268 kg), the level that would qualify as a directed butterfish trip.

Comments and Responses

Comment 1: Five comments from industry members and associations and one comment from the Council supported the proposed specifications for an IOY/DAH of 115,000 mt, though they believed the industry could potentially harvest the 165,000 mt recommended by the Council. All six commenters raised the same concern about the timeliness of an in-season adjustment for the mackerel OY and DAH, should one become necessary. They requested that the final 2005 specifications include a clear and specific contingency provision that would enable NMFS to implement a timely in-season adjustment. They suggested that NMFS use vessel trip report data and dealer reports, in conjunction with catch-trend analysis from previous years, to track mackerel harvest with a minimum amount of lag time. They also suggested that NMFS initiate the in-season adjustment process when a trigger amount of mackerel is caught; for example, when the 2005 projected catch is equal to the

previous year's catch (roughly 54,000 mt) or some reasonable percentage (e.g., 70 percent of the IOY) of the total available DAH of 100,000 mt.

Response 1: NMFS agrees that it is important to keep close watch on the mackerel catch throughout 2005 so that, should an in-season adjustment become necessary, it can be implemented as quickly as possible. NMFS will take advantage of all data sources and projection techniques to ensure that it can achieve that goal. NMFS sees no need to specify the contingency provision that the commenters requested, e.g., a pre-established trigger for increasing OY and DAH. NMFS will closely monitor landings in order to take any necessary action on an in-season adjustment as noted in the proposed rule.

Comment 2: One private citizen stated that all quotas should be cut by 50 percent this year and by 10 percent each succeeding year. The commenter added that the maximum sustainable yield (MSY) estimates are too high, but provided no justification for these claims.

Response 2: The quotas, as well as the MSY calculations that form the basis of this final rule, are all based on the best available science, as required by National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act.

Classification

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Included in this final rule is the FRFA prepared pursuant to 5 U.S.C. 604(a). The FRFA incorporates the discussion that follows, the comments and responses to the proposed rule, and the initial regulatory flexibility analysis (IRFA) and other analyses completed in support of this action. A copy of the IRFA is available from the Regional Administrator (see **ADDRESSES**).

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being considered, and the objectives of and legal basis for this action, is contained in the preamble to the proposed rule and is not repeated here.

Summary of Significant Issues Raised in Public Comments

Seven sets of comments were submitted on the proposed rule, but none were specific to the IRFA or the economic impacts of the rule.

Description and Estimate of Number of Small Entities to Which the Rule Will Apply

The number of potential fishing vessels in the 2005 fisheries are 381 for *Loligo* squid/butterfish, 72 for *Illex* squid, 2,407 for Atlantic mackerel, and 2,119 vessels with incidental catch permits for squid/butterfish, based on vessel permit issuance. Many vessels participate in more than one of these fisheries; therefore, the numbers are not additive. There are no large entities participating in this fishery, as defined in section 601 of the Regulatory Flexibility Act (RFA). Therefore, there are no disproportionate economic impacts on small entities.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

This action does not contain any new collection-of-information, reporting, recordkeeping, or other compliance requirements. It does not duplicate, overlap, or conflict with any other Federal rules.

Minimizing Significant Economic Impacts on Small Entities

The annual setting of the specifications focuses on the allocation of mackerel, squid, and butterfish to various groups and for various purposes. Alternatives that were considered to lessen the impacts on small entities are summarized below.

Three alternatives for mackerel were evaluated. One would have set IOY at 175,000 mt. The two other alternatives would have set IOY at 165,000 mt. Neither of these IOYs would constrain vessels in these fisheries. Absent such a constraint, no impacts on revenues in this fishery would be expected as a result of any of these alternatives. Two of these alternatives one setting IOY at 165,000 mt and the other setting it at 175,000 mt would have set the ABC at 347,000 mt. These two alternatives were rejected on biological grounds because that level of ABC would not be consistent with the overfishing rule adopted in Amendment 8 to the Fishery Management Plan (F=0.25 yield estimate of 369,000 mt minus the estimated Canadian catch of 34,000 mt). Furthermore, the Atlantic mackerel alternative that would have set IOY at 175,000 mt was rejected because it would have been too high in light of social and economic concerns relating to TALFF. The Atlantic mackerel alternative that would set IOY at 175,000 mt would also allocate 5,000 mt for JVP. This allocation of JVP was rejected because it was concluded that U.S. processing capacity is sufficient to process the entire DAH. The third alternative for mackerel considered was one that would have set IOY at 165,000 mt, and ABC at 335,000 mt. Although this ABC is the same as in the proposed action, this IOY was rejected because it would have been too high in light of social and economic concerns relating to TALFF. The specification of TALFF would have limited the opportunities for the domestic fishery to expand, and therefore would have resulted in negative social and economic impacts to both U.S. harvesters and processors, as explained in detail in the proposed rule.

For *Illex*, one alternative considered would have set Max OY, ABC, IOY, DAH, and DAP at a level higher than the 24,000 mt established in this rule--30,000 mt. This alternative would allow harvest far in excess of recent landings in this fishery. Therefore, there would be no constraints and, thus, no revenue reductions, associated with these specifications. However, the Council considered this alternative unacceptable because an ABC specification of 30,000 mt may not prevent overfishing in years of moderate to low abundance of *Illex* squid.

For butterfish, one alternative considered would have set IOY at 5,900 mt, while another would have set it at 9,131 mt. These amounts exceed the landings of this species in recent years. Therefore, neither alternative would constrain vessels in this fishery. In the absence of such a constraint, neither of these alternatives would reduce revenues in the fishery. However, both of these alternatives were rejected because they would likely result in overfishing and additional depletion of the spawning stock biomass.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule, or group of related rules, for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of permits issued for the Atlantic mackerel, squid, and butterfish fisheries. In addition, copies of this final rule and guide (i.e., permit holder letter) are available from the Regional Administrator (see **ADDRESSES**) and may

be found at the following web site: *http://www.nmfs.gov/ro/doc/nero.html*.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 15, 2005

Rebecca Lent

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out above 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 648.4, the introductory heading of paragraph (a)(5)(i) is revised to read as follows:

§ 648.4 Vessel permits.

(a) * * *

(5)* * *

(i) *Loligo squid/butterfish and Illex squid moratorium permits (Illex squid moratorium is in effect until July 1, 2009)*—

* * * * *

■ 3. In § 648.14, paragraphs (a)(74) and (p)(5) are revised and new paragraph (p)(11) is added to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(74) Possess nets or netting with mesh not meeting the minimum size requirements of § 648.23, and not stowed in accordance with the requirements of § 648.23, if in possession of *Loligo* or butterfish harvested in or from the EEZ.

* * * * *

(p) * * *

(5) Fish with or possess nets or netting that do not meet the minimum mesh requirements for *Loligo* or butterfish specified in § 648.23(a), or that are modified, obstructed, or constricted, if subject to the minimum mesh requirements, unless the nets or netting are stowed in accordance with § 648.23(b) or the vessel is fishing under an exemption specified in § 648.23(a).

* * * * *

(11) Possess 5,000 lb (2.27 mt) or more of butterfish unless the vessel meets the minimum mesh size requirement specified in § 648.23(a)(2).

* * * * *

■ 4. In § 648.21, paragraph (d) is revised to read as follows:

§ 648.21 Procedures for determining initial annual amounts.

* * * * *

(d) *Annual fishing measures.* (1) The Squid, Mackerel, and Butterfish Committee will review the recommendations of the Monitoring Committee. Based on these recommendations and any public comment received thereon, the Squid, Mackerel, and Butterfish Committee must recommend to the MAFMC appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC will review these recommendations and, based on the recommendations and any public comment received thereon, must recommend to the Regional Administrator appropriate specifications and any measures necessary to assure that the specifications will not be exceeded. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and social impacts of the recommendations. The Regional Administrator will review the recommendations and will publish notification in the **Federal Register** proposing specifications and any measures necessary to assure that the specifications will not be exceeded and providing a 30-day public comment period. If the proposed specifications differ from those recommended by the MAFMC, the reasons for any differences must be clearly stated and the revised specifications must satisfy the criteria set forth in this section. The MAFMC's recommendations will be available for inspection at the office of the Regional Administrator during the public comment period. If the annual specifications for squid, mackerel, and butterfish are not published in the **Federal Register** prior to the start of the fishing year, the previous year's annual specifications, excluding specifications of TALFF, will remain in effect. The previous year's specifications will be superceded as of the effective date of the final rule implementing the current year's annual specifications.

(2) The Assistant Administrator will make a final determination concerning the specifications for each species and any measures necessary to assure that the specifications contained in the **Federal Register** notification will not be exceeded. After the Assistant Administrator considers all relevant data and any public comments, notification of the final specifications and any measures necessary to assure that the specifications will not be exceeded and responses to the public comments will be published in the **Federal Register**. If the final specification amounts differ from those recommended by the MAFMC, the reason(s) for the difference(s) must be clearly stated and the revised specifications must be consistent with the criteria set forth in paragraph (b) of this section.

* * * * *

■ 5. In § 648.23, paragraph (a) is revised to read as follows:

§ 648.23 Gear restrictions.

(a) *Mesh restrictions and exemptions.* (1) Vessels subject to the mesh restrictions outlined in this paragraph (a) may not have available for immediate use any net, or any piece of net, with a mesh size smaller than that required.

(2) Owners or operators of otter trawl vessels possessing 5,000 lb (2.27 mt) or more of butterfish harvested in or from the EEZ may only fish with nets having a minimum codend mesh of 3 inches (76 mm) diamond mesh, inside stretch measure, applied throughout the codend for at least 100 continuous meshes forward of the terminus of the net, or for codends with less than 100 meshes, the minimum mesh size codend shall be a minimum of one-third of the net measured from the terminus of the codend to the head rope.

(3) Owners or operators of otter trawl vessels possessing *Loligo* harvested in or from the EEZ may only fish with nets having a minimum mesh size of 1 7/8 inches (48 mm) diamond mesh, inside stretch measure, applied throughout the codend for at least 150 continuous meshes forward of the terminus of the net, or for codends with less than 150 meshes, the minimum mesh size codend shall be a minimum of one-third of the net measured from the terminus of the codend to the head rope, unless they are fishing during the months of June, July, August, and September for *Illex* seaward of the following coordinates (copies of a map depicting this area are available from the Regional Administrator upon request):

Point	N. Lat.	W. Long.
M1	43°58.0′	67°22.0′
M2	43°50.0′	68°35.0′
M3	43°30.0′	69°40.0′
M4	43°20.0′	70°00.0′
M5	42°45.0′	70°10.0′
M6	42°13.0′	69°55.0′
M7	41°00.0′	69°00.0′
M8	41°45.0′	68°15.0′
M9	42°10.0′	67°10.0′
M10	41°18.6′	66°24.8′
M11	40°55.5′	66°38.0′
M12	40°45.5′	68°00.0′
M13	40°37.0′	68°00.0′
M14	40°30.0′	69°00.0′
M15	40°22.7′	69°00.0′

Point	N. Lat.	W. Long.
M16	40°18.7′	69°40.0′
M17	40°21.0′	71°03.0′
M18	39°41.0′	72°32.0′
M19	38°47.0′	73°11.0′
M20	38°04.0′	74°06.0′
M21	37°08.0′	74°46.0′
M22	36°00.0′	74°52.0′
M23	35°45.0′	74°53.0′
M24	35°28.0′	74°52.0′

Vessels fishing under this exemption may not have available for immediate use, as defined in paragraph (b) of this section, any net, or any piece of net, with a mesh size less than 1 7/8 inches (48 mm) diamond mesh or any net, or any piece of net, with mesh that is rigged in a manner that is prohibited by paragraph (c) and (d) of this section, when the vessel is landward of the specified coordinates.

* * * * *

[FR Doc. 05–5543 Filed 3–18–05; 8:45 am]

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Proposed Rules

Federal Register
Vol. 70, No. 53
Monday, March 21, 2005

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

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

RIN 0580–AA88

Fees Assessed by the Service

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is proposing to increase fees assessed to delegated States and designated official agencies, hereafter known as official agencies, authorized by GIPSA to provide official inspection and weighing services to the U.S. grain industry. The increase in fees is necessary to collect sufficient revenue to cover the current and future cost of supervising the performance of the official agencies.

Current supervision fees are charged to official agencies on a unit basis and represent an average rate of approximately 0.8 cent per metric ton of grain inspected or weighed by the official agencies. The proposed supervision fee increases the rate to a 1.1 cents per metric ton charge. Official agencies include the cost of GIPSA's supervision fee as part of the fee they charge their customers for grain services. The current average cost for services provided by official agencies is 21 cents per metric ton. Increasing the supervision fee by approximately 0.3 cent per metric ton should minimally increase the total cost of inspection and weighing services to the grain industry.

DATES: Written comments must be submitted on or before May 20, 2005.

ADDRESSES: We invite you to submit comments on this proposed rule. You may submit comments by any of the following methods:

- E-Mail: Send comments via electronic mail to *comments.gipsa@usda.gov*.
- Mail: Send hardcopy written comments to Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SW., Room 1647–S, Washington, DC 20250–3604.
- Fax: Send comments by facsimile transmission to (202) 690–2755.
- Hand Deliver or Courier: Deliver comments to: Tess Butler, GIPSA, USDA, 1400 Independence Avenue, SE., Room 1647, Washington, DC 20250–3604.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All comments should make reference to the date and page number of this issue of the **Federal Register**.

Background Documents: Regulatory analyses and other documents relating to this action will be available for public inspection in the above office during regular business hours.

Read Comments: All comments will be available for public inspection in the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: David Orr, Director, Field Management Division, telephone (202) 720–0228 at USDA, GIPSA, Room 2409, 1400 Independence Avenue, SW., Washington, DC, 20250–3630; Fax Number (202) 720–1015; E-mail address *David.M.Orr@usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

The United States Grain Standards Act (USGSA) (7 U.S.C. 71 *et seq.*) authorizes GIPSA to supervise grain inspection and weighing services provided by official agencies and to charge and collect reasonable fees to cover the cost of such supervision. These fees are charged by official agencies to their customers (grain industry) as part of the overall fee charged for inspection and weighing services. Supervision fees collected by GIPSA cover, as nearly as practicable, the program and administrative costs of supervising official agencies. The current supervision fees were published in the **Federal Register** on May 13, 2004 (69 FR 26476), and became effective June 14, 2004. This action adjusted only the supervision fee charged to delegated States for the inspection and weighing of export grain shipments. All other supervision fees remained unchanged. The fee for export grain shipments was increased from a unit fee of $49.20 per inspection to 1.6 cents per metric ton.

The fees unchanged by the June 14, 2004, action were last amended in September 23, 1985, as published in the **Federal Register** (50 FR 38503) and became effective on October 1, 1985. At that time, supervision fees were lowered an average 40 percent due to the accumulation of a $4.5 million reserve in retained earnings. The fee rates established on October 1, 1985, were set at a level so that the program operated at a net loss in order to reduce the operating reserves on a planned gradual basis. During the 19 year span from 1985 to 2004, GIPSA has gradually reduced the retained earnings in this program and has reached a point where an adjustment is needed to cover current and future program costs. In FY 2004, the official agency supervision program operating costs totaled $2,606,826, while revenue amounted to $1,527,713, a negative margin of $1,079,113. The retained earnings balance was $867,191 at the end of FY 2004. GIPSA projects the official agency supervision program deficit to continue at a comparable rate, and estimates that at the end of FY 2006, the program's retained earnings will be negative $1.1 million.

GIPSA regularly reviews its user-fee-financed programs under the USGSA (7 U.S.C. 71 *et seq.*) to determine if the fees are adequate. GIPSA recognizes the need to reduce inspection and weighing supervision costs as much as possible before increasing fees and therefore has taken action through the years to minimize costs. GIPSA plans to reduce costs by initiating a transition to a central monitoring program. This action, scheduled for implementation in FY 2008, should reduce overall operating expenses an estimated $1.2 million or 43 percent. Implementing the central monitoring process, coupled with a new supervision fee, will assist GIPSA in reaching an adequate 3-month retained earnings balance.

GIPSA reviewed the official agency inspection and weighing programs and proposes to change the manner in which it collects user fees and increase fees in order to recover the retained earnings to their desired 3-month level.

The current supervision fee is assessed on a unit or carrier basis and does not necessarily reflect the amount of grain inspected and weighed. GIPSA believes assessing supervision fees proportionate to the weight of grain inspected and/or weighed is a reasonable approach. This process was implemented for the supervision of export grain inspected and weighed by Delegated States in the changes effective June 14, 2004 (69 FR 26476). Therefore, GIPSA proposes charging all supervision fees based on a per metric ton basis.

In FY 2004, customers of official agencies, the grain industry, paid an estimated $39 million or 21 cents per metric ton for official inspection and weighing services on an estimated 187 million metric tons of grain. Of the $39 million paid for services, $1,527,713 (3.92 percent or 0.82 cents per metric ton) represented GIPSA collected supervision fees. GIPSA's actual program costs for FY 2004 were $2,606,826 or 1.39 cents per metric ton which resulted in a net loss of approximately 0.57 cents per metric ton.

To minimize the impact of a fee increase, GIPSA has decided to propose supervision fee rates that will collect sufficient revenue over time to cover operating expenses, while striving to create a 3-month operating reserve by FY 2014. The cost of living projections used in calculating future salary, benefits, and all other non-salary expenses out to FY 2014 were supplied by the Office of Management and Budget (OMB) as set forth in their **Federal Register** publication (69 FR 26900) on May 14, 2004. In projecting revenue to FY 2014, GIPSA used a 5 year average of the total tons inspected and/or weighed by official agencies. GIPSA will evaluate the financial status of the supervision of the grain inspection and weighing program on a continuous basis to determine if it is meeting the goal of obtaining a 3-month operating reserve by FY 2014, and to determine if other adjustments are necessary.

GIPSA proposes to gradually replenish the reserve rather than sharply increase supervision fees in the short term to immediately replenish the retained earnings. GIPSA welcomes all comments regarding the proposed action.

Proposed Action

GIPSA is proposing a change in the supervision fees and a change in the methodology for assessing supervision fees to official agencies. Section 800.71 of the regulations provides that the fees shown in Schedule C apply to official inspection and weighing services performed by delegated States and designated agencies in the United States, except for those State agencies that are delegated additional responsibilities by GIPSA. These States are assessed annual charges as noted in the State's Delegation of Authority document. GIPSA has a long-standing agreement with the State of Washington whereby the State pays GIPSA for direct local costs along with their portion of the national administrative costs. The financial data and information used to develop the fees for Schedule C do not include the costs and tonnage associated with the State of Washington since the State is charged for their direct local costs and their share of the national administrative costs as established by the agreement.

GIPSA projected that the new fees should be implemented no later than FY 2007 and has projected costs to FY 2014 to develop the new fees for Schedule C. GIPSA projections are based on an average total inspection and weighing tonnage of 170 million metric tons per year.

GIPSA has determined that if the new fees are implemented by FY 2007 and the goal is to replenish the retained earnings and 3-month operating reserve by FY 2014, then GIPSA will need to collect approximately $1.9 million per year from FY 2007 through FY 2014 to achieve this goal. GIPSA has concluded that a 1.1 cents per metric ton fee would generate approximately $1.9 million per year based on an average annual service volume of 170 million metric tons. This new fee would generate sufficient funds to rebuild the retained earnings to its desired 3-month level by FY 2014. GIPSA will continue to monitor and evaluate the program to ensure the goal is achieved.

GIPSA is also proposing to change the method to assess supervision fees to the official agencies. GIPSA has historically charged supervision fees based on the type of carrier serviced and further charged supervision fees based on the kinds and levels of services received. GIPSA is proposing to charge the 1.1 cents per metric ton supervision fees based on the total tonnage of grain officially inspected and/or weighed by official agencies. GIPSA proposes to utilize a standard metric ton conversion rate for submitted samples and specific carriers serviced in order to calculate and assess the supervision fees to the official agencies. The following table transmits the standard metric ton conversion rate that GIPSA will use to assess the total tons serviced by the official agencies.

Carrier/service	Estimated metric tons
Truck	19.39
Submitted Sample	19.39
Container	20.04
Railcar	103.42
Midwest Barge	1,292.74
Pacific Northwest Barge	2,267.96

GIPSA has determined that ships will be assessed the 1.1 cents per metric ton supervision fee based on the actual certified weight for the ship.

The proposed change in supervision fees will increase the average current fee rate by approximately 0.3 cent per metric ton. This additional increase should minimally affect the amount an applicant (grain industry) pays for service.

Executive Orders 12866 and 12988

This proposed rule has been determined to be non-significant for the purposes of Executive Order 12866 and therefore has not been reviewed by the OMB. This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have a retroactive effect. The USGSA provides in Sec. 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this proposed rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this proposed rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this proposed rule.

Paperwork Reduction Act and Government Paperwork Elimination Act

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and record keeping requirements included in this proposed rule has been approved by the OMB under control number 0580–0013.

GIPSA is committed to compliance with the Government Paperwork Elimination Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Regulatory Flexibility Act Certification

GIPSA has determined that this proposed rule does not have a significant economic impact on a substantial number of small entities, as

defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the majority of applicants (grain industry) that apply for these official services, and are subjected to GIPSA supervision fees, do not meet the requirements for small entities. This rule will affect entities engaged in shipping grain to and from points within the United States and exporting grain from the United States. GIPSA estimates there are approximately 9,500 off-farm storage facilities and 18 export elevators in the United States that could receive services from delegated States or designated agencies. Official services are available from 7 delegated States and 49 designated agencies. For clarification, any and all grain that is exported from the U.S. export port locations must, as required by the USGSA, be inspected and/or weighed. These services are either performed by GIPSA or delegated States. Further, some grain exported from interior locations may also require inspection and/or weighing services unless the services are waived as provided in section 800.18 of the regulations. These services are provided by designated agencies. The USGSA does not require inspection or weighing services for grain marketed within the U.S. Consequently, these services are permissive and may be performed by official agencies. The USGSA (7 U.S.C. 71 *et seq.*) authorizes GIPSA to provide supervision of official grain inspection and weighing services, and to charge and collect reasonable fees for performing these services. The fees collected are to cover, as nearly as practicable, GIPSA's costs for performing these services, including related administrative and supervisory costs.

GIPSA realizes that any increase in supervision fees will be charged by official agencies to the users (grain industry) of the official grain inspection and weighing system. Although, the overall effect of this proposal will be passed on to the users of official grain inspection and weighing services, mostly large corporations, David R. Shipman, Deputy Administrator, GIPSA, has determined that this proposed rule will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Grain.

For the reasons set out in the preamble, 7 CFR part 800 is proposed to be amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for part 800 continues to read as follows:

Authority: Public Law 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. In §800.71(a), Schedule C is amended by removing Table 1 and adding introductory text in its place as set forth below, and by redesignating Table 2 as Table 1.

§ 800.71 Fees assessed by the Service.

(a) * * *

Schedule C—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the United States.

The supervision fee is charged at $0.011 per metric ton inspected and/or weighed.

* * * * *

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–5501 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–EN–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Petition for Rulemaking to Preempt Certain State Laws

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of public hearing.

SUMMARY: This document announces a public hearing on a petition for rulemaking (''Petition'') that would preempt certain state laws. Generally, the Petition asks the FDIC to issue a rule that preempts the application of certain state laws to the interstate operations and activities of state banks. The stated purpose of the requested rulemaking is to establish parity between state-chartered banks and national banks in interstate activities and operations. A copy of the Petition is attached to this document. The FDIC has scheduled a hearing to obtain the public's views on the issues presented by the Petition. This document sets forth the date, time, location, and other details of the hearing; it also summarizes the Petition and highlights several issues that participants in the hearing may wish to address. Opportunities to make an oral presentation at the hearing are limited, and not all requests may be granted. Attendance at the hearing is not required in order to submit a written statement.

DATES: The hearing will be held on Tuesday, May 24, 2005, from 8:30 a.m. to 5 p.m. Anyone wishing to make an oral presentation at the hearing must (i) deliver a written request to the Executive Secretary of the FDIC, no later than 5 p.m. on Monday, May 9, 2005; and (ii) deliver a copy of his or her written statement plus a two-page (or less) summary of the statement to the Executive Secretary no later than 5 p.m. on Monday, May 16, 2005. All limited-appearance statements submitted in lieu of an oral presentation must be received by the Executive Secretary no later than 5 p.m. on Monday, May 16, 2005.

ADDRESSES: The hearing will be held in the Board room at the FDIC's headquarters, 550 17th Street, NW., Washington, DC.

You may submit a written request to make an oral presentation at the hearing, a copy of the written statement you will present, and the two-page (or less) summary, or a limited-appearance statement by any of the following methods:

- Agency Web site: *http://www.FDIC.gov/regulations/laws/federal/propose.html.* Click on *Submit Comment.*
- E-mail: *comments@FDIC.gov.*
- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Room 3060, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.
- Hand Delivered/Courier: The guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m.
- Public Inspection: All statements and summaries may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.
- Internet Posting: Statements and summaries received will be posted without change to *http://www.FDIC.gov/regulations/laws/federal/propose.html,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For questions regarding the conduct of the hearing: contact Valerie Best, Assistant Executive Secretary, (202) 898–3812; for questions regarding substantive issues: contact Robert C. Fick, Counsel, (202) 898–8962; or Joseph A. DiNuzzo, Counsel, (202) 898–7349, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

I. Overview of the Rulemaking Petition

The Financial Services Roundtable, a trade association for integrated financial services companies (''Petitioner''), submitted the Petition to the FDIC. The Petition asks that the FDIC adopt rules concerning the interstate activities of insured state banks and their subsidiaries that are intended to provide parity between state banks and national banks. Generally, the requested rules would provide that a state bank's home state law governs the interstate activities of state banks and their subsidiaries to the same extent that the National Bank Act (''NBA'') governs a national bank's interstate activities. A copy of the entire Petition is appended to this notice. The Petitioner requests that the FDIC adopt rules with respect to the following areas:

- The law applicable to activities conducted in a host state by a state bank that has an interstate branch in that state,
- The law applicable to activities conducted by a state bank in a state in which the state bank does not have a branch,
- The law applicable to activities conducted by an operating subsidiary (''OpSub'')[1] of a state bank,
- The scope and application of section 104(d) of the Gramm-Leach-Bliley Act (''GLBA'') regarding preemption of certain state laws or actions that impose a requirement, limitation, or burden on a depository institution, or its affiliate, and
- Implementation of section 27 of the Federal Deposit Insurance Act (''FDI Act'') (which permits state depository institutions to export interest rates).

The Petitioner argues that it is both necessary and timely for the FDIC to adopt rules that clarify the ability of state banks operating interstate to be governed by a single framework of law and regulation to the same extent as national banks. According to the Petitioner, over the last decade the federal charters for national banks and federal thrifts have been correctly interpreted by the Office of the Comptroller of the Currency (''OCC'') and the Office of Thrift Supervision (''OTS''), with the repeated support of the federal courts, to provide broad federal preemption of state laws that might otherwise apply to the activities or operations of federally-chartered banking institutions within a state. The result, it asserts, is that national banks and federal savings associations now can do business across the country under a single set of federal rules. In contrast, the Petitioner believes that there is widespread confusion and uncertainty with respect to the law applicable to state banks engaged in interstate banking activities. Furthermore, it argues, this uncertainty produces the potential for litigation and enforcement actions, deters state banks from pursuing profitable business opportunities, and causes substantial expense to a state bank that decides to convert to a national bank in order to gain greater legal certainty. Finally, the Petitioner asserts that the FDIC has the authority, tools and responsibility to correct this imbalance.

[1] Generally, an operating subsidiary is subsidiary of a bank or savings association that only engages in activities that its parent bank or savings association may engage in.

II. The FDIC's Approach to the Petition

The FDIC will hold a hearing to obtain the public's views on the Petition. The FDIC believes that public participation will provide valuable insight into the issues presented by the Petition and will assist the FDIC in deciding how to respond to the rulemaking request. The FDIC's options include: (i) Denying the entire Petition, (ii) granting the entire Petition, (iii) granting the Petition in part and denying the Petition in part, and (iv) seeking further clarification of the Petition from the Petitioner. If the FDIC grants all or part of the Petition, a notice of proposed rulemaking will be published in the **Federal Register**, and an additional opportunity for public comment will be provided. The FDIC is interested in obtaining the views of the financial institutions industry, consumer groups, state financial institution supervisors, other state authorities, industry trade groups and the general public on the legal, policy, and other issues raised in the Petition.

III. Issues Presented by the Petition

Although the FDIC is particularly interested in obtaining the public's views on the general and specific issues highlighted in this notice, we also are interested in the public's views on any other legal or policy issues implicated by the Petition. As a result, the FDIC encourages interested parties to address not only the highlighted issues, but also all other issues raised by the Petition.

A. General Issues

With respect to the general issues raised by the Petition, the FDIC requests the public's views on the following:

G–1. Is a preemptive rule in these areas necessary to preserve the dual banking system?

G–2. What would be the impact on consumers if a preemptive rule were issued in these areas?

G–3. What are the implications of rulemaking in these areas for state banking regulation?

G–4. Would the measures urged by Petitioner achieve competitive balance between federally-chartered and state-chartered financial institutions as advocated by the Petitioner?

G–5. Are there alternative mechanisms available that would achieve the policy goals advocated by the Petitioner?

G–6. Should the issue of competitive parity in interstate operations be left to Congress?

G–7. If the FDIC determines that it has the legal authority to proceed with a preemptive rule, are there reasons why the FDIC should decline to do so? If so, what are they?

G–8. What would be the negative impact, if any, of the FDIC adopting a preemptive regulation as suggested by the Petitioner?

G–9. Do the states have a legitimate interest in how banks conduct business within their borders that would be undermined by the Petitioner's request?

G–10. Can state banks be expected to benefit if the FDIC were to preempt state law in the area of interstate banking operations? If so, how?

G–11. What considerations should the FDIC take into account that either support or challenge the proposition that Congress intended to provide the comprehensive parity envisioned by the Petition?

G–12. Is there a need for clarification on what law applies to the interstate operations of state banks?

B. Specific Issues

Each of the five subject areas addressed by the Petition is described in summary fashion below. However, you are encouraged to read the Petition itself (which is attached) to gain complete details on the requested action. Each of the five subject areas is followed immediately by specific issues upon which the FDIC requests public input.

1. The law Applicable to Activities Conducted in a Host State by a State Bank That has an Interstate Branch in That State

The Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (Riegle-Neal I'')[2] generally established a federal framework for interstate branching for both state banks and national banks. Both Riegle-Neal I and amendments made to Riegle-Neal I by the Riegle-Neal Amendments Act of

[2] Public Law 103–328, 108 Stat. 2338 (1994) (codified to various sections of title 12 of the United States Code).

1997 (''Riegle-Neal II'') [3] contain express preemption provisions regarding which host state laws apply to a branch of an out-of-state bank.

The Petitioner asserts that Congress enacted Riegle-Neal II to provide competitive equality between state banks and national banks with respect to interstate banking. Riegle-Neal II revised the language of section 24(j)(1) of the FDI Act to read as follows:

> The laws of the host state, including laws regarding community reinvestment, consumer protection, fair lending, and establishment of intrastate branches, shall apply to any branch in the host state of an out-of-state state bank to the same extent as such state laws apply to a branch in the host state of an out-of-state national bank. To the extent host state law is inapplicable to a branch of an out-of-state state bank in such host state pursuant to the preceding sentence, home state law shall apply to such branch.

Riegle-Neal II, therefore, provides that host state law does not apply to a branch in the host state of an out-of-state, state bank to the same extent that host state law does not apply to a branch in the host state of an out-of-state national bank. When host state law does not apply, Riegle-Neal II provides that home state law applies. The Petition raises the issue of what law applies to activities of an out-of-state, state bank in a host state in which the bank maintains a branch, when those activities are conducted by the bank directly, or through an OpSub, or by some means other than the branch. The Petitioner argues that the FDIC should issue a rule that provides that home state law applies uniformly to all business of the bank in that State, whether by the bank directly, through the host state branch, through a loan production office (''LPO''), or through some other non-branch office, or through an OpSub.

The FDIC requests the public's views on the following specific issues:

1–1. What considerations should the FDIC take into account that either support or challenge the proposition that Congress granted the FDIC the authority to make home state law apply to all business conducted by a state bank in a host state in which the bank has a branch, whether conducted directly, or through a branch, a loan production office (an LPO), other office, or OpSub?

1–2. If the FDIC were to adopt a rule as requested, who should determine for each state whether the NBA and OCC rules would preempt host state law for national banks?

1–3. If the FDIC were to adopt a rule as requested, how should the applicable home state law be determined when the home state statute law is silent?

2. The law Applicable to Activities conducted by a State Bank in a State in Which the State Bank Does Not Have a Branch

The Petitioner requests that the FDIC adopt rules to provide that the home state law of a state bank will apply to its activities in other states (i.e., any state other than its home state) to the same extent as the NBA applies to the activities of national banks. The Petitioner cites Riegle-Neal II and section 104(d) of GLBA as an indication of Congressional intent on this issue. In addition, Petitioner refers to principles of administrative law that permit an agency to reasonably fill in statutory gaps and address the application of existing laws to new developments.

The FDIC requests the public's views on the following specific issue(s):

2–1. What considerations should the FDIC take into account that either support or challenge the proposition that an out-of-state, state bank should be able to operate in a state where the bank has no branches under the bank's home state law to the same extent that an out-of-state national bank can operate under the NBA and OCC rules?

3. The law Applicable to Activities Conducted by an Operating Subsidiary (''OpSub'') of a State Bank

The Petitioner requests that FDIC adopt a rule that expressly provides that an OpSub of a state bank will be governed by the same law that is applicable to its parent state bank, except when state law applies to an OpSub of a national bank.

The FDIC requests the public's views on the following specific issues:

3–1. What considerations should the FDIC take into account that either support or challenge the proposition that an OpSub should be able to operate under the bank's home state law to the same extent that an OpSub of a national bank can operate under the NBA and OCC rules?

3–2. What considerations should the FDIC take into account that either support or challenge the proposition that an OpSub should be deemed equivalent to a division of the bank itself?

3–3. If the FDIC were to adopt the requested rule, what requirements should the subsidiary meet in order to be considered an OpSub, *e.g.*, should it be wholly-owned, majority-owned, or just controlled by the bank?

4. The Scope and Application of Section 104(d) of GLBA Regarding Preemption of Certain State Laws or Actions That Impose a Requirement, Limitation, or Burden on a Depository Institution, or Its Affiliate

Section 104 of the GLBA (''section 104'') [4] is titled ''Operation of State Law.'' It expresses the intent of Congress that the McCarran-Ferguson Act which is entitled ''An Act to express the intent of Congress with reference to the regulation of the business of insurance'' [5] ''remains the law of the United States.'' (Section 104(a)). In addition, it: (a) Addresses insurance licensing requirements for persons engaged in the business of insurance; (b) addresses the extent to which a state may regulate affiliations between depository institutions and insurers; (c) addresses the extent to which states may impose restrictions on insurance sales by depository institutions; (d) indicates that states may not prevent or restrict depository institutions or their affiliates from engaging in activities authorized or permitted under GLBA; [6] and (e) limits the ability of states to discriminate between depository institutions engaged in insurance activities authorized or permitted by GLBA or other federal law and others engaged in such activities.

The Petitioner contends that section 104(d) expressly preempts state laws or actions that discriminate against ''depository institutions'' or their affiliates. It urges the FDIC to exercise its authority under sections 8 and 9 of the FDI Act to adopt rules to make it clear that state laws, rules, or actions are preempted under section 104(d) when they provide for disparate treatment between an out-of-state national bank or in-state bank and an out-of-state state bank, or its affiliates. The Petitioner suggests, alternatively, that the FDIC adopt a statement of policy addressing the scope and effect of section 104(d) for state banks. The Petitioner asserts that although state banks subject to FDIC regulation are the intended beneficiaries of this express preemption, the preemption is not being utilized by state banks because the statute is relatively new and complex and the relevant provisions have not be construed by any

[3] Public Law 105–24 (1997).

[4] 15 U.S.C. 6701.

[5] 15 U.S.C. 1011 *et seq.* Among other things, the McCarran-Ferguson Act provides that ''the business of insurance, and every person engaged therein, should be subject to the laws of the several states which relate to the regulation or taxation of such business.'' (15 U.S.C. 1012(a)) and that ''No Act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any state for the purpose of regulating the business of insurance * * * unless such Act specifically relates to the business of insurance.'' (15 U.S.C. 1012(b)).

[6] *See* section 104(d)(1).

agency or court. It states that rules are needed in view of the complexity and general lack of understanding of section 104(d).

The Petitioner argues that the breadth of section 104(d) preemption and its purpose to reach state law or actions that would provide disparate treatment for any type of depository institution (including an out-of-state state bank) in relation to its competitors is evident from section 104(d)'s language.

The Petitioner has described certain actions that if taken by the FDIC will, in its opinion, clarify by regulation or policy statement that state laws, rules, or actions cannot differentiate between in-state and out-of-state banks. The Petitioner specifically requests that the FDIC issue a rule or policy statement: (a) Stating that the section 104 preemption applies to insured banks and their subsidiaries, affiliates and associated persons; (b) defining a ''person'' to include a depository institution, subsidiary, affiliate, and associated person; (c) stating that the word restrict'' in section 104(d)(1) includes any state law, rule, interpretation or action that calls for any limitation or requirement; (d) addressing each of the four non-discrimination provisions in section 104(d)(4) to confirm that each is a distinct test and that any state law or action that fails one test is preempted; (e) addressing the scope of ''actions'' in section 104(d)(4) to include all types of formal or informal administrative actions by any state or local governmental entity, including decisions with respect to civil enforcement of state rules; (f) addressing section 104(d)(4)(D)(i) in light of the terms used in subparagraph (ii) to specify that paragraph (i) addresses treatment under state law of an out of state, state bank which would be an ''insured depository institution,'' that is different from the treatment of any national bank or in-state state bank which would be an ''other person engaged in the same activity'' under these provisions; and (g) defining ''state law'' to include laws, ordinances and rules of political subdivisions, including any counties and municipalities.

The FDIC requests the public's views on the following specific issues:

4–1. GLBA is a not codified as part of the FDI Act, is silent as to rulemaking and applies to all insured depository institutions. What barriers, if any, would there be to the FDIC adopting a regulation or policy statement implementing section 104?

4–2. What considerations should the FDIC take into account that either support or challenge the proposition that section 104 preempts state law in the manner described by Petitioner?

4–3. What barriers, if any, would there be to the FDIC adopting a regulation or policy statement applicable to all insured depository institutions based on section 104?

4–4. Is it reasonable for the FDIC to read section 104 as having some application to interstate banking operations in general?

4–5. The areas of section 104 Petitioner identifies for rulemaking are very discrete but taken together may have a broad impact. What are the overall implications (favorable as well as negative) of adopting the section 104 regulatory guidance suggested by the Petitioner?

5. Implementation of Section 27 of the FDI Act (Which Permits State Depository Institutions To Export Interest Rates)

Section 27 of the FDI Act (''section 27'')[7] establishes the maximum amount of interest that a state-chartered insured depository institution or insured branch of a foreign bank (collectively, ''state bank'') may charge its borrowers. Generally, the statute authorizes a state bank to charge interest at the greater of the rate allowed by the laws of the State, territory, or district where the bank is located or not more than one percentage point above the discount rate on 90-day commercial paper at the Federal Reserve bank for the Federal Reserve district where the bank is located.[8] The statute also specifies that state banks may charge the rates authorized by the statute ''notwithstanding any State constitution or statute which is hereby preempted for the purposes of this section.''[9] As is the case under section 85 of the NBA for national banks, section 27 allows state banks to charge out-of-state borrowers interest at the rates allowed by the law of the State where the bank is located, even if such rates exceed the usury limitations imposed by the borrower's state of residence.[10]

Section 27 contains two subsections which are patterned after provisions in the NBA. Subsection (a) corresponds to section 85 of the NBA (''section 85''),[11] which addresses the interest rates that national banks are authorized to charge their borrowers. Subsection (b) corresponds to section 86 of the NBA (''section 86''),[12] which addresses penalties and limitations of actions for charging interest in excess of the amount allowable under section 85.

Because section 27 was enacted to provide state banks ''competitive equality'' with national banks and is patterned after the corresponding provisions in the NBA, the FDIC and the courts have construed section 27 in virtually the same manner as the OCC and the courts have construed sections 85 and 86. For example, in General Counsel's Opinion No. 10 (''GC Opinion No. 10''),[13] the FDIC's General Counsel concluded that section 27 and section 85 should be construed in pari materia and that the term interest, for purposes of section 27, includes those charges that a national bank is authorized to charge under section 85 and the OCC's interpretive rule defining interest for purposes of section 85.[14] In General Counsel's Opinion No. 11 (''GC Opinion No. 11'')[15] the FDIC's General Counsel interpreted section 27 as applying to state banks operating interstate branches in a manner similar to the OCC's interpretation of the application of section 85 to national banks operating interstate branches. In GC Opinion No. 11 it was observed that, like an interstate national bank under section 85, a state bank is ''located'' in the state where it is chartered and in each state where it has a branch. GC Opinion No. 11 also addressed the criteria for determining when the state laws imposed by the bank's home state or host state should govern the amount of interest authorized on a loan transaction. In addition, the FDIC has interpreted section 27 as providing state banks: (a) The same ''most favored lender'' status under section 27 as national banks are provided under section 85; (b) the same right to export interest authorized by the state laws of the state where the bank is located to out-of-state borrowers; and (c) the same exclusive remedy for usury violations as is provided national banks under section 86.[16]

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[7] 12 U.S.C. 1831d.

[8] Section 27 was added to the FDI Act by section 521 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (''DIDMCA'').

[9] Section 27(a) of the FDI Act; *see generally Greenwood Trust Co.* v. *Commonwealth of Massachusetts*, 971 F.2d 818 (1st Cir.), *cert. denied*, 506 U.S. 1052 (1993).

[10] This ability to charge interest at the rates allowed by the state where the bank is located is often referred to as the ''exportation doctrine.''

[11] 12 U.S.C. 85.

[12] 12 U.S.C. 86.

[13] GC Opinion No. 10, 63 FR 19258 (Apr. 17, 1998).

[14] 12 CFR 7.4001(a).

[15] GC Opinion No. 11, 63 FR 27282 (May 18, 1998).

[16] FDIC Advisory Opinion No. 81–3, February 3, 1981, reprinted in [1988–1989 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81,006; FDIC Advisory Opinion No. 81–7, March 17, 1981, reprinted in [1988–1989 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81,008; FDIC Advisory Opinion No. 02–06, December 19, 2002, reprinted in Fed. Banking L. Rep. (CCH) ¶ 82–256.

The Petitioner observes that the OCC and OTS have adopted rules codifying the scope of the relevant parallel interest provisions [17] contained in their respective statutes.[18] Therefore, the Petitioner requests that the FDIC adopt parallel provisions by rule to allow state banks to operate in a matching legal framework under section 27.

Therefore, the FDIC requests the public's views on the following specific issues:

5–1. Should the FDIC adopt a parallel rule implementing section 27 for state banks similar to 12 CFR 7.4001 and 12 CFR 560.110?

5–2. Should any other issues be addressed by rulemaking to provide state banks competitive equality with national banks regarding section 27? For example, 12 CFR 7.5009 addresses the location under section 85 of national banks operating exclusively through the Internet. Is a similar rule needed for state banks under section 27?

Under section 525 of the Depository Institutions Deregulation and Monetary Control Act states may ''opt-out'' of coverage under section 27 at any time.[19] The FDIC believes that Iowa, Puerto Rico, and Wisconsin are the only jurisdictions that have exercised this authority and not rescinded it.

Therefore, the FDIC requests the public's views on the following specific issue:

5–3. What effect would the exercise of the authority to opt-out of coverage under section 27 have on the rule or rules the Petitioner is requesting?

IV. Public Hearing

The FDIC will hold a hearing to obtain the public's views on all issues raised by the Petition. The hearing will be held on Tuesday, May 24th, 2005 from 8:30 a.m. to 5 p.m. in the Board room at the FDIC's headquarters, 550 17th Street, NW., Washington, DC. Hearing Officers designated by the FDIC will preside over the hearing. The hearing will be informal, and the rules of evidence will not apply. However, only the Hearing Officers may question a participant during a presentation. Each participant making an oral presentation at the hearing will be limited to 15 minutes. While oral presentations are limited to 15 minutes, there is no limit on the length of a participant's written statement.

Anyone wishing to make an oral presentation at the hearing must (i) deliver a written request to the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429 no later than 5 p.m. on Monday, May 9th, 2005; and (ii) deliver a copy of his or her written statement plus a two-page (or less) summary to the Executive Secretary no later than 5 p.m. on Monday, May 16th, 2005. Anyone wishing to submit a written statement of his or her views without making an oral presentation at the hearing may submit a limited-appearance statement. All limited-appearance statements must be received by the Executive Secretary no later than 5 p.m. on Monday, May 16th, 2005. Attendance at the hearing is not required in order to submit a written statement. Each request to make an oral presentation and each participant's statement must include the participant's name, address, telephone number, e-mail address, and, if applicable, the name and address of the institution or organization the participant represents.

Opportunities to make an oral presentation at the hearing are limited, and not all requests may be granted. The FDIC will notify each person who has submitted a request to make an oral presentation at the hearing whether the FDIC will be able to accommodate his or her request. The notice for each person whose request has been granted will include the time scheduled for his or her presentation and a tentative agenda. Depending upon the number of participants requesting an oral presentation, participants may be organized into panels of two or three to accommodate as many participants as possible.

The hearing will be transcribed. The FDIC will provide attendees with any auxiliary aids (*e.g.*, sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); or (202) 416–2007 (TTY), to make necessary arrangements.

Dated in Washington DC, this 16th day of March, 2005.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Appendix: *Petition for FDIC Rulemaking Providing Interstate Banking Parity for Insured State Banks*, by Letter From the Financial Services Roundtable, 1001 Pennsylvania Ave., NW., Suite 500 South, Washington, DC 20004, Tel 202–289–4322, Fax 202–628–2507, dated March 4, 2005

March 4, 2005

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation, 550 Seventeenth Street, NW., Washington, DC 20429.

Re: Petition for FDIC Rulemaking Providing Interstate Banking Parity for Insured State Banks

Dear Mr. Feldman: The Financial Services Roundtable [1] (''Roundtable'') respectfully petitions the Federal Deposit Insurance Corporation (''FDIC'') to promulgate rules under the Federal Deposit Insurance (''FDI'') Act and Section 104(d) of the Gramm-Leach-Bliley (''GLB'') Act, 15 U.S.C. 6701, to provide parity for state banks and national banks. Specifically, the proposed rule would provide that a state bank's home state law governs the interstate activities of insured state banks and their subsidiaries to the same extent that the National Bank Act governs a national bank's interstate business.

The FDIC has ample authority to take each of the requested actions pursuant to the broad delegation of authority in the FDI Act. It is now clear that FDIC action is required to achieve the result that Congress sought in the 1997 amendment to the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (''Riegle-Neal I''), Pub. L. 103–328, 108 Stat. 238. See Riegle-Neal Amendments Act of 1997, Pub. L. 105–24 (1997) (amending 12 U.S.C. 1831a(j)) (''Riegle-Neal II''). The requested rulemaking would implement the historic decision of Congress in 1997 to provide competitive equality for state banks and national banks in interstate banking.

The Roundtable submits that it is both necessary and timely for the FDIC to adopt rules making clear the ability of state banks operating interstate to be

[17] 12 CFR 7.4001; 12 CFR 560.110.

[18] The relevant parallel interest provision for the OTS is section 4(g) of the Home Owners Loan Act (12 U.S.C. 1463(g)), which was derived from section 522 of DIDMCA.

[19] Section 525 of DIDMCA, like section 528 that provides lenders a choice of interest rates, is contained in various notes in the United States Code following the various sections that they affect. *See, e.g.*, 12 U.S.C. 1831d (note).

[1] The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Roundtable member companies provide fuel for America's economic accounting directly for $18.3 trillion in managed assets, $678 billion in revenue, and 2.1 million jobs.

governed by a single framework of law and regulation to the same extent as national banks. Such an action would ensure the continued vitality of the dual banking system. Accordingly, the Roundtable requests that the FDIC promulgate rules that:

1. Clarify that the governing law applicable to activities conducted in a host state by a state bank that has an interstate branch in that state is its home state law to the same extent that host state law is preempted by the National Bank Act. The FDIC should make clear that ''home'' state law applies to an out-of-state state bank in a ''host'' state to the same extent as the National Bank Act applies to an out-of-state national bank, whether the business of the bank is conducted by the bank through the host state branch, by or through an operating subsidiary, or by any other lawful means.

2. Clarify that the governing law applicable to activities conducted by a state bank in a state in which the state bank does not have a branch is its home state law to the same extent that host state law is preempted by the National Bank Act. The FDIC should make clear that a state bank may operate under home state law in any other state to the same extent that an out-of-state national bank may operate under the National Bank Act or under rules promulgated by the Comptroller of the Currency (''OCC''). Such a rule would give effect to the policy underlying Riegle-Neal II and the preemption of discriminatory state law provided in Section 104(d) of the Gramm-Leach-Bliley (''GLB'') Act (''Section 104(d)''), 15 U.S.C. 6701(d).

3. Clarify that the law applicable to activities conducted by an operating subsidiary of a state bank is the same law applicable to the bank itself. The FDIC should clarify that when a state bank has established an ''operating subsidiary'' pursuant to its home state law, that subsidiary will be treated under FDIC rules as if it were the state bank itself. Thus, the operating subsidiary will be subject to state law outside its home state in the same manner as its bank parent is subject to such state law. Such rules would allow state bank operating subsidiaries to engage in interstate business under the same uniform rules as its parent bank, just as national bank operating subsidiaries operate under uniform OCC rules.

4. Adopt rules construing the scope and application of Section 104(d) to make clear that a state law or action is expressly preempted under Section 104(d) when it imposes a requirement, limitation, or burden on a state bank, or its affiliate, that does not also apply to an out-of-state national bank or in-state bank. Section 104(d) expressly preempts state laws or actions that discriminate against ''insured depository institutions','' or their affiliates, as defined in the FDI Act. Accordingly, Section 104(d) provides independent basis and support for each of the above requests. Moreover, through implementing rules, the FDIC would provide greater certainty to insured state banks with respect to the scope of this express federal preemption in general. This provision is not well understood and we believe that a rulemaking, not litigation, is the appropriate means to carry out Congressional intent and achieve needed clarity.

5. Implement Section 27 of the FDI Act by adopting a rule parallel to the rules promulgated by the OCC and Office of Thrift Supervision (''OTS''). The scope and implementation of the express preemption for the ''interest rate'' charged in interstate lending transactions by state and national banks under Section 27 of the FDI Act and Section 85 of the National Bank Act has been authoritatively addressed by the courts and in agency interpretations. The OCC and OTS have adopted rules codifying the scope of the respective statutory provisions for federal institutions. The FDIC should adopt a parallel rule for insured state banks and thus codify existing agency interpretations.

In this letter, we will address (A) the urgent need for the requested rulemaking and the real costs of inaction, (B) the FDIC's authority to promulgate rules of the scope requested, (C) the legislative history demonstrating that Congress specifically intended in Riegle-Neal II to prevent erosion of the dual banking system and in Section 104(d) to prevent disparate treatment and ensure that all banks could compete on relatively equal terms in today's interstate financial services marketplace, and (D) the scope of the proposed rule provisions in greater detail. The Roundtable appreciates the FDIC's consideration of this petition.

A. A Rulemaking Is Necessary and the Costs of Inaction Will Be Significant

The requested FDIC action in this petition is necessary to complete the task of restoring balance in the dual banking system that Congress sought to achieve in 1997. Riegle-Neal II reversed a decision in 1994 to treat state and national banks differently with respect to ''applicable law.'' In Riegle-Neal I, state and national banks were under the same rules for the establishment of interstate branches. However, Riegle-Neal I provided that when a national bank branched interstate into a host state, it was in effect generally subject to the National Bank Act,[2] while the state bank in a parallel case was made subject to host state law. While interstate national banks could operate under a single law, interstate state banks were subjected to multiple state laws.

That disparity led Congress in 1997 to amend Riegle-Neal to adopt an applicable law provision for state banks that closely tracked the national bank provision in Section 36(f) of the National Bank Act.[3] The purpose of the 1997 amendment, which was stated repeatedly by its sponsors, was to provide parity between state banks and national banks with respect to interstate banking.[4] By ''parity,'' they plainly meant the ability of state banks to do business interstate under a uniform law (home state law) just as national banks were authorized to do under Riegle-Neal.[5]

Over the last decade, the federal charters for national banks and federal thrifts have been correctly interpreted by the OCC and OTS, with the repeated support of the federal courts, to provide broad federal preemption of state laws that might appear to apply to the activities or operations of a banking institution in that state. The result is that, in general, national banks and

[2] The Riegle-Neal applicable law provision for national banks states: ''(A) In general The laws of the host State regarding community reinvestment, consumer protection, fair lending, and establishment of intrastate branches shall apply to any branch in the host State of an out-of-State national bank to the same extent as such State laws apply to a branch of a bank chartered by that State, except—(i) when Federal law preempts the application of such State laws to a national bank; or (ii) when the Comptroller of the Currency determines that the application of such State laws would have a discriminatory effect on the branch in comparison with the effect the application of such State laws would have with respect to branches of a bank chartered by the host State.'' 12 U.S.C. 36(f)(1)(A). The effect of this provision is that any host state law, including a community reinvestment, consumer protection, fair housing, or intrastate branching law, that is preempted under the National Bank Act does not apply to the national bank branch (or the bank) in the host state.

[3] Compare 12 U.S.C. 1831a(j)(1) (text in footnote 9) with 12 U.S.C. 36(f)(1)(A) (text in footnote 2).

[4] As stated by the led sponsor in the House, Rep. Roukema: ''The essence of this legislation is to provide parity between state-chartered banks and national banks.'' 143 Cong. Rec. H3088 (daily ed. May 21, 1997).

[5] *See, e.g.,* statements by the principal sponsors of the 1997 Amendment, Rep. Roukema (''* * * we have * * * with this action, protected the dual banking system while at the same time gaining the advantages of interstate banking''), 143 Cong. Rec. H4231 (daily ed. June 24, 1997), and Chairman D'Amato (''Enactment of H.R. 1306 also would bolster efforts of New York and other states to make sure that State[-]chartered banks have the powers they need to compete efficiently and effectively in an interstate environment''), 143 Cong. Rec. S5637 (daily ed. June 12, 1997).

federal thrifts now can do business across the country under a single set of federal rules. This framework is appropriate for these federal entities in a national financial marketplace. At the same time, in this marketplace a uniform national bank system based on preemption and interstate banking undoubtedly presents a major challenge to the dual banking system and state banks.

In contrast to the general certainty enjoyed by federal institutions, there is widespread confusion and uncertainty with respect to applicable law governing state banks engaged in interstate banking activities. The current uncertainty governing the interstate activities of state banks has had, and will continue to have, several significant adverse effects. Uncertainty carries the potential for litigation and enforcement actions arising from disagreements between regulators, or between a host state regulator and a state bank engaged in interstate activity. Regulatory uncertainty deters state banks from pursuing profitable business opportunities. When a state bank converts to a national charter to gain greater legal certainty, it incurs substantial expense. Each of these consequences has economic significance for state banks and direct implications for the FDIC's enforcement and safety-and-soundness responsibilities.

Moreover, a series of recent major merger and conversion transactions has resulted in an unprecedented migration of assets to the national banking system. It is now apparent that, absent a more certain federal regulatory environment, the state charter will continue to be perceived as less competitive than a national bank charter.

This is the very result that Congress intended to prevent.[6] In 1994, 1997 and 1999 Congress took bold and historic actions to provide uniform federal rules to govern all interstate banking and to ensure that individual state laws could not disfavor any type of depository institution in the multistate financial services marketplace. It is now apparent that the express terms of these statutes have not on their own force been able to ensure, as Congress intended in enacting Riegle-Neal II, that state banks can participate in interstate banking business on a par with national banks and that state banks face significant state law obstacles when they seek to do business outside their home state. As a consequence, the state banking system, as we have known it, is fundamentally threatened.

In the national financial services marketplace, consumers and providers benefit when banks can provide products and services under a single legal framework applicable across state lines. At the same time, bank customers and the economy also benefit from the diversity, innovation and checks provided by a strong and dynamic dual banking system involving large, regional, and small banks. From the perspective of all parties—consumers, financial institutions, and regulators—further development of a framework of state bank regulation and supervision that is effective, efficient, and seamless across state lines is the right goal. In today's multistate system, that is an essential goal. A banking system in which virtually all interstate banks have national charters and state banks are overwhelmingly local is not the dual banking system this country has historically enjoyed. The dual banking system will retain the dynamic vitality that has made it a mainspring for progress and strength in banking only if it can provide meaningful interstate competitive parity for all interstate state banks, whether cross-border, regional, or national. Significant and unacceptable disparity exists today.

The FDIC has the authority, tools, and responsibility under the FDI Act to correct this imbalance. To implement Congressional intentions it now must promptly provide a uniform interstate applicable law regime for state banks and give practical reality to the express preemption of discriminatory state laws.

B. The FDIC Has Authority To Adopt the Requested Rules

The FDIC has ample rulemaking authority to address each of the Roundtable's requests. Section 9 of the FDI Act vests the FDIC with broad authority to adopt rules ''it may deem necessary to carry out the provisions of this Act or of any other law which it has the responsibility of administering or enforcing.'' 12 U.S.C. 1819.[7]

The FDIC is vested with responsibility for administering Sections 24 and 27 of the Act to accomplish what Congress intended. Congress, through Section 9, has vested the FDIC with authority to carry out Sections 24 and 27. Moreover, under basic principles of administrative law, agency rules that fill or address a statutory gap generally are afforded considerable deference by courts. See *Chevron U.S.A., Inc.* v. *Natural Resources Defense Council, Inc.,* 467 U.S. 837, 865 (1984) (''Chevron''). Section 9's ''generally conferred authority'' makes it apparent ''that Congress would expect the agency to be able to speak with the force of law when it addresses ambiguity in the statute or fills a space in the enacted law, even one about which 'Congress did not actually have an intent' as to a particular result.'' *United States* v. *Mead,* 533 U.S. 218, 229 (2001) (quoting Chevron, 467 U.S. at 845).

Riegle-Neal I and II fundamentally changed federal law for state and national banks by authorizing banks to engage fully in banking transactions in other states through interstate branching.[8] As a corollary, Riegle-Neal I provided federal ''applicable law'' statutes to govern the new interstate banking regime. As originally enacted, the respective applicable law provisions treated national and state banks differently. Riegle-Neal II sought to redress that disparity and provided substantively the same rule for state banks as was originally provided for national banks.[9] The FDIC plainly has authority to implement Riegle-Neal II.

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[6] The statement by Rep. LaFalce before final House passage of the 1997 amendments captures the purpose to redress the negative effects of the 1994 Riegle-Neal applicable provision for state banks: ''Why [must we act now]? Well, it is due to the fact that the national bank regulator has the authority to permit national banks to conduct operations in all the states with some level of consistency. In contrast, under the existing interstate legislation, state banks branching outside their home state must comply with a multitude of different state banking laws in each and every state in which they operate.'' 143 Cong. Rec. H3094 (daily ed. May 27, 1997). See the discussion of the legislative history in the next section.

[7] The FDIC's rulemaking authority parallels the OCC's authority. *See* 12 U.S.C. 93(a) (''the Comptroller of the Currency is authorized to prescribe rules and regulations to carry out the responsibilities of the office''). The statutory provision authorizing the OCC to issue rules is directly analogous to Section 9 of the FDI Act. Compare 12 U.S.C. 1819 (FDIC vested with authority ''to prescribe * * * such rules and regulations as it may deem necessary to carry out the provisions of this chapter or of any other law which it has the responsibility of administering or enforcing * * *'').

[8] Prior to enactment of Riegle-Neal, neither state nor national banks could establish branches outside their home state. Moreover, except with respect to interest charges under 12 U.S.C. 85 and 12 U.S.C. 1831d, federal law did not provide guidance to either state banks or national banks regarding the law applicable to transactions that banks made with customers outside their home states.

[9] See generally section 24(j):

(j) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—

(1) APPLICATION OF HOST STATE LAW.—The laws of a host State, including laws regarding community reinvestment, consumer protection, fair lending, and establishment of intrastate branches, shall apply to any branch in the host State of an out-of-State national bank. To the extent host State law is inapplicable to a branch of an out-of-State bank in such host State pursuant to the preceding sentence, home State law shall apply to such branch.

(2) ACTIVITIES OF BRANCHES.—An insured State bank that establishes a branch in a host State may conduct any activity at such branch that is permissible under the laws of the home State of

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The FDIC also has the authority to implement the nondiscrimination provisions of Section 104(d) insofar as the GLB Act addresses state insured depository institutions and to construe the express preemption of discriminatory state law provided in Section 104(d). Section 9 vests the FDIC with authority to promulgate rules to carry out any statute the FDIC is responsible for administering or enforcing. The provisions of the GLB Act that touch upon state depository institutions fall within the regulatory ambit of the FDIC.

A statutory gap, or a clarification of a statute to effect Congressional intent, can be—and should be—addressed by an agency rule. Where, as here, a statute is ambiguous regarding its application to ''a particular result'' (Mead, 533 U.S. at 229), courts have long recognized that agencies with rule-making authority must be permitted to address the statutory gap as ''necessary for the orderly conduct of its business.'' United States v. Storer Broadcasting Co., 351 U.S. 192, 202–03 (1956) (finding also that the statute ''must be read as a whole and with appreciation of the responsibilities of the body charged with its fair and efficient operation''), National Petroleum Refiners Ass'n, 482 F.2d at 681. (''[T]here is little question that the availability of substantive rule-making gives any agency an invaluable resource-saving flexibility in carrying out its task of regulating parties subject to its statutory mandate.''). Courts have consistently applied these administrative law principles—and extended Chevron deference—to rules and regulations issued by the FDIC under its broad rulemaking authority.[10] There can be little doubt that Section 9 of the FDI Act vests the FDIC with authority to address these issues.[11]

There is no reason that a rulemaking by the FDIC similar to ones conducted by the OCC should be analyzed any differently. The National Bank Act does not expressly address the law applicable to a national bank outside states where it has branches. Prior to the adoption of the OCC rules, a number of courts determined that national banks were subject to state laws that did not conflict with the provisions of the National Bank Act.[12] Nonetheless, the courts have upheld the OCC rules and determinations that make clear that national banks and their operating subsidiaries are governed by the National Bank Act wherever they do business. These OCC rules have generally received Chevron deference.[13]

Further, under Section 8 of the FDI Act, an insured bank may be subject to an enforcement action of the FDIC if ''in the opinion of the appropriate Federal banking agency, any insured depository institution, depository institution which has insured deposits, or any institution-affiliated party is engaging or has engaged, or the agency has reasonable cause to believe that the depository institution or any institution-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of such depository institution, or is violating or has violated, or the agency has reasonable cause to believe that the depository institution or any institution-affiliated party is about to violate, a law, rule, or regulation.'' 12 U.S.C. 1818(b)(1). The FDIC has authority to adopt rules with respect to legal compliance by insured banks that provide guidance to those banks and agency staff charged with making supervisory, enforcement and examination decisions. That can be accomplished by using authority under Section 9 to address issues of compliance with state law, including the meaning and scope of Section 104.[14]

C. The Requested Rulemakings Would Advance the Congressional Purpose To Prevent Erosion of the Dual Banking System by Maintaining Parity Between State and National Banks

Beginning with the enactment of Section 27, Congress has taken bold and historic action on more than one occasion to preempt a wide range of state laws so that state banks can operate on a par with national banks in the multistate financial services marketplace that has come into existence in recent decades. The broad sweep of what Congress intended to accomplish is evident in the terms and legislative history of Riegle-Neal II and Section 104(d). Those statutes further the decades-old principle of competitive equality embodied in federal law and repeatedly recognized by the courts and the FDIC.[15] The requested FDIC rule would implement these Congressional purposes.

The principle of fundamental competitive parity has been woven by Congress and the courts into the very fabric of the dual banking system. The dual system was created when Congress created the national bank system alongside the state banking system. In the Federal Reserve Act, Congress expressly provided for state banks, as well as national banks, to be member

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such bank, to the extent such activity is permissible either for a bank chartered by the host State (subject to the restrictions in this section) or for a branch in the host State of an out-of-State national bank.

(3) SAVINGS PROVISION.—No provision of this subsection shall be construed as affecting the applicability of—

(A) any State law of any home State under subsection (b), (c), or (d) of *section 44*; or

(B) Federal law to State banks and State bank branches in the home State or the host State.

(4) DEFINITIONS.—The terms ''host State'', ''home State'', and ''out-of-State bank'' have the same meanings as in *section 44(f).* 12 U.S.C. 1831a(j).

[10] See, *e.g., National Council of Savings Institutions* v. *FDIC,* 664 F.Supp. 572 (D.D.C. 1987) (sustaining FDIC regulation governing the proper relationship between FDIC-insured banks and their securities-dealing ''subsidiaries'' or ''affiliates'') See also *Wells Fargo Bank, N.A.* v. *FDIC*, 310 F.3d 202, 208 (D.C. Cir. 2002) (affording Chevron deference to FDIC rule for ''second generation'' transactions, because statute was silent as to treatment of these transactions and rule would ''implement Congressional intent because it prevents financial institutions from manipulating the system''); *America's Community Bankers* v. *FDIC,* 200 F.3d 822, 834 (D.C. Cir 2000) (upholding FDIC denial of refund assessment under Chevron, where statute merely stated that FDIC could utilize ''any other factors'' to ''set'' the assessment amount and thus was ''facially ambiguous''); *Federal Deposit Ins. Corp.* v. *Sumner Financial Corp.*, 451 F.2d 898, 902–903 (5th Cir. 1971) (affording ''great deference'' to FDIC interpretation of FDI Act through regulation concerning advertising by regulated banks).

[11] Riegle-Neal I and II provide express ability for a state bank to establish a branch in a host state, to thus gain the ability to engage in any or all of its permitted activities in that host state, and to apply its home state law (unless a national bank, and thus the state bank, must apply host state law) to that branch. But the statutory text does not directly address the governing law applicable to the state bank's activities permitted in the host state under the authority provided by Riegle-Neal, but conducted by the bank outside of its branch, by an operating subsidiary or another means. An ordinary task of a regulatory agency is to construe such a statutory provision in a rule.

[12] See *National State Bank* v. *Long,* 630 F.2d 981 (3d Cir. 1980); *Perdue* v. *Crocker National Bank,* 702 P.2d 503 (Cal. 1985); *Best* v. *U.S. National Bank,* 739 P.2d 554 (Or. 1987).

[13] See, *e.g., NationsBank of N.C.* v. *VALIC,* 513 U.S. 251 (1995); Barnett Bank of Marion County v. Nelson, 517 U.S. 25, 33 (1996); *Wachovia Bank, N.A.* v. *Watters,* 334 F. Supp. 2d, 957, 963–65 (W.D. Mich. 2004); *Wachovia* v. *Burke,* 319 F. Supp. 2d 275 (D. Conn. 2004).

[14] The FDIC previously has engaged in a rulemaking in comparable circumstances. In 1982, the FDIC adopted a Statement of Policy addressing the applicability of the Glass-Steagall Act to securities activities of subsidiaries of insured nonmember banks. 47 FR 38984, September 3, 1982. That Statement of Policy construed Section 20 of the Glass-Steagall Act and concluded that the restrictions in that section on securities affiliates of insured banks did not prevent insured nonmember banks subject to the FDIC's regulation and supervision from having ''bona fide'' securities affiliates or subsidiaries. The provisions of Glass-Steagall construed in the Statement of Policy (like the provisions of GLB at issue here) were not part of the FDI Act, but the FDIC issued a rule to provide clear guidance to insured state banks, and the exercise of the FDIC's rulemaking authority in that case was upheld. See *National Council of Savings Institutions* v. *FDIC*, 664 F.Supp. 572 (D.D.C. 1987). Issuing guidance to state insured banks concerning the scope of Section 104 of the GLB Act is a necessary and appropriate exercise of the FDIC's authority to carry out its regulatory mandate.

[15] See *First Nat'l Bank* v. *Walker Bank & Trust Co.,* 385 U.S. 252 (1966); *First Nat'l Bank in Plant City* v. *Dickinson,* 396 U.S. 122 (1969); FDIC Advisory Letter 00–5.

banks. The McFadden Act as passed and as amended in the 1930s embodied a federal policy of competitive equality in branching. In the FDI Act, deposit insurance was made available to all state and national banks.

Since 1980, Congress has amended the FDI Act to ensure state-national bank parity, to ensure a strong and balanced dual banking system, and to prevent discriminatory state laws from favoring one type of charter over another. In 1980, in response to the challenges presented by the 1978 Marquette case, Congress provided interstate usury parity for state banks in Section 27 of the FDI Act.[16] See 12 U.S.C. 1831d(a). In 1991, Congress addressed state laws providing state banks more expansive powers than national banks, a disparity in favor of state banks that Congress believed had implications for safety-and-soundness, bank competitiveness, and the dynamic for change in the dual banking system. That enactment provided that state bank activities would be limited to activities permissible for national banks, unless the FDIC determined that for a state bank to engage in an otherwise impermissible activity would not pose a significant risk to the deposit insurance fund. See 12 U.S.C. 1831a(a)–(e). This policy of parity was continued in Riegle-Neal and the GLB Act.

1. The Legislative History of Riegle-Neal Amendments Demonstrates Congressional Purpose to Provide Parity Between National Banks and State Banks

In Riegle-Neal, Congress reversed more than 150 years of federal policy and enacted comprehensive federal laws governing interstate banking for all banks. Except for the applicable law provisions, Riegle-Neal as originally enacted gave parallel treatment to state and national banks. In 1997, Congress recognized that the original state bank applicable law provision was placing state banks at a substantial disadvantage and was undermining the state system. It acted swiftly to redress the state-national bank balance in Riegle-Neal II. The specific drafting approach, the underlying policy and the express purpose of that 1997 statute all sought to ensure that state banks would operate under a uniform interstate ''applicable law'' regime based on home state law parallel to the national bank regime. It sought to ensure parity in the dynamic interstate banking environment.

The legislative history of Riegle-Neal II makes clear that Congress' goal was to facilitate competitive equality for state banks and national banks in interstate banking. The 1997 amendments originated in the House Banking Committee. At final passage, the principal sponsor of the bill, Rep. Marge Roukema (R–NJ), chair of the Subcommittee on Financial Institutions, and senior members of the House Banking Committee, on a bipartisan basis, expressed the intent to provide a level playing field, not narrowly in terms of competition between state and national bank branches, but broadly in terms of the ability of state banks to match national banks in doing business across the country.

As Rep. Roukema stated when introducing the bill for vote on the House floor: ''The essence of this legislation is to provide parity between state-chartered banks and national banks. * * * This legislation is critical to the survival of the dual banking system. * * * [A] strong state banking system is necessary for the economic well-being of the individual States and for innovation in financial institutions.'' In her final statement before final passage, she repeated the necessity and purpose of the bill: ''[W]e have * * * with this action, protected the dual banking system while at the same time gaining the advantages of interstate banking.''[17] No contrary statement was made by any House or Senate member during the floor debates preceding final passage.

Representative Roukema's statements were echoed and reinforced by senior members from each political party. On the Republican side, Rep. Mike Castle (R–DEL) addressed state bank's competitive needs ''across the Nation'': ''As we enter the age of interstate banking and branching, it is necessary to ensure that state banks can compete fairly with national banks as more banking is done between States and across the Nation. This legislation will ensure that there is a level playing field between state and national banks.''[18] Rep. Doug Bereuter (R–NEB) emphasized the benefits for the state system, ''This Member was intimately involved in the original Riegle-Neal Act and was concerned at that time that States' rights were protected. * * * This Member believes that this measure actually reinforces States' rights by maintaining the viability of the state charter by ensuring parity with the national bank charter * * * [and] urges his colleagues to join him in approving this important protection of the dual banking system.''[19]

A senior Democrat, Rep John LaFalce (D–NY), articulated the purpose clearly: ''* * * I do believe [the bill's] passage is vital to maintain the dual banking system. It is the dual banking system that by giving banks a choice of Federal or state charters has helped to ensure that our U.S. banking industry has remained strong and competitive. * * * [In 1994, Congress did not adequately anticipate the negative impact the interstate law would have on state banks.] Why so? Well, it is due to the fact that the national bank regulator has the authority to permit national banks to conduct operations in all the states with some level of consistency. In contrast, under the existing interstate legislation, state banks branching outside their home state must comply with a multitude of different state banking laws in each and every state in which they operate.''[20]

When the Riegle-Neal II bill was considered in the Senate, concern also was expressed about the erosion of the dual banking system caused by the disparity in applicable law enacted in Riegle-Neal. In his floor statement preceding final Senate passage, Senate Banking Committee Chairman Alphonse D'Amato (R–NY) stated the importance of Riegle-Neal II for the continued vitality of the dual banking system:

[T]he trigger date for nationwide interstate branching has passed—June 1, 1997. This important legislation will preserve the benefits of the dual banking system and keep the state banking charter competitive in an interstate environment. * * *

The bill is necessary to preserve confidence in a state banking charter for banks with such a charter that wish to operate in more than one state. In addition, it will curtail incentives for unnecessary Federal preemption of State laws. Finally, the bill will restore balance to the dual banking system by ensuring that neither charter operates at an unfair advantage in this new interstate environment. * * *

New York has more than 90 State [-]chartered banks . * * * Without this

[16] See Marquette Nat'l Bank of Minneapolis v. First of Omaha Serv. Corp., 439 U.S. 299 (1978).

[17] See 143 Cong. Rec. H3088 (daily ed. May 21, 1997), H4231 (daily ed. June 24, 1997).

[18] 143 Cong. Rec. H3095 (daily ed. May 27, 1997).

[19] Id. at H3094. Rep. Spencer Bacchus (R–ALA) similarly stated: ''* * * we have heard almost unanimous testimony that the unfortunate and unintended consequences of our failure to make these clarifications will be the devaluation of state banking charters in favor of national charters and the gradual decline of the state banking system * * *'' Id. at H3095.

[20] Id. at H3094. Rep. Bruce Vento (D–MN) similarly stated: ''The legislation will maintain the dynamic balance between the chartering of national and state banks and banking systems. This is a necessary measure. It must be enacted to clarify and ensure the viability of America's dual banking system.'' Id. at H3093.

legislation, the largest of these institutions may be tempted to convert to a national charter in order to operate in more than one State. * * *

The current law may be unclear as to whether consistent rules are used to determine what laws and powers apply to the out-of-state branches of state and federally chartered banks. * * * [Summary of the bill's terms omitted]

Enactment of H.R. 1306 also would bolster efforts of New York and other states to make sure that State[-]chartered banks have the powers they need to compete efficiently and effectively in an interstate environment.[21]

2. Section 104 of the GLB Act Reflects Congress' Intent To Preempt Discriminatory State Laws Adversely Affecting Any Depository Institution

Congress enacted Section 104 as part of the GLB Act in 1999 to address state laws providing competitive inequalities among entities offering the same financial products and services. Section 104 originated as a provision intended to sweep away a variety of state laws that had blocked or imposed special requirements or conditions on banks seeking to engage in insurance activities permitted under their charter law. During the legislative process, the section was expanded to provide express preemption of not just state insurance laws, but any state law that placed impediments or burdens on any insured depository institution seeking to provide financial services across the country. Even though the non-insurance provisions of Section 104(d) are far less detailed than the insurance provisions of Section 104, the Congressional purpose and breadth of preemption with respect to non-insurance activities are express in the nature and scope of the words used.

Congress determined that in a national financial services marketplace individual states should not be able to impose burdens or requirements adversely affecting any depository institution, or its affiliates. As enacted, Section 104(d) provides broad preemption of discriminatory state laws adversely affecting any type of depository institution or any affiliate of a depository institution. It was enacted for the purpose of ensuring that no insured depository institution—including a state bank and its financial affiliates—would be disadvantaged competitively by the operation of state law when it engages in a financial activity, whether on its own, with an affiliate or with ''any other person.''

The legislative history of Section 104(d), and particularly the paragraph (4) nondiscrimination provisions, is sparse, and thus its purpose and intent are best drawn from its terms. It is important to note that Section 104 addresses how banking organizations conduct the full range of permitted financial activities, whether by the depository institution itself or by an affiliate, including both ''traditional'' affiliates such as mortgage or finance companies and the new affiliations permitted under the GLB Act. It focuses on state laws that affect how depository institutions or its affiliates engage in any of their permitted activities. This focus is evident in the Senate Banking Committee report in 1999. That Committee had taken the lead role in fashioning Section 104 in the form ultimately enacted. Its report expressly addressed the section's broad, preemptive purpose with respect to state laws that impinge on how financial activities are conducted: ''[T]he Committee is aware that some States have used their regulatory authority to discriminate against insured depository institutions, their subsidiaries and affiliates. The Committee has no desire to have State regulation prevent or otherwise frustrate the affiliations and activities authorized or permitted by this bill. Thus, Section 104 clarifies the application of State law to the affiliations and activities authorized or permitted by the bill (or other Federal law), and ensures that applicable State law cannot prevent, discriminate against, or otherwise frustrate such affiliations or activities.'' [22]

Section 104(d) has a purpose parallel to Riegle-Neal II—to ensure that depository institutions will be able to compete across the country on equal terms and to prevent state laws or actions from providing disparate treatment that would disadvantage any bank vis-á-vis its competitors. When an out-of-state state bank is subject to a state law imposing any requirement, limitation, or burden to which a national bank or in-state bank is not subject, Section 104(d) by its literal terms preempts that state law.

D. In the Requested Rulemaking, the FDIC Should Clarify the Applicable Law Governing the Interstate Activities of State Banks To Provide Parallel Uniformity for State Banks With National Banks

In light of the FDIC's authority under its statute and the express purposes and policies of Congress enacted in recent statutes, the Roundtable believes that the FDIC can, and should, adopt rules so that state banks can operate interstate under uniform rules based on home state law and thus parallel to national banks. We now address in turn the specific parts of the requested rulemaking.

1. The FDIC Should Clarify That in General Home State Law Is the Governing Law Applicable to All Activities Conducted in a Host State by a State Bank That Has an Interstate Branch in That State to the Same Extent That Host State Law Is Preempted by the National Bank Act

This petition seeks a rule addressing the appropriate applicable law to govern the activities of a state bank when it has entered a host state with a branch as permitted by Riegle-Neal and thus has a federal law authorization to transact all its legally permissible activities within that host state. The requested rule would expressly permit a state bank to apply home state law uniformly to all its business done in a host state parallel to the ability of national banks to apply the National Bank Act under OCC rules. Riegle-Neal II plainly provides that if the National Bank Act preempts host state law for national banks, home state law is the applicable law when the out-of-state bank engages in any or all of its permissible activities in or through its host state branch. The Riegle-Neal applicable law provisions for both state and national banks are silent, however, with respect to the governing law applicable to a transaction that the bank could conduct through its branch, but is effecting without any involvement by the host state branch.

Riegle-Neal I authorized the bank to engage in any or all of its permitted activities in the host state once it has a single branch there and to apply its home state law. The only question under Riegle-Neal II is whether Congress intended different law to apply depending on the means used by the bank to conduct its permitted business in the host state or the structure of the transaction (that is, whether use of home state law as the applicable law depends on some actual branch involvement in the bank's transaction).[23] The legislative purpose is clear: Congress was focused on the

[21] 143 Cong. Rec. S5637 (daily ed. June 12, 1997).

[22] S. Rept. 106–44 (April 28, 1999) at 11 [Senate Banking Committee] (emphasis added).

[23] For example, although the statutory text directly addresses the law applicable to a Tennessee bank with a branch in Oklahoma that makes a loan to an Oklahoma resident through its Oklahoma branch (Tennessee law applies), the text does not speak directly to the governing law applicable to the identical loan originated by the Tennessee bank from its home office in Tennessee (or through an operating subsidiary).

bank's interstate activities, not the means used by the bank. By adopting the requested rule, the FDIC will achieve the result Congress intended.

The FDIC should fill the statutory gap and clarify the application of home state law to host state activities by adopting a rule for state banks that provides for uniform application of home state law whenever a national bank can apply the National Bank Act. The FDIC rule should make it clear that the state bank's home state law will apply to all of the bank's activities in a host state whenever a host state law would be preempted by OCC rules for a national bank.

Specifically, the rule should make it plain that any host state statute, rule, order, etc., that would be preempted under the terms of the OCC preemption rule, or an OCC interpretive letter, would also be preempted for a state bank. If there is any uncertainty about the application of the OCC rules in any case, the rule might allow the home state regulator, or the FDIC, to determine in writing whether OCC rules would provide preemption for national banks. The FDIC should reserve the ability to make any final determination (with consultation with the OCC as needed). In parallel fashion, the rule should provide that if home state statute law is silent, the home state regulator can determine by rule, order, or interpretative statement/letter what applicable home state law is. In general, the home state regulator's written determinations, whether by rule, order, or interpretative statement/letter, should govern, but could be subject to review by the FDIC, upon request of the host state regulator or upon the FDIC's own initiative.

The rule might also address another Riegle-Neal provision addressing the home-host state relationship. Section 10(h)(3) of the FDI Act expressly provides that the ''State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.'' The state regulators, through the Conference of State Bank Supervisors, have entered into a landmark nationwide cooperative agreement, as well as agreements involving a specific bank by the states where that bank has branches. The FDIC rule could provide guidance on the effect of Section 10(h)(3).

2. The FDIC Should Clarify That Home State Law is the Governing Law Applicable to Activities Conducted by a State Bank in a State in Which the State Bank Does Not Have a Branch to the Same Extent That State Law Is Preempted by the National Bank Act

The Roundtable requests that the FDIC adopt parallel rules under its Section 9 authority to provide that the home state law of a state bank will apply to its activities in other states to the same extent as the National Bank Act applies to the activities of national banks. The rule should provide that whenever a state law is preempted by the National Bank Act or OCC rules, it also would not apply to an out-of-state insured bank, which would be governed by its home state charter law. The requested rule thus would implement the terms and policies of Section 104(d) and the policies of Riegle-Neal II and address gaps in existing law. Like the parallel OCC rules, the requested rules would reduce legal risk, guide legal compliance by insured banks, and aid the FDIC in making enforcement decisions under Section 8 of the FDI Act. Further, by promoting operating efficiency and competitiveness in interstate banking and by reducing the real costs arising from legal uncertainty and risk, the proposed rule would contribute to the safe and sound operation of state banks.

To a large extent, the Riegle-Neal and GLB legislation confirmed the existence of a robust interstate marketplace for financial services and provided a federal legal framework for the conduct of this interstate commerce. Although the express purpose of Riegle-Neal II was to provide state banks competitive equality with national banks in interstate banking, it did not by its terms address the law applicable to banks outside states where they maintain a branch. The GLB Act addressed the entire financial services marketplace and, like Riegle-Neal I and II, adopted broad federal rules to implement the goal of a ''level playing field''. In Section 104(d) Congress plainly recognized the need for financial services providers, including insured depository institutions, that operate across the country to do so under uniform rules and not to be subject to individual state rules or actions that would disadvantage some or all depository institutions. Accordingly, Congress provided the very broad express preemption stated in Section 104(d) to address this perceived need.

As is often the case, Congress did not address in those acts every issue presented by the developments and problems it was considering, nor did it address future developments. Under established principles of administrative law, as discussed above, the federal agencies that administer and implement statutory grants of authority have an important role in adopting rules that implement Congressional purposes, reasonably fill in statutory gaps and address the application of existing laws to new developments and contexts.

The policy of Section 104 has a similar goal as Riegle-Neal II, but plainly addresses a different aspect of the same problem—discriminatory state laws that disadvantage depository institutions, including state banks, seeking to compete in interstate financial service markets. Section 104(d) thus directly informs and supports this requested rule. Under Section 104(d), when state law provides for a different result for out-of-state state banks compared to national and in-state state banks, that law is preempted. Given Section 104(d) and the FDIC's authority to address compliance with law under FDI Act Section 8, the FDIC can adopt a rule consistent with the logic and policy of Riegle-Neal II that will provide state banks competitive equality in every state so that no insured state bank will be required to comply with a state law unless a national bank also would be subject to that law.

OCC rules have provided national banks substantial certainty and clarity concerning the law governing national bank activities across the country.[24] These OCC actions have had the effect of making national banks more competitive and efficient in interstate

[24] The Comptroller has addressed the reality of multistate banking by adopting rules that provide that a national bank and its operating subsidiaries operate solely under the National Bank Act and OCC rules wherever they do business across the country. The OCC rules expressly provide that the National Bank Act, not state law, governs the deposit, lending, and other activities of national banks, except as specifically provided in the OCC rules. See 12 CFR 7.4007–7.4009. The National Bank Act does not expressly address the law applicable to a national bank outside states where it has branches. Indeed, prior to the adoption of OCC rules addressing these issues in recent years, a number of courts determined that national banks were subject to state laws that did not conflict with the provisions of the National Bank Act. E.g., *National State Bank* v. *Long*, 630 F.2d 981 (3d Cir. 1980); *Perdue* v. *Crocker National Bank*, 702 P.2d 503 (Cal. 1985); *Best* v. *U.S. National Bank*, 739 P.2d 554 (Or. 1987). Nevertheless, the courts including the U.S. Supreme Court, have upheld OCC rules and determinations since 1944 that flesh out the National Bank Act and spell out the ability of national banks and their operating subsidiaries to apply the National Bank Act wherever they do business. These OCC determinations have generally received Chevron deference. E.g., *NationsBank of N.C.* v. *VALIC*, 513 U.S. 251 (1995), *Barnett Bank of Marion County* v. *Nelson*, 517 U.S. 25, 33 (1996), *Wachovia Bank, N.A.* v. *Watters*, 334 F. Supp. 2d, 957, 963–65 (W.D. Mich. 2004).

banking and have reduced legal risk. These rules, as supplemented by interpretations and guidance issued by the OCC, also have clarified the scope of the OCC's compliance and enforcement responsibilities and standards with respect to the safe and sound operation of national banks. The FDIC has authority to provide a parallel result for state banks in its rules.

3. The FDIC Should Clarify That Home State Law Governs the Activities of an Operating Subsidiary of a State Bank to the Same Extent as Home State Law Applies to the Parent Bank

In a 1996 rulemaking, which codified existing interpretations, and in subsequent modifications, the OCC has adopted comprehensive rules concerning the establishment and operation of operating subsidiaries. See 12 CFR 5.34; 69 FR 64478 (Nov. 5, 2004). The OCC rules as amended in 2001 further specify that state law applies to a national bank operating subsidiary to the same extent state law would apply to the national bank itself. See 12 CFR 7.4006. The FDIC should similarly make clear that an operating subsidiary established by a state bank under its home state law, like the operating subsidiary of a national bank, will be governed by the same law as would its insured state bank parent, except when a state law would apply to the activities of a national bank operating subsidiary.

The Roundtable recognizes that the authority of an insured state bank to establish an operating subsidiary must arise under its charter law. Whether a state bank can have an ''operating subsidiary'' will be determined by appropriate home state authorities under the bank's charter law. Nevertheless, the FDIC plainly has authority to determine that a state bank operating subsidiary that is treated for all purposes as if it were a division of the bank will be subject to the FDI Act and FDIC rules in the same way as its insured bank parent, parallel to a national bank operating subsidiary. The OCC rules concerning operating subsidiaries were adopted without the existence of any express provision in the National Bank Act.[25]

The FDIC has discretion under Section 9 and Section 24(f) to determine by rule that a subsidiary that is an operating subsidiary under home state law will be treated under the FDI Act as if it were a division or branch of the state bank.[26] This rule provision would thus allow a state bank operating subsidiary to engage in interstate banking activities in host states and other states on the same terms on which its state bank parent operates.

4. The FDIC Should Adopt Rules Construing the Scope and Application of Section 104(d) To Make Clear that State Laws, Rules, or Actions Are Preempted Under Section 104(d) When They Provide for Disparate Treatment Between an Out-of-State National Bank or In-State Bank and an Out-of-State State Bank, or an Affiliate Thereof

The Roundtable also requests that the FDIC provide greater clarity and certainty to insured state banks with respect to the scope of the federal preemption provided in Section 104(d) of the GLB Act. In view of the complexity of Section 104(d) and the general lack of understanding of its provisions, FDIC rules are needed. Moreover, a rulemaking is a preferable means for providing needed clarity than either litigation or an enforcement proceeding.

Section 104(d) provides express federal preemption of certain state laws that affect ''insured depository institutions'', as defined in the FDI Act. Insured state banks subject to FDIC regulation are the intended beneficiaries of the Section 104(d) preemption. Yet state banks today are not utilizing this preemption, because the statute is relatively new and complex and the relevant provisions have not been construed by any agency or court. Given the complexity of the Section 104(d) provisions, FDIC guidance would provide much needed clarity and certainty. Accordingly, we request the FDIC to exercise its authority under FDI Act Sections 8 and 9 to adopt rules that specify the scope of the express preemption provided under Section 104(d) for insured state banks. Alternatively, the FDIC might adopt a statement of policy addressing the scope and effect of Section 104(d) for state banks.

The breadth of the Section 104(d) preemption and its purpose to reach state law or actions that would provide disparate treatment for any type of depository institution, including the distinct class of out-of-state state banks, vis-à-vis its competitors are evident in the language of the statute. Section 104(d)(4)(D) provides four distinct nondiscrimination tests for any state law or action that ''restricts'' any depository institution or any affiliate.[27] These provisions of Section 104 were carefully drafted and the text demonstrates that Congress made careful distinctions when determining whether state discrimination between competitors should be impermissible, and thus and preempted, under federal law.[28] The distinctions in the statutory

[25] When the authority for a national bank to establish a financial subsidiary was authorized under the GLB Act in 1999, new Section 24a in the National Bank Act implicitly confirmed the existing OCC approach to establishing operating subsidiaries. See 66 FR 34784, 34788 (July 2, 2001).

[26] The FDIC has recognized in Advisory Letter 99–5 that a state bank operating subsidiary may be treated the same as a state bank branch if the operating subsidiary engages in activities that would require a branch designation. Advisory Letter 99–5 recognizes that because a bank established and controls its operating subsidiary, the offices of an operating subsidiary are similarly ''established'' by the bank for branching purposes. This result is also consistent with the terms of Section 1813(o) of the FDI Act, in which a ''domestic branch'' is defined to include any ''additional office'' of a bank. The FDIC thus has recognized the concept underlying the ''operating subsidiary'' and thus can apply it more uniformly to all state bank activities by rule.

[27] The pertinent portions of Section 104(d) are as follows:

(d) Activities.

(1) In general. Except as provided in paragraph (3), and except with respect to insurance sales, solicitation, and cross marketing activities, which shall be governed by paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict a depository institution or an affiliate thereof from engaging directly or indirectly, either by itself or in conjunction with an affiliate, or any other person, in any activity authorized or permitted under this Act and the amendments made by this Act. * * *

(4) Financial activities other than insurance. No State statute, regulation, order, interpretation, or other action shall be preempted under paragraph (1) to the extent that—

(A) It does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, insurance sales, solicitations, or cross marketing activities covered under paragraph (2);

(B) It does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, the business of insurance activities other than sales, solicitations, or cross marketing activities, covered under paragraph (3);

(C) It does not relate to securities investigations or enforcement actions referred to in subsection (f); and

(D) it—

(i) Does not distinguish by its terms between depository institutions, and affiliates thereof, engaged in the activity at issue and other persons engaged in the same activity in a manner that is in any way adverse with respect to the conduct of the activity by any such depository institution or affiliate engaged in the activity at issue;

(ii) As interpreted or applied, does not have, and will not have, an impact on depository institutions, or affiliates thereof, engaged in the activity at issue, or any person who has an association with any such depository institution or affiliate, that is substantially more adverse than its impact on other persons engaged in the same activity that are not depository institutions or affiliates thereof, or persons who do not have an association with any such depository institution or affiliate;

(iii) Does not effectively prevent a depository institution or affiliate thereof from engaging in activities authorized or permitted by this Act or any other provision of Federal law; and

(iv) Does not conflict with the intent of this Act generally to permit affiliations that are authorized or permitted by Federal law. 15 U.S.C. 6701(d).

[28] Compare the ''other person'' language in subparagraphs (i) and (ii). Subparagraph (i)

language permit the FDIC to address the meaning of Section 104(d) for a state bank confronting state laws outside its home state that disadvantage it by putting it in a different legal or competitive position than its national bank or in-state state bank competitors.

The following specific items might be covered in an FDIC rule or statement of policy:

- The rule should state that the Section 104(d) preemption applies to insured banks, and to their subsidiaries, affiliates and associated persons.
- The rule should define a ''person'' to include a depository institution, subsidiary, affiliate, and associated person.
- The rule should state that in view of the breadth of the nondiscrimination requirements stated in Section 104(d) the word ''restrict'' in Section 104(d)(1) is to be read broadly to include any state law, rule, interpretation or action that calls for any limitation or requirement. Any state law that ''restricts'' but is nondiscriminatory under Section 104(d)(4) is not preempted under Section 104(d). By the same token, any state law that ''restricts'' and is discriminatory under Section 104(d)(4) is preempted under Section 104(d).
- The rule should address each of the four nondiscrimination provisions in Section 104(d)(4) to confirm that each is a distinct test and that any state law or action that fails any one test is preempted.
- The rule should address the scope of ''actions'' in Section 104(d)(4) to include all types of formal or informal administrative actions by any state or local governmental entity, including decisions with respect to civil enforcement of state rules.
- The rule should address Section 104(d)(4)(D)(i) in light of the terms used in subparagraph (ii) to specify that subparagraph (i) addresses treatment under state law of an out-of-state insured state bank, which is plainly an ''insured depository institution,'' that is different from the treatment of any national bank or in-state state bank and banks, which is an ''other person engaged in the same activity'' under these provisions. It should also specify that this discrimination can take various forms, including state laws, rules, or ''actions'' that treat out-of-state state banks or their subsidiaries differently from in-state or federal institutions, whether expressly (*e.g.*, through a state law exemption for federal institutions, but not out-of-state state banks insured institutions), by operation of law (*e.g.*, when state law is preempted for national banks or federal thrifts, and federal credit unions, but not for out-of-state state banks), or by an administrative determination to enforce a state rule against an out-of-state state bank or affiliate, but not against a federal entity. The rule could give examples.
- The rule should define ''state law'' to include laws, ordinances, rules, etc. of political subdivisions (including any county, municipality, etc.).

5. The FDIC Should Implement Section 27 of the FDI Act by Adopting a Rule Parallel to the Rules Promulgated by the OCC and OTS

The scope and implementation of the express preemption for the ''interest rate'' charged in interstate lending transactions by state and national banks under Section 27 of the FDI Act and Section 85 of the National Bank Act have been authoritatively addressed by the courts [29] and in agency interpretations.[30] Nevertheless, both the OCC and OTS have adopted rules codifying the scope of the respective statutory provisions. We request that the FDIC adopt parallel provisions by rule so that state banks will operate in a matching legal framework under these parallel statutes.

* * * * *

The Roundtable appreciates the FDIC's consideration of this petition. We recognize that it is very broad and asks the FDIC to undertake a major rulemaking. We believe that such an effort is urgently needed to preserve a strong dual banking system, to maintain safety and soundness, and to ensure that it is attractive to both large and small banks. Such a system is an integral, essential part of the framework for banking in the United States. While we strongly support the development of interstate banking and federal preemption over the last decade, we believe that the modernization of American banking requires a parallel modernization of the state half of the dual banking system. Since the issues concern interstate business and preemption, the needed actions must come at the federal level. As discussed above, we believe that Congress has given the FDIC both the tools and responsibility to address these needs.

The Roundtable and its members stand ready to work with the FDIC and its staff to achieve these important objectives. If you have any further questions or comments, please do not hesitate to contact me or John Beccia at (202) 289–4322.

Sincerely,

Richard M. Whiting,
Executive Director and General Counsel.

cc: Chairman Donald E. Powell, William F. Kroener III, Esq.

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addresses ''other persons engaged in the same activity'', while Subparagraph (ii) addresses ''other persons engaged in the same activity that are not depository institutions or affiliates thereof.''

[29] *Greenwood Trust Co.* v. *Mass.*, 971 F.2d 818 (1st Cir. 1992), *Smiley* v. *Citibank*, 517 U.S. 735 (1996).

[30] See FDIC General Counsel Opinions 10 and 11.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[AZ131–0078; FRL–7887–1]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the Arizona Department of Environmental Quality's submittals of revisions to the Arizona state implementation plan that include substitution of the clean fuel fleet program requirement with the cleaner burning gasoline program, adoption of the serious area 1-hour ozone plan, and adoption of the 1-hour ozone maintenance plan for the Phoenix (Arizona) metropolitan 1-hour ozone nonattainment area. We are also proposing to approve Arizona's request to redesignate the Phoenix metropolitan 1-hour ozone nonattainment area from nonattainment to attainment. EPA proposes these actions pursuant to those provisions of the Clean Air Act that obligate the agency to take action on submittals of revisions to state implementation plans and requests for redesignation. In addition, under section 107 of the Clean Air Act, we are proposing to revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation. EPA is proposing this last action consistent with the Federal trust responsibility to the Tribes and for the purpose of relieving the Agency or the Gila River Indian Community of the need to promulgate and implement plans and measures for the Community that are not needed for attainment or maintenance of the 1-hour or 8-hour ozone national ambient air quality standard.

DATES: Written comments must be received at the address below on or before April 20, 2005.

ADDRESSES: Formal written comments should be mailed or emailed to Wienke Tax, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, *tax.wienke@epa.gov.* Comments may also be submitted through the **Federal Register** Web site at *http://www.regulations.gov.* We prefer electronic comments.

You can inspect copies of EPA's **Federal Register** document at our Region 9 office during normal business hours (see address above). Due to increased security, we suggest that you call at least 24 hours prior to visiting the Regional Office so that we can make arrangements to have someone meet you. The **Federal Register** document is also available as an electronic file on EPA's Region 9 Web page at *http://www.epa.gov/region09/air.*

You may inspect and copy the rulemaking docket for this notice at the following location during business hours.

Environmental Protection Agency, Region 9, Air Division, Air Planning Office (AIR–2), 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the SIP materials are also available for inspection at the address listed below:

Arizona Department of Environmental Quality, 1110 W. Washington Street, First Floor, Phoenix, AZ 85007, Phone: (602) 771–2217.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Office of Air Planning, U.S. Environmental Protection Agency, Region 9, (520) 622–1622, e-mail: *tax.wienke@epa.gov,* or see *http://www.epa.gov/region09/air.*

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' mean U.S. EPA.

Table of Contents

I. Summary of Today's Proposed Action
II. History of 1-Hour Ozone Planning in the Phoenix Metropolitan Nonattainment Area
III. The CAA's Requirements for Redesignation Requests and Maintenance Plans
IV. EPA's Review of the MAG 1-Hour Ozone Redesignation Request and Maintenance Plan's Compliance With the CAA's Requirements for Ozone Redesignation Requests and Maintenance Plans
A. The Area Must Be Attaining the 1-Hour Ozone NAAQS
1. Adequate Monitoring Network
2. Attainment of the Standard
3. Monitoring Results
B. The Area Must Have a Fully-Approved SIP Under Section 110(k)
C. The Improvement in Air Quality Must Be Due to Permanent and Enforceable Reductions in Emissions
D. The Area Must Have Met All Applicable Requirements Under Section 110 and Part D of the CAA
1. Section 110 Requirements
2. Part D: Provisions for Nonattainment Areas
a. Section 172 Requirements
b. Section 176 Requirements
c. Section 182 Requirements
E. The Area Must Have a Fully-Approved Maintenance Plan Meeting the Requirements of Section 175A
1. Emissions Inventory
2. Maintenance Demonstration
3. Monitoring Network
4. Verification of Continued Attainment
5. Contingency Plan
6. Subsequent Maintenance Plan Revisions
7. Motor Vehicle Emissions Budgets (MVEBs)
8. Conclusion
V. Revision of Boundary of the Phoenix Metropolitan 1-Hour Ozone Nonattainment Area
A. Background
B. EPA Review of the Community's Request
C. Conclusion and Effect of Revising the Boundary of the Phoenix Metropolitan 1-Hour Ozone Nonattainment Area
VI. Proposed Action
VII. Statutory and Executive Order Reviews

I. Summary of Today's Proposed Action

We are proposing to approve, under sections 182(c)(4)(B) and 110(k)(3) of the Clean Air Act (CAA or ''Act''), the State of Arizona's 1998 request to ''opt-out'' of the clean fuel fleet (CFF) program and to approve the cleaner burning gasoline (CBG) program as a substitute measure. We are also proposing to approve, under section 110(k)(3) of the Act, the State's 2000 submittal of the *Final Serious Area Ozone State Implementation Plan for Maricopa County* (''Serious Area Ozone Plan''), which provides a demonstration of compliance with requirements under the Clean Air Act (CAA or ''Act'') for the Phoenix metropolitan ''serious'' 1-hour ozone nonattainment area.

We are also proposing to approve, under sections 107(d)(3)(D) and 110(k)(3), the State's 2004 submittal of the *One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area* (''Redesignation Request and Maintenance Plan''), which was developed and adopted by the Maricopa Association of Governments (MAG) as meeting CAA requirements for redesignation requests and maintenance plans. EPA is proposing to determine that the Phoenix metropolitan nonattainment area has fully met the requirements for redesignation found at section 107(d)(3)(E) of the CAA for redesignation of an area from nonattainment to attainment for the 1-hour ozone national ambient air quality standard (NAAQS). However, this proposal is contingent upon final approval by EPA of three separate proposed rulemakings involving two Maricopa County rules, a negative declaration, and a set of permit conditions imposing ''reasonably available control technology'' on a specific stationary source. As part of our approval of the maintenance plan, we are proposing to approve the 2006 and 2015 motor vehicle emissions budgets (MVEBs) for VOC and NO_X in the submitted maintenance plan for transportation conformity purposes.

In addition, we are proposing, under section 107(d)(3)(A) of the Act, to revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation. This proposed action would add the Maricopa County portion of the Reservation to the current ''unclassifiable/attainment'' area within the State of Arizona for the 1-hour ozone NAAQS. The effect of this action would be to relieve the Agency and the Community of the need to develop and implement plans and measures that are not needed for attainment or maintenance of the 1-hour or 8-hour ozone NAAQS.

II. History of 1-Hour Ozone Planning in the Phoenix Metropolitan Nonattainment Area

Under section 107(d) of the CAA, as amended in 1977, Maricopa County was designated as a 1-hour oxidant (later ozone) nonattainment area in March 1978 (43 FR 8962). Originally, the nonattainment area was county-wide, but EPA later approved a State request to limit the nonattainment area to a subregion within Maricopa County that was defined by the boundaries of the Maricopa Association of Governments' (MAG) Urban Planning Area. See 44 FR 16388, 16393 (March 19, 1979). We refer to this area herein as the ''Phoenix metropolitan 1-hour ozone nonattainment area'' or the ''Phoenix metropolitan nonattainment area,'' and we note that the boundary of this nonattainment area has remained defined by reference to the MAG urban planning area from 1979 through the present time. However, we are proposing today to revise the Phoenix metropolitan 1-hour ozone nonattainment area boundary to exclude the Gila River Indian Reservation (see Section V of this proposed rule).

On November 15, 1990, the CAA Amendments of 1990 were enacted.

Under the Act, as amended in 1990, the Phoenix metropolitan 1-hour ozone nonattainment area remained nonattainment by operation of law, and under section 107(d)(4)(A) of the amended Act, the Phoenix metropolitan nonattainment area was further classified as a ''moderate'' ozone nonattainment area based on ozone monitoring data during the 1987–1989 period. See 56 FR 56694, 56717 (November 6, 1991). Because attainment was not achieved by November 15, 1996 (the CAA attainment date for ''moderate'' ozone nonattainment areas), the Phoenix metropolitan nonattainment area was reclassified to ''serious,'' effective February 13, 1998, with a new attainment date of November 15, 1999. See 62 FR 60001 (November 6, 1997) and 63 FR 7290 (February 13, 1998).

In connection with one of the requirements for ''moderate'' ozone nonattainment areas, the State of Arizona submitted the initial 15 percent Rate of Progress plan (15 percent ROP plan) for the Phoenix metropolitan nonattainment area via the *Maricopa Association of Governments 1993 Ozone Plan for the Maricopa County Area* (November 1993) on November 15, 1993, and an *Addendum* (March 1994) to that plan on April 8, 1994. On April 13, 1994, EPA found the initial plan (including the *Addendum*) incomplete because it failed to include in fully adopted and enforceable form all of the measures relied upon in the 15 percent ROP demonstration. This incompleteness finding started the 18-month sanction clock in CAA section 179 and the two year clock under section 110(c) for EPA to promulgate a federal implementation plan (FIP) covering the 15 percent ROP requirement. Subsequently in November 1994 and April 1995, Arizona submitted an attainment plan for the Phoenix metropolitan nonattainment area which updated the 15 percent ROP demonstration. On May 12, 1995, we found the revised 15 percent ROP plan and the attainment plan complete, turning off the sanctions clock; however, under section 110(c), the FIP clock continued until EPA approved the 15 percent ROP plan.

In August 1996, EPA was sued by the American Lung Association of Arizona, *ALAA* v. *Browner,* No. CIV 96–1856 PHX ROS (D.Ariz.). This case sought to enforce EPA's obligation under CAA section 110(c) to promulgate a FIP for the 15 percent ROP requirement. On July 8, 1997, a consent decree was filed with the U.S. District Court for the District of Arizona establishing a schedule of January 20, 1998 for proposing and May 18, 1998 for promulgating a 15 percent ROP plan. Under the consent decree, EPA's obligation to promulgate a 15 percent ROP plan was relieved to the extent that we had approved State measures. EPA determined in its final rule that the Phoenix metropolitan nonattainment area had in place or would have in place sufficient control measures to meet the 15 percent ROP requirement for volatile organic compounds (VOCs), a precursor emission to ozone, under CAA section 182(b)(1)(A) as soon as practicable. See 63 FR 28898 (May 27, 1998), as amended at 64 FR 36243 (July 6, 1999).

In February 2000, the State of Arizona requested that EPA make a finding that the Phoenix metropolitan nonattainment area had attained the 1-hour ozone NAAQS by the applicable ''serious'' area attainment date of November 15, 1999 based on 1997–1999 ozone monitoring data. In May of 2000, we proposed such a finding (see 65 FR 31859, May 19, 2000) and approximately one year later, we published a final attainment determination for the 1-hour ozone NAAQS. See 66 FR 29230 (May 30, 2001).

On December 7, 1998, in connection with one of the requirements for ''serious'' ozone nonattainment areas, the State submitted to EPA a SIP revision opting out of the Clean Fuel Fleet program requirement and requesting EPA approval of its interim Cleaner Burning Gasoline (CBG) program as a substitute program. On June 7, 1999, the revision was found to be complete by operation of law pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V. In today's notice, we are proposed to approve this request.

On December 14, 2000, the State submitted the *Final Serious Area Ozone State Implementation Plan for Maricopa County* (''Serious Area Ozone Plan'') to EPA as a revision to the Arizona SIP. This plan was found to be complete by operation of law on June 14, 2001. Arizona Department of Environmental Quality (ADEQ) prepared the Serious Area Ozone Plan, and in doing so, anticipated a positive attainment finding for the Phoenix metropolitan nonattainment area based on 1997–1999 ozone monitoring data. The Serious Area Ozone Plan includes a complete emissions inventory for year 1996, and describes the State's compliance with CAA requirements for ''serious'' ozone nonattainment areas, including the requirements for enhanced monitoring. In today's notice, we are proposing to approve the Serious Area Ozone Plan for the Phoenix metropolitan nonattainment area.

In earlier actions, we have already approved revisions to Arizona's Cleaner Burning Gasoline (CBG) program (69 FR 10161, March 4, 2004) and to Arizona's Vehicle Emissions Inspection (VEI) Program (68 FR 2912, January 22, 2003) as well as many of Maricopa County's VOC RACT rules. (The **Federal Register** citations and effective dates for these rules are listed later in this notice in Table 3.) These programs, as revised, are the principal State and local controls relied on in the Serious Area Ozone Plan.

On April 21, 2004, the State submitted the *One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area* (Redesignation Request and Maintenance Plan) to EPA as a revision to the Arizona SIP. This plan was found to be complete by operation of law on October 21, 2004. The Maricopa Association of Governments (MAG) prepared the Redesignation Request and Maintenance Plan, which relies on continuation of the control measures cited above in connection with the Serious Area Ozone Plan but also includes additional control measures including coordination of traffic signal systems, tougher enforcement of vehicle registration and emission test compliance, development of intelligent transportation systems, and a new Maricopa County rule governing VOC emissions from aerospace manufacturing and rework operations. The plan includes contingency measures to remedy any future violations of the 1-hour ozone NAAQS, and includes VOC and NO_X MVEBs for 2006 and 2015 for the Phoenix metropolitan nonattainment area. In today's notice, we are proposing to approve the Redesignation Request and Maintenance Plan for the Phoenix metropolitan nonattainment area.

Our proposed approvals of the Serious Area Ozone Plan and the Redesignation Request and Maintenance Plan are contingent upon final EPA approval of certain other rulemakings described in more detail later in this notice. EPA notes that the Phoenix-Mesa metropolitan area has been designated nonattainment for the 8-hour ozone NAAQS, and is subject to additional requirements as a result. See 69 FR 23858, 23879 (April 30, 2004). Final approval of this proposal would change the official designation for the 1-hour ozone NAAQS found at 40 CFR part 81 for the Phoenix metropolitan nonattainment area from nonattainment to attainment but would not affect the

8-hour ozone nonattainment area designation for the Phoenix-Mesa area.

III. The CAA's Requirements for Redesignation Requests and Maintenance Plans

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) allows for redesignation providing that the following conditions are met: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and, (5) the State containing such area has met all requirements applicable to the area under section 110 and part D. EPA provided guidance on redesignations in the General Preamble for the Implementation of Title I of the CAA Amendments of 1990, on April 16, 1992 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070).

EPA has provided further guidance on processing redesignation requests in the following documents:

- ''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas'', Memorandum from G.T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992 (Helms memo 1992a);
- ''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations'', Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992 (Helms memo 1992b);
- ''Procedures for Processing Requests to Redesignate Areas to Attainment'', Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (Calcagni memo 1992a);
- ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (ACT) Deadlines'', Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992 (Calcagni memo 1992b);
- ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992'', Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993 (Shapiro memo);
- ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment'', Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994 (Nichols memo); and
- ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'', Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995 (Seitz memo).

IV. EPA's Review of the MAG 1-Hour Ozone Redesignation Request and Maintenance Plan's Compliance With the CAA's Requirements for Ozone Redesignation Requests and Maintenance Plans

EPA believes the State of Arizona has demonstrated that the area meets all of the applicable criteria for redesignation to attainment as specified in Section 107(d)(3)(E) of the CAA.

A. The Area Must Be Attaining the 1-Hour Ozone NAAQS

Section 107(d)(3)(E)(i) of the CAA states that for an area to be redesignated to attainment, the Administrator must determine that the area has attained the applicable NAAQS. In this case, the applicable NAAQS is the 1-hour ozone NAAQS.

1. Adequate Monitoring Network

The CAA requires States to establish and operate air monitoring networks to compile data on ambient air quality for all criteria pollutants. See section 110(a)(2)(B)(i) of the Act. Our regulations in 40 CFR part 58 establish specific regulatory requirements for operating air quality surveillance networks to measure ambient concentrations of ozone, including measurement method requirements, network design, quality assurance procedures, and in the case of large urban areas, the minimum number of monitoring sites designated as National Air Monitoring Stations (NAMS).

For this proposed action, we are discussing the adequacy of the Phoenix metropolitan nonattainment area monitoring network to support our finding that the Redesignation Request and Maintenance Plan appropriately evaluates the 1-hour ozone problem in the Phoenix metropolitan nonattainment area. Reliable ambient data are necessary to validate the base year air quality modeling which in turn is necessary to assure a sound maintenance demonstration.

As it existed in the 2000 to 2002 period, the ozone ambient air monitoring network consisted of four National Air Monitoring Stations (NAMS), 14 State and Local Air Monitoring Stations (SLAMS), and three Special Purpose Monitors (SPM) operated by the Maricopa County Environmental Services Department (MCESD) and the Arizona Department of Environmental Quality (ADEQ). Figure 2–1 on page 2–6 in the Redesignation Request and Maintenance Plan lists the names of the sites and their locations in the Phoenix metropolitan nonattainment area. Since the 2000–2002 period, the ozone network has changed, e.g., certain sites have been discontinued while new sites have been added. In the 2002–2004 period, the ozone monitoring network consists of 18 monitoring sites, four designated as NAMS, 12 designated as SLAMS, and two SPMs. These sites all use EPA reference methods, are sited according to our regulations, meet the applicable monitoring objectives in our regulations, and are operated according to our regulations. We therefore find that the monitoring network operated by the MCESD and ADEQ is adequate to support the technical evaluation of ozone maintenance in the Redesignation Request and Maintenance Plan.

2. Attainment of the Standard

For ozone, an area may be considered to be attaining the 1-hour ozone NAAQS if there are no violations, as determined in accordance with 40 CFR 50.9 and appendix H, based on three complete, consecutive calendar years of quality-assured ambient monitoring data. A violation of the 1-hour ozone NAAQS occurs when the estimated number of exceedances per year averaged over three years is greater than 1.0 at any monitoring site in the area or its downwind environs, using conventional rounding techniques.

The calculation of the estimated exceedances takes into account not only the number of exceedances during a given ozone season, but also completeness of data, and daily peak ozone concentrations on days in the ozone season that can be assumed to be less than the level of the standard. A daily exceedance occurs when the maximum hourly ozone concentration

during a given day is greater than or equal to 0.125 parts per million (ppm), using conventional rounding techniques. Monitoring data must be collected and quality-assured in accordance with 40 CFR part 58, and recorded in EPA's Air Quality System (AQS) database.

3. Monitoring Results

MCESD and ADEQ submitted quality-assured ozone monitoring data to EPA for the 1997 to 1999 ozone monitoring seasons. As noted previously, we determined that the Phoenix metropolitan 1-hour ozone nonattainment area had attained the 1-hour ozone NAAQS by the applicable attainment date. See 66 FR 29230 (May 30, 2001). Since then, the Phoenix metropolitan nonattainment area has continued to meet the 1-hour ozone NAAQS, as shown in Table 1.

TABLE 1.—AVERAGE NUMBER OF EXCEEDANCE DAYS PER YEAR AND DESIGN VALUES BY MONITOR IN THE PHOENIX METROPOLITAN OZONE NONATTAINMENT AREA (2000 TO 2004)

Site	SITE type	Average number of exceedance days per year	Site design value (ppm)
Blue Point	NAMS	0	0.110
Central Phoenix	NAMS	0	0.098
Fountain Hills	NAMS	0	0.106
South Scottsdale	NAMS	0	0.099
Tempe	SPM	0	0.098
Falcon Field	SLAMS	0	0.104
Rio Verde	SLAMS	0	0.101
Dysart**	SLAMS	0	0.085
South Phoenix	SLAMS	0	0.091
West Phoenix	SLAMS	0	0.097
Pinnacle Peak	SLAMS	0	0.101
North Phoenix	SLAMS	0	0.105
Glendale	SLAMS	0	0.099
West Chandler	SLAMS	0	0.099
Cave Creek	SPM	0	0.099
Humboldt Mountain	SLAMS	0	0.099
JLG Supersite*	SLAMS	0	0.086
Palo Verde*	SLAMS	0	0.098

Sources: AQS Database and MCESD 2003 Network Review.
*ADEQ Site.
**Site only has data from 2003–2004.

Table 1 also provides design values for each monitoring site. The design value generally represents the 4th highest daily maximum (hourly) ozone concentration over a given three-year period at a given site. Design values provide one basis of comparison between different parts of a given nonattainment area with respect to peak ozone exposure; as such, the design values are provided herein for information purposes only. Attainment of the ozone NAAQS relies on the average number of exceedances per year (the design value is used under the CAA if an area is found to have missed its attainment deadline and must be reclassified).

Based on the monitoring data summarized in Table 1, we propose to determine that the Phoenix metropolitan 1-hour ozone nonattainment area has attained, and continues to attain, the applicable NAAQS and therefore meets the related criterion for redesignation under section 107(d)(3)(E)(i) of the Act.

B. The Area Must Have a Fully Approved SIP Under Section 110(k)

EPA fully approved the ozone SIP for the Phoenix metropolitan nonattainment area that had been required under the CAA, as amended in 1977. See 47 FR 19326 (May 5, 1982) and 40 CFR 52.123(d). With respect to ozone-related SIP requirements under the CAA, as amended in 1990, EPA is proposing action in today's notice to approve the Serious Area Ozone Plan SIP revision for the Phoenix metropolitan serious 1-hour ozone nonattainment area and thereby fulfill the requirements for a periodic inventory for 1996 and enhanced monitoring.

CAA requirements for ozone nonattainment areas are cumulative in that ''serious'' areas must also meet the applicable requirements for the two lesser classifications: ''marginal'' and ''moderate''. Most of the applicable requirements for the Phoenix metropolitan 1-hour ozone nonattainment area, such as the base year 1990 emissions inventory, an enhanced vehicle inspection and maintenance program and various Maricopa County RACT rules, have been fully approved under section 110(k) by EPA in previous rulemakings and our final approval of the Serious Area Ozone Plan will accomplish the same for the 1996 periodic inventory requirement and the enhanced monitoring requirement.

We recognize that there remain several EPA proposed rules that need to be finalized before we can finalize our action described herein. These proposed rules involve Maricopa County (MC) Rule 358, source-specific RACT for W.R. Meadows, the MC rule establishing the emissions statements requirement, and a negative declaration. If, and once, we finalize our approvals of these separate proposed actions and finalize our proposed approval of the Serious Area Ozone Plan, then we will have fully approved the applicable implementation plan for the area under section 110(k) and satisfied the criterion for redesignation under section 107(d)(3)(E)(ii) of the CAA.

C. The Improvement in Air Quality Must Be Due to Permanent and Enforceable Reductions in Emissions

The improvement in air quality must be due to permanent and enforceable

reductions in emissions resulting from implementation of the SIP, Federal measures, and other State-adopted measures.

EPA believes that the State has demonstrated that the observed air quality improvements are due to the implementation of permanent and enforceable emission reductions through the implementation of emission controls contained in the Arizona SIP and Federal measures. Subsequent to the 1990 CAA amendments, Arizona implemented a number of emission controls. The area has complied with all of the emission requirements for a serious ozone nonattainment area as required by the CAA.

Some of the emission reductions were achieved through the implementation of the use of low volatility cleaner burning gasoline, more stringent Tier I motor vehicle emission standards, implementation of an enhanced vehicle I/M program, controls on area sources, and the adoption of tighter emissions limits on existing stationary sources. All of the emission control measures contained in the 15 percent ROP plan, serious area ozone plan, and redesignation request and maintenance plan have been fully adopted, have been implemented, and are enforceable in the Phoenix metropolitan nonattainment area. Maricopa County has adopted and implemented emission control rules requiring existing sources of VOC to meet, at minimum, RACT. These requirements apply to sources in categories covered by CTGs and other major non-CTG sources.

Table 2 shows the decrease in emissions between 1990 and 1999 due to permanent and enforceable measures.

TABLE 2.—990 AND 1999 PHOENIX METROPOLITAN NONATTAINMENT AREA VOC AND NO_X EMISSIONS

[Emissions in metric tons per day]

Source category	1990		1999	
	VOC	NO_X	VOC	NO_X
Point Sources	25.6	70.9	15.3	16.5
Area Sources	111.8	7.4	82.6	43.0
On-Road Mobile Sources	136.2	130.1	106.9	129.8
Nonroad Mobile Sources	57.9	85.2	78.5	59.3
Biogenics	37.3	.....	76.7	7.3
Total	368.8	293.6	360.0	255.9

Note: some columns may not add to 100% due to rounding; on-road mobile sources for 1990 were developed with EPA's MOBILE5a, whereas 1999 on-road mobile sources were developed using EPA's MOBILE5b.

Sources: 1990 data: 1993 MAG Ozone Plan; 1999 data: MAG 1-Hour Ozone Redesignation Request and Maintenance Plan.

It can be seen that overall, both VOC emissions and NO_X emissions decreased in the Phoenix metropolitan nonattainment area between 1990 and 1999. Increases in emissions of VOC in the nonroad mobile source category and biogenics were offset by larger decreases in emissions from other source categories. Increases in emissions of NO_X from area sources were offset by larger decreases in other source categories. We propose to find that the improvement in ozone air quality in the Phoenix metropolitan area is due to emissions reductions from implementation of permanent and enforceable measures and that the area thereby meets the redesignation criterion under section 107(d)(3)(E)(iii).

D. The Area Must Have Met All Applicable Requirements Under Section 110 and Part D of the CAA

1. Section 110 Requirements

Although section 110 was amended in 1990, the Maricopa County portion of the Arizona SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance, and, therefore, EPA believes that the pre-amendment EPA-approved SIP met these requirements. As to those requirements that were amended, (*see* 57 FR 27936 and 23939, June 23, 1993), many are duplicative of other requirements of the Act. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2). The SIP contains enforceable emission limitations, requires monitoring, compiling and analyzing of ambient air quality data, requires preconstruction review of new major stationary sources and major modifications to existing ones, provides for adequate funding, staff, and associated resources necessary to implement its requirements, and requires stationary source emission monitoring and reporting.

Specifically, sections 110(a)(2)(A), (C), and (E) concerning plan enforcement and implementation requirements are addressed in Chapter Eight, page 8–146 and Chapter 11, page 11–1 of the *Revised Serious Area Carbon Monoxide Plan* (''Revised 1999 CO Plan''). EPA approved this plan in a final rule on March 9, 2005 (*see* 70 FR 11553). In order to comply with these CAA sections, a State law was passed in 1992 which provides an approach for assurances that State and local committed measures will be adequately implemented (*see* Arizona Revised Statutes (A.R.S.) Sections 49–406 I. and J.) A.R.S. Section 49–406 G. (passed by the Arizona Legislature in 1992) requires that each agency which commits to implement any control measure contained in the SIP must describe the commitment in a resolution. The resolution must be adopted by the appropriate governing body of the agency. State law also requires the entity to specify the following information in the resolutions: (1) Its authority for implementing the limitation or measure as provided in statute, ordinance, or rule; (2) a program for the enforcement of the limitation or measure; and (3) the level of personnel and funding allocated to the implementation of the measure.

Chapter 11 of the Revised 1999 CO Plan includes resolutions from the MAG member agencies and other implementing entities. These resolutions indicate specific commitments to implement various control strategies which reduce CO as well as ozone precursor emissions. Generally, the authorities of the cities and towns to implement the types of measures that they have committed to in their respective resolutions are provided under A.R.S. section 9–240 Powers of Common Council. The general authorities of the County to implement the measures in the commitments are provided under A.R.S. section 11–251 and A.R.S. section 49–478. Copies of these local and county government authorities were included in Chapter 11 of the Revised 1999 CO Plan.

If any State, County, local government, regional agency, or other entity failed to implement a committed measure, the County would file an action in Superior Court to have the Court order that the measure be implemented. Likewise, the Director of ADEQ will backstop the County if it fails to implement a committed measure or if the County fails to backstop the local governments and regional agencies (*see* Appendix C, Exhibit 2, Revised 1999 CO Plan).

2. Part D: Provisions for Nonattainment Areas

Before an area may be redesignated to attainment, it must have fulfilled the applicable requirements of part D. Under part D of title I of the CAA, an area's ozone classification determines the requirements to which it is subject. Subpart 1 of part D specifies the basic requirements applicable to all nonattainment areas. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a) of the CAA.

As described in the General Preamble for Implementation of Title I of the CAA, specific requirements of subpart 2 may override or modify general provisions in subpart 1 (57 FR 13501, April 16, 1992). Therefore, in order to be redesignated, the States must meet the applicable requirements of subpart 1 of part D—specifically sections 172(c) and 176, as well as the applicable requirements of subpart 2 of part D.

EPA believes that Arizona has met the requirements of subpart 1 of part D—specifically sections 172(c) and 176, insofar as applicable, as well as the applicable requirements of subpart 2 of part D of the CAA for the Phoenix metropolitan 1-hour ozone nonattainment area, as described below.

a. *Section 172 Requirements.* This section contains general requirements for nonattainment area SIPs. A thorough discussion of the requirements contained in section 172(c) may be found in the General Preamble for Implementation of title I (57 FR 13498, April 16, 1992).

EPA has interpreted the requirements of sections 172(c)(1) (non-RACT reasonably available control measures-RACM), 172(c)(2) (reasonable further progress-RFP), 172(c)(6) (other measures), and 172(c)(9) (contingency measures) as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See the General Preamble of April 16, 1992, and the Calcagni Memorandum. Finally, the State has not sought to exercise the options that would trigger sections 172(c)(4) (identification of certain emissions increases) and 172(c)(8) (equivalent techniques). Thus, these provisions are also not relevant to this redesignation request. The other plan provisions under section 172(c) are discussed below.

Reasonably Available Control Technology (RACT). Nonattainment plans must, at a minimum, require the implementation of RACT for stationary sources. These requirements are discussed below under Section 182 Requirements.

Emissions Inventories. The plan needs to include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant as determined necessary by the Administrator to assure that the requirements of part D of the CAA are met. These requirements are discussed below under Section 182 Requirements.

Permits for New and Modified Major Stationary Sources. For the section 172(c)(5) New Source Review (NSR) requirements, the CAA requires all nonattainment areas to meet several requirements regarding NSR, including provisions to ensure that increased emissions will not result from any new or modified major stationary sources and a general offset rule.

We have determined that areas being redesignated from nonattainment to attainment do not need to comply with the requirement that an NSR program be approved prior to redesignation provided that the area demonstrates maintenance of the standard without part D nonattainment NSR in effect. The rationale for this decision is described in the Nichols memo.[1]

The Redesignation Request and Maintenance Plan for the Phoenix ozone nonattainment area indicates expected additional VOC and NO_X emissions due to major source growth. Thus, we find that the maintenance demonstration for the Phoenix metropolitan area does not rely on nonattainment NSR, and the State need not have a fully-approved nonattainment NSR program prior to approval of the redesignation request.

Prevention of Significant Deterioration (PSD) is the replacement program for NSR, and part of the obligation under PSD is for a new source to review increment consumption and maintenance of the air quality standards. The PSD program requires stationary sources to undergo preconstruction review before facilities are constructed or modified, and to apply Best Available Control Technology (BACT). This program will apply to any major source wishing to locate in the Phoenix metropolitan area once the area is redesignated to attainment. Effective November 22, 1993, we delegated PSD authority to Maricopa County via a PSD Delegation Agreement (59 FR 1730, January 12, 1994).

Compliance With Section 110(a)(2). The plan must contain provisions to meet the requirements of section 110(a)(2) of the CAA (see the discussion of section 110 requirements above).

b. *Section 176 Requirements.* Section 176(c) of the CAA requires States to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. of the Federal Transit Act (''transportation conformity''), as well as to all other Federally supported or funded projects (''general conformity'').

Section 176 further provides that State conformity revisions must be consistent with Federal conformity regulations that the CAA required the EPA to promulgate. EPA believes it is reasonable to interpret the conformity requirements as not applying for purposes of evaluating the redesignation request under section 107(d). The rationale for this is based on a combination of two factors. First, the requirement to submit SIP revisions to comply with the conformity provisions of the CAA continues to apply to areas after redesignation to attainment, since such areas would be subject to a section 175A maintenance plan. Second, the EPA's Federal conformity rules require the performance of conformity analyses in the absence of Federally approved State rules. Therefore, because areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under Federal rules if State rules are not yet approved, EPA believes it is reasonable to view these requirements as not applying for purposes of evaluating a redesignation request. See *Wall* v. *EPA,* 265 F. 3d 426, 439 (6th Cir. 2001) upholding this interpretation.

The State of Arizona has fully adopted general conformity procedures, approved by EPA on April 23, 1999 (64 FR 19916). The State-adopted transportation conformity procedures are found in A.R.S. Title 18, Chapter 2, Article 14. We have not yet approved transportation conformity procedures in

[1] ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment'', Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

the SIP. For the reasons stated above, EPA believes the approval of conformity rules into the State's SIP is not a prerequisite for redesignation. Federal transportation conformity rules continue to apply.

c. *Section 182 Requirements.* For purposes of this redesignation, the part D, subpart 2, section 182(a), (b) and (c) requirements for a nonattainment area apply to the Phoenix metropolitan nonattainment area.

EPA has interpreted the requirements of sections 182(c)(2) (attainment and RFP demonstrations), 182(c)(5) (transportation control), and 182(c)(9) (contingency measures) as being irrelevant to a redesignation request because they only have meaning for an area that is not attaining the standard. See the General Preamble of April 16, 1992, and the Calcagni Memorandum. The other plan provisions under section 182 are discussed below.

1990 Base Year Inventory and Periodic Emissions Inventory Updates. Sections 182(a)(1) and 182(a)(3)(A) of the Act, as amended in 1990, require States to submit a comprehensive, accurate, current inventory of actual emissions from all sources in the ozone nonattainment area and to submit updates of those inventories every three years until redesignation.

Arizona submitted a complete and accurate 1990 emissions inventory for VOC and NO_X for the Phoenix metropolitan nonattainment area as noted in EPA's final approval of the emissions inventory on May 27, 1998 (63 FR 28898). Arizona submitted updated periodic emissions inventories for 1993, 1996, and 1999. The final 1993 ozone SIP inventory was submitted to us on November 25, 1996. The 1996 base year (July–September 1996) ozone inventory was submitted as part of the Serious Area Ozone Plan, Appendix E.[2] We are proposing to approve the 1996 ozone inventory submitted as part of the Serious Area Ozone Plan. The 1999 periodic ozone emissions inventory for the Phoenix metropolitan nonattainment area was originally submitted to EPA in August 2002 and then re-submitted to EPA as part of the Redesignation Request and Maintenance Plan, in Appendix A, Exhibit 1. The Appendix contains a complete description of the sources and methodologies used to calculate ozone emissions.

The 1-Hour Ozone Redesignation Request and Maintenance Plan also contains a description of the 1998 and 1999 base year inventories, the interim year 2006, and the maintenance year 2015 ozone precursor emissions inventories for use in Urban Airshed Model (UAM) simulations.

In MAG's emissions inventories, emissions sources are grouped into five major categories: Point sources, area sources, nonroad mobile sources, on-road mobile sources, and biogenic emissions. Point sources include such categories as industrial, manufacturing, and electric power generation facilities. Area sources include residential woodburning, industrial fuel combustion, on-site incineration, and open burning. Biogenic emissions come from natural vegetation. Nonroad mobile sources include utility, lawn and garden, construction, farm and recreational equipment, and aircraft and locomotives. On-road mobile sources include cars, motorcycles, various sizes of trucks, and buses. Collectively, these sources contributed a total of 256 metric tons per day of NO_X and 360 metric tons per day of VOC in 1999.

We propose to approve the 1996 and 1999 periodic emissions inventories and find that the State has complied with the inventory requirements of section 182(a)(1) and 182(a)(3)(A). We also propose to approve the 1998 and 1999 base year inventories, the interim year 2006 inventory, and maintenance year 2015 inventory in connection with the maintenance demonstration discussed elsewhere in this notice.

Emissions Statement Requirements. Section 182(a)(3)(B) of the Act requires States to submit a SIP revision requiring owners or operators of stationary sources of VOC or NO_X to provide the State with estimates of actual emissions from such sources. Arizona's SIP includes regulations requiring annual emissions statements from major sources. Specifically, to comply with this requirement, the State submitted Maricopa County (MC) Rule 100.503 to EPA on February 4, 1993. We approved this rule by direct final action published on February 10, 2005. See 70 FR 7038 (February 10, 2005). Assuming no adverse comments are submitted in connection with this direct final rule, our final rule published on February 10, 2005 will be effective on April 11, 2005. If adverse comments are timely submitted, then we will withdraw the direct final rule and consider those comments prior to taking a final action. See our proposed rule (70 FR 7069) also published on February 10, 2005. We will finalize our action on MC Rule 100.503 prior to taking final action on this proposal.

15 Percent ROP Plan Requirements. Section 182(b)(1) of the CAA requires the submission of a 15 percent ROP plan. This plan is to provide for VOC emission reductions in the nonattainment area of at least 15 percent, from the 1990 baseline emissions levels, by no later than November 15, 1996. Arizona submitted its initial 15 percent ROP plan for the Phoenix metropolitan nonattainment area on November 15, 1993 and supplemented it on April 8, 1994. On April 13, 1994, we found the initial plan incomplete because it failed to include, in fully adopted and enforceable form, all of the measures relied upon in the 15 percent demonstration. This incompleteness finding started the 18-month sanctions clock in CAA section 179 and the two-year clock under section 110(c) for EPA to promulgate a FIP covering the 15 percent ROP requirements. In November 1994 and April 1995, Arizona submitted an attainment plan for the Phoenix metropolitan nonattainment area which updated the 15 percent ROP demonstrations.

On May 12, 1995, we found the revised 15 percent plan and the attainment plan complete, turning off the sanctions clock; however, under section 110(c), the FIP clock continued until EPA approved the 15 percent plan. In August 1996, we were sued by the American Lung Association of Arizona and others, *American Lung Association of Arizona, Inc. et al.* v. *Browner*, No. CIV 96 1856, PHX ROS (D. Arizona) to enforce EPA's obligation under CAA section 110(c) to promulgate a FIP for the 15 percent ROP requirement. On July 8, 1997, a consent decree was filed in the case establishing a schedule of January 20, 1998 for proposing and May 18, 1998 for promulgating a 15 percent ROP plan. Under the consent decree, EPA's obligation to promulgate a 15 percent ROP plan was relieved to the extent that we had approved State measures. EPA determined in its final rule that the Phoenix metropolitan nonattainment area had in place or would have in place sufficient control measures to meet the 15 percent ROP requirement for volatile organic compounds (VOCs), a precursor emission to ozone, under CAA section 182(b)(1)(A) as soon as practicable. See 63 FR 28898 (May 27, 1998), as amended at 64 FR 36243 (July 6, 1999).

VOC RACT Requirements. Section 172(c)(1) of the CAA specifies that SIPs must provide for the implementation of all RACM including all RACT as

[2] ADEQ held a public hearing for the Serious Area Ozone Plan on April 26, 2000. ADEQ adopted the Serious Area Ozone Plan on December 14, 2000 and submitted it to us on the same date. We find that ADEQ thereby satisfied the requirements for notice and public hearing on all SIP revisions under section 110(1) of the Act.

expeditiously as practicable to attain the NAAQS. Sections 182(a)(2)(A) and 182(b)(2) further provide that, at a minimum, the SIPs must require the implementation of RACT for two classes of VOC sources. The VOC source classes are: (a) All sources covered by a Control Techniques Guideline (CTG) document issued by the Administrator by the date of attainment of the ozone standard; and (b) all other major non-CTG stationary sources.

Arizona's redesignation request, submitted on April 21, 2004, describes how the State of Arizona has met the VOC RACT requirements under sections 172(c)(1) and 182(b)(2) of the Act for nearly all of the CTG source categories and VOC major sources either through adoption of Maricopa County air pollution control regulations or negative declarations and how the State intends to fulfill the RACT requirement for the few remaining CTG source categories and VOC major sources. EPA, through a number of rulemakings, has approved these RACT rules and negative declarations as revisions to the Arizona SIP as documented in Table 3.

TABLE 3.—MARICOPA COUNTY VOC RACT RULES AND SIP STATUS

VOC RACT requirement	MC Rule(s), SIP Status, and, if approved, **Federal Register** Citation
Control Techniques Guidelines	
Gasoline Loading Terminals	MC Rules 350 and 351: MC Rule 350 adopted July 13, 1988, revised April 6, 1992; revision approved September 5, 1995 (60 FR 46024). MC Rule 351 adopted February 15, 1995, approved February 9, 1998 (63 FR 6489).
Gasoline Bulk Plants	MC Rule 350: adopted July 13, 1988, revised April 6, 1992; revision approved September 5, 1995 (60 FR 46024).
Service Stations—Stage I	MC Rule 353: adopted July 13, 1988, revised April 6, 1992; approved February 1, 1996 (61 FR 3578).
Fixed Roof Petroleum Tanks	MC Rule 350: adopted July 13, 1988, revised April 6, 1992; revision approved September 5, 1995 (60 FR 46024).
Miscellaneous Refinery Sources	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Cutback Asphalt	MC Rule 340: adopted July 13, 1988, revised June 22, 1992, revised September 21, 1992; approved February 1, 1996 (61 FR 3578).
Solvent Metal Cleaning	MC Rule 331: adopted July 13, 1988, revised June 22, 1992, revised June 19, 1996, revised April 21, 2004; approved February 1, 1996 (61 FR 3578), approved February 9, 1998 (63 FR 6489), approved December 21, 2004 (69 FR 76417).
Surface Coating of:	
Cans	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Metal Coils	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Fabrics	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Paper Products	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Automobile and Light Duty Trucks	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Metal Furniture	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Magnetic Wire	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Large Appliances	MC Rule 336: revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Leaks from Petroleum Refineries	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Miscellaneous Metal Parts Surface Coating	MC Rule 336: revised September 21, 1992, June 19, 1996, April 7, 1999; approved September 20, 1999 (64 FR 50759).
Surface Coating of Flat Wood Paneling	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Synthetic Pharmaceutical Manufacture	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Rubber Tire Manufacture	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
External Floating Roof Petroleum Tanks	MC Rule 350: adopted July 13, 1988, revised April 6, 1992; revision approved September 5, 1995 (60 FR 46024).
Graphic Arts	MC Rule 337: adopted November 20, 1996, submitted February 26, 1997, approved February 8, 1998 (63 FR 6489).
Perchloroethylene Drycleaning [(a)]	Perchloroethylene was delisted as a VOC by EPA (see Footnote (a)).
Gasoline Truck Leaks and Vapor Collection	MC Rule 352: adopted November 16, 1992, submitted February 4, 1993, approved September 5, 1995 (60 FR 46024).

TABLE 3.—MARICOPA COUNTY VOC RACT RULES AND SIP STATUS—Continued

VOC RACT requirement	MC Rule(s), SIP Status, and, if approved, **Federal Register** Citation
Manufacture of High-Density Polyethylene Polypropylene, and Polystyrene Resins.	MC Rule 358: Polystyrene Foam Manufacturing, proposed approval was signed by Regional Administrator for EPA Region 9 on March 8, 2005. This proposal is expected to be published in the Federal Register by mid-March 2005.
Fugitive Emissions from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment.	Negative declaration, submitted December 14, 2000, Aapproved August 26, 2002 (67 FR 54741).
Large Petroleum Dry Cleaners	MC Rule 333: adopted June 19, 1996, submitted February 26, 1997, approved February 9, 1998 (63 FR 6489).
Air Oxidation Processes—Synthetic Organic Chemical Manufacturing Industries.	Negative declaration, submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Equipment Leaks from Natural Gas/Gasoline Processing Plants	Negative declaration: submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Synthetic Organic Chemical Manufacturing Industries (SOCMI)—Distillation and Reactor Processes.	Negative declaration: submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Volatile organic liquid storage	MC Rule 350: adopted July 13, 1988, revised April 6, 1992; revision approved September 5, 1995 (60 FR 46024).
SOCMI batch processes	Negative declaration: submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Industrial Wastewater	Negative declaration: submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Plastic Parts Coating (for business machines and automobiles)	MC Rule 336: adopted July 13, 1988, revised September 21, 1992, June 19, 1996, April 7, 1999, approved September 20, 1999 (64 FR 50759).
Cleaning solvents	MC Rule 331: adopted July 13, 1988, revised June 22, 1992, revised June 19, 1996, revised April 21, 2004, submitted July 28, 2004; approved February 1, 1996 (61 FR 3578), approved February 9, 1998 (63 FR 6489), approved December 21, 2004 (69 FR 76417).
Offset lithography	MC Rule 337: adopted November 20, 1996, submitted February 26, 1997, approved February 9, 1998 (63 FR 6489).
Shipbuilding and ship repair coatings	Negative declaration: submitted December 14, 2000, approved August 26, 2002 (67 FR 54741).
Wood Furniture	MC Rule 342: adopted November 20, 1996, submitted February 26, 1997, approved February 9, 1998 (63 FR 6489).
Aerospace	MC Rule 348: adopted April 7, 1999, submitted August 4, 1999, approved September 20, 1999 (64 FR 50759).
Architectural and industrial maintenance (AIM) coatings	MC Rule 335 adopted July 13, 1988, submitted January 4, 1990, approved January 06, 1992 (57 FR 354)
Major Sources Subject to RACT	
Fiberglass Boat Manufacturing	Negative declaration: submitted April 21, 2004, approved by direct final rule on February 10, 2005 (70 FR 7038) if no adverse comments are received by March 14, 2005.
Rubber Sports Ball Manufacturing	MC Rule 334: adopted June 19, 1996, submitted February 26, 1997, approved February 2, 1998 (63 FR 6489).
Metal Casting	MC Rule 341: adopted August 5, 1994, submitted August 16, 1994, approved February 12, 1996 (61 FR 5287).
Commercial Bread Bakeries	MC Rule 343: adopted February 15, 1995, submitted August 31, 1995, approved March 17, 1997 (62 FR 12544).
Semiconductor Manufacturing	MC Rule 338: adopted June 19, 1996, submitted February 26, 1997, approved February 9, 1998 (63 FR 6489).
Vegetable Oil Extraction Processes	MC Rule 339: adopted November 16, 1992, submitted February 04, 1993, approved February 9, 1998 (63 FR 6489).
Coating Wood Millwork	MC Rule 346: adopted November 20, 1996, submitted February 26, 1997, approved February 9, 1998 (63 FR 6489).
Ferrous Sand Casting	MC Rule 347: adopted March 4, 1998, submitted August 4, 1999, approved June 12, 2000 (65 FR 36788).
Vitamin Manufacturing	MC Rule 349: adopted April 7, 1999, submitted August 4, 1999, approved June 8, 2001 (66 FR 30815).
Automotive Windshield Wiper Fluid	MC Rule 344: adopted April 7, 1999, submitted August 4, 1999, approved November 30, 2001 (66 FR 59699).
Fiberboard for Expansion Joints	VOC RACT by permit (W.R. Meadows): proposed approval was signed by Regional Administrator for EPA Region 9 on March 3, 2005. This proposal is expected to be published in the **Federal Register** by mid-March 2005.

NA = not applicable.
[(a)] Perchloroethylene was delisted as a VOC effective March 8, 1996 (see 61 FR 4588, February 7, 1996).

As shown in Table 3, the VOC RACT requirements under sections 172(c)(1), 182(a)(2)(A) and 182(b)(2) have been met for the vast majority of CTG source categories and major sources either through establishment of Maricopa County (MC) regulations or by submittal of negative declarations. At this time, we propose to find that Arizona has met the RACT requirement for the MAG 1-hour ozone nonattainment area contingent upon our full final approval of (1) MC Rule 358 (establishes RACT requirements for major VOC sources in the emissions source category of Polystyrene Foam Manufacturing), (2) W.R. Meadows' permit conditions (establishes RACT requirements for a specific major VOC source), and (3) the negative declaration for the one major VOC source in the emissions source category of Fiberglass Boat Manufacturing. The Regional Administrator for EPA Region 9 signed rules in early March 2005 proposing approval of MC Rule 358 and W.R. Meadows' permit conditions as meeting the RACT requirement for the affected sources, and these proposals are expected to be published in the **Federal Register** in mid-March. EPA approved the negative declaration for the one major VOC source in the emissions source category of Fiberglass Boat Manufacturing on February 10, 2005 (70 FR 7038) by direct final action. If no adverse comments are received on that direct final action by March 14, 2005, then the approval of the negative declaration will become effective April 11, 2005, but if such comments are received then the direct final rule will be withdrawn and EPA will taken final action after consideration of the comments.

Stage II Vapor Recovery Requirements. Section 182(b)(3) of the CAA requires States to submit Stage II vapor recovery rules. The Stage II vapor recovery regulations for the Phoenix metropolitan nonattainment area were submitted to us on May 27, 1994 by the State. These rules had been adopted by the Arizona Department of Weights and Measures (ADWM) on August 27, 1993. We approved the program on November 1, 1994, effective January 3, 1995 (*see* 59 FR 54521). Subsequent State legislation (House Bill (HB) 2001, in 1997) required the ADWM to adopt rules to enhance enforcement of the program. These rules can be found at A.R.S. 41–2134. The regulations in the Arizona SIP fully adopt and implement the Stage II vapor recovery requirements in Arizona.

Vehicle I/M Requirements. Section 182(c)(3) and EPA's final I/M regulations in 40 CFR part 51, subpart S require States with ''serious'' ozone nonattainment areas to submit a fully adopted ''enhanced'' I/M program. EPA approved revisions to Arizona's enhanced vehicle I/M program for the Phoenix metropolitan nonattainment area as part of the Arizona SIP on January 22, 2003 (see 69 FR 2912). ADEQ implements an enhanced I/M program in Area A, which includes and goes beyond the Phoenix metropolitan 1-hour ozone nonattainment area. EPA believes that the Arizona SIP for the Phoenix 1-hour ozone nonattainment area satisfies all of the Section 182(c)(3) requirements of the CAA.

Clean Fuel Vehicle Programs. Sections 182(c)(4)(A) of the CAA requires States to submit a SIP revision for each serious 1-hour nonattainment area that includes such measures necessary to ensure the effectiveness of clean-fuel vehicle program prescribed under part C of title II of the Act. In particular, SIPs for serious ozone nonattainment areas with 1980 populations of 250,000 or more must establish a clean-fuel vehicle program for centrally fueled fleets (referred to herein as the ''clean fuel fleet'' (CFF) program). CAA section 246. Under the CFF program, a specified percentage of vehicles purchased by fleet operators for covered fleets shall be clean-fuel vehicles and shall use clean alternative fuels when operating in the covered area. Section 182(c)(4)(B) of the Act allows States such as Arizona to ''opt-out'' of all or a portion of the clean-fuel vehicle program including the CFF program by submitting for EPA approval a SIP revision consisting of a program or programs not otherwise required by the Act that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions.

On December 7, 1998, Arizona submitted to EPA a SIP revision opting out of the CFF program. The opt-out SIP requested EPA approval of its interim Cleaner Burning Gasoline (CBG) program, which EPA had already approved into the SIP (*see* 63 FR 6653, February 10, 1998), as a substitute program.[3] On June 7, 1999, the revision was found to be complete by operation of law pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V. In the 1998 opt-out SIP submittal, ADEQ had estimated that the CBG program would provide 9 metric tons per day (mtpd) of VOC reductions in 2010 compared to 0.5 to 1.8 mtpd in that same year that would have been achieved by a CFF program.[4] ADEQ also estimated that the CBG program would provide 5.0 mtpd of NO_X reductions in 2010 compared to 0.6 to 2.5 mtpd in that same year that would have been achieved by a CFF program. See also, Arizona's modeled emission reductions from the four control programs, the National Low Emission Vehicle (NLEV) program, CBG, Tier 2 and the CFF Program, in 2015 in Metropolitan Phoenix.[5]

TABLE 4.—EMISSIONS REDUCTIONS FROM FOUR CONTROL PROGRAMS IN 2015 IN METROPOLITAN PHOENIX

Program	Emissions reductions (tons per day)	
	HC	NO_X
Tier 2	18.3	86.4
CBG	8.0	5.0
NLEV	2.2	3.9
Federal Clean Fuel Fleet	0.5–1.8	0.7–2.5

The CBG program is not explicitly required by the CAA in the Phoenix metropolitan ozone nonattainment area. Additionally, the resulting reductions of ozone-producing emissions from this program (VOCs and NO_X) meet or exceed the emissions reductions that would have occurred if the CFF program were implemented. EPA will be approving only those emissions reductions needed to meet the CFF program. Finally, because reductions in toxic air emissions are proportional to the reduction in VOC emissions, any substitute plan which reduces VOCs will also reduce toxic air emissions in the same proportion. Therefore, Arizona's substitute plan will meet the CFF program requirement for air toxics emissions.

Based on the above evaluation, we propose to approve, under section 182(c)(4)(B) of the Act, ADEQ's submittal of the CBG program as a substitute measure achieving equivalent long-term emissions reductions of ozone-producing and toxic air pollutants as would have been achieved by implementation of a CFF program. In

[3] EPA has since approved additional revisions to the Arizona CBG program.

[4] ADEQ noted that its estimates of the emissions reductions benefit from a CFF program were likely overstated because the estimates did not account for the National Low Emission Vehicle (NLEV) program, which was expected to be implemented in Arizona and to lead to the availability of lower-emitting (conventional) light duty vehicles beginning with the 2001 model year.

[5] EPA promulgated the NLEV program on June 6, 1997 under which vehicle manufacturers voluntarily agreed to market light duty gasoline vehicles with emissions substantially lower than Tier 1 vehicles. (62 FR 31193, (June 6, 1997)). On February 10, 2000, EPA promulgated the Tier 2/gasoline sulfur standards that established more stringent exhaust emissions standards for light and medium duty gasoline vehicles. (65 FR 6698, (February 10, 2000)).

doing so, we find that the State has provided sufficient documentation of compliance with the notice and hearing requirements for SIP revisions under section 110(l) of the Act (*see* Exhibit 4 of the State's December 7, 1998 SIP revision submittal).

NO_X *Emission Control Requirements.* Section 182(f) establishes NO_X requirements for ozone nonattainment areas which require the same provisions for major stationary sources of NO_X as apply to major stationary sources of VOCs. However, section 182(f) also provides that these requirements do not apply to an area if the Administrator determines that NO_X reductions would not contribute to attainment.

For the Phoenix metropolitan ozone nonattainment area, EPA granted a waiver from the section 182(f) requirements for NO_X. The basis for the waiver was that Arizona demonstrated using UAM that additional NO_X emission controls in the Phoenix metropolitan nonattainment area would not contribute to the attainment of the 1-hour ozone standard in the area. See 60 FR 19510 (April 19, 1995).

Enhanced Monitoring. As a result of the reclassification of the Phoenix metropolitan 1-hour ozone nonattainment area to ''serious,'' the area became subject to the CAA section 182(c)(1) requirement that the area establish and implement a Photochemical Assessment Monitoring Station (PAMS) network. The Serious Area Ozone Plan describes the steps that the State has taken to comply with section 182(c)(1) (see page 2–8 of the Serious Area Ozone Plan). In the Serious Area Ozone Plan, ADEQ indicated that, in 1999, the PAMS network was not yet fully implemented but that it was being phased-in over a five year period in accordance with 40 CFR part 58.44 and 40 CFR part 58. We propose to find that the State has met the requirements for enhanced monitoring under section 182(c)(1).

When EPA finalizes today's proposal for the serious area plan revision to the Arizona SIP as well as the three separate rulemakings previously discussed, the Arizona ozone SIP will meet the applicable requirements of section 110 and part D.

E. The Area Must Have a Fully-Approved Maintenance Plan Meeting the Requirements of Section 175A

Section 107(d)(3)(E)(iv) of the CAA requires, as a pre-condition to being redesignated from nonattainment to attainment, that the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the Act.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan is a SIP revision that provides for maintenance of the relevant NAAQS in the area for at least 10 years after redesignation. The Calcagni memorandum dated September 4, 1992, provides additional guidance on the required content of a maintenance plan.

A 1-hour ozone maintenance plan should address the following five areas: The attainment emissions inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan. The attainment emissions inventory identifies the emissions level in the area that is sufficient to attain the 1-hour ozone NAAQS, based on emissions during a three-year period which had no monitored violations. To demonstrate maintenance of the 1-hour ozone NAAQS, the results from UAM modeling analyses should not show predicted 1-hour maximum ozone concentrations equivalent to or greater than 0.125 ppm anywhere in the modeling domain for the episode modeled. Provisions for continued operation of an appropriate air quality monitoring network are to be included in the maintenance plan. The State must show how it will track and verify the progress of the maintenance plan. Finally, the maintenance plan must include a list of potential contingency measures which ensure prompt correction of any violation of the 1-hour ozone NAAQS.

1. Emissions Inventory

MAG selected 1999 as the attainment year for purposes of demonstrating attainment of the 1-hour ozone NAAQS. Modeling episodes in both 1998 and 1999 were used; therefore, MAG developed modeling inventories for both of the base years (*i.e.*, 1998 and 1999), as well as an interim year 2006 and the maintenance year of 2015. These emissions inventories all include on-road mobile, nonroad mobile, point, area, and biogenic sources. The 1998 inventory was developed for a July 16–17 modeling episode, and the 1999 inventory was developed for an August 23–24 modeling episode. Both base year inventories reflect control strategies in place at that time. The future year emission inventories include projected emissions reductions from control measures that were implemented and enforceable after 1998 and 1999. Sections III and VI of MAG's *Technical Support Document for Ozone Modeling in Support of the One-Hour Ozone Redesignation Request and Maintenance Plan for the Phoenix metropolitan Nonattainment Area, November 2003* (included as Exhibit 2 of Appendix A of the Redesignation Request and Maintenance Plan) describe the inventories in more technical detail.

Emissions for point, area, and nonroad mobile sources were developed for a base year and then projected to 2006 and 2015 using appropriate growth factors. The growth factors were based on the 2015 population projections approved by the MAG Regional Council in June 1997 and developed from the 1995 Special Census. The 2015 employment factors by Standard Industrial Classification SIC) code were extrapolated from projections prepared by the Arizona Department of Economic Security (DES) in August 1997. Growth factors based on 2000 Census Data were not available at the time the modeling demonstration was begun. On-road vehicle activity was increased by eight and twelve percent for 2006 and 2015, respectively, because of expected increases in population and employment projections for Phoenix metropolitan.

In the 1998 and 1999 base cases, on-road mobile sources contribute 28 to 30 percent of VOC emissions and 51 to 52 percent of NO_X emissions and represent the largest emissions source category for both NO_X and VOC. With the implementation of the measures in the maintenance plan and stricter federal controls on vehicles and fuels, on-road mobile source NO_X emissions decrease by about 19 percent between 1999 and 2006, and 58 percent between 1999 and 2015. On-road mobile source VOC emissions decrease by 32 percent between 1999 and 2006, and 54 percent between 1999 and 2015.

Due to anticipated regional population growth, area sources become the largest source category for NO_X and VOC emissions in 2015. Area source NO_X emissions increase by 25 percent between 1999 and 2006, and 56 percent between 1999 and 2015. Area source VOC emissions increase by 22 percent between 1999 and 2006, and 49 percent between 1999 and 2015.

As a result of expected increases in power plant emissions, point source NO_X emissions increase from 1999 to 2015. Point source NO_X emissions increase 48 percent between 1999 and 2006, and 59 percent between 1999 and 2015. Point source VOC emissions increase by 13 percent between 1999 and 2006, and 32 percent between 1999 and 2015. With the implementation of the federal nonroad vehicle and engine standards, nonroad mobile NO_X emissions decrease by about 14 percent between 1999 and 2006. Nonroad

mobile VOC emissions decrease by about 23 percent between 1999 and 2006, and about 63 percent between 1999 and 2015.

Biogenic emissions are determined by land use type. Residential land use has a higher emission factor for biogenic VOC than agricultural land, while the opposite is true for biogenic NO_X emissions. Since it is anticipated that the residential land area will continue to increase as the Phoenix metropolitan area grows, and agricultural land uses will decline, biogenic VOC emissions are forecast to increase less than 1 percent between 1999 and 2006, and about 12 percent between 1999 and 2015, while biogenic NO_X emissions decrease by about 3 percent between 1999 and 2006, and about 15 percent between 1999 and 2015.

By implementing the emissions control measures in the maintenance plan, total NO_X emissions will decrease by about 5 percent between 1999 and 2006, and by about 17 percent between 1999 and 2015. Total VOC emissions will decrease by about 8 percent between 1999 and 2006, and about 14 percent between 1999 and 2015.

2. Maintenance Demonstration

a. *Introduction.* To demonstrate maintenance of the ozone standard through a ten-year maintenance period, MAG projected VOC and NO_X emissions for the Phoenix metropolitan nonattainment area to 2006 and 2015 and used these emissions estimates in UAM. The 2006 emission estimates were generated to test a midpoint in the ten-year maintenance period. This interim year 2006 was developed for the purposes of transportation conformity.

Table 5 summarizes the VOC and NO_X emissions estimates for the Phoenix metropolitan nonattainment area for 1999, 2006, and 2015.

Comparison of base and future year inventories, as shown in Table 5, indicates an 18–21 percent decrease in NO_X emissions between the 1998/1999 base case inventories and 2015. VOC emissions decrease between 9 and 15 percent during this same time period.

TABLE 5.—PHOENIX METROPOLITAN NONATTAINMENT AREA 1999, 2006, AND 2015 VOC AND NO_X EMISSIONS

[Emissions in metric tons per ozone season weekday]

Source category	1999*		2006		2015	
	VOC	NO_X	VOC	NO_X	VOC	NO_X
Point Sources	15.3	16.5	17.4	24.5	20.2	26.3
Area Sources	82.6	43.0	101.4	54.1	123.5	67.4
On-Road Mobile Sources	106.9	129.8	71.9	104.8	48.7	53.6
Nonroad Mobile Sources	78.5	59.3	61.0	50.9	28.7	57.2
Biogenics	76.7	7.3	77.2	7.1	85.8	6.2
Total	360.0	255.9	328.9	241.4	306.9	210.7

Notes: * Emissions from 1999 are for the Tuesday in August base case modeling day. Data are from pages ES–5, ES–6, 3–11 and 3–12 of the maintenance plan.

b. *Modeling Procedure.* In developing the maintenance demonstration, MAG followed EPA's *Guideline for Regulatory Application of the Urban Airshed Model* (EPA–450/4–91–013, July 1991; available at *http://www.epa.gov/scram001/tt25.htm*; hereafter ''GRAUAM''). This involves using UAM, a photochemical grid model, to simulate ozone production during selected recent ozone episodes. These ''base case'' simulations incorporate meteorological and emissions data corresponding to the episode days. Future case ozone simulations are then created using future emissions, which are estimated using information about control measures, as well as socioeconomic projections. The goal is to show that ozone concentrations continue to be below the standard in the future, so that NAAQS maintenance is demonstrated.

Documentation about the redesignation request's application of UAM is contained principally in the MAG SIP submittal's Appendix A, Exhibit 2, ''Technical Support Document for Ozone Modeling in Support of the One-Hour Ozone Redesignation Request and Maintenance Plan for the Phoenix metropolitan Nonattainment Area'' (hereafter ''MAG TSD''). Development of the application of UAM followed a protocol, per GRAUAM (the EPA guideline), which is included in the Appendix I of the MAG TSD. This protocol describes procedures to be followed in developing model inputs and in judging model performance, as well as the size of the modeling domain and the particular ozone episodes to be modeled. The protocol was reviewed and agreed to by both EPA and ADEQ prior to submission of the maintenance plan.

c. *Model Inputs.* The modeling domain used by MAG for the maintenance modeling demonstration was larger than in earlier UAM applications for the Phoenix metropolitan area. It was extended to include some large point sources to the west (and generally upwind) of the main metropolitan area, and also to the east to include more of the ozone plume that had been seen in previous simulations as well as urban areas which are growing rapidly. This expanded domain ensured that all the relevant source and receptor areas were included in the simulation, even beyond the nonattainment area itself.

After analysis of 32 high ozone days spread among 21 episodes, two ozone episodes were chosen for modeling: July 16–17, 1998 and August 23–24, 1999. While there have been no recent NAAQS exceedances, these episodes have among the highest ozone concentrations observed; their peak concentrations are 118 ppb and 124 ppb, respectively (the NAAQS is 0.12 ppm, or 120 ppb, but values below 125 ppb are rounded down and not considered exceedances). These episodes are representative of the two meteorological ''regimes'' observed for the Phoenix metropolitan nonattainment area; simulating both ensures that the NAAQS will be maintained under the various meteorological conditions that can occur in the Phoenix metropolitan area. Both regimes involve a low pressure center over southwestern Arizona, with relatively high temperatures and low wind speeds. But the regime type of the July 1998 episode tends to have high ozone in the metropolitan center and extending northwest. The regime type of the August 1999 episode is less common, but has a different spatial pattern; high ozone tends to occur more to the east. It also tends to have longer-

lasting southwesterly winds during the day than the other regime.

Standard procedures were followed in developing the meteorological and emissions inputs. The Diagnostic Wind Model (DWM) was used for wind inputs, as it often is with the UAM IV model, and gave reasonable wind fields. Mixing heights were prepared using MIXEMUP, also a fairly standard procedure for use with UAM. MIXEMUP inputs were upper air temperature soundings from Tucson (the only ones available) combined with Sky Harbor (Phoenix) Airport surface temperatures; also, local temperature and wind data from monitoring sites were used to generate a spatially-varying mixing height that better reflected the differing land uses (and hence heating and mixing characteristics) across the domain.

Emissions inputs were developed using EPA's EPS2.0 for spatially and temporally allocating area source emissions; MOBILE6 was used for vehicle emissions, in conjunction with MAG traffic data and the EMME/2 transportation model. Biogenic emissions, which are roughly 20% of total VOC emissions, were estimated using MAGBEIS2, a localized version of EPA's Biogenic Emissions Inventory Software (BEIS2) and incorporating emission factors from EPA's BELD3 database.

d. *Model Testing and Performance.* A number of sensitivity and diagnostic tests were carried out to test the effect of alternative inputs to improve model performance, and to test whether the model responds in a physically reasonable way to various input changes. This process helps avoid spurious good performance due to fortuitously compensating input errors. The test simulations included several alternative boundary concentrations, zeroing of emissions for various broad emissions categories, doubling on-road emissions, and reducing wind speeds by 20 percent. This set of simulations is comparable to the recommendations in EPA guidelines, and helped elucidate the functioning of the model.

Model performance statistics for peak error, overall bias, and overall error were all well within EPA-recommended targets. For example, the July 1998 predicted peak was 119 ppb, while the peak observation was 118 ppb. For August 1999, the predicted peak was 125, while peak observation was 124 ppb. Despite this good agreement, there appears to be a spatial mismatch between some predictions and observations for the August 1999 episode. High ozone appears to persist longer and to be more in the north of the central business district rather than to the east-northeast as indicated by monitored observations. The explanation for this discrepancy appears to be that the wind field used in the model may be shifted slightly relative to the actual winds, so that the ozone plume was shifted relative to the monitors. The model still predicts a comparable ozone peak, both in timing and in concentration, but it just does not happen to be at the monitor locations. This conclusion is supported by the sensitivity simulations with reduced wind speed, since the model responded as expected to this change, and also has a fairly large sensitivity to this as opposed to other variables.

A second anomaly of the August 1999 episode was a persistent moderately high ozone level south of the central business district that was not apparent in the observations and did not seem to match what would be expected from the wind directions and the location of emissions. This did not affect the peak prediction of the model at all, and appeared to be a localized effect that might have been caused by the proximity of South Mountain, which blocks transport toward the south and southeast, and by alternation of morning and afternoon slope flows that cause recirculation of pollutants in the area. Despite these issues, both episodes meet EPA performance criteria and provide an acceptable basis for a maintenance demonstration.

e. *Maintenance Demonstrated.* The maintenance demonstration itself involves projecting emissions to 2015, including the effect of controls, using similar procedures as for the base case episodes. The model is then re-run on the two episodes with the new emissions to test whether the future controlled emissions are still consistent with NAAQS attainment. As shown in Tables 3–3 though and 3–6 of the Redesignation Request and Maintenance Plan (pages 3–9 through 3–12), point and area source emissions increase over the 1998–2015 period, but this is more than made up for by emissions decreases in nonroad mobile and on-road mobile sources. This resulted in predicted ozone peaks decreasing by 2015 from 119 to 116 ppb for the July 1998 episode, and from 125 to 120 for the August 1999 episode. Since these levels are both at or below 124 ppb, maintenance of the 1-hour ozone NAAQS has been demonstrated.

3. Monitoring Network

The Redesignation Request and Maintenance Plan addresses the requirements for continued operation of an ozone monitoring network. ADEQ and MCESD have committed to continue the operation of the monitors in the area in accordance with 40 CFR part 58. See also section IV.A.1 and IV.A.2 of this proposed rule for more detail on Arizona's monitoring network for the Phoenix metropolitan 1-hour ozone nonattainment area.

4. Verification of Continued Attainment

ADEQ, MAG, Maricopa County, and the local jurisdictions have the legal authority to implement and enforce the requirements of the Redesignation Request and Maintenance Plan. This includes the authority to adopt, implement, and enforce any subsequent emission control contingency measures determined to be necessary to correct future ozone attainment problems. To implement the 1-hour ozone maintenance plan, as noted above, ADEQ and MCESD will continue to monitor ozone levels in the Phoenix metropolitan nonattainment area. To track progress on the Maintenance Plan, Maricopa County has also committed to update the emissions inventory for the Phoenix metropolitan nonattainment area every three years for the duration of the maintenance plan with input and assistance from ADEQ and MAG. The ozone monitoring data and the updated emissions inventories will be used through the State's contingency plan to assure maintenance of the 1-hour ozone standard.

5. Contingency Plan

Section 175A(d) of the CAA requires maintenance plans to contain contingency provisions. EPA guidance on the requirements for the contingency plan is provided in the September 4, 1992 Calcagni memo (Calcagni 1992a). As set forth in the Calcagni memo, we interpret section 175A(d) of the CAA not to require fully adopted measures in the contingency plan. However, the plan should contain clearly identified contingency measures to be adopted, a schedule, and a specific time limit for action by the State. In addition, specific triggers should be identified which will be used to determine when the contingency measures need to be implemented. The contingency plan portion of the State's maintenance plans delineate the State's planned actions in the event of increasing ozone levels threatening a subsequent violation of the ozone standard.

MAG followed the August 13, 1993 EPA guidance memorandum entitled ''Early Implementation of Contingency Measures for Ozone and Carbon Monoxide (CO) Nonattainment Areas''. The contingency plan described in MAG's maintenance plan contains

control measures that are expected to be implemented early. MAG's contingency plan contains three measures, Area A Expansion, Gross Polluter Option for I/M Program Waivers, and Increased Waiver Repair Limit Options. Emissions reduction credit for these measures was not taken in the maintenance demonstration.

MAG defines the trigger for the implementation of the contingency plan as when the fourth highest daily maximum hourly measurement over the past three years exceeds 0.120 ppm at any ozone monitor. If this occurs, additional measures will be considered, which may include the strengthening of existing contingency measures. When the trigger is activated, additional control measures will be considered according to the following schedule: (a) Verification of the monitoring data to be completed three months after activation of the trigger; (b) applicable measures to be considered for adoption six months after the date established in (a); and (c) resulting contingency measure to be implemented within six to twelve months, depending on the time needed to implement the measure. The State has also committed to continue to implement all control measures included in the SIP prior to redesignation consistent with section 175A(d) of the CAA.

MAG's Redesignation Request and Maintenance Plan adequately addresses the five basic components which comprise a maintenance plan (attainment inventory, maintenance demonstration, monitoring network, verification of continued attainment, and a contingency plan) and, therefore, satisfies the maintenance plan requirement.

6. Subsequent Maintenance Plan Revisions

Section 175A(b) of the CAA requires States to submit a subsequent maintenance plan revision eight years after the original redesignation request and maintenance plan have been approved by EPA. The subsequent revision is to provide for maintenance of the air quality standard for an additional 10 years following the first 10-year maintenance period. As the designated regional air quality planning agency for the Phoenix metropolitan area, MAG has committed on page 3–18 of the 1-Hour Ozone Redesignation Request and Maintenance Plan to prepare a revised maintenance plan eight years after redesignation to attainment.

7. Motor Vehicle Emissions Budgets (MVEBs)

In addition to meeting the criteria for redesignation, as a control strategy SIP, the maintenance plan must contain MVEBs that, in conjunction with emissions from all other sources, are consistent with attainment and maintenance. An MVEB is the total allowable VOC and NO_X emissions allocated to highway and transit vehicle use during the maintenance period (highway and transit vehicle use emissions impacted by transportation plans are projected to 2015 and tested against the 2015 motor vehicle emissions budget). The rules and requirements governing transportation conformity require certain transportation activities to be consistent with the MVEBs contained in emission control SIPs (40 CFR 93.118). The projected emissions resulting from the transportation activities must be less than or equal to the emissions budget levels (40 CFR 93.118(a)). The review of the transportation plan impacts relative to the emissions budgets occurs after EPA declares that the emissions budgets meet the adequacy criteria of the transportation conformity rule under 40 CFR 93.118(e).

The MVEBs for the Phoenix metropolitan nonattainment area were developed using emission factors generated using EPA's MOBILE6 model. Arizona developed MVEBs for the maintenance plan years of 2006 and 2015. The MVEBs are for both VOC and NO_X, as precursors to ozone formation, and were applicable for the Phoenix metropolitan nonattainment area upon the effective date of the MVEB adequacy finding.

We found the budgets in the Redesignation Request and Maintenance Plan adequate in a letter to Nancy Wrona, Air Division Director, ADEQ and Dennis Smith, Executive Director of MAG, dated August 3, 2004. (*See also* 69 FR 51079, August 17, 2004.) The adequacy finding on the maintenance plan budgets was effective as of September 1, 2004.

EPA is proposing to approve the MVEBs included in Arizona's maintenance plans for conformity purposes. EPA believes that the submitted MVEBs are consistent with the control measures identified in the SIP, and that the SIP as a whole demonstrates maintenance with the 1-hour ozone standard. The 2006 and 2015 motor vehicle emission budgets included in the MAG maintenance plan are summarized in Table 6 below.

TABLE 6.—PHOENIX METROPOLITAN NONATTAINMENT AREA 2006 AND 2015 MOTOR VEHICLE EMISSION BUDGETS

[Emissions in metric tons per ozone season summer day]

Year	VOC	NO_X
2006	71.9	104.8
2015	48.7	53.6

8. Conclusion

We propose to approve the State's submittal (dated April 21, 2004) of MAG's Resignation Request and Maintenance Plan as a revision to the Arizona SIP. In doing so, we find that ADEQ and MAG have provided sufficient documentation of compliance with the notice and hearing requirements for SIP revisions under section 110(l) of the Act.[6]

V. Revision of Boundary of the Phoenix Metropolitan 1-Hour Ozone Nonattainment Area

At the request of the Gila River Indian Community and based on the evaluation provided below, EPA is proposing to change the boundary of the Phoenix Metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation (''Reservation'').

A. Background

1. Current Area Boundary, Designation, and Classification

Areas of the country were originally designated as attainment, nonattainment or unclassifiable following enactment of the 1977 Amendments to the CAA. See 43 FR 8962 (March 3, 1978). These designations were generally based on monitored air quality values compared to the applicable NAAQS. EPA originally designated all of Maricopa County as a nonattainment area for the photochemical oxidant NAAQS. See 43 FR 8962, 8968 (March 3, 1978). The following year, EPA approved a request by the State of Arizona to reduce the size of this nonattainment area to include only the Maricopa Association of Governments (MAG) Urban Planning Area (*see* 44 FR 16388, March 19, 1979), which included the Phoenix metropolitan area and also the northern quarter of the Gila River Indian Reservation (most of the reservation lies

[6] MAG and ADEQ held a joint public hearing for the Redesignation Request and Maintenance Plan on March 1, 2004. The MAG Regional Council adopted the Redesignation and Maintenance Plan on March 25, 2004 and ADEQ adopted the Redesignation Request and Maintenance Plan on April 21, 2004.

within Pinal County). We refer to this area in this notice as the Phoenix metropolitan 1-hour ozone nonattainment area. Also in 1979, we established a new ozone NAAQS to replace the photochemical oxidant NAAQS (*see* 44 FR 8202, February 8, 1979) but retained the designation of ''nonattainment'' for the new ozone NAAQS for the Phoenix metropolitan 1-hour nonattainment area.

Under the 1990 Clean Air Act Amendments, the designation of ''nonattainment'' for the Phoenix metropolitan 1-hour ozone nonattainment area was carried forward by operation of law, and pursuant to the 1990 amended Act, the Phoenix metropolitan nonattainment area was further classified as ''moderate'' nonattainment. See 56 FR 56694, 56717 (November 6, 1991). The nonattainment area boundary remained the same, *i.e.*, the MAG Urban Planning Area. On November 6, 1997, the MAG 1-hour ozone nonattainment area was reclassified to serious due to a failure to attain the 1-hour ozone standard by November 15, 1996. The reclassification was effective February 13, 1998. See 62 FR 60001 (November 6, 1997) and 63 FR 7290 (February 13, 1998).

Area boundaries and area classifications have been amended over the years under the applicable CAA provisions, either by request of a state, by operation of law, or by EPA initiative. For the State of Arizona, the current area designations and classifications are codified at 40 CFR 81.303.

2. Gila River Indian Community's Request for a Boundary Change

On March 2, 2005, the Gila River Indian Community (''Community''), a federally-recognized tribal government,[7] submitted a request to EPA to correct the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Reservation.[8] The Community's request included background information and analysis of air quality data existing at the time of and subsequent to the designation in 1978 as well as the nature of the ozone sources on the Reservation demonstrated that the Reservation has not had a monitored or predicted violation of the 1-hour ozone NAAQS since, and that no significant sources of ozone precursor emissions exist on the Reservation. The Community's request and supporting documentation are included in the docket for this proposed action.

B. EPA Review of the Community's Request

1. EPA's Authority to Change Boundaries

The Community requested that EPA act under section 110(k)(6) to correct the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area, and while we agree that a revision to the boundary to exclude the Reservation is warranted, we have decided to redesignate the boundary of the area under section 107(d)(3)(A) of the Act rather than to correct the boundary under section 110(k)(6). Under section 107(d)(3)(A), EPA has the authority to revise the boundary of a nonattainment area on the basis of air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.

2. The Gila River Indian Reservation Airshed

The Gila River Indian Reservation consists of approximately 374,000 acres in south central Arizona, south of the Phoenix metropolitan area. Currently, the MAG 1-hour ozone nonattainment area includes the northern 92,000 acres of the Reservation. The Reservation is physically separated from the Phoenix metropolitan area by the Sierra Estrella and South Mountain Ranges. The Sierra Estrella Mountain Range runs north and south along the western edge of the Reservation. The South Mountain Range runs diagonally in a northeasterly direction, between one and five miles beyond the northern Reservation boundary. These mountain ranges act as a physical barrier between the two airsheds.

A segment of the northern border of the Reservation adjacent to Chandler does not have a topographical barrier to air pollution transport. However, the prevailing winds flow to the northeast, sending ozone emissions from Chandler away from the Reservation. Along the northeastern border of the Reservation, the Santan Mountain Range separates the Reservation from Gilbert and Apache Junction.

The Reservation has a population of approximately 11,250 people, with a population density of approximately 20 people per square mile. There are no major population centers within the Reservation. By comparison, Maricopa County (including vast rural areas west of the urban area, which are not part of the nonattainment area) has a population of over 3 million, with a population density of over 230 people per square mile.

3. Ozone and the Reservation

In general, ambient ozone concentrations are caused by on-road and nonroad mobile emissions sources, area sources, large stationary sources and biogenic sources that emit VOCs and NO_X. The level of mobile source emissions, often the largest part of the inventory in a major metropolitan area, can be generally correlated to population density and land use patterns. The Community population density of 20 people per square mile is minor compared to all of Maricopa County, which has a density of over 230 people per square mile. Commuting patterns on the Reservation are virtually nonexistent. Approximately 2,200 cars, trucks and vans commute to work within the Reservation, compared to 1,250,000 in Maricopa County. There is little economic integration with commercial development in metropolitan Phoenix, and the Reservation remains largely rural and agricultural. The Community plans to expand its agricultural base by investing millions of dollars in agricultural infrastructure.

There is only one major source of emissions in the Community, an aluminum extrusion facility. Based on an inventory prepared by the Community for year 1997 and the fact that sources within the Community have not changed in any significant way since then, the Community estimates that total annual emissions of ozone precursor pollutants are approximately 1,000 tons of VOCs and 1,900 tons of NO_X for the entire Community. For the purposes of comparison with the other emissions estimates cited in this notice, total Community emissions are approximately 2.5 metric tons per day (mtpd) of VOCs and 4.7 mtpd of NO_X on an annual average basis. In that part of the Community that is within the Phoenix nonattainment area, the Community estimates that there are 250 tons of VOC and 490 tons of NO_X per year (equivalent to 0.6 mtpd of VOC and 1.2 mtpd of NO_X). Emissions of VOCs from the Community portion of the nonattainment area represent less than 0.002% and 0.006% of VOC and NO_X emissions, respectively, of total estimated emissions generated within the Phoenix metropolitan nonattainment area. Thus, total emissions from the Community are not sufficient to cause or contribute to violations of the 1-hour standard or otherwise have a measurable impact on rest of the Phoenix metropolitan

[7] See 67 FR 46328, 46329 (July 12, 2002).

[8] As noted previously, the Phoenix metropolitan 1-hour ozone nonattainment area includes the portion of the Reservation that lies within Maricopa County, approximately the northern 25 percent of the Reservation.

nonattainment area. High 1-hour ozone concentrations in the Phoenix metropolitan nonattainment area are associated almost exclusively with summertime temperatures and meteorological patterns. During the summer months, the natural wind patterns in the Salt River Valley are from the west toward the northeast, causing air pollutants from Phoenix to be transported away from the Gila River Indian Reservation. Therefore, there is substantial basis for concluding that the Reservation is an insignificant generator of ozone emissions.

4. Ozone Planning Issues

Attainment of the 1-hour ozone NAAQS in the Phoenix metropolitan area was achieved by Arizona through the SIP planning process. It is important to note that, under the CAA, the State and local air pollution control agencies do not have authority to administer air regulatory programs over the Reservation; consequently, the SIP rules that were applied to the metropolitan area and resulted in attainment of the NAAQS did not apply to the Reservation. Furthermore, due to the Reservation's lack of ozone precursor sources, it was never considered necessary to apply ozone precursor limits to sources on the Reservation.[9]

Just as it was clear that it was not necessary for an attainment plan to be applicable to the Reservation for the Phoenix metropolitan nonattainment area to attain the 1-hour ozone NAAQS, it is clear to EPA that it will not be necessary for a maintenance plan to be applicable to the Reservation for the Phoenix metropolitan nonattainment area to maintain attainment of the 1-hour ozone NAAQS.

C. Conclusion and Effect of Revising the Boundary of the Phoenix Metropolitan 1-Hour Ozone Nonattainment Area

In view of the above considerations, EPA believes that it is appropriate to exercise discretionary authority under section 107(d)(3)(A) and to propose to revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation. Geographical and meteorological factors support the conclusion that the Reservation is not significantly affected by emissions generated in the Phoenix metropolitan area nor is the Phoenix metropolitan area affected by emissions generated within the Reservation. The effect of this proposed action would be to attach the Maricopa County portion of the Gila River Indian Reservation to the pre-existing ''unclassifiable/attainment'' area for the 1-hour ozone NAAQS that consists of all of those portions of the State of Arizona (including the rest of the Reservation that lies in Pinal County) that are not designated as a ''nonattainment'' area or as an ''attainment'' area that is subject to a maintenance plan. Also, this proposed action would eliminate any remaining obligations to develop plans or measures to attain and maintain the 1-hour ozone NAAQS or to implement nonattainment NSR within the Maricopa County portion of the Gila River Indian Reservation.

We note that this proposed action to revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation is consistent with EPA's 2004 rule establishing an 8-hour ozone nonattainment area for the metropolitan Phoenix area, *i.e.*, in both instances the Gila River Indian Reservation is excluded from the ozone nonattainment area. See 69 FR 23858, 23878 (April 30, 2004). Finally, we propose to interpret our proposed action herein to eliminate the requirement to develop a section 110 maintenance plan that would otherwise have been required for the Maricopa County portion of the Gila River Indian Reservation because of its 1-hour NAAQS designation (*i.e.*, nonattainment) at the time when the 8-hour ozone designations final rule was signed by the EPA Administrator (April 15, 2004). See 69 FR 23951, 23999 (April 30, 2004).

VI. Proposed Action

We are soliciting comments on all aspects of this proposed SIP rulemaking action. We will consider your comments in deciding our final action if your comments are received by April 20, 2005.

We are proposing, under the Clean Air Act, to fully approve three revisions to the Arizona SIP submitted to us by ADEQ and related to the Phoenix metropolitan nonattainment area for the 1-hour ozone NAAQS. First, under sections 182(c)(4)(B) and 110(k)(3) of the Clean Air Act (CAA, or ''the Act''), we are proposing to approve the State of Arizona's request to ''opt-out'' of the Clean Fuel Fleet (CFF) program and to approve the Cleaner Burning Gasoline (CBG) program as a substitute measure. Second, we are proposing to approve, under section 110(k)(3) of the Act, the State's submittal of the *Final Serious Area Ozone State Implementation Plan for Maricopa County* as meeting the applicable requirements for serious 1-hour ozone nonattainment areas. Third, under sections 107(d)(3)(D) and 110(k)(3), we are proposing to approve the State's submittal of the *One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area* as meeting CAA requirements for redesignation requests and maintenance plans under sections 107(d)(3)(E) and 175A. However, this proposal is contingent upon final approval by EPA of three separate proposed rulemakings involving two Maricopa County rules, a negative declaration, and a set of permit conditions imposing reasonably available control technology on a specific stationary source. As part of our approval of the maintenance plan, we are proposing to approve the 2006 and 2015 motor vehicle emissions budgets (MVEBs) for VOC and NO_X in the submitted maintenance plan for transportation conformity purposes.

In addition, we are proposing, under section 107(d)(3)(A) of the Act, to revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment area to exclude the Gila River Indian Reservation. This proposed action would add the Maricopa County portion of the Reservation to the current unclassifiable/attainment area within the State of Arizona for the 1-hour ozone NAAQS and would relieve the Agency and Gila River Indian Community from the need to develop plans and measures that are not necessary to provide for attainment and maintenance of the 1-hour or 8-hour ozone NAAQS.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements, reduce the size of a nonattainment area, and redesignate the area (as modified) to attainment for air quality planning purposes and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the

[9] EPA could have applied VOC or NO_X limits to sources on the Reservation, as it has authority under CAA 301(d) to promulgate regulations for Indian country as necessary or appropriate ''to achieve the appropriate purpose'' of the Act.

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

Under section 5(b) of Executive Order 13175, EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or EPA consults with tribal officials early in the process of developing the proposed regulation. Under section 5(c) of Executive Order 13175, EPA may not issue a regulation that has tribal implications and that preempts tribal law, unless the Agency consults with tribal officials early in the process of developing the proposed regulation.

EPA has concluded that this proposed rule may have tribal implications. EPA's action will revise the boundary of the Phoenix metropolitan 1-hour ozone nonattainment maintenance area to exclude the Gila River Indian Reservation. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. Thus, the requirements of sections 5(b) and 5(c) of the Executive Order do not apply to this rule.

Consistent with EPA policy, EPA nonetheless consulted with representatives of tribal governments early in the process of developing this proposal to permit them to have meaningful and timely input into its development. Representatives of tribal governments approached EPA two years ago and requested that EPA make this boundary change. We agree with the technical and policy rationale the tribes provided, and believe that all tribal concerns have been met.

In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, reduce the size of a nonattainment area, and redesignate the area (as modified) to attainment for air quality planning purposes and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions and redesignation requests, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission or redesignation request for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission or redesignation request, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 14, 2005.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. 05–5517 Filed 3–18–05; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 70, No. 53
Monday, March 21, 2005

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 15, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submisson@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Utilities Service

Title: Public Television Digital Transition Grant Program.

OMB Control Number: 0572–0134.

Summary of Collection: As part of the nation's transition to digital television, the Federal Communications Commission required all television broadcasters to initiate the broadcast of a digital television signal and to cease analog television broadcasts on December 31, 2006. The Rural Utilities Service (RUS) will develop and issue requirements for the grant program to finance the conversion of television services from analog to digital broadcasting for public television stations serving rural areas.

Need and Use of the Information: Applicants will submit grant applications to RUS for review. The information will consist of the following: Standard Form (SF)424, ''Application for Federal Assistance, executive summary, evidence of eligibility and compliance with other Federal statutes and any other supporting documentation. RUS will use the information to score and rank applications for funding. Scoring will consist of three categories: rurality; per capita income; and special disadvantaging factors facing the station's transition plans. If this information is not collected, there would be no basis for awarding grant funding.

Description of Respondents: Not-for-profit institutions; State, local or tribal government.

Number of Respondents: 50.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 1,168.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–5460 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Extension of Repayment Period for Advance Direct and Counter-Cyclical Program Payments

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: This notice extends until October 31, 2005, the period in which CCC will automatically reduce any Direct and Counter-Cyclical Payments (DCP) to satisfy a producer's obligation to repay unearned 2003-crop advance counter-cyclical payments. Scheduled payments received during this period include 2004-crop final direct payments, 2004-crop advance counter-cyclical payments, and 2005-crop advance direct payments.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, Director, Production, Emergencies, and Compliance Division, Farm Service Agency, USDA, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517. Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: The Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911–7918, 7951–7956) provides for counter-cyclical payments for covered commodities and peanuts beginning with crop year 2002. Under section 1412.503(f) of 7 CFR part 1412, CCC issues advance counter-cyclical program payments when the target price for the commodity exceeds the projected effective price. The effective price equals the direct payment rate plus the higher of the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, or the national average loan rate for a marketing assistance loan for the covered commodity or peanuts in effect for the applicable period. Under section 1412.503(i)(2) of 7 CFR part 1412, a producer must refund to CCC any amounts representing payments that exceed the payments determined by CCC to have been earned under the program. Accordingly, producers participating in DCP were notified by

letter dated May 3, 2004, that if market prices continued near then current levels, they may be required to refund all or a portion of the 2003 counter-cyclical payments they received for some crops.

Producers with advance overpayments were offered a refund option under which CCC would automatically reduce any DCP payments received between October 2004 and March 2005 to satisfy an obligation to repay unearned 2003-crop advance counter-cyclical payments. This notice extends, until October 31, 2005, the period in which CCC will automatically reduce any Direct and Counter-Cyclical Payments (DCP) to satisfy a producer's obligation to repay unearned 2003-crop advance counter-cyclical payments. Scheduled payments received during this period include 2004-crop final direct payments, 2004-crop advance counter-cyclical payments, and 2005-crop advance direct payments.

If the above scheduled DCP payments are insufficient to repay the total unearned advances, CCC will notify applicable producers in November 2005 that the refunds will be collected using the procedures established under the Debt Collection Improvement Act of 1996.

Signed in Washington, DC, on March 8, 2005.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 05–5462 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Trade Adjustment Assistance for Farmers

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

The Administrator, Foreign Agricultural Service (FAS), denied a petition for trade adjustment assistance (TAA) for cabbages that was filed on February 11, 2005, by A. Sam Farm, Inc., Dunkirk, New York.

SUPPLEMENTARY INFORMATION: Upon investigation, the Administrator determined that imports for the January–December 2003 marketing year declined by 22 percent from the same period in 2003. Since imports declined during the marketing year, the petition did not meet the increasing imports requirement, a condition required for certifying a petition for TAA.

FOR FURTHER INFORMATION, CONTACT: Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720–2916, e-mail: *trade.adjustment@fas.usda.gov.*

Dated: March 10, 2005.

A. Ellen Terpstra,

Administrator, Foreign Agricultural Service.

[FR Doc. 05–5461 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intention to extend, with no revision, an information collection. The collected information will help the Forest Service fairly consider administrative appeals from timber companies appealing small business timber sale set-aside recomputations.

DATES: Comments must be received in writing on or before May 20, 2005, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Rod Sallee, Forest Management Staff, Forest Service, USDA, Mail Stop 1103, 1400 Independence Avenue, SW., Washington, DC 20250.

Comments also may be submitted via facsimile to (202) 205–1045 or by e-mail to *rsallee@fs.fed.us.*

The public may inspect comments received at the Forest Management Staff Office, Room 3SW, Yates Building, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC. Visitors should call ahead to (202) 205–1766 to facilitate entrance into the building.

FOR FURTHER INFORMATION CONTACT: Rod Sallee, Forest Management Staff, at (202) 205–1766. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service adopted the Small Business Timber Sale Set-Aside Program on July 26, 1990 (55 FR 30485). The agency administers the program in cooperation with the Small Business Administration (SBA) under the authorities of The Small Business Act 1988, the National Forest Management Act of 1976, and SBA's regulations at Part 121 of Title 13 of the Code of Federal Regulations. The program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Under the program, the Forest Service must recompute the shares of timber sales to be set aside for qualifying small businesses every 5 years on the actual volume of sawtimber that has been purchased by small business. Also, shares must be recomputed if there is a change in manufacturing capability, if the purchaser size class changes, or if certain purchasers discontinue operations. Direction to guide administration of the Set-Aside Program is issued in Chapter 2430 of the Forest Service Manual and Chapter 90 of the Forest Service Timber Sale Preparation Handbook.

In 1992, the agency adopted new administrative appeal procedures at Part 215 of Title 36 of the Code of Federal Regulations in response to new statutory direction. These rules apply to certain National Forest System project-level decisions for which an environmental assessment (EA) or environmental impact statement (EIS) has been prepared. Because the recomputation of shares under the Small Business Timber Sale Set-Aside Program is not subject to documentation in an EA or EIS, the decisions on the 1996–2000 Forest Service recomputation of small business shares were not subject to the new appeal procedures. These decisions also were not appealable as conditions of special-use authorizations under Part 251, Subpart C, of Title 36 of the Code of Federal Regulations.

However, since the agency had accepted appeals of recomputation decisions under Part 217 of Title 36 of the Code of Federal Regulations prior to adoption of Part 215, the agency decided to establish procedures for providing notice to affected purchasers with opportunity to comment on the recomputation of shares. Notice of these procedures was published in the **Federal Register** on February 28, 1996 (61 FR 7468).

The Conference Report accompanying the 1997 Omnibus Appropriation Act found the Forest Service decision to

eliminate an administrative appeals opportunity for the Small Business Timber Sale Set-Aside Program ''unacceptable'' and directed the Forest Service to reinstate an appeals process before December 31, 1996.

The Conference Report required the agency to establish a process by which purchasers may appeal decisions concerning recomputations of Small Business Set-Aside (SBA) shares, structural recomputations of SBA shares, or changes in policies impacting the Small Business Timber Sale Set-Aside Program.

The Forest Service published an interim rule in the **Federal Register** on March 24, 1997, (62 FR 13826) to comply with the Conference Report appeal requirement. The agency published a final rule, Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares (36 CFR 223), in the **Federal Register** on January 5, 1999 (64 FR 406). This final rule clarified the kinds of decisions that are subject to appeal, who may appeal decisions, the procedures for appealing decisions, the timelines for appeal, and the contents of the notice of appeal.

The following describes the information collection to be retained:

Title: Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares.

OMB Number: 0596–0141.

Expiration Date of Approval: May 31, 2005.

Type of Request: Extension with no revision.

Abstract: The Appeal Deciding Officer, who is the official one level above the level of the Responsible Official who made the recomputation of shares decision, will evaluate the data provided in the notice of appeal to resolve appeals of recomputations of small business shares of the timber sale program.

The Responsible Official provides qualifying timber sale purchasers 30 days for predecisional review and comment on any draft decision to reallocate shares, including the data used in making the proposed recomputation decision. Within 15 days of the close of the 30-day predecisional review period, the Responsible Official makes a decision on the shares to be set aside for small businesses and gives written notice of the decision to all parties on the national forest timber sale bidders list for the affected area. The written notice provides the date by which the appeal may be filed and how to obtain appeal procedures information.

Only timber sale purchasers, or their representatives, who are affected by recomputation decision of the small business share of timber sale set-aside and who have submitted predecisional comments may appeal recomputation decisions.

The appellant must file a notice of appeal with the Appeal Deciding Officer within 20 days of the date of the notice of decision. The notice of appeal must include the appellant's name, mailing address, and daytime phone number; the title and date of the decision and the name of the responsible official; a brief description and date for the decision being appealed; a statement of how the appellant is adversely affected by the decision being appealed; and a statement of the facts in dispute regarding the issue(s) raised by the appeal; specific references to law, regulation, or policy that the appellant believes to have been violated, if any, and the basis for such an allegation; a statement as to whether and how the appellant has tried to resolve with the Responsible Official the issue(s) being appealed, including evidence of submission of written comments at the predecisional stage; and a statement of the relief the appellant seeks.

Data gathered in this information collection are not available from other sources.

Estimate of Annual Burden: 4 hours.

Type of Respondents: Timber sale purchasers, or their representatives, who are affected by recomputations of the small business share of timber sales.

Estimated Annual Number of Respondents: 40.

Estimated Annual Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 320 hours.

Comment is invited on: (a) Whether the proposed collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including names and addresses when provided, will become a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: March 11, 2005.

Frederick Norbury,

Associate Deputy Chief, National Forest System.

[FR Doc. 05–5458 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

National Tree-Marking Paint Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Tree-marking Paint Committee will meet in Jackson, Wyoming on May 24–26, 2005. The purpose of the meeting is to discuss activities related to improvements in, concerns about, and the handling and use of tree-marking paint by personnel of the Forest Service and the Department of the Interior's Bureau of Land Management.

DATES: The meeting will be held May 24–26, 2005, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Inn at Jackson Hole, 3345 West Village Drive, PO Box 328, Teton Village, Wyoming, 83025. Persons who wish to file written comments before or after the meeting must send written comments to Bob Simonson, Acting Chairman, National Tree-marking Paint Committee, Forest Service, USDA, San Dimas Technology and Development Center, 444 East Bonita Avenue, San Dimas, California 91773, or electronically to *bsimonson@fs.fed.us.*

FOR FURTHER INFORMATION: Bob Simonson, Program Leader, San Dimas Technology and Development Center, Forest Service, USDA, (909) 599–1267, extension 242 or *bsimonson@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The National Tree-Marking Paint Committee comprises representatives from the Forest Service national headquarters, each of the nine Forest Service Regions, the Forest Products Laboratory, the Forest Service San Dimas Technology and Development Center, and the Bureau of Land Management. The General Services Administration and the National Institute for Occupational Safety and Health are ad hoc members and provide technical advice to the committee.

A field trip will be held on May 24 and is designed to supplement

information related to tree-marking paint. This trip is open to any member of the public participating in the public meeting on May 25–26. However, transportation is provided only for committee members.

The main session of the meeting, which is open to public attendance, will be held on May 25–26.

Closed Sessions

While certain segments of this meeting are open to the public, there will be two closed sessions during the meeting. The first closed session is planned for approximately 9 to 11 a.m. on May 25. This session is reserved for individual paint manufacturers to present products and information about tree-marking paint for consideration in future testing and use by the agency. Paint manufacturers also may provide comments on tree-marking paint specifications or other requirements. This portion of the meeting is open only to paint manufacturers, the Committee, and committee staff to ensure that trade secrets will not be disclosed to other paint manufacturers or to the public. Paint manufacturers wishing to make presentations to the Tree-Marking Paint Committee during the closed session should contact the Acting Chairman at the telephone number listed at **FOR FURTHER INFORMATION CONTACT** in this notice. The second closed session is planned for approximately 2 to 4 p.m. on May 26, 2005. This session is reserved for Federal Government employees only.

Any person with special access needs should contact the Acting Chairman to make those accommodations. Space for individuals who are not members of the National Tree-Marking Paint Committee is limited and will be available to the public on a first-come, first-served basis.

Dated: March 11, 2005.

Frederick L. Norbury,

Associate Deputy For National Forest System.

[FR Doc. 05–5459 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

United States Standards for Beans

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is removing the special grade designation ''off-color'' from the United States Standards for Beans. GIPSA will continue to offer assessments for color uniformity on a request basis. This action will facilitate the marketing of beans from many different regions.

EFFECTIVE DATE: April 20, 2005.

FOR FURTHER INFORMATION CONTACT: John Giler, Deputy Director, Field Management Division, USDA, GIPSA, Room 2429–S, Stop 3632, 1400 Independence Avenue, SW., Washington, DC 20250–3632, telephone (202) 720–0252; or e-mail to: *John.C.Giler@usda.gov.*

The final United States Standards for Beans will be available through the address cited above or by accessing the GIPSA Home Page on the Internet at *http://www.usda.gov/gipsa/reference-library/standards/standards.htm.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices''. GIPSA is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities.

The United States Standards for Beans do not appear in the Code of Federal Regulations but are maintained by the U.S. Department of Agriculture.

On December 17, 2004, GIPSA published a notice in the **Federal Register**, (69 FR 75504) requesting comments on removing ''off-color'' from the United States Standards for Beans. GIPSA proposed to change the United States Standards for Beans using the procedures that appear at 7 CFR Section 868.102. GIPSA representatives worked closely with the National Dry Bean Council (NDBC) and others in the bean industry to examine the effectiveness of the U.S. Standards for Beans in today's marketing environment. Through discussions, it appeared that the current standards continue to meet consumer/processor needs. However, the bean industry has indicated the special grade ''off-color'' in dry beans is not needed to market dry beans.

GIPSA received one comment from a bean industry association supporting the removal of ''off-color'' from the standards. Accordingly, GIPSA is removing the special grade designation ''off-color'' from the United States Standards for Beans. GIPSA will continue to offer assessments for color uniformity on a request only basis. This action will facilitate the marketing of beans from many different regions.

Authority: 7 U.S.C. 1621 *et seq.*

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–5502 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent to Seek Approval to Extend an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13) and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intention of the National Agricultural Statistics Service (NASS) to request approval to reinstate an information collection, the Conservation Effects Assessment Project Survey.

DATES: Comments on this notice must be received by May 25, 2005, to be assured of consideration.

ADDRESSES: Comments may be mailed to Ginny McBride, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue, SW., Washington, DC 20250 or to *gmcbride@nass.usda.gov* or faxed to (202)–720–6396.

FOR FURTHER INFORMATION CONTACT: Rich Allen, Deputy Administrator Programs and Products, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 690–8141.

SUPPLEMENTARY INFORMATION:

Title: Conservation Effects Assessment Project Survey.

OMB Control Number: 0535–0245.

Type of Request: Intent to Seek Approval to Reinstate an Information Collection.

Abstract: The primary objective of the National Agricultural Statistics Service is to prepare and issue State and national estimates of crop and livestock production, prices, and disposition. The goal of this NASS project is to collect land management information that will assist the Natural Resources Conservation Service (NRCS) in assessing environmental benefits associated with implementation of various conservation programs and installation of associated conservation practices. The 2002 Farm Bill

substantially increased funding for the Environmental Quality Incentives Program (EQIP) as well as other conservation programs; a portion of the technical assistance funds for conservation programs has been allocated for use in assessing the environmental benefits of these conservation practices. The assessment will be used to report progress annually on Farm Bill implementation to Congress and the general public.

NRCS is leading a multi-agency effort to estimate the environmental benefits of conservation practices. Benefit measures will include soil quality enhancement, erosion reduction, reduction in nutrient and sediment losses from farm fields, soil carbon sequestration, water use efficiency, and reductions in in-stream nutrient and sediment concentrations. Investments are being made in additional model development to address benefits associated with reductions in pesticide losses, air quality, and wildlife habitat.

The assessment is designed to be national and regional in scope. A sampling and modeling approach has been adopted to avoid the high costs associated with expanded reporting by NRCS field staff.

Benefits will be estimated by applying transport models and other physical process models at sample sites associated with the National Resources Inventory (NRI) sampling frame. The NRI is a scientifically-based, longitudinal panel survey designed to assess conditions and trends of soil, water, and related resources of the Nation's non-federal lands. The NRI is conducted for the U.S. Department of Agriculture by NRCS in cooperation with the Iowa State University Center for Survey and Statistical Methods and provides critical information to address agri-environmental issues at national, regional, and State levels.

Data gathered in the NRI are linked to NRCS soil survey and climate databases. These linked data, along with NRI's historical data for 1982–2002, form the basis for unique modeling applications and analytical capabilities. The NRI sampling frame will be used for this project because it captures the diversity of the Nation's agricultural resource base (soils, topography, and climate), which is a critical factor in estimating benefits of conservation practices. Also critical are the historical and linked data that already exist for each NRI sample site. The assessment of benefits is not possible, however, without augmenting these existing data with additional information on land management and conservation practice adoption.

NASS will collaborate with NRCS in the acquisition of this additional information by conducting a survey for a sub-sample of NRI sample units in the contiguous 48 States. The survey will utilize personal interviews to administer a questionnaire that is designed to obtain from farm operators field-specific data associated with the selected sample units. Specific questions are asked about physical characteristics of the field, pesticide and fertilizer applications, and technical aspects of conservation practices associated with the field. Several other questions deal with production activities before and after implementation of specific conservation practices and with the operator's participation in conservation programs.

The survey design calls for conducting 7,500–12,000 interviews annually. The number of samples for a given year reflects changes in the budget. Approximately 30,000 completed responses will be ''pooled'' using statistical time series procedures. Interviews have already been conducted in the fall of 2003 and 2004 using this survey process. The 2005 survey represents the third year of this data collection effort. Each year's data collection will be for a different set of agricultural land units. If analysis indicates that more samples are needed to adequately estimate the benefits of conservation practices nationally, then data collection will be extended to include 2007.

These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 70 minutes per response.

Respondents: Farm operators.

Estimated Number of Annual Respondents: 12,000 maximum potential respondents.

Estimated Total Annual Burden on Respondents: 14,000 hours maximum.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, February 22, 2005.

Rich Allen,

Deputy Administrator Program and Products.

[FR Doc. 05–5505 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Virginia State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of Availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #386, Field Border; #393, Riparian Herbaceous Cover; and #393, Filter Strip Facility. These practices will be used to plan and install conservation practices on cropland, pastureland, woodland, and wildlife land.

DATES: Comments will be received for a 30-day period commencing with the date of this publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to M. Denise Doetzer, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229–5014; Telephone number (804) 287–1665; Fax number (804) 287–1736. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site *http://www.va.nrcs.usda.gov/technical/draftstandards.html.*

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: March 9, 2005.

Kenneth E. Carter,

Assistant State Conservationist (Programs), Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. 05–5456 Filed 3–18–05; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Prohibited Species Donation Program.

Form Number(s): None.

OMB Approval Number: 0648–0316.

Type of Request: Regular submission.

Burden Hours: 229.

Number of Respondents: 21.

Average Hours Per Response: 7 minutes (0.12 hours).

Needs and Uses: A prohibited species donation (PSD) program for salmon and halibut was approved by the North Pacific Fishery Management Council (Council) and implemented by the National Marine Fisheries Service (NMFS). This program has effectively reduced regulatory discard of salmon and halibut by allowing fish that would otherwise be discarded to be donated to needy individuals through tax-exempt organizations. The vessels and processing plants participating in the donation program voluntarily retain and process salmon and halibut bycatch. An authorized, tax-exempt, distributor, chosen by NMFS is responsible for monitoring the retention and processing of fish donated by vessels and processors. The authorized distributor also coordinates the processing, storage, transportation, and distribution of salmon and halibut. The PSD program requires a collection-of-information so that NMFS can monitor the authorized distributors' ability to effectively supervise program participants and ensure that donated fish are properly processed, stored, and distributed.

Affected Public: Not-for-profit institutions; Business or other for-profit organizations; State, Local or Tribal Government.

Frequency: Triennially and on occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: March 16, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5522 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Census Bureau

Current Population Surveys (CPS) Housing Vacancy Survey (HVS)

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Submit written comments on or before May 20, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *DHynek@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dennis Clark, U.S. Census Bureau, FOB 3, Room 3340, Washington, DC 20233–8400, (301) 763–3806.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is requesting clearance for the collection of data concerning the HVS. The current clearance expires October 31, 2005. The HVS has been conducted in conjunction with the CPS since 1956 and serves a broad array of data users as described below.

We conduct the HVS interviews with landlords or other knowledgeable people concerning vacant housing units identified in the monthly CPS sample and meeting certain criteria. The HVS provides the only quarterly and annual statistics on rental vacancy rates and home ownership rates for the United States, the four census regions, the 50 states and the District of Columbia, and the 100 largest metropolitan areas (MAs). Private and public sector organizations use these rates extensively to gauge and analyze the housing market with regard to supply, cost, and affordability at various points in time.

In addition, the rental vacancy rate is a component of the index of leading economic indicators published by the Department of Commerce. Policy analysts, program managers, budget analysts, and congressional staff use these data to advise the executive and legislative branches of government with respect to the number and characteristics of units available for occupancy and the suitability of housing initiatives. Several other government agencies use these data on a continuing basis in calculating consumer expenditures for housing as a component of the gross national product; to project mortgage demands; and to measure the adequacy of the supply of rental and homeowner units. In addition, investment firms use the HVS data to analyze market trends and for economic forecasting.

II. Method of Collection

Field representatives collect this HVS information by personal-visit interviews in conjunction with the regular monthly CPS interviewing. We collect HVS data concerning units that are vacant and

intended for year-round occupancy as determined during the CPS interview. Approximately 6,518 units in the CPS sample meet these criteria each month. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Number: 0607–0179.

Form Number: HVS–600 (Fact Sheet for the Housing Vacancy Survey), CPS–263 (L) (Introductory letter explaining the need for the survey and answering frequently asked questions) and BC–1428RV (Brochure—The U.S. Census Bureau Respects Your Privacy and Keeps Your Personal Information Confidential).

Type of Review: Regular.

Affected Public: Individuals who have knowledge of the vacant sample unit (*e.g.*, landlord, rental agents, neighbors).

Estimated Number of Respondents: 6,518 per month.

Estimated Time Per Response: 3 minutes.

Estimated Total Annual Burden Hours: 3,910 hours.

Estimated Total Annual Cost: The only cost to respondents is that of their time.

Respondents Obligation: Voluntary.

Legal Authority: Title 13, U.S.C., Section 182, and Title 29, U.S.C., Sections 1–9.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for the Office of Management and Budget approval of this information collection; they will also become a matter of public record.

Dated: March 16, 2005.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5521 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1378]

Expansion of Foreign-Trade Zone 158 Vicksburg/Jackson, MI

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Vicksburg/Jackson Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 158, submitted an application to the Board for authority to expand FTZ 158 to include eight sites (Sites 10–17) in Lee County, Mississippi, adjacent to the Memphis, Tennessee, Customs port of entry and to restore zone status to 124 acres at Site 2 (Jackson International Airport Complex) in Jackson, Mississippi, within the Jackson Customs port of entry (FTZ Docket 30–2004; filed 7/28/04);

Whereas, notice inviting public comment was given in the **Federal Register** (69 FR 47865, 8/6/04) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 158 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the Board's standard 2,000-acre activation limit for the overall zone project, and further subject to a sunset provision that would terminate authority for the proposed sites on March 31, 2012, unless the sites are activated under FTZ procedures.

Signed in Washington, DC, this 8th day of March, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–5533 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1381]

Grant of Authority for Subzone Status, Pfizer, Inc. (Pharmaceuticals/Animal Health Products), Lee's Summit, MO

Pursuant to its authority under the Foreign-Trade Zones Act, of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, Greater Kansas City Foreign Trade Zone, Inc., grantee of Foreign-Trade Zone 15, has made application to the Board for authority to establish special-purpose subzone at the manufacturing facilities of Pfizer, Inc., located in Lee's Summit, Missouri (FTZ Docket 49–2004, filed 10/29/2004);

Whereas, notice inviting public comment was given in the **Federal Register** (69 FR 64274–64275, 11/04/2004); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the manufacturing facilities of Pfizer, Inc., located in Lee's Summit, Missouri (Subzone 15G), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed in Washington, DC, this 8th day of March 2005.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–5531 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 13–2005]

Foreign-Trade Zone 247—Erie, PA, Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Erie-Western Pennsylvania Port Authority, grantee of Foreign-Trade Zone 247, requesting authority to expand its zone to include a site in Franklin, Pennsylvania, adjacent to the Erie Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 11, 2005.

FTZ 247 was approved on April 3, 2001 (Board Order 1144, 66 FR 19424, 4/16/01). The general-purpose zone consists of three sites (496 acres) in the City of Erie: *Site 1* (26 acres)—Erie International Marine Terminal facility located at the International Port of Erie on the shore Presque Isle Bay at East Bay Drive; *Site 2* (450 acres)—Erie International Airport; and, *Site 3* (20 acres)—Hardinger Transportation Company warehousing and distribution facilities located at 1314 West 18th Street.

The applicant is now requesting authority to expand the general-purpose zone to include a site in Venango County: *Proposed Site 4* (34 acres) at the Venango Regional Airport Industrial Park located at 1560 Airport Road in the City of Franklin. The site is owned by the County of Venango. No specific manufacturing authority is being requested at this time. Such requests would be made on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is May 20, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 6, 2005).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the Venango Regional Airport, 1560 Airport Road, Franklin, Pennsylvania 16323.

Dated: March 11, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–5536 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1379]

Approval for Expanded Manufacturing Authority (Soft Drink and Juice Beverage Concentrates), Foreign-Trade Subzone 61J, Pepsi-Cola Manufacturing International, Inc., Cidra, PR

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Puerto Rico Exports Development Corporation, grantee of FTZ 61, has requested authority on behalf of Pepsi-Cola Manufacturing International, Ltd. (PCMIL), operator of Subzone 61J, at the PCMIL soft drink and juice beverage concentrate manufacturing plant in Cidra, Puerto Rico, to expand the scope of authority to include fruit juice-based beverage concentrates and expanded manufacturing capacity under FTZ procedures (FTZ Doc. 46–2003, filed 9–12–2003);

Whereas, notice inviting public comment was given in the **Federal Register** (68 FR 54887, 9–19–2003);

Whereas, the application was amended (69 FR 54630, 9–9–2004) to include a restriction requiring the election of privileged foreign status on all foreign-origin orange and grapefruit juice concentrate admitted to Subzone 61J for use in the manufacture of fruit juice beverage/concentrates;

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application, as amended, is in the public interest if approval were subject to restriction;

Now Therefore, the Board hereby approves the request, subject to the FTZ Act and the Board's regulations, including Section 400.28, and further subject to a restriction requiring that foreign-origin orange and grapefruit products (classified under HTSUS Heading 2009) used in fruit juice beverage/concentrate production activity must be admitted to the subzone under privileged foreign status (19 CFR 146.41).

Signed in Washington, DC, this 8th day of March 2005.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–5532 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1380]

Grant of Authority for Subzone Status; Sanford LP (Pen, Pencil, Writing/Art Products); Shelbyville and Lewisburg, TN

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities

cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Metropolitan Government of Nashville & Davidson County, grantee of FTZ 78, has made application to the Board for authority to establish special-purpose subzone status at the writing and art product warehousing/distribution facilities of Sanford LP, located in Shelbyville and Lewisburg, Tennessee (FTZ Docket 12–2004, filed 03–18–04).

Whereas, notice inviting public comment has been given in the **Federal Register** (69 FR 16520, 3/30/04); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status at the writing and art products warehousing/distribution facilities of Sanford LP, located in Shelbyville and Lewisburg, Tennessee, (Subzone 78H), at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed in Washington, DC, this 8th day of March 2005.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 05–5534 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 14–2005]

Foreign-Trade Zone 207—Richmond, VA, Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Capital Region Airport Commission, grantee of Foreign-Trade Zone 207, requesting authority to expand its zone to include a site in Prince George County, Virginia, within the Richmond Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 14, 2005.

FTZ 207 was approved on March 31, 1995 (Board Order 733, 60 FR 18394, 4/11/95). The general-purpose zone consists of the following sites: *Site 1* (2,044 acres)—Richmond International Airport Complex; and, *Site 1A* (11 acres)—Lewiston Industrial Park, 11293 Central Drive, Ashland.

The applicant is now requesting authority to expand the general-purpose zone to include a site within the 345-acre South Point Business Park (Proposed Site 2—221 acres) located at 8100 Quality Drive in Prince George (Prince George County), Virginia. The site is owned by the Hollingsworth Companies. The site will be used for general warehousing and distribution activities. No specific manufacturing authority is being requested at this time. Such requests would be made on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. *Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

2. *Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Avenue, NW., Washington, DC 20230.

The closing period for their receipt is May 20, 2005. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 6, 2005.).

A copy of the application and accompanying exhibits will be available during this time for public inspection at address Number 1 listed above, and at the U.S. Department of Commerce, Export Assistance Center, 400 North 8th Street, Suite 540, Richmond, VA 23240.

Dated: March 14, 2005.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 05–5535 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–841]

Notice of Final Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin From India

AGENCY: Important Administration, International Trade Administration, Department of Commerce.

Final Determination: We determine that bottle-grade PET resin from India is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins are listed below in the Continuation of Suspension of Liquidation section of this notice.

DATES: *Effective Date:* March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel O'Brien or Saliha Loucif, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1376 and (202) 482–1779, respectively.

Background

Since the publication of the preliminary determination of this investigation (*see Notice of Preliminary Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin from India,* 69 FR 62856, dated October 28, 2004. *Preliminary Determinary*), the following events have occurred:

In October and November 2004, we verified the questionnaire response of South Asian Petrochem, Ltd. (SAPL). The cost and sales verification reports were issued on January 10, 2005, and January 12, 2005, respectively. *See* Memorandum from Mark Todd, Senior Accountant, to Neal M. Halper, Director, Office of Accounting, Re: Verification of the Cost of Production and Constructed Value Data Submitted by South Asian Petrochem Ltd. (SAPL) in the Investigation of Bottle-Grade PET Resin from India, dated January 10, 2005, and Memorandum from Daniel O'Brien and Saliha Loucif, International Trade Compliance Analysts, to Susan Kuhbach, Director, Office 1, Re: Verification of the Sales Response of SAPL in the Investigation of Bottle-Grade PET Resin from India, dated January 12, 2005. These reports are on file in the Central Records Unit, Room B–099 of the main Department building (CRU).

On January 24, 2005, we received case briefs from the United States Bottle-Grade PET Resin Producers Coalition (the petitioner), and SAPL. On January 31, 2005, we received rebuttal briefs from the petitioner and SAPL. The petitioner requested a hearing on November 16, 2004, but withdrew its request on February 3, 2005. Consequently, no hearing was held.

Scope of Investigation

The merchandise covered by this investigation is bottle-grade polyethylene terephthalate (PET) resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing processes. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) bottle-grade PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than 0.68 deciliters per gram, is also outside the scope of the investigations.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to this investigation. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation (POI) is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition on March 24, 2004.

Facts Otherwise Available

In the *Preliminary Determination,* we based the dumping margin for the mandatory respondent, Reliance Industries, Ltd. (Reliance), on adverse facts available pursuant to sections 776(a) and 776(b) of the Act. The use of adverse facts available was warranted in this investigation because Reliance withdrew from the investigation on September 22, 2004. *See Preliminary Determination.* Nothing has changed since the *Preliminary Determination* was issued that would affect the Department's selection and application of facts available.

Reliance's withdrawal from the investigation significantly impeded this proceeding since the Department cannot accurately determine a margin for Reliance. Therefore, we maintain that Reliance has failed to cooperate by not acting to the best of its ability. In assigning a facts available rate, we have continued to use the corroborated margin from the *Preliminary Determination*, pursuant to section 776(c) of the Act. *See* Memorandum Regarding Corroboration of Data Contained in the Petition for Assigning Facts Available Rate, dated October 20, 2004. A complete explanation of both the selection and application of facts available can be found in the *Preliminary Determination.*

Verification

As provided in section 782(i) of the Act, we conducted verification of the sales and cost information submitted by SAPL. We used standard verification procedures, including examination of the relevant sales, cost, and financial records.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 14, 2005 (*Decision Memorandum*), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum.* Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/index.html.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

Based on our findings at verification and our analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margin for SAPL. These adjustments are discussed in the *Decision Memorandum.*

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all imports of subject merchandise from India that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. CBP shall continue to require a cash deposit or the posting of a bond equal to the amount by which the normal value exceeds the EP less the amount of the countervailing duty determined to constitute an export subsidy in the companion countervailing duty investigation. While we note that in the *Preliminary Determination* we indicated that we would reduce the ''All Others'' rate by the amount of SAPL's export subsidies, we have now determined that it is more appropriate to reduce the ''All Others'' rate by the amount of export subsidies found for the ''All Others'' in the companion countervailing duty investigation because it reflects the experiences of more than one company and is, therefore, more likely to reflect the actual experience of the non-investigated companies. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
SAPL	21.05
Reliance	52.54
All Others	21.05

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. The ITC will determine, within 45 days, whether imports of subject merchandise from India are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for

consumption on or after the effective date of the suspension of liquidation.

This notice also serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary, for Import Administration.

Appendix I—List of Comments in the Issues and Decision Memorandum

Comment 1: Unreported Home Market Transactions
Comment 2: Date of Payment for Home Market Transactions
Comment 3: Home Market Sales Traces
Comment 4: Indirect Selling Expenses
Comment 5: Bank Charges for U.S. Sales
Comment 6: Cash Deposit Rate for Non-Selected Producer
Comment 7: Treatment of Non-Dumped Sales
Comment 8: Ministerial Error Allegations
Comment 9: Incorrectly Stated Amount for the Pre-operative Period
Comment 10: Imputed Depreciation for the Trial-Run Period
Comment 11: Miscellaneous Tax
Comment 12: Duty Drawback
Comment 13: Start-Up Costs
Comment 14: G&A and Financial Expense Ratio Denominators
Comment 15: Purchased Technical Services
Comment 16: Fixed Overhead Costs for Depreciation

[FR Doc. 05–5553 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–823]

Notice of Final Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate Resin From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Final Determination: The Department of Commerce (''the Department'') determines that Bottle-Grade Polyethylene Terephthalate (''PET'') Resin from Thailand is being, or is likely to be sold in the United States at less than fair value (''LTFV''), as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The estimated margins of sales at LTFV are shown in the ''Continuation of Suspension of Liquidation'' section of this notice.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Audrey R. Twyman or Natalie Kempkey (202) 482–3534 or (202) 482–1698, respectively; AD/CVD Operations, Office 1, Import Administration, Room 1870, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Case History

On October 28, 2004, the Department published in the **Federal Register** the *Preliminary Determination* in its investigation of PET resin from Thailand. Since the *Preliminary Determination*, the following events have occurred. On October 29, 2004, the Department received from Bangkok Polyester Public Company, Ltd. (''Bangkok Polyester'') a submission containing supplemental and clarifying information and databases for its section B and C questionnaire responses. On October 29, 2004, Bangkok Polyester also submitted an alternative Section D database with comments. On November 4, 2004 and December 9, petitioner [1] submitted pre-verification comments. On November 5, 2004, the Department sent Bangkok Polyester a third supplemental to the questionnaire; the Department received a response to this supplemental questionnaire on December 1, 2004.

From November 8 to 12, 2004, we conducted the COP verification of Bangkok Polyester. Bangkok Polyester submitted its minor corrections from the COP verification on November 10, 2004, and its verification exhibits on November 17, 2004. From December 13 to 16, 2004, we conducted Bangkok Polyester's sales verification. Bangkok Polyester submitted its minor corrections from the sales verification on December 14, 2004, and its sales verification exhibits on December 23, 2004. The Department issued its COP verification report on January 15, 2005, and its sales verification report on January 25, 2005. On January 4, 2005, Bangkok Polyester submitted revised sections B and C sales databases incorporating minor error corrections reported to the Department at the start of its sales verification.

We received case briefs from petitioner and Bangkok Polyester on February 1, 2005. We received rebuttal briefs from petitioner and Bangkok Polyester on February 7, 2005. Petitioner requested a hearing on November 16, 2004, but withdrew the request on February 9, 2005.

Scope of Investigation

The merchandise covered by this investigation is bottle-grade PET resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle or post-industrial recycle PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin bottle-grade PET resin and recycled PET. Waste and scrap PET is outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than 0.68 deciliters per gram, is also outside the scope of the investigation.

The merchandise subject to this investigation is properly classified under subheading 3907.60.00.10 of the *Harmonized Tariff Schedule of the United States* (''*HTSUS*''); however, merchandise classified under *HTSUS* subheading 3907.60.00.50 that otherwise meets the written description of the scope is also subject to this investigation. Although the *HTSUS* subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation is January 1, 2003, through December 31, 2003.

[1] The petitioner in this case is the United States PET Resin Producers Coalition (''petitioner'').

Use of Facts Otherwise Available

For the final determination, the Department continues to find as we did in the *Preliminary Determination* that Thai Shinkong Industry Corporation, Ltd. did not act to the best of its abilities and failed to provide the information requested by the Department. Therefore, the Department continues to find that the use of adverse facts available is warranted under section 776 of the Act. *See* Memorandum to Barbara E. Tillman, ''Final Determination of Polyethylene Terephthalate (''PET'') Resin from Thailand: *Corroboration Memorandum*'' dated March 15, 2005.

Verification

As provided in section 782(i)(1) of the Act, we verified the COP information submitted by Bangkok Polyester from November 8 to 12, 2004, and the sales information from December 13 to 16, 2004. We used standard verification procedures, including examination of relevant accounting and production records, as well as original source documents provided by Bangkok Polyester.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by petitioner and Bangkok Polyester are addressed in the Memorandum to Joseph A. Spetrini, ''Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate Resin from Thailand'' dated March 14, 2005 (''*Decision Memorandum*''), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which petitioner and Bangkok Polyester have raised and to which we have responded in the *Decision Memorandum.* Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, room B099. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov* or *http://ia.ita.doc.gov/frn/index.html.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Fair Value Comparisons

We calculated export price and normal value for Bangkok Polyester using the same methodology as described in the *Preliminary Determination,* with the exceptions noted in the ''Margin Calculations'' section of the *Decision Memorandum.*

Currency Conversions

We made currency conversions into United States dollars in accordance with section 773(a) of the Act based on exchange rates in effect on the dates of the United States sales as certified by the Federal Reserve.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing United States Customs and Border Protection (''CBP'') to continue to suspend liquidation of all entries of PET resin from Thailand that are entered, or withdrawn from warehouse, for consumption on or after the date of October 28, 2004, the date of publication of the *Preliminary Determination* in the **Federal Register**. CBP shall continue to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice. The weighted-average dumping margins are as follows:

Producer/exporter	Weighted-average margin (percentage)
Bangkok Polyester Public Company, Ltd	24.83
Thai Shinkong Industry Corporation, Ltd	41.28
All Others	24.83

Disclosure

The Department will disclose calculations performed within five days of the date of publication of this notice to the parties in this proceeding in accordance with 19 CFR 351.224(b).

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of the Department's final determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the United States industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping order.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return or destruction of APO materials, or conversation to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(I)(1) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix—List of Comments and Issues in the Decision Memorandum

Comment 1: Cost Verification Minor Correction.
Comment 2: Capitalized Asset Costs.
Comment 3: Cost Reconciliation Items.
Comment 4: General and Administrative Expense Ratio.
Comment 5: Financial Expense Ratio.
Comment 6: Direct Selling Expenses for Sample United States Sale.
Comment 7: Bank Charges for Export Sales.
Comment 8: Duty Drawback.
Comment 9: United States Packing.
Comment 10: Unreported United States Sale.
Comment 11: Dumping Margin Program and Printout for the Preliminary Determination.
Comment 12: Home Market Packing.
Comment 13: Indirect Selling Expense.
Comment 14: Brokerage and Handling.
Comment 15: Offsets for Non-Dumped Sales.

[FR Doc. E5–1217 Filed 3–18–05; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–840]

Notice of Final Determination of Sales at Not Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Final Determination: We determine that PET Resin from Taiwan is not being, nor is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

DATES: *Effective Date:* March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Daniel O'Brien or Ashleigh Batton, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1376 and (202) 482–6309, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the publication of the preliminary results of this review (*See Notice of Preliminary Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Taiwan,* 69 FR 62868, October 28, 2004. (*Preliminary Determination*), in which the Department announced an extension of the time limit for the final determination in the antidumping duty investigation to no later than March 14, 2005, in accordance with section 735(A)(2) of the Act, the following events have occurred:

In November 2004, we verified the questionnaire response of Far Eastern Textile, Ltd. (Far Eastern). The cost and sales verification reports were issued on January 4, 2005, and January 18, 2005, respectively. *See* Memorandum from Christopher Zimpo, Accountant, to Neal M. Halper, Director, Office of Accounting, Re: Verification of the Cost of Production and Constructed Value Data Submitted by Far Eastern Textile in the Investigation of PET Resin from Taiwan, dated January 18, 2005, and Memorandum from Ashleigh Batton, International Trade Compliance Analyst, to Susan Kuhbach, Director, Office 1, Re: Verification of the Sales Response of Far Eastern Textile in the Investigation of PET Resin from Taiwan, dated January 4, 2005. These reports are on file in the Central Records Unit, Room B–099 of the main Department building (CRU).

On January 26, 2005, we received case briefs from the United States PET Resin Producers Coalition (the petitioner), and Far Eastern.

On January 31, 2005, we received rebuttal briefs from the petitioner and Far Eastern.

Scope of Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than .68 deciliters per gram, is also outside the scope of the investigation.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to this investigation. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation (POI) is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition on March 24, 2004.

Verification

As provided in section 782(i) of the Act, we conducted verification of the sales and cost information submitted by Far Eastern. We used standard verification procedures, including examination of the relevant sales, cost, and financial records.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 14, 2005 (*Decision Memorandum*), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/*. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Determination

Based on our findings at verification and our analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margin for Far Eastern. These adjustments are discussed in the *Decision Memorandum.*

Suspension of Liquidation

Pursuant to section 733(b)(3) of the Act, because the estimated weighted-average dumping margin [1] for the examined company is *de minimis*, we are not directing CBP to suspend liquidation of entries of PET resin from Taiwan. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Far Eastern	0.10
All Others	0.10

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination.

This notice also serves as the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

[1] Section 735(c)(5)(B) states that, if the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero or *de minimis* margins, or are determined entirely under section 776, the administering authority may use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated, including averaging the estimated weighted average dumping margins determined for the exporters and producers individually investigated. In this case we have used the one calculated margin as the all others rate.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I—List of Comments in the Issues and Decision Memorandum

General Comments

Comment 1: Re-Allocation of Additive Costs
Comment 2: Unreported U.S. Sale
Comment 3: Home Market Rebates
Comment 4: Domestic Inland Freight
Comment 5: Indirect Selling Expense
Comment 6: U.S. Packing Expenses
Comment 7: General and Administrative and Financial Expense Ratios
Comment 8: Major Input Valuation
Comment 9: Nitrogen Gas From an Affiliate
Comment 10: Sales Reconciliation

[FR Doc. E5–1220 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–817]

Notice of Final Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Indonesia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Final Determination: The Department of Commerce (''the Department'') determines that PET resin from Indonesia is being, or is likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The final weighted-average dumping margins are listed below in the section entitled ''Continuation of Suspension of Liquidation.''

DATES: *Effective Date:* March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Andrew McAllister or Scott Holland, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1174 and (202) 482–1279, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the publication of the preliminary results of this review (*see Notice of Preliminary Determination of Sales at Less Than Fair Value: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia*, 69 FR 62861 (October 28, 2004) (''*Preliminary Determination*'')), the following events have occurred:

On November 3, 2004, the Department published in the **Federal Register** an extension of the time limit for the final determination in the antidumping duty investigation to no later than March 14, 2005, in accordance with the Act. *See Notice of Postponement of Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia*, 69 FR 64026 (November 3, 2004).

In October and November 2004, we conducted verifications of the sales and cost of production (''COP'') questionnaire responses submitted by P.T. Indorama Synthetics Tbk (''Indorama''). The sales and cost verification reports were issued on January 6 and 7, 2005, respectively. *See* Memoranda to the File, ''Verification of the Sales Responses of P.T. Indorama Synthetics, Tbk in the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate (''PET'') Resin from Indonesia,'' (''Indorama SVR'') dated January 6, 2005; and ''Verification Report on the Cost of Production and Constructed Value Data Submitted by P.T. Indorama Synthetics, Tbk,'' (''Indorama CVR'') dated January 7, 2005. These reports are on file in the Central Records Unit, Room B–099 of the main Department building (''CRU'').

On January 25, 2005, we received case briefs from the United States PET Resin Producers Coalition (''the petitioner'') and Indorama. On January 31, 2005, we received rebuttal briefs from the petitioner and Indorama. At the request of interested parties, the Department held a public hearing on February 3, 2005.

Scope of Investigation

The merchandise covered by this investigation is polyethylene terephthalate (''PET'') bottle-grade resin, defined as having an intrinsic viscosity of at least 0.68 deciliters per gram but not more than 0.86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (''PCR'') or post-industrial recycle (''PIR'') PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (''RPET''). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than 0.68 deciliters per gram, is also outside the scope of the investigations.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (''HTSUS''); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Period of Investigation

The period of investigation (''POI'') is January 1, 2003, through December 31, 2003. This period corresponds to the four most recent fiscal quarters prior to the filing of the petition on March 24, 2004.

Verification

As provided in section 782(i) of the Act, we conducted verification of the sales and cost information submitted by Indorama. We used standard verification procedures, including examination of the relevant sales, cost, and financial records.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the ''Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Bottle-Grade Polyethylene Terephthalate (PET) Resin from Indonesia'' from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 14, 2005 (''*Decision Memorandum*''), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum which is on file in the Department's CRU. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov/frn/index.html*. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Facts Otherwise Available

For the final determination, the Department continues to find that P.T. SK Keris (''SK Keris'') and P.T. Polypet Karyapersada (''Polypet''), both producers/exporters of PET resin from Indonesia, and mandatory respondents in these proceedings, did not act to the

best of their abilities by failing to provide information requested by the Department. Thus, the Department continues to find that the use of adverse facts available (''AFA'') is warranted under section 776(a)(2) of the Act. *See Preliminary Determination* at 62861–62863.

Fair Value Comparisons

We calculated export price (''EP''), constructed export price (''CEP''), normal value (''NV''), COP, and constructed value (''CV'') based on the same methodologies used in the *Preliminary Determination* with the following exception(s):

Indorama

- We made changes based on information in the minor corrections presented at the sales verification. *See* Indorama SVR.
- We revised the calculation of CEP profit. *See Decision Memorandum* at Comment 3.
- We revised the ratio for indirect selling expenses incurred in Indonesia for home market and U.S. sales. *See Decision Memorandum* at Comments 4 and 5; *see also* Memorandum to File, ''Final Determination Calculation Memorandum for P.T. Indorama Synthetics Tbk,'' dated March 14, 2005.
- We adjusted the cost for inputs obtained from an affiliated supplier at less than arm's length prices. As a result, Indorama's cost of manufacture has increased. *See* Memorandum to Neal Halper, ''Cost of Production and Constructed Value Calculation Adjustments for the Final Determination—P.T. Indorama Synthetics, Tbk'' (March 14, 2004) (''Cost Calculation Memorandum''), page 1.
- We revised Indorama's general and administrative expense (''G&A'') ratio by including scrap revenue as an offset to cost of goods sold (''COGS''). *See* Cost Calculation Memorandum, pages 1–2.
- We recalculated Indorama's financial expense ratio. We deducted the short-term interest income from total interest expenses and included a scrap revenue offset in the COGS. *See* Cost Memorandum, page 2.

Results of the COP Test

Pursuant to section 773(b)(1), where less than 20 percent of the respondent's sales of a given product are at prices less than the COP, we do not disregard any below-cost sales of that product, because we determine that in such instances the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product are at prices less than the COP, we determine that the below-cost sales represent ''substantial quantities'' within an extended period of time, in accordance with section 773(b)(1)(A) of the Act. In such cases, we also determine whether such sales were made at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. If so, we disregard the below-cost sales.

Because less than 20 percent of Indorama's home market sales within an extended period of time were made at prices below the COP, we are not excluding any sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

Currency Conversions

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection (''CBP'') to continue to suspend liquidation of all imports of subject merchandise from Indonesia, except imports of subject merchandise produced and exported by Indorama, that are entered, or withdrawn from warehouse, for consumption on or after October 28, 2004, the date of publication of the *Preliminary Determination* in the **Federal Register**. CBP shall continue to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP or CEP, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
P.T. Indorama Synthetics Tbk ..	0.00
P.T. Polypet Karyapersada	27.61
P.T. SK Keris	27.61
All Others	18.41

All Others

All companies that we examined have either a zero margin or rates based on total AFA. Therefore, for purposes of determining the all-others rate and pursuant to section 735(c)(5)(B) of the Act, we have calculated a simple average of the three margin rates we have determined in the investigation.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (''ITC'') of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threatening material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order pursuant to section 736(a) of the Act.

Notification Regarding APOs

This notice also serves as the only reminder to parties subject to the administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I—List of Comments in the Issues and Decision Memorandum

Comment 1: Date of Sale for U.S. DDP Sales
Comment 2: Classification of U.S. Sales
Comment 3: Calculation of CEP Profit
Comment 4: Allocation of Indirect Selling Expenses for Home Market and Export Sales
Comment 5: Indirect Selling Expenses Incurred by Indorama's Billing Entity
Comment 6: Indirect Selling Expenses Incurred in the United States by Indorama and its Billing Entity
Comment 7: Inclusion of Bank Charges as a Direct Selling Expense
Comment 8: Treatment of Sample Sales
Comment 9: Inclusion of Negative Imputed Credit Expenses
Comment 10: Untimely Sales Reconciliation Submission
Comment 11: Home Market Viability Test
Comment 12: Affiliated Input Purchases
Comment 13: Gains on Sale of Assets and Miscellaneous Revenue

Comment 14: Scrap Revenue Offset
Comment 15: Divisional G&A and Net Interest Expense
Comment 16: Short-Term Interest Income

[FR Doc. E5–1222 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822]

Certain Corrosion-Resistant Carbon Steel Flat Products From Canada: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On September 13, 2004, the Department of Commerce (Department) published the preliminary results of its administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products (CORE) from Canada. *See Certain Corrosion-Resistant Carbon Steel Flat Products From Canada: Preliminary Results of Antidumping Duty Administrative Review,* 69 FR 55138 (September 13, 2004) (*Preliminary Results*). The review covers shipments of this merchandise to the United States for the period August 1, 2002, through July 31, 2003, by Stelco Inc. (''Stelco'') and the group of Dofasco Inc., Sorevco Inc., and Do Sol Galva Ltd. (''Dofasco'').

We gave interested parties an opportunity to comment on our preliminary results. Based on our analysis of comments, we have made changes to the preliminary results. For the final dumping margins see the ''Final Results of Review'' section below.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Candice Kenney Weck, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3964 or (202) 482–0938, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2004, the Department published the *Preliminary Results.* On October 8, 2004, the Department requested additional cost information regarding its model match characteristic regarding surface type. Dofasco submitted its response to this questionnaire on October 22, 2004.

We gave interested parties an opportunity to comment on our *Preliminary Results.* On November 9, 2004 we received case briefs from Russel Metals Export (''Russel'') and Parkdale International (''Parkdale''), both are resellers and interested parties. On November 9, 2004, we received case briefs from Dofasco and United States Steel Corporation (''Petitioner''). On November 15, 2004, Dofasco withdrew Argument III from its case brief. On November 15, 2004, Petitioner filed two rebuttal briefs addressing comments submitted by Dofasco, Russel, and Parkdale. Stelco did not submit any briefs, and none of the parties requested a hearing. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

The product covered by this antidumping duty order is certain corrosion-resistant steel, and includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel-or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this order are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')— for example, products which have been beveled or rounded at the edges. Excluded from this order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this order are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products From Canada*, from Barbara E. Tillman to Joseph A. Spetrini, dated March 14, 2004 (*Decision Memo*), which is hereby adopted by this notice.

A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memo*, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B–099 of the main Commerce Building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the *Decision Memo* are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations for Dofasco. Any alleged programming or ministerial errors are discussed in the relevant section of the *Decision Memo*, accessible in room B–099 and on the Web at *http://ia.ita.doc.gov.* As a result of these changes, Dofasco's rate is no longer *de*

minimis. We have made no changes to Stelco's margin for these final results.

Final Results of Review

As a result of this review, we find that the following weighted-average dumping margins exist for the period August 1, 2002, through July 31, 2003:

Manufacturer/exporter	Margin (percent)
Dofasco Inc., Sorevco, Inc., Do Sol Galva Ltd.	2.31
Stelco Inc.	0.02

Duty Assessment and Cash Deposit Requirements

The Department shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate appraisement instructions directly to CBP within 15 days of publication of the final results of review. Furthermore, the following deposit rates will be effective with respect to all shipments of certain corrosion-resistant carbon steel flat products from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided for by section 751(a)(2)(C) of the Act: (1) For Dofasco, the cash deposit rate will be the rate indicated above; (2) for Steloco, the rate is *de minimis* and therefore, there is no cash deposit requirement; (3) for previously reviewed or investigated companies not listed above, the cash deposit rate will be the company-specific rate established for the most recent period; (4) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (5) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be the ''all other'' rate established in the LTFV investigation, which is 18.71 percent. The deposit rate, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under § 351.402(f)(2) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1)(A) and 777(i)(1) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini

Acting Assistant Secretary for Import Administration.

Appendix—List of Issues

1. Surface Type Characteristics for Model Match
2. New Assessment Policy for Resellers
3. Treatment of Channel ''2'' Sales
4. Calculation of CEP Profit
5. Sales Subject to Review
6. Margin Program Adjustments
7. Normal Value Currency Conversion
8. Identification of DJG in Customs Instructions
9. Inclusion of Importer in Liquidation Instructions

[FR Doc. E5–1218 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–826]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On February 11, 2005, the Department of Commerce (''the Department'') published the final results of its administrative review of the antidumping duty order on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe from Brazil for the period August 1, 2002, through July 31, 2003. *See Notice of Final Results of Antidumping Duty Administrative Review: Small Diameter Circular Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil,* 70 FR 7243 (February 11, 2005) (''*Final Results*''). We are amending our *Final Results* to correct ceratin ministerial errors alleged by the respondent V&M do Brasil, S.A. (''VMB'') pursuant to section 751(h) of the Tariff Act of 1930, as amended (''the Act'').

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Helen M. Kramer or Patrick Edwards, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at (202) 482–0405 or (202) 482–8029, respectively.

SUPPLEMENTARY INFORMATION:

Amendment of Final Results

On February 11, 2005, the Department published the *Final Results* of the administrative review of the antidumping duty order on small diameter circular seamless carbon and alloy steel standard, line and pressure pipe (''seamless line pipe'') from Brazil. *See Final Results.* In accordance with section 751(h) of the Act and 19 CFR 351.224(c)(2), on February 14, 2005, both United States Steel Corporation (''petitioner'') and VMB timely filed allegations that the Department made ministerial errors in the final results. On February 22, 2005, we received comments from both the petitioner and respondent, rebutting each party's alleged ministerial errors. In accordance with section 751(h) of the Act, we have determined that certain ministerial errors were made in our *Final Results* margin calculations. For a detailed discussion of the ministerial error allegations, rebuttals and the Department's analysis, *see* Memorandum to Richard O. Weible, Director, through Abdelali Elouaradia, Program Manager, from Helen M. Kramer and Patrick S. Edwards, Case Analysts, regarding ''Antidumping Duty Administrative Review of Small Diameter Circular Carbon and Alloy Steel Standard, Line and Pressure Pipe from Brazil; Alleged Ministerial Errors in the Final Results,'' dated March 14, 2005, which is on file in the Central Records Unit (''CRU''), room B–099 of the main Department building.

In accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the final results of the antidumping duty administrative review of seamless line pipe from Brazil to correct these ministerial errors.

The revised weighted-average dumping margin for the period August 1, 2002, through July 31, 2003, are listed below:

Manufacturer/exporter	Revised margin (percent)
V&M do Brasil, S.A	7.96

Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of seamless line pipe products from Brazil entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the amended final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous reviews, the cash deposit rate will be 124.94 percent, the ''All Others'' rate established in the less-than-fair-value investigation. These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Assessment Rates

In accordance with section 19 CFR 356.8(a), the Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) on or after 41 days following the publication of these amended final results of review to effect the *Final Results* and these amended final results.

We are issuing and publishing these amended final results and notice in accordance with sections 751(a)(1), 751(h) and 771(i) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–1223 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–842]

Final Affirmative Countervailing Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are being provided to producers and exporters of Bottle-Grade (BG) Polyethylene Terephthalate (PET) Resin from India. For information on the estimated countervailable subsidy rates, please see the ''Final Determination'' section of this notice.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby or Addilyn Chams-Eddine, AD/CVD Operations, Office 6, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3782 or (202) 482–0648, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 30, 2004 the Department published the *Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin from India*, 69 FR 52866 (August 30, 2004) (*Preliminary Determination*). Since the issuance of the *Preliminary Determination*, the following events have occurred. Between September 9 and November 17, 2004, the Department issued supplemental questionnaires to each of the respondent parties and all parties submitted timely responses to the questionnaires. On September 29, 2004, the United States PET Resin Producers Coalition (Petitioner) requested a hearing pursuant to 19 CFR 351.310(c) and the Department's *Preliminary Determination.*

From December 2 through December 17, 2004, the Department conducted verification of the questionnaire responses provided by the Government of India (GOI) and the four respondent parties: Reliance Industries, Ltd. (Reliance), Futura Polyesters, Ltd. (Futura), South Asia Pertrochem Ltd. (SAPL), and Elque Polyesters Ltd. (Elque). The Department issued the GOI and the Reliance Industries Ltd. (Reliance) verification reports on January 25, 2005. *See* Memoranda to the File, *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India:* Verification of the Government of India's (GOI) Questionnaire Responses (GOI Verification Report); and *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Verification of Reliance Industries Ltd. (Reliance Verification Report*). The Department issued the Elque, Futura, and SAPL verification reports on January 26, 2004. *See* Memoranda to the File, *Countervailing Duty Investigation of PET Resin from India: Verification of Elque Ltd. (Elque Verification Report*); *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Verification of Futura Polyesters Ltd. (Futura Verification Report*); and *Countervailing Duty Investigation of PET Resin from India: Verification of South Asia Petrochem Ltd. (SAPL Verification Report*). In addition, on February 14, 2005, the Department issued a memorandum containing our preliminary analysis of the Export Oriented Unit (EOU) programs which we had noted in the *Preliminary Determination* were programs for which additional information was needed. *See* Memoranda to the File from Sean Carey, Acting Program Manager, through Dana S. Mermelstein, Acting Director, AD/CVD Operations, Office 6, to Barbara E. Tillman, Acting Deputy Assistant Secretary, for Import Administration, *Countervailing Duty Investigation of Polyethylene Terephthalate (PET) Resin from India: Preliminary Analysis of the Export Oriented Unit (EOU) Program on Duty Drawback on Furnace Oil Procured from Domestic Oil Companies Program and Purchases of Materials and Other Inputs Free of Central Excise Duty (EOU Program Memorandum).*

On February 4, 2005, case briefs were filed by the Petitioner, the GOI, Reliance, and SAPL. On February 9, 2005, the Petitioner, Reliance, and SAPL filed rebuttal briefs. Neither Futura nor Elque filed case or rebuttal briefs. On February 11, 2005, the Petitioner withdrew its request for a hearing.

The Department also allowed parties a separate opportunity to file comments and rebuttal comments on our *EOU Program Memorandum.* On February 17, 2005, such comments were filed by the Petitioner, the GOI, Reliance and SAPL. On February 22, 2005, the Petitioner submitted rebuttal comments. Also, on February 17, 2005, Reliance requested that the Department proceed with a hearing. On February 18, and February

22, 2005, the Petitioner requested that the Department reject Reliance's request for a hearing as untimely. The Department concurred with the Petitioner that under section 351.310 of the Department's regulations, the request for a hearing was untimely. *See* Memorandum to the File from Douglas M. Kirby, Case Analyst, Office 6, Import Administration, to Dana S. Mermelstein, Acting Director, AD/CVD Operations, Office 6, *Countervailing Duty Investigation: Polyethylene Terephthalate (PET) Resin from India; Response to the February 17, 2005 Submission of Reliance Industries Limited (Reliance*), dated February 24, 2005.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is April 1, 2003, through March 31, 2004, which corresponds to the most recently completed fiscal year for all of the respondent companies. *See* section 351.204(b)(2) of the Department's regulations.

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than .68 deciliters per gram, is also outside the scope of the investigation.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Analysis of Comments Received

All issues raised by the interested parties in their case and rebuttal briefs, as well as their comments on our *EOU Program Memorandum* are addressed in the ''*Issues and Decision Memorandum*'' (*Decision Memorandum*), dated March 14, 2005, which is hereby adopted by this notice. A list of the issues which parties have raised is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU) at Room B099 of the main Commerce building. A complete version of the *Decision Memorandum* is available at *http://www.ia.ita.doc.gov* under the heading ''**Federal Register** Notices.'' The paper copy and the electronic version of the *Decision Memorandum* are identical in content.

Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we have determined individual rates for Reliance, SAPL, Futura, and Elque. To calculate the ''all others'' rate, we weight-averaged the individual company rates by each company's respective sales of subject merchandise made to the United States during the POI. These rates are summarized in the table below:

Producer/exporter	Subsidy rate (percent ad valorem)
Reliance Industries Ltd	20.26
South Asia Petrochem Ltd	19.08
Futura Polyesters Ltd	6.15
Elque Polyesters Ltd	12.41
All Others	14.63

Suspension of Liquidation

In accordance with our preliminary affirmative determination, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of PET Resin from India, which were entered or withdrawn from warehouse, for consumption on or after August 30, 2004, the date of the publication of our *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for merchandise entered on or after December 28, 2004, but to continue the suspension of liquidation of entries made between August 30, 2004, through December 27, 2004.

If the International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order, reinstate suspension of liquidation under section 706(a) of the Act for all entries, and require a cash deposit of estimated countervailing duties for such entries of merchandise at the rates indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I: Issues and Decision Memorandum

I. List of Comments

Comment 1: Futura's Debonding and Adjustment to Duty Free Exemptions
Comment 2: Futura's Central Sales Tax Reimbursement
Comment 3: WBIDC Investment in SAPL
Comment 4: DEPS Credit Offset
Comment 5: EOU Exemptions on Raw Materials
Comment 6: Program-Wide Change of DEPS Rate
Comment 7: Numerator and Denominator for the EPCGS Subsidy Calculation
Comment 8: Benchmark Interest Rates for EPCGS
Comment 9: EPCGS Benefits Received in the POI
Comment 10: Allocation of EPCGS Benefits and 0.5 Percent Test
Comment 11: Reliance's Loan Benchmarks

for State of Maharashtra (SOM) and State of Gujarat (SOG) Sales Tax Incentive Programs
Comment 12: Average Useful Life (AUL) for SAPL's Assets
Comment 13: Effective Interest Rate of SAPL's Pre-Shipment Export Loans
Comment 14: Treatment of Exemptions on Imported Capital Goods
Comment 15: SAPL's Cash Deposit Rate
Comment 16: Central Sales Tax Reimbursements on Raw Materials
Comment 17: EOU Duty Drawback on Furnace Oil

II. Subsidies Valuation Information

A. Loan Benchmarks
B. Allocation Period
C. Trading Company Subsidies

III. Analysis of Programs

A. Programs Determined To Confer Subsidies

1. GOI Programs
   a. Pre- and Post-Shipment Export Financing
   b. Duty Entitlement Passbook Scheme (DEPS)
   c. Income Tax Exemption Scheme, Section 80 HHC
   d. Export Promotion Capital Goods Scheme (EPCGS)
   e. Export Oriented Units (EOUs) Program: Duty Drawback on Furnace Oil Procured From Domestic Oil Companies
   f. Export Oriented Units (EOUs) Program: Duty-Free Import of Capital Goods and Raw Materials
   g. Export Oriented Units (EOUs) Program: Reimbursement of Central Sales Tax (CST) Paid on Materials Procured Domestically
2. State Programs
   a. State of Gujurat (SOG) Program: Sales Tax Incentive Scheme
   b. State of Maharashtra (SOM) Program: Sales Tax Incentive Scheme
   c. State of West Bengal (SWB) Sales Tax Incentive Scheme

B. GOI Program Determined To Be Not Countervailable

Export Oriented Units (EOUs) Programs: Purchase of Material and Other Inputs Free of Central Excise Duty

C. Programs Determined To Be Not Used

GOI Programs
   a. Status Certificate Program
   b. Market Development Assistance
   c. Income Tax Exemption Scheme (Sections 10A and 10B)
   d. Loan Guarantees from the GOI
   e. Special Economic Zones (SEZs) formerly called Export Processing Zones (EPZs)

D. Program Determined To Be Terminated

Exemption of Export Credit From Interest Taxes GOI Programs

IV. Analysis of Comments

V. Recommendation

[FR Doc. E5–1219 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–824]

Final Negative Countervailing Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are not being provided to producers of bottle-grade (BG) PET Resin from Thailand. For information on the estimated countervailable subsidy rates, please see the ''Final Determination'' section of this notice.

DATES: *Effective Date:* March 21, 2005.

FOR FURTHER INFORMATION CONTACT: Dara Iserson or Thomas Gilgunn, AD/CVD Operations, Office 6, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4052 and (202) 482–4236, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On August 30, 2004, the Department published the *Preliminary Negative Countervailing Duty Determination and Alignment With Final Antidumping Duty Determination: Bottle-Grade Polyethylene Terephthalate (PET) Resin From Thailand*, 69 FR 52862 (August 30, 2004) (*Preliminary Determination*). Since the *Preliminary Determination*, the Department issued additional supplemental questionnaires to, and conducted verification of the responses provided by, the Royal Thai Government (RTG), Bangkok Polyester Company (BPC), Thai Shinkong Industry Corporation Limited (Thai Shinkong), Indopet Thailand Limited (Indopet), and Asiapet Thailand Limited (Asiapet) (collectively—''Respondents'').

The Department issued the RTG, Indopet, Thai Shinkong, and BPC verification reports on January 10, 2005. *See* Memoranda to the File from Thomas Gilgunn to Dana Mermelstein, *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by the Royal Thai Government (RTG); Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Indopet (Thailand) Limited (Indopet); Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Thai Shinkong Industry Company Limited (Thai Shinkong)*; and *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Bangkok Polyester Public Company Limited (BPC)*. On January 18, 2005, the Department issued the Asiapet verification report. see *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin from Thailand: Verification of the Questionnaire Responses Submitted by Asiapet Thailand Limited (Asiapet)*.

On January 21, 2005, case briefs were filed by Petitioner and by all Respondents: RTG, Indopet, Asiapet, Thai Shinkong, and BPC. On January 26, 2005, Respondents and Petitioner filed their respective rebuttal briefs. On February 3, 2005, Respondents filed letter objecting to ''untimely legal information'' filed in the Petitioner's January 26, 2005, rebuttal brief. On February 7, 2005, Petitioners responded to the arguments raised in Respondent's February 3, 2005, letter. On February 9, 2005, the Department notified Petitioners that certain legal information raised in its January 26, 2005, rebuttal brief did not comply with section 351.309(d)(2) of the regulations. On February 10, 2005, Petitioner refiled its rebuttal brief.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is January 1, 2003, through December 31, 2003, which corresponds to the most recently completed fiscal year for the respondent companies. *See* section 351.204(b)(2) of the Department's regulations.

Scope of the Investigation

The merchandise covered by this investigation is polyethylene terephthalate (PET) bottle-grade resin, defined as having an intrinsic viscosity of at least .68 deciliters per gram but not more than .86 deciliters per gram. The scope includes bottle-grade PET resin that contains various additives introduced in the manufacturing process. The scope does not include post-consumer recycle (PCR) or post-industrial recycle (PIR) PET resin; however, included in the scope is any bottle-grade PET resin blend of virgin PET bottle-grade resin and recycled PET (RPET). Waste and scrap PET are

outside the scope of the investigation. Fiber-grade PET resin, which has an intrinsic viscosity of less than .68 deciliters per gram, is also outside the scope of the investigations.

The merchandise subject to this investigation is properly classified under subheading 3907.60.0010 of the Harmonized Tariff Schedule of the United States (HTSUS); however, merchandise classified under HTSUS subheading 3907.60.0050 that otherwise meets the written description of the scope is also subject to these investigations. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

Analysis of Comments Received

A detailed discussion of the issues of cross-ownership and attribution of subsidies raised by interested parties in their case and rebuttal briefs is contained in the Memorandum to the File from Dana Mermelstein to Barbara E. Tillman, *Countervailing Duty Investigation of Bottle Grade Polyethylene Terephthalate (PET) Resin From Thailand: Attribution of Subsidies Received by Supplier Companies to Indopet* (March 14, 2005) (*Attribution Memorandum*) because it includes business proprietary information.

All other issues raised by the interested parties in their case and rebuttal briefs are addressed in the ''Issues and Decision Memorandum'' (*Decision Memorandum*) dated March 14, 2005, which is hereby adopted by this notice. A list of the issues which parties have raised is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU). A complete version of the *Decision Memorandum* is available at *http://www.ia.ita.doc.gov* under the heading ''**Federal Register** Notices.'' The paper copy and the electronic version of the *Decision Memorandum* are identical in content.

Final Determination

In accordance with section 703(d)(1)(A)(i) of the Tariff Act of 1930, as amended (The Act), we have determined individual rates for Thai Shinkong, Bangkok Polyester, and Indopet. Section 705(c)(5)(A)(I) of the Act provides that the ''all others'' rate will generally be an amount equal to the weighted average countervailable subsidy rates established for exporters or producers individually investigated, excluding any zero or *de minimis* countervailable subsidy rates and any rates determined entirely on the basis of the facts available. In this case, however, the countervailable subsidy rates for all of the individually investigated exporters or producers are *de minimis*. Section 705(c)(5)(A)(ii) of the Act provides that, when this is the case, the administering authority may use any reasonable method to establish the ''all others'' rate, including averaging the weighted average countervailable subsidy rates determined for the exporters and producers individually examined. Thus, to calculate the ''all others'' rate, we weight-averaged the individual rates of Thai Shinkong, Bangkok Polyester, and Indopet, based on each company's respective exports of subject merchandise to the United States during the POI.

These rates are summarized in the table below:

Producer/exporter	Net subsidy rate (percent ad valorem)
Thai Shinkong Industry Corporation Ltd	0.31
Bangkok Polyester Public Company Limited	0.73
Indopet (Thailand) Limited	0.70
All Others Rate	0.47

These countervailable subsidy rates are *de minimis*, in accordance with section 703(b)(4)(B) of the Act and 19 CFR 351.106(b). Therefore, we determine that countervailable subsidies are not being provided to producers/exporters of bottle grade PET Resin from Thailand. *See* Section 705(a)(3) of the Act. In the *Preliminary Determination*, the total net countervailable subsidy rate was *de minimis*, therefore, we did not suspend liquidation. Since we determine that countervailable subsidies are not being provided to producers or exporters of BG PET Resin from Thailand, we will not direct U.S. Customs and Border Protection to suspend liquidation of entries of the subject merchandise from Thailand.

International Trade Commission (ITC) Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-priveleged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary of Import Administration.

Return or Destruction of Proprietary Information

This notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act.

Dated: March 14, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix I: Issues and Decision Memorandum

Summary

I. Comments

Comment 1: Whether the Department Should Apply Adverse Facts Available (AFA) to BPC
Comment 2: The Selection of the Discount Rate for Allocating Subsidies Over Time
Comment 3: Whether the IPA Benetifits for BPC, Thai Shinkong, Indopet, and Asiapet are Export Contingent
Comment 4: The Selection of the Denominator for Calculating *Ad Valorem* Subsidy Rates
Comment 5: The Appropriate Method for Calculating Section 35(3) Benefits
Comment 6: Whether Cross-Ownership Between Indopet and Indopet's Suppliers Exists
Comment 7: Whether or Not Indopet, Thai Shinkong, and BPC Used Section 35(4) Benefits

II. Subsidies Valuation Information

A. Discount Rates
B. Allocation Period
C. Cross-Ownership and Attribution of Subsidies
D. Export Contingency
E. Denominator for *Ad Valorem* Subsidy Rates

III. Analysis of Programs

A. Programs Determined To Be Countervailable
Investment Incentives Under the Investment Promotion Act (IPA)
1. Duty Exemptions on Imports of Machinery Under IPA Section 28
2. Additional Income Tax Deductions Under IPA Section 35
B. Programs Determined To Be Not Countervailable
Duty Exemptions on Imports of Raw and Essential Materials Under IPA Section 36
C. Programs Determined To Be Not Used
1. Import Duty Exemptions on Raw and Essential Materials Under IPA Section 30

2. Corporate Income Tax Exemptions Under IPA Section 31

IV. Total Ad Valorem Rates

V. Analysis of the Comments

VI. Recommendation

[FR Doc. E5–1221 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Dealer Purchase Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 20, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Erik Braun, 62 Newtown Lane, East Hampton, NY 11937 (phone (631) 324–3569 or e-mail *reporting.ne@noaa.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Federally-permitted dealers in specified fisheries are required to submit information weekly regarding their fish purchases. Other dealers are asked to submit the information on a voluntary basis. A small number of commercial fishermen may also be asked to voluntarily provide information related to the purchase. The information obtained is used by economists, biologists, and managers in the management of the fisheries. NOAA is seeking to renew Paperwork Reduction Act approval for these requirements.

II. Method of Collection

Depending upon the fishery, dealers submit forms on either a mandatory or a voluntary basis. Vessel captains may also be interviewed for related information.

III. Data

OMB Number: 0648–0229.

Form Number: NOAA Form 88–30.

Type of Review: Regular submission.

Affected Public: Business or other for profit organizations, individuals or households.

Estimated Number of Respondents: 631.

Estimated Time Per Response: 4 minutes for a NOAA Form 88–30 or an interview.

Estimated Total Annual Burden Hours: 2,176.

Estimated Total Annual Cost to Public: $345,600.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 16, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5523 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Scientific Research, Exempted Fishing, and Exempted Educational Activity Submissions

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 20, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to William Chappell, (301) 713–2341 or *William.Chappell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Fishery regulations do not generally affect scientific research activities conducted by a scientific research vessel. Persons planning to conduct such research are encouraged to submit a scientific research plan to ensure that the activities are considered research and not fishing. The researchers are requested to submit reports of their scientific research activity after its completion.

The National Marine Fisheries Service (NMFS) may also grant exemptions from fishery regulations for educational or other activities (*e.g.,* the testing of fishing gear). The applications for these exemptions must be submitted, and reports on activities submitted.

II. Method of Collection

Most information is submitted on forms or other written format. For permits, some information may be phoned in or submitted electronically to NMFS, depending on the terms and conditions of the permit.

III. Data

OMB Number: 0648–0309.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations; individuals or households; not-for-profit institutions; and state, local, or tribal government.

Estimated Number of Respondents: 170.

Estimated Time Per Response: 6 hours for a scientific research plan; 1 hour for

an exempted fishing permit request, exempted fishing permit report, or scientific research activity report; and 30 minutes for an exempted educational activity request or an exempted educational activity report.

Estimated Total Annual Burden Hours: 695.

Estimated Total Annual Cost to Public: $14,797.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 16, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5524 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Socio-economic Assessment of Marine Protected Areas Management Preferences

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 20, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Juan Agar, (305) 361–4218 or *Juan.Agar@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service proposes to conduct a survey to collect socio-economic data to strengthen the management, protection, and conservation of existing and proposed Marine Protected Areas (MPAs) in the U.S. Caribbean (Puerto Rico and U.S. Virgin Islands). MPAs are any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein. The survey intends to collect demographic, cultural, and economic information from communities that are dependent on the estuarine and marine resources for their livelihood. The proposed data collection is necessary to develop science-based criteria and protocols to identify and evaluate the economic impacts of management decisions. The information will be used to protect the sustainable use of estuarine and marine ecosystems for present and future generations. The information collected will also be used to satisfy legal mandates under Executive Order 13158, the Magnuson-Stevens Fishery Conservation Act, the National Marine Sanctuaries Act, the National Wildlife Refuge Administration Act, the Coastal Zone Management Act, the National Environmental Policy Act, and other pertinent statues.

II. Method of Collection

The socio-economic information will be collected via personal interviews and mail surveys.

III. Data

OMB Number: 0648–0494.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 700.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden Hours: 700.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 16, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5525 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Pacific Islands Region Seabird-Fisheries Side-Setting Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 20, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection instrument and instructions should be directed to Alvin Katekaru, (808) 973–2937 or *Alvin.Katekaru@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Western Pacific Fishery Management Council is preparing mitigation measures to reduce interactions between seabirds and the Hawaii-based pelagic longline fishery, by requiring longline vessel operators to use either side-setting (setting the longline fishing gear from the side of the vessel rather than the stern) or the current suite of seabird mitigation measures, plus tori lines. Although side-setting shows to be the most promising mitigation technique in terms of effectiveness, additional information is needed. The vessel operators currently voluntarily side-setting will be asked to provide data on the operational benefits of side-setting as well as the effectiveness of side-setting as a seabird deterrent. This collection of information is intended to provide the National Marine Fisheries Service with information as to the cost, availability of equipment, and operational use of equipment, required for side-setting. This information will be used to determine whether it is feasible and cost effective for Hawaii longline vessels to convert to side setting, and to formulate specifications for vessels side-setting.

II. Method of Collection

Paper surveys administered and completed by staff in interviews conducted dockside with participants.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profits organizations, and individuals or households.

Estimated Number of Respondents: 120.

Estimated Time Per Response: 30 minutes.

Estimated Total Annual Burden Hours: 60.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 16, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05–5526 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020405A]

Small Takes of Marine Mammals Incidental to Specified Activities; Marine Seismic Survey off the Aleutian Islands in the North Pacific Ocean

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of application and proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (L-DEO), a part of Columbia University, for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting a low-energy, shallow-penetrating seismic survey and scientific rock dredging program around the Aleutian Islands. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an authorization to L-DEO to incidentally take, by harassment, small numbers of several species of cetaceans and pinnipeds for a limited period of time within the next year.

DATES: Comments and information must be received no later than April 20, 2005.

ADDRESSES: Comments on the application should be addressed to Steve Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning the contact listed here. The mailbox address for providing email comments is *PR1.020405A@noaa.gov*. Please include in the subject line of the e-mail comment the following document identifier: 020405A. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size. A copy of the application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the contact listed here and is also available at: *http://www.nmfs.noaa.gov/prot__res/PR2/Small__Take/smalltake__info.htm#applications.*

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713–2289, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On December 23, 2004, NMFS received an application from L-DEO for the taking, by harassment, of several species of marine mammals incidental to conducting a low-energy, shallow-penetrating seismic survey and scientific rock dredging program around the Aleutian Islands. The purpose of the proposed study is to examine the east-to-west change in the angle of the convergence of the Pacific-North America plates, which implies systematic westward decreases in the rate of subduction and sediment delivery to the Aleutian trench. The Aleutian Island Arc is the only island arc where systematic changes in physical aspects of the subduction system have been well correlated with magma output rates and with the geochemistry of the melts that the system produces. Despite its potential importance, studies of volcanism in the Aleutians are lacking. In particular, the western Aleutians (west of Adak Island) are now playing a key role in the evolving view of subduction magma genesis, yet it remains a poorly studied area. Few volcanic rock samples are available from that area, and it has not been studied substantially at sea.

In addition to an emphasis on magma genesis and its relationship to tectonics, volcanism in the Aleutians and southern Alaska is important because it is known to present a hazard to air traffic. However, the seismic and geochemical studies proposed by L-DEO are not directly hazard-related. They are aimed at understanding the deep-level processes that underlie the volcanic eruptions, and are thus relevant to the broad goals of understanding volcano behavior and hazard assessment in the Aleutians and elsewhere.

Description of the Activity

The seismic survey will involve one vessel, either the *R/V Kilo Moana* or a similar research vessel. The research vessel will deploy one Generator-injector (GI) airgun as an energy source (discharge volume of 105 in3), plus a towed hydrophone streamer up to 300 m (984 ft) long, or possibly as short as 50 m (164 ft). The *R/V Kilo Moana* has a length of 56.5 m (185.3 ft), and a beam of 26.8 m (88 ft). As the GI gun is towed along the survey lines, the receiving system will receive the returning acoustic signals. The proposed program will consist of approximately 4112 km (2220 nm) of seismic survey, and scientific rock dredging at 10 locations. The seismic survey will take place in water depths from less than 50 m (164 ft) to 3.5 kilometers (km) (1.9 nautical miles (nm)). More than 99 percent of the survey will be in depths greater than 100 m (328 ft), and scientific rock dredging will be conducted in water depths 100–1800 m (328–5906 ft), mostly in depths greater than 400 m (1312 ft).

The proposed program will use conventional seismic methodology with a single towed GI airgun as the energy source, and a towed hydrophone streamer as the receiver system. The energy to the airguns is compressed air supplied by compressors on board the source vessel.

In addition to the GI gun, bathymetric sonars and an echo sounder will be used during the seismic profiling and continuously when underway. Multi-beam bathymetric and single channel seismic surveys will be conducted prior to scientific rock dredging to ensure that dredging is done as accurately and productively as possible. The surveys will also affect the number of dredges that can be completed. While on station for rock dredging, a 12–kHz pinger will be used to monitor the depth of the dredge relative to the sea floor. A detailed description of the acoustic sources proposed for use during this survey can be found in the L-DEO application, which is available at: *http://www.nmfs.noaa.gov/prot__res/PR2/Small__Take/smalltakeinfo.htm#applications.*

GI-Airgun Description

The L-DEO portable high-resolution seismic system will be installed on the research vessel for this cruise. The seismic vessel will tow the single GI-airgun and a streamer containing hydrophones along predetermined lines. Seismic pulses will be emitted at intervals of 5–10 sec. The 5–10 sec spacing corresponds to a shot interval of about 13–26 m (43–85 ft).

The GI airgun will have a total discharge volume of up to 105 in^3. The gun will be towed 44.3 m (145.3 ft) behind the stern at a depth of about 3 m (9.8 ft). The GI-airgun has a zero to peak (peak) source output of 231 dB re 1 microPascal-m (3.6 bar-m) and a peak-to-peak (pk-pk) level of 237 dB (7.0 bar-m). The dominant frequency components of the airgun are in the range of 0–188 Hz. For a one-gun source, the nominal source level represents the actual level that would be found about 1 m (3.3 ft) from the GI gun. Actual levels experienced by any marine organism more than 1 m (3.3 ft) from the GI gun will be significantly lower.

The rms (root mean square) received levels that are used as impact criteria for marine mammals are not directly comparable to the pk or pk-pk values normally used to characterize source levels of airguns. The measurement units used to describe airgun sources, pk or pk-pk decibels, are always higher than the ''root mean square'' (rms) decibels referred to in much of the biological literature. For example, a measured received level of 160 dB rms in the far field would typically correspond to a pk measurement of about 170 to 172 dB, and to a pk-pk measurement of about 176 to 178 decibels, as measured for the same pulse received at the same location (Greene, 1997; McCauley *et al.*, 1998, 2000a). The precise difference between rms and pk or p-pk values depends on the frequency content and duration of the pulse, among other factors. However, the rms level is always lower than the pk or pk-pk level for an airgun-type source.

The depth at which the source is towed has a major impact on the maximum near-field output, because the energy output is constrained by ambient pressure. The normal tow depth of the source to be used in this project is 3 m (9.8 ft), where the ambient pressure is 3 decibars. This also limits output, as the 3 decibars of confining pressure cannot fully constrain the source output, with the result that there is loss of energy at the sea surface.

Received sound levels have been modeled by L-DEO for the single GI-airgun in relation to distance and direction from the gun. This publically available model does not allow for bottom interactions, and is most directly applicable to deep water. Based on the model, the distances from the single GI-airgun where sound levels of 190-, 180-, and 160–dB re 1 μPa (rms) are predicted to be received are shown in

the greater than 1000–m (328 ft) line of Table 1. The rms (root-mean-square) pressure is an average over the pulse duration. This is the measure commonly used in studies of marine mammal reactions to airgun sounds. The rms level of a seismic pulse is typically about 10 dB less than its peak level (Greene, 1997; McCauley *et al.*, 1998, 2000a).

TABLE 1. ESTIMATED DISTANCES TO WHICH SOUND LEVELS 190, 180, AND 160 DB RE 1 MICROPA (RMS) MIGHT BE RECEIVED FROM THE ONE 105 IN^3 GI GUN THAT WILL BE USED DURING THE SEISMIC SURVEY AROUND THE ALEUTIAN ISLANDS DURING 2005. THE SAFETY RADII USED DURING THE SURVEY WILL DEPEND ON WATER DEPTH (SEE TEXT).

Water Depth	Estimated Distances at Received Levels (m)		
	190 dB	180 dB	160 dB
>1000 m	10	27	275
100–1000 m	15	41	413
<100 m	125	200	750

Empirical data concerning the 180 and 160 dB distances have been acquired based on measurements during the acoustic verification study conducted by L-DEO in the northern Gulf of Mexico from 27 May to 3 June 2003 (Tolstoy *et al.*, 2004a,b). Although the results are limited, the data showed that radii around the airguns where the received level would be 180 dB re 1 µPa (rms), the safety criterion applicable to cetaceans (NMFS 2000), vary with water depth. Similar depth-related variation is likely in the 190–dB distances applicable to pinnipeds. The 180- and 190–dB distances are typically used as safety radii during seismic surveys. For all sea turtle sightings, the 180–dB distance will be used as the safety radius. The proposed study area will occur in water approximately 30–3000 m (98–9842 ft), although only about 3 percent of the survey lines are expected to occur in shallow (<1000 m; 3280 ft) water.

The empirical data indicate that, for deep water (>1000 m; 3281 ft), the L-DEO model tends to overestimate the received sound levels at a given distance (Tolstoy *et al.*, 2004a,b). However, to be precautionary pending acquisition of additional empirical data, L-DEO has proposed using safety radii during GI-airgun operations in deep water that correspond to the values predicted by L-DEO's model for deep water (Table 1). The assumed 190- and 180–dB radii for one GI gun are 10 m (33 ft) and 27 m (88 ft), respectively.

Empirical measurements were not conducted for intermediate water depths (100–1000 m (328–3281 ft)). On the expectation that results will be intermediate between those from shallow and deep water, L-DEO has applied a 1.5X correction factor to the estimates provided by the model for deep water situations. This is the same factor that was applied to the model estimates during L-DEO cruises in 2003. The assumed 190 and 180 dB radii in intermediate-depth water are 15 m (49 ft) and 41 m (134 ft), respectively (Table 1). L-DEO has requested NMFS use these values for calculating safety ranges in intermediate-depth waters.

Empirical measurements were not made for a single small source operating in shallow water (<100 m (328 ft)). However, the measured 180–dB radius for the 6–airgun array operating in shallow water was 6.8X that predicted by L-DEO's model for operation of the 6–airgun array in deep water. This conservative correction factor was used to predict the radii for two GI airguns. The radii for one GI-airgun were assumed to be half of that predicted for two GI guns. Thus, the 190- and 180–dB radii in shallow water are assumed to be 125 m (410 ft) and 200 m (656 ft), respectively (Table 1) and L-DEO has requested NMFS use thse values for establishing safety zones in shallow water.

Characteristics of Airgun Pulses

Discussion on the characteristics of airgun pulses have been provided in the application and in previous **Federal Register** notices (see 69 FR 31792 (June 7, 2004) or 69 FR 34996 (June 23, 2004)). Reviewers are referred to those documents for additional information.

Description of Habitat and Marine Mammals Affected by the Activity

A detailed description of the Aleutian Islands area and its associated marine mammals can be found in the L-DEO application and a number of documents referenced in the L-DEO application. A total of 18 cetacean species and 10 species of pinnipeds may occur in the proposed study area around the Aleutian Islands. The marine mammals that occur in the proposed survey area belong to four taxonomic groups: odontocetes (toothed cetaceans, such as dolphins and sperm whales), mysticetes (baleen whales), pinnipeds (seals, sea lions, and walrus), and fissipeds (sea otter). Of the 18 cetacean species in the area, several are common.

Odontocete whales include the: sperm whale, Cuvier's beaked whale, Baird's beaked whale, Stejneger's beaked whale, beluga whale, Pacific white-sided dolphin, Risso's dolphin, killer whale, short-finned pilot whale, harbor porpoise, and Dall's porpoise;

Mysticete whales include the: North Pacific right whale, eastern North Pacific gray whale, humpback whale, minke whale, sei whale, fin whale, and blue whale;

Pinnipeds include the: northern fur seal, California sea lion, Steller sea lion, Pacific walrus, bearded seal, harbor seal, spotted seal, ringed seal, ribbon seal, and northern elephant seal. However, only four of these species of pinnipeds are likely to occur in the western Aleutian Islands: Steller sea lions, harbor seals, northern fur seals, and ribbon seals.

The walrus, California sea lion, and ringed, spotted, bearded, and northern elephant seals likely will not be encountered in the study area although they are known to occur in the eastern Aleutians. The sea otter and the walrus are managed by the U.S. Fish and Wildlife Service (USFWS) and are not the subject of this authorization. L-DEO will coordinate with the USFWS regarding project operations and sea otters.

More detailed information on these species is contained in the L-DEO application.

Potential Effects on Marine Mammals

The effects of noise on marine mammals are highly variable, and can be categorized as follows (based on Richardson *et al.*, 1995):

(1) The noise may be too weak to be heard at the location of the animal (i.e., lower than the prevailing ambient noise level, the hearing threshold of the animal at relevant frequencies, or both);

(2) The noise may be audible but not strong enough to elicit any overt behavioral response;

(3) The noise may elicit reactions of variable conspicuousness and variable relevance to the well being of the marine mammal; these can range from temporary alert responses to active avoidance reactions such as vacating an area at least until the noise event ceases;

(4) Upon repeated exposure, a marine mammal may exhibit diminishing responsiveness (habituation), or disturbance effects may persist; the latter is most likely with sounds that are highly variable in characteristics, infrequent and unpredictable in occurrence, and associated with situations that a marine mammal perceives as a threat;

(5) Any anthropogenic noise that is strong enough to be heard has the potential to reduce (mask) the ability of

a marine mammal to hear natural sounds at similar frequencies, including calls from conspecifics, and underwater environmental sounds such as surf noise;

(6) If mammals remain in an area because it is important for feeding, breeding or some other biologically important purpose even though there is chronic exposure to noise, it is possible that there could be noise-induced physiological stress; this might in turn have negative effects on the well-being or reproduction of the animals involved; and

(7) Very strong sounds have the potential to cause temporary or permanent reduction in hearing sensitivity. In terrestrial mammals, and presumably marine mammals, received sound levels must far exceed the animal's hearing threshold for there to be any temporary threshold shift (TTS) in its hearing ability. For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound. Received sound levels must be even higher for there to be risk of permanent hearing impairment. In addition, intense acoustic or explosive events may cause trauma to tissues associated with organs vital for hearing, sound production, respiration and other functions. This trauma may include minor to severe hemorrhage.

Effects of Seismic Surveys on Marine Mammals

The L-DEO application provides the following information on what is known about the effects on marine mammals of the types of seismic operations planned by L-DEO. The types of effects considered in this document are (1) tolerance, (2) masking of natural sounds, (2) behavioral disturbance, and (3) potential hearing impairment and other non-auditory physical effects (Richardson *et al.*, 1995). Given the relatively small size of the single airgun planned for the present project, its effects are anticipated to be considerably less than would be the case with a large array of airguns. L-DEO and NMFS believe it is very unlikely that there would be any cases of temporary or permanent hearing impairment, or non-auditory physical effects. Also, behavioral disturbance is expected to be limited to distances less than 275 m (902 ft) in deep water, 413 m (1355 ft) for intermediate water depths, and 750 m (2461 ft) in shallow water, the zones calculated for 160 dB or the onset of Level B harassment due to impulse sounds. Additional discussion on effects on marine mammal species can be found in the L-DEO application.

Tolerance

Numerous studies (referenced in L-DEO, 2004) have shown that pulsed sounds from airguns are often readily detectable in the water at distances of many kilometers, but that marine mammals at distances more than a few kilometers from operating seismic vessels often show no apparent response. That is often true even in cases when the pulsed sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of that mammal group. However, most measurements of airgun sounds that have been reported concerned sounds from larger arrays of airguns, whose sounds would be detectable farther away than the ones that are planned to be used in the proposed survey. Although various baleen whales, toothed whales, and pinnipeds have been shown to react behaviorally to airgun pulses under some conditions, at other times all three types of mammals have shown no overt reactions. In general, pinnipeds and small odontocetes seem to be more tolerant of exposure to airgun pulses than are baleen whales. Given the small and low-energy GI-airgun source planned for use in this proposed project, marine mammals would be expected to tolerate being closer to this source than would be the case for a larger airgun source typical of most seismic surveys.

Masking

Masking effects of pulsed sounds on marine mammal calls and other natural sounds are expected to be very limited (due in part to the small size of the single GI-airgun), although there are very few specific data on this. Given the small source planned for use in the Aleutian Island survey, there is little potential for masking of baleen or sperm whale calls during the proposed research. Seismic sounds are short pulses generally occurring for less than 1 sec every 5–10 seconds. This spacing corresponds to a shot interval of approximately 13–26 m (43–85 ft).

Some whales are known to continue calling in the presence of seismic pulses. Their calls can be heard between the seismic pulses (Richardson *et al.*, 1986; McDonald *et al.*, 1995, Greene *et al.*, 1999). Although there has been one report that sperm whales cease calling when exposed to pulses from a very distant seismic ship (Bowles *et al.*, 1994), a recent study reports that sperm whales continued calling in the presence of seismic pulses (Madsen *et al.*, 2002). This has also been shown during recent research in the Gulf of Mexico (Tyack *et al.*, 2003). Given the relatively small source planned for use during this survey and the intermittent nature of seismic pulses, there is even less potential for masking of sperm whale calls during the present study than in most seismic surveys. For the same reasons, masking effects of seismic pulses also are expected to be negligible in the case of the smaller odontocete cetaceans. Also, the sounds important to small odontocetes are predominantly at much higher frequencies than are airgun sounds.

Most of the energy in the sound pulses emitted by airguns is at low frequencies, with strongest spectrum levels below 200 Hz and considerably lower spectrum levels above 1000 Hz. These low frequencies are mainly used by mysticetes, but generally not by odontocetes or pinnipeds. An industrial sound source will reduce the effective communication or echolocation distance only if its frequency is close to that of the marine mammal signal. If little or no overlap occurs between the frequencies of the industrial noise and the marine mammals, as in the case of many marine mammals relative to airgun sounds, communication and echolocation are not expected to be disrupted. Furthermore, the discontinuous nature of seismic pulses makes significant masking effects unlikely even for mysticetes.

A few cetaceans are known to increase the source levels of their calls in the presence of elevated sound levels, or possibly to shift their peak frequencies in response to strong sound signals (Dahlheim, 1987; Au, 1993; Lesage *et al.*, 1999; Terhune, 1999; as reviewed in Richardson *et al.*, 1995). These studies involved exposure to other types of anthropogenic sounds, not seismic pulses, and it is not known whether these types of responses ever occur upon exposure to seismic sounds. If so, these adaptations, along with directional hearing, pre-adaptation to tolerate some masking by natural sounds (Richardson *et al.*, 1995) and the relatively low-power acoustic sources being used in this survey, would all reduce the importance of masking marine mammal vocalizations.

Behavioral Disturbance by Seismic Surveys

Behavioral disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous dramatic changes in activities, and displacement. However, there are difficulties in defining which marine mammals should be counted as ''taken by harassment.'' For many species and

situations, scientists do not have detailed information about their reactions to noise, including reactions to seismic (and sonar) pulses. Behavioral reactions of marine mammals to sound are difficult to predict. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors. If a marine mammal does react to an underwater sound by changing its behavior or moving a small distance, the impacts of the change may not rise to the level of a disruption of a behavioral pattern. However, if a sound source would displace marine mammals from an important feeding or breeding area, such a disturbance may constitute Level B harassment under the MMPA. Given the many uncertainties in predicting the quantity and types of impacts of noise on marine mammals, scientists often resort to estimating how many mammals may be present within a particular distance of industrial activities or exposed to a particular level of industrial sound. With the possible exception of beaked whales, NMFS believes that this is a conservative approach and likely overestimates the numbers of marine mammals that may experience a disruption of a behavioral pattern.

The sound exposure criteria used to estimate how many marine mammals might be harassed behaviorally by the seismic survey are based on behavioral observations during studies of several species. However, information is lacking for many species. Detailed information on potential disturbance effects on baleen whales, toothed whales, and pinnipeds can be found in Appendix A in L-DEO's Aleutian Islands application.

Hearing Impairment and Other Physical Effects

Temporary or permanent hearing impairment is a possibility when marine mammals are exposed to very strong sounds, but there has been no specific documentation of this for marine mammals exposed to airgun pulses. Based on current information, NMFS precautionarily sets impulsive sounds equal to or greater than 180 and 190 dB re 1 microPa (rms) as the exposure thresholds for onset of Level A harassment for cetaceans and pinnipeds, respectively (NMFS, 2000). Those criteria have been used for several years in setting the safety (shut-down) radii for seismic surveys. As discussed in the L-DEO application and summarized here,

1. The 180–dB criterion for cetaceans is probably quite precautionary, i.e., lower than necessary to avoid TTS let alone permanent auditory injury, at least for delphinids.

2. The minimum sound level necessary to cause permanent hearing impairment is higher, by a variable and generally unknown amount, than the level that induces barely-detectable TTS.

3. The level associated with the onset of TTS is often considered to be a level below which there is no danger of permanent damage.

Because of the small size of the single 105 in^3 GI-airgun, along with the planned monitoring and mitigation measures, there is little likelihood that any marine mammals would be exposed to sounds sufficiently strong to cause even the mildest (and reversible) form of hearing impairment. Several aspects of the planned monitoring and mitigation measures for this project are designed to detect marine mammals occurring near the single GI-airgun (and multibeam bathymetric sonar), and to avoid exposing them to airgun sound pulses that might (at least in theory) cause hearing impairment. In addition, research and monitoring studies on gray whales, bowhead whales and other cetacean species indicate that many cetaceans are likely to show some avoidance of the area with ongoing seismic operations. In these cases, the avoidance responses of the animals themselves will reduce or avoid the possibility of hearing impairment.

Non-auditory physical effects may also occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. It is possible that some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds. However, L-DEO and NMFS believe that it is highly unlikely that any of these non-auditory effects would occur during the proposed survey given the small size of the airgun, the brief duration of exposure of any given mammal, and the planned mitigation and monitoring measures. The following paragraphs discuss the possibility of TTS, permanent threshold shift (PTS), and non-auditory physical effects.

TTS

TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). When an animal experiences TTS, its hearing threshold rises and a sound must be stronger in order to be heard. TTS can last from minutes or hours to (in cases of strong TTS) days. Richardson *et al.* (1995) note that the magnitude of TTS depends on the level and duration of noise exposure, among other considerations. For sound exposures at or somewhat above the TTS threshold, hearing sensitivity recovers rapidly after exposure to the noise ends. Little data on pulsed sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals.

For toothed whales exposed to single short pulses, the TTS threshold appears to be, to a first approximation, a function of the energy content of the pulse (Finneran *et al.*, 2002). Given the available data, the received level of a single seismic pulse might need to be approximately 210 dB re 1 microPa rms (approx. 221 226 dB pk pk) in order to produce brief, mild TTS. Exposure to several seismic pulses at received levels near 200 205 dB (rms) might result in slight TTS in a small odontocete, assuming the TTS threshold is (to a first approximation) a function of the total received pulse energy (Finneran *et al.*, 2002). Seismic pulses with received levels of 200 205 dB or more are usually restricted to a zone of no more than 100 m (328 ft) around a seismic vessel operating a large array of airguns. Such sound levels would be limited to distances within a few meters of the single airgun planned for use during this project.

There are no data, direct or indirect, on levels or properties of sound that are required to induce TTS in any baleen whale. However, TTS is not expected to occur during this survey given the small size of the source, and the strong likelihood that baleen whales would avoid the approaching airgun (or vessel) before being exposed to levels high enough for there to be any possibility of TTS.

TTS thresholds for pinnipeds exposed to brief pulses (single or multiple) have not been measured, although exposures up to 183 dB re 1 microPa (rms) have been shown to be insufficient to induce TTS in captive California sea lions (Finneran et al., 2003). However, prolonged exposures show that some pinnipeds may incur TTS at somewhat lower received levels than do small odontocetes exposed for similar durations (Kastak *et al.*, 1999; Ketten *et al.*, 2001; Au *et al.*, 2000).

A marine mammal within a zone of less than 100 m (328 ft) around a typical large array of operating airguns might be exposed to a few seismic pulses with levels of ≥205 dB, and possibly more

pulses if the mammal moved with the seismic vessel. Around smaller arrays, such as the single GI-airgun proposed for use during this survey, a marine mammal would need to be even closer to the source to be exposed to levels greater than or equal to 205 dB, at least in waters greater than 100 m (328 ft) deep. However, as noted previously, most cetacean species tend to avoid operating airguns, although not all individuals do so. It is unlikely that these cetaceans would be exposed to airgun pulses at a sufficiently high level for a sufficiently long period to cause more than mild TTS, given the relative movement of the vessel and the marine mammal. However, TTS would be more likely in any odontocetes that bow-ride or otherwise linger near the airgun array. While bow-riding, odontocetes would be at or above the surface, and thus not exposed to strong sound pulses given the pressure-release effect at the surface. However, bow-riding animals generally dive below the surface intermittently. If they did so while bow-riding near the airgun(s), they would be exposed to strong sound pulses, possibly repeatedly. If some cetaceans did incur TTS through exposure to airgun sounds, it would very likely be a temporary and reversible phenomenon. However, during this project, the bow of the *Kilo Moana* will be about 100 m (328 ft) ahead of the GI-airgun and the 205–dB zone would be significantly less than 100 m (328 ft), except when the vessel is operating in shallow water (less than 1 percent of the survey time). Thus, TTS would not be expected in the case of odontocetes bow riding during airgun operations on this vessel.

NMFS believes that, to avoid Level A harassment, cetaceans should not be exposed to pulsed underwater noise at received levels exceeding 180 dB re 1 microPa (rms). The corresponding limit for pinnipeds is 190 dB. The predicted 180- and 190–dB distances for the airgun arrays operated by L-DEO during this activity are summarized in Table 1 in this document.

It has also been shown that most whales tend to avoid ships and associated seismic operations. Thus, whales will likely not be exposed to such high levels of airgun sounds. Because of the slow ship speed, any whales close to the trackline could move away before the sounds become sufficiently strong for there to be any potential for hearing impairment. Therefore, there is little potential for whales being close enough to an array to experience TTS. In addition, although it is not possible to ramp-up the single airgun being used in this survey, ramping up multiple airguns in arrays has become standard operational protocol for many seismic operators including L-DEO.

PTS

When PTS occurs there is physical damage to the sound receptors in the ear. In some cases there can be total or partial deafness, while in other cases the animal has an impaired ability to hear sounds in specific frequency ranges. Although there is no specific evidence that exposure to pulses of airgun sounds can cause PTS in any marine mammals, even with the largest airgun arrays, physical damage to a mammal's hearing apparatus can potentially occur if it is exposed to sound impulses that have very high peak pressures, especially if they have very short rise times (time required for sound pulse to reach peak pressure from the baseline pressure). Such damage can result in a permanent decrease in functional sensitivity of the hearing system at some or all frequencies.

Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage in terrestrial mammals. However, very prolonged exposure to sound strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). Relationships between TTS and PTS thresholds have not been studied in marine mammals but are assumed to be similar to those in humans and other terrestrial mammals. The low-to-moderate levels of TTS that have been induced in captive odontocetes and pinnipeds during recent controlled studies of TTS have been confirmed to be temporary, with no measurable residual PTS (Kastak *et al.*, 1999; Schlundt *et al.*, 2000; Finneran *et al.*, 2002; Nachtigall *et al.*, 2003). In terrestrial mammals, the received sound level from a single non-impulsive sound exposure must be far above the TTS threshold for any risk of permanent hearing damage (Kryter, 1994; Richardson *et al.*, 1995). For impulse sounds with very rapid rise times (e.g., those associated with explosions or gunfire), a received level not greatly in excess of the TTS threshold may start to elicit PTS. The rise times for airgun pulses are rapid, but less rapid than for explosions.

Some factors that contribute to onset of PTS are as follows: (1) exposure to single very intense noises, (2) repetitive exposure to intense sounds that individually cause TTS but not PTS, and (3) recurrent ear infections or (in captive animals) exposure to certain drugs.

Cavanagh (2000) has reviewed the thresholds used to define TTS and PTS. Based on his review and SACLANT (1998), it is reasonable to assume that PTS might occur at a received sound level 20 dB or more above that which induces mild TTS. However, for PTS to occur at a received level only 20 dB above the TTS threshold, it is probable that the animal would have to be exposed to the strong sound for an extended period.

Sound impulse duration, peak amplitude, rise time, and number of pulses are the main factors thought to determine the onset and extent of PTS. Based on existing data, Ketten (1994) has noted that the criteria for differentiating the sound pressure levels that result in PTS (or TTS) are location and species-specific. PTS effects may also be influenced strongly by the health of the receiver's ear.

Given that marine mammals are unlikely to be exposed to received levels of seismic pulses that could cause TTS, it is highly unlikely that they would sustain permanent hearing impairment. If we assume that the TTS threshold for odontocetes for exposure to a series of seismic pulses may be on the order of 220 dB re 1 microPa (pk-pk) (approximately 204 dB re 1 microPa rms), then the PTS threshold might be about 240 dB re 1 microPa (pk-pk). In the units used by geophysicists, this is 10 bar-m. Such levels are found only in the immediate vicinity of the largest airguns (Richardson *et al.*, 1995; Caldwell and Dragoset, 2000). However, as noted previously in this document, it is very unlikely that an odontocete would remain within a few meters of a large airgun for sufficiently long to incur PTS. The TTS (and thus PTS) thresholds of baleen whales and pinnipeds may be lower, and thus may extend to a somewhat greater distance from the source. However, baleen whales generally avoid the immediate area around operating seismic vessels, so it is unlikely that a baleen whale could incur PTS from exposure to airgun pulses. Some pinnipeds do not show strong avoidance of operating airguns. In summary, it is highly unlikely that marine mammals could receive sounds strong enough (and over a sufficient period of time) to cause permanent hearing impairment during this project. In the proposed project marine mammals are unlikely to be exposed to received levels of seismic pulses strong enough to cause TTS, and because of the higher level of sound necessary to cause PTS, it is even less likely that PTS could occur. This is due to the fact that even

levels immediately adjacent to the single GI-airgun may not be sufficient to induce PTS because the mammal would not be exposed to more than one strong pulse unless it swam alongside an airgun for a period of time.

Strandings and Mortality

Marine mammals close to underwater detonations of high explosives can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten et al., 1993; Ketten, 1995). Airgun pulses are less energetic and have slower rise times than underwater detonations. While there is no documented evidence that airgun arrays can cause serious injury, death, or stranding, the association of mass strandings of beaked whales with naval exercises and, recently, an L-DEO seismic survey have raised the possibility that beaked whales may be especially susceptible to injury and/or behavioral reactions that can lead to stranding when exposed to strong pulsed sounds.

It is important to note that seismic pulses and mid-frequency sonar pulses are quite different. Sounds produced by the types of airgun arrays used to profile sub-sea geological structures are broadband with most of the energy below 1 kHz. Typical military mid-frequency sonars operate at frequencies of 2 to 10 kHz, generally with a relatively narrow bandwidth at any one time (though the center frequency may change over time). Because seismic and sonar sounds have considerably different characteristics and duty cycles, it is not appropriate to assume that there is a direct connection between the effects of military sonar and seismic surveys on marine mammals. However, evidence that sonar pulses can, in special circumstances, lead to hearing damage and, indirectly, mortality suggests that caution is warranted when dealing with exposure of marine mammals to any high-intensity pulsed sound.

In addition to mid-frequency sonar-related strandings (e.g., for additional discussion see 69 FR 74906 (December 14, 2004)), there was a September, 2002 stranding of two Cuvier's beaked whales in the Gulf of California (Mexico) when a seismic survey by the *R/V Maurice Ewing* was underway in the general area (Malakoff, 2002). The airgun array in use during that project was the *Ewing*'s 20–gun 8490–in^3 array. This might be a first indication that seismic surveys can have effects, at least on beaked whales, similar to the suspected effects of naval sonars. However, the evidence linking the Gulf of California strandings to the seismic surveys is inconclusive, and is not based on any physical evidence (Hogarth, 2002; Yoder, 2002). The ship was also operating its multi-beam bathymetric sonar at the same time but this sonar had much less potential than these naval sonars to affect beaked whales. Although the link between the Gulf of California strandings and the seismic (plus multi-beam sonar) survey is inconclusive, this plus the various incidents involving beaked whale strandings associated with naval exercises suggests a need for caution in conducting seismic surveys in areas occupied by beaked whales.

Non-auditory Physiological Effects

Possible types of non-auditory physiological effects or injuries that might theoretically occur in marine mammals exposed to strong underwater sound might include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. There is no evidence that any of these effects occur in marine mammals exposed to sound from airgun arrays. However, there have been no direct studies of the potential for airgun pulses to elicit any of these effects. If any such effects do occur, they would probably be limited to unusual situations when animals might be exposed at close range for unusually long periods.

Long-term exposure to anthropogenic noise may have the potential to cause physiological stress that could affect the health of individual animals or their reproductive potential, which could theoretically cause effects at the population level (Gisner (ed.), 1999). However, there is essentially no information about the occurrence of noise-induced stress in marine mammals. Also, it is doubtful that any single marine mammal would be exposed to strong seismic sounds for sufficiently long that significant physiological stress would develop. This is particularly so in the case of the proposed L-DEO project where the airgun is small, the ship is moving at 9 knots, and for the most part each survey leg does not encompass a large area.

Gas-filled structures in marine animals have an inherent fundamental resonance frequency. If stimulated at this frequency, the ensuing resonance could cause damage to the animal. There may also be a possibility that high sound levels could cause bubble formation in the blood of diving mammals that in turn could cause an air embolism, tissue separation, and high, localized pressure in nervous tissue (Gisner (ed), 1999; Houser *et al.*, 2001). In 2002, NMFS held a workshop (Gentry (ed.) 2002) to discuss whether the stranding of beaked whales in the Bahamas in 2000 might have been related to air cavity resonance or bubble formation in tissues caused by exposure to noise from naval sonar. A panel of experts concluded that resonance in air-filled structures was not likely to have caused this stranding. Among other reasons, the air spaces in marine mammals are too large to be susceptible to resonant frequencies emitted by mid- or low-frequency sonar; lung tissue damage has not been observed in any mass, multi-species stranding of beaked whales; and the duration of sonar pings is likely too short to induce vibrations that could damage tissues (Gentry (ed.), 2002).

Opinions were less conclusive about the possible role of gas (nitrogen) bubble formation/growth in the Bahamas stranding of beaked whales. Workshop participants did not rule out the possibility that bubble formation/growth played a role in the stranding and participants acknowledged that more research is needed in this area. The only available information on acoustically-mediated bubble growth in marine mammals is modeling that assumes prolonged exposure to sound.

Until recently, it was assumed that diving marine mammals are not subject to the bends or air embolism. However, a paper concerning beaked whales stranded in the Canary Islands in 2002 suggests that cetaceans might be subject to decompression injury in some situations (Jepson *et al.*, 2003). If so, that might occur if they ascend unusually quickly when exposed to aversive sounds. However, the interpretation that the effect was related to decompression injury is unproven (Piantadosi and Thalmann, 2004; Fernandez *et al.*, 2004). Even if that effect can occur during exposure to mid-frequency sonar, there is no evidence that this type of effect occurs in response to low-frequency airgun sounds. It is especially unlikely in the case of the proposed L-DEO survey which involves only one GI-airgun.

In summary, little is known about the potential for seismic survey sounds to cause either auditory impairment or other non-auditory physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would be limited to short distances from the sound source. However, the available data do not allow for meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in these ways. Marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes, and some pinnipeds,

are unlikely to incur auditory impairment or other physical effects. Also, the planned mitigation and monitoring measures are expected to minimize any possibility of serious injury, mortality or strandings.

Possible Effects of Mid-frequency Sonar Signals

A multi-beam bathymetric sonar (Simrad EM120 (for deep water) and Simrad EM1002 (for shallow water), and a sub-bottom profiler will be operated from the source vessel essentially continuously during the planned survey.

Sounds from the multi-beam are very short pulses, depending on water depth. Most of the energy in the sound pulses emitted by the multi-beam is at moderately high frequencies, centered at 12 kHz. The beam is narrow (1° or 2°) in fore-aft extent, and wide (150°) in the cross-track extent. Each ping consists of nine successive transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only a fraction of a second. The Simrad EM1002 is a compact high resolution multi-beam echo sounder that operates at a frequency of 95 kHz, down to water depths of 1000 m (3281 ft). The high operational frequency of this unit will be beyond the effective audible range of all mysticetes and pinnipeds, but the hearing capabilities of many odontocetes extend to frequencies this high. The system operates with 3 different pulse lengths, 0.2, 0.7, and 2 ms, with pulse length increasing with increased water depth. The transmitted beam is narrow (3°) fore-aft, and wide (150°) across-track. Maximum ping rate is 10 per second (in shallow water) with the ping rate decreasing with increasing water depth.

Navy sonars that have been linked to avoidance reactions and stranding of cetaceans generally (1) are more powerful than the Simrad sonars, (2) have a longer pulse duration, and (3) are directed close to horizontally (vs. downward for the Simrad sonars). The area of possible influence of the bathymetric sonar is much smaller-a narrow band oriented in the cross-track direction below the source vessel. Marine mammals that encounter the bathymetric sonar at close range are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam, and will receive only small amounts of pulse energy because of the short pulses and ship speed. In assessing the possible impacts of the 15.5 kHz Atlas Hydrosweep (similar to the Simrad sonar), Boebel *et al.* (2004) noted that the critical sound pressure level at which TTS may occur is 203.2 dB re 1 μPa (rms). The critical region included an area of 43 m (141 ft) in depth, 46 m (151 ft) wide athwartship, and 1 m (3.3 ft) fore-and-aft (Boebel *et al.*, 2004). In the more distant parts of that (small) critical region, only slight TTS would be incurred. Therefore, as harassment or injury from pulsed sound is a function of total energy received, the actual harassment or injury threshold for the bathymetric sonar signals (approximately 10 ms) would be at a much higher dB level than that for longer duration pulses such as seismic signals. As a result, NMFS believes that marine mammals are unlikely to be harassed or injured from the Simrad multibeam sonars.

Sounds from the 12–kHz pinger are very short pulses, occurring for 1 ms once every second, with source level 193 dB re 1 microPa. The 12–kHz signal is omnidirectional. The pinger produces sounds that are within the range of frequencies used by small odontocetes (killer whales, Pacific white-sided dolphins, and Dall's porpoise) and pinnipeds (harbor seals and Steller sea lions) that occur or may occur in the area of the planned surveys.

Masking by Mid-frequency Sonar Signals

Marine mammal communications will not be masked appreciably by the multibeam sonar signals or the sub-bottom profiler given the low duty cycle and directionality of the sonars and the brief period when an individual mammal is likely to be within its beam. Furthermore, the 12 kHz multi-beam will not overlap with the predominant frequencies in baleen whale calls, further reducing any potential for masking in that group. The approximately 95 kHz pulses from the EM1002 sonar will be inaudible to baleen whales and pinnipeds. Furthermore, even to odontocetes, 95–kHz sounds would not be audible or cause masking at long distances, as they absorb rapidly in seawater, at a rate of approximately 33 dB/km over and above normal spreading losses (D. Ross, in Malme 1995).

While the 12–kHz pinger produces sounds within the frequency range used by odontocetes that may be present in the survey area and within the frequency range heard by pinnipeds, marine mammal communications will not be masked appreciably by the pinger signals. This is a consequence of the relatively low power output, low duty cycle, and brief period when an individual mammal is likely to be within the area of potential effects. In the case of mysticetes, the pulses do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses Resulting from Mid-Frequency Sonar Signals

Behavioral reactions of free-ranging marine mammals to military and other sonars appear to vary by species and circumstance. Observed reactions have included silencing and dispersal by sperm whales (Watkins *et al.*, 1985), increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and the previously-mentioned strandings by beaked whales. Also, Navy personnel have described observations of dolphins bow-riding adjacent to bow-mounted mid-frequency sonars during sonar transmissions. However, all of these observations are of limited relevance to the present situation. Pulse durations from these sonars were much longer than those of the bathymetric sonars to be used during the proposed survey, and a given mammal would have received many pulses from the naval sonars. During L-DEO's operations, the individual pulses will be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by.

Captive bottlenose dolphins and a white whale exhibited changes in behavior when exposed to 1–sec pulsed sounds at frequencies similar to those that will be emitted by the bathymetric sonar to be used by L-DEO and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.*, 2000; Finneran *et al.*, 2002). The relevance of these data to free-ranging odontocetes is uncertain and in any case the test sounds were quite different in either duration or bandwidth as compared to those from a bathymetric sonar.

L-DEO and NMFS are not aware of any data on the reactions of pinnipeds to sonar sounds at frequencies similar to those of the 12 kHz frequency of the *Ewing*'s multibeam sonar. Based on observed pinniped responses to other types of pulsed sounds, and the likely brevity of exposure to the bathymetric sonar sounds, pinniped reactions are expected to be limited to startle or otherwise brief responses of no lasting consequences to the individual animals. The 95–kHz sounds from the EM1002 will be inaudible to pinnipeds and to baleen whales, so will have no disturbance effects on those groups. The pulsed signals from the pinger are much weaker than those from the bathymetric sonars and from the GI gun. Therefore,

behavioral responses are not expected unless marine mammals are very close to the source.

Hearing Impairment and Other Physical Effects

Given recent stranding events that have been associated with the operation of naval sonar, there is concern that sonar noise can cause serious impacts to marine mammals (for discussion see Effects of Seismic Surveys on Marine Mammals). However, the multi-beam sonars proposed for use by L-DEO are quite different than sonars used for navy operations. Pulse duration of the bathymetric sonars is very short relative to the naval sonars. Also, at any given location, an individual marine mammal would be in the beam of the multi-beam sonar for much less time given the generally downward orientation of the beam and its narrow fore-aft beam-width. (Navy sonars often use near-horizontally-directed sound.) These factors would all reduce the sound energy received from the multi-beam sonar rather drastically relative to that from the sonars used by the Navy. Therefore, hearing impairment by multi-beam bathymetric sonar is unlikely.

Source levels of the pinger are much lower than those of the GI airgun and bathymetric sonars. It is unlikely that the pinger produces pulse levels strong enough to cause temporary hearing impairment or (especially) physical injuries even in an animal that is (briefly) in a position near the source.

Estimates of Take by Harassment for the Aleutian Islands Seismic Survey

Given the proposed mitigation (see Mitigation later in this document), all anticipated takes involve a temporary change in behavior that may constitute Level B harassment. The proposed mitigation measures will minimize or eliminate the possibility of Level A harassment or mortality. L-DEO has calculated the ''best estimates'' for the numbers of animals that could be taken by Level B harassment during the proposed Aleutian Islands seismic survey using data on marine mammal density and abundance from marine mammal surveys in the region by Brueggeman *et al.* (1987, 1988), Troy and Johnson (1989), Dahlheim *et al.*(2000), Waite *et al.* (2002), Doroff *et al.* (2003), Wade *et al.*(2003), and Tynan (2004), and estimates of the size of the affected area, as shown in the predicted RMS radii table (see Table 1).

These estimates are based on a consideration of the number of marine mammals that might be exposed to sound levels greater than 160 dB, the criterion for the onset of Level B harassment, by operations with the single GI-airgun planned to be used for this project. No animals are expected to exhibit responses to the sonars or pinger given their characteristics (e.g., narrow, downward-directed beam) described previously. Therefore, no additional incidental takings are included for animals that might be affected by the multi-beam sonars or 12–kHz pinger.

Table 2 incorporates the corrected density estimates and provides the best estimate of the numbers of each species that would be exposed to seismic sounds greater than 160 dB. A detailed description on the methodology used by L-DEO to arrive at the estimates of Level B harassment takes that are provided in

Table 2 can be found in L-DEO's IHA application for the Aleutian Islands survey.

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TABLE 2

Estimates of the possible numbers of marine mammal "exposures" to the different sound levels, and the numbers of different individuals that might be exposed, during L-DEO's proposed seismic program in the Aleutian Islands in June–July 2005.

Species	Number of Exposures to Sound Levels ≥160 dB[a]		Number of Individuals Exposed to Sound Levels ≥160 dB[b]			
			Best Estimate			
	Best Estimate	Maximum Estimate	Number	% of Regional Pop'n[c]	Maximum Estimate	Requested Take Authorization
Physeteridae						
Sperm whale	*2*	*8*	*2*	*0.0*	*7*	***8***
Ziphiidae						
Cuvier's beaked whale	12	12	11	0.1	11	**12**
Baird's beaked whale	4	14	3	0.1	13	**14**
Stejneger's beaked whale	0	0	0	0.0	0	**5**
Monodontidae						
Beluga	0	0	0	NA	0	**5**
Delphinidae						
Pacific white-sided dolphin	5	44	4		41	**44**
Risso's dolphin	0	0	0		0	**5**
Killer whale	50	157	46		144	**157**
Short-finned pilot whale	0	0	0		0	**10**
Phocoenidae						
Harbor porpoise	46	381	43	0.1	350	**381**
Dall's porpoise	409	898	376	0.1	827	**898**
Balaenopteridae						
North Pacific right whale	*0*	*3*	*0*	*0.0*	*3*	***3***
Gray whale	38	90	35	0.1	83	**90**
Humpback whale	*58*	*121*	*54*	*0.9*	*112*	***121***
Minke whale	13	37	12	*0.8*	34	**37**
Sei whale	*0*	*1*	*0*	*NA*	*1*	***5***
Fin whale	*45*	*120*	*42*	*0.4*	*111*	***120***
Blue whale	*0*	*0*	*0*	*0.0*	*0*	***5***
Pinnipeds						
Northern fur seal	4	24	3	0.0	22	**24**
Steller sea lion	37	95	34	0.1	87	**95**
Harbor seal	61	160	56	0.2	148	**148**
Ribbon seal	0	0	0	0.0	0	**5**

[a] Best estimate and maximum estimates of density are from Table 5 in L-DEO, 2004.

[b] Estimates of the number of exposures would be about 1.15 × the number of individuals exposed if there were no allowance for lines that might be resurveyed due to poor data quality. There is no overlap of the 160 or 170 dB received noise level radii between adjacent survey lines.

[c] Regional population size estimates are from Table 4, in L-DEO, 2004. NA indicates that regional population estimates are not available.

Conclusions

Effects on Cetaceans

Strong avoidance reactions by several species of mysticetes to seismic vessels have been observed at ranges up to 6–8 km (3.2–4.3 nm) and occasionally as far as 20–30 km (10.8–16.2 nm) from the source vessel. However, reactions at the longer distances appear to be atypical of most species and situations, particularly when feeding whales are involved (Miller *et al.* in press). Fewer than 150 mysticetes are expected to be encountered during the proposed survey in the Aleutian Islands (Table 2) and disturbance effects would be confined to shorter distances given the low-energy acoustic source to be used during this project. In addition, the estimated numbers presented in Table 2 are considered overestimates of actual numbers that may be harassed.

Odontocete reactions to seismic pulses, or at least the reactions of dolphins, are expected to extend to lesser distances than are those of mysticetes. Odontocete low-frequency

hearing is less sensitive than that of mysticetes, and dolphins are often seen from seismic vessels. In fact, there are documented instances of delphinids and Dall's porpoise approaching active seismic vessels. However, dolphins as well as some other types of odontocetes sometimes show avoidance responses and/or other changes in behavior when near operating seismic vessels.

Taking into account the small size and the relatively low sound output of the single GI-airgun to be used, and the mitigation measures that are planned, effects on cetaceans are generally expected to be limited to avoidance of a small area around the seismic operation and short-term changes in behavior, falling within the MMPA definition of Level B harassment. Furthermore, the estimated numbers of animals potentially exposed to sound levels sufficient to cause appreciable disturbance are very low percentages of the affected populations.

Based on the 160–dB criterion, the best estimates of the numbers of individual odontocete cetaceans that may be exposed to sounds ≥160 dB re 1 microPa (rms) represent 0 to approximately 0.4 percent (except for approximately 3.1 percent for killer whales) of the regional species populations (Table 2).

Mitigation measures such as controlled speed, course alteration, observers, and shut downs when marine mammals are seen within defined ranges should further reduce short-term reactions, and minimize any effects on hearing. In all cases, the effects are expected to be short-term, with no lasting biological consequence. In light of the type of take expected and the small percentages of affected stocks of cetaceans, the action is expected to have no more than a negligible impact on the affected species or stocks of cetaceans.

Effects on Pinnipeds

Two pinniped species (the Steller sea lion and the harbor seal) and the sea otter are likely to be encountered in the study area. Also, it is possible that a small number of northern fur seals may be encountered, and possible (but very unlikely) that a few ribbon seals may be encountered. An estimated 56 individual harbor seals and 34 individual Steller sea lions (<0.1 percent and 0.2 percent of their northeast Pacific Ocean populations, respectively) may be exposed to GI gun sounds at received levels greater than or equal to 160 dB re 1 microPa (rms) during the seismic survey. It is probable that only a small percentage of those would actually be disturbed. It is most likely that only 3 northern fur seals and no ribbon seals will be exposed to sounds greater than or equal to 160 dB. Effects are expected to be limited to short-term and localized behavioral changes falling within the MMPA definition of Level B harassment. As is the case for cetaceans, the short-term exposures to sounds from the single GI-airgun is not expected to result in any long-term consequences for the individuals or their populations and the activity is expected to have no more than a negligible impact on the affected species or stocks of pinnipeds.

Potential Effects on Habitat

The proposed seismic survey will not result in any permanent impact on habitats used by marine mammals, or to the food sources they utilize. The main impact issue associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals.

One of the reasons for the adoption of airguns as the standard energy source for marine seismic surveys was that they (unlike the explosives used in the distant past) do not result in any appreciable fish kill. Various experimental studies showed that airgun discharges cause little or no fish kill, and that any injurious effects were generally limited to the water within a meter or so of an airgun. However, it has recently been found that injurious effects on captive fish, especially on fish hearing, may occur at somewhat greater distances than previously thought (McCauley *et al.*, 2000a,b, 2002; 2003). Even so, any injurious effects on fish would be limited to short distances from the source. Also, many of the fish that might otherwise be within the injury-zone are likely to be displaced from this region prior to the approach of the airguns through avoidance reactions to the passing seismic vessel or to the airgun sounds as received at distances beyond the injury radius.

Fish often react to sounds, especially strong and/or intermittent sounds of low frequency. Sound pulses at received levels of 160 dB re 1 microPa (peak) may cause subtle changes in behavior. Pulses at levels of 180 dB (peak) may cause noticeable changes in behavior (Chapman and Hawkins, 1969; Pearson *et al.*, 1992; Skalski *et al.*, 1992). It also appears that fish often habituate to repeated strong sounds rather rapidly, on time scales of minutes to an hour. However, the habituation does not endure, and resumption of the disturbing activity may again elicit disturbance responses from the same fish.

Fish near the airguns are likely to dive or exhibit some other kind of behavioral response. This might have short-term impacts on the ability of cetaceans to feed near the survey area. However, only a small fraction of the available habitat would be ensonified at any given time, and fish species would return to their pre-disturbance behavior once the seismic activity ceased. Thus, the proposed surveys would have little impact on the abilities of marine mammals to feed in the area where seismic work is planned. Some of the fish that do not avoid the approaching airguns (probably a small number) may be subject to auditory or other injuries.

Zooplankton that are very close to the source may react to the airgun's shock wave. These animals have an exoskeleton and no air sacs; therefore, little or no mortality is expected. Many crustaceans can make sounds and some crustacea and other invertebrates have some type of sound receptor. However, the reactions of zooplankton to sound are not known. Some mysticetes feed on concentrations of zooplankton. A reaction by zooplankton to a seismic impulse would only be relevant to whales if it caused a concentration of zooplankton to scatter. Pressure changes of sufficient magnitude to cause this type of reaction would probably occur only very close to the source, so few zooplankton concentrations would be affected. Impacts on zooplankton behavior are predicted to be negligible, and this would translate into negligible impacts on feeding mysticetes.

Potential Effects on Subsistence Use of Marine Mammals

Subsistence remains the basis for Alaska Native culture and community. Subsistence hunting and fishing continue to be prominent in the household economies and social welfare of some Alaskan residents, particularly among those living in small, rural villages (Wolfe and Walker, 1987). In rural Alaska, subsistence activities are often central to many aspects of human existence, including patterns of family life, artistic expression, and community religious and celebrator activities. Marine mammals are legally hunted in Alaskan waters by coastal Alaska Natives. In the Aleutian Islands, Steller sea lions, harbor seals, sea otters, and small numbers of spotted and ringed seals are hunted (ADFG, 1997). In the Pribilof Islands, fur seals and sea lions make up most of the marine mammal harvest in Saint Paul and Saint George (on the Pribilof Islands). In the Aleutian Islands, harbor seals and sea lions comprise the majority of subsistence takes in Atka, Nikolski, Unalaska, and Akutan; and harbor seals are taken most frequently in False Pass, Sand Point,

King Cove, and Nelson Lagoon (ADFG 1997). Hunting communities are concentrated along the Eastern Aleutian Islands, and the L-DEO project area is close to only two hunting communities, Nikolski (on Umnak Island) and Unalaska. More detailed information regarding the level of subsistence by species is provided in the application (L-DEO, 2004).

The proposed L-DEO project potentially could impact the availability of marine mammals for harvest in a very small area immediately around the *Kilo Moana*. At any given location, this effect would persist for a only a short time period during seismic activities-probably less than an hour, given the small size of the seismic source to be used in this project. Pinnipeds and sea otters are generally not very responsive to airgun pulses and therefore would not be affected. Considering that, and the limited time and locations for the planned seismic surveys, the proposed project is not expected to have an unmitigable adverse impact on the availability of Steller sea lions, harbor seals, or sea otters for subsistence harvest.

Mitigation

For the proposed seismic survey in the Aleutian Islands, North Pacific Ocean, L-DEO will deploy a single GI-airgun as an energy source, with a total discharge volume of 105 in^3. The energy from the airgun is directed mostly downward. The directional nature of the airgun to be used in this project is an important mitigating factor. This directionality will result in reduced sound levels at any given horizontal distance as compared with the levels expected at that distance if the source were omnidirectional with the stated nominal source level. Also, the small size of this airgun is an inherent and important mitigation measure that will reduce the potential for effects relative to those that might occur with large airgun arrays. This measure is in conformance with NMFS encouraging seismic operators to use the lowest intensity airguns practical to accomplish research objectives.

The following mitigation measures, as well as marine mammal visual monitoring (discussed later in this document), will be implemented for the subject seismic survey: (1) Speed and course alteration (provided that they do not compromise operational safety requirements); (2) shut-down procedures; (3) special mitigation measures (shut downs) for the North Pacific right whale;(4) avoidance of encroachment upon critical habitat around Steller sea lion rookeries and haulouts; and (5) no start-up of GI-airgun operations at night unless the full 180–dB safety zone is visible.

Speed and Course Alteration

If a marine mammal is detected outside its respective safety zone (180 dB for cetaceans, 190 dB for pinnipeds) and, based on its position and the relative motion, is likely to enter the safety zone, the vessel's speed and/or direct course may, when practical and safe, be changed in a manner that also minimizes the effect to the planned science objectives. The marine mammal activities and movements relative to the seismic vessel will be closely monitored to ensure that the marine mammal does not approach within the safety zone. If the mammal appears likely to enter the safety zone, further mitigative actions will be taken (i.e., either further course alterations or shut down of the airguns).

Shut-down Procedures

Although a ''power-down'' procedure is often applied by L-DEO during seismic surveys with larger arrays, powering down is not possible during the proposed project, as only a single GI-airgun will be used. Likewise, although ''ramp-up'' procedures are usually followed by L-DEO prior to airgun operations, ramp ups are impractical for a single GI airgun. Therefore, if a marine mammal is detected outside the safety radius but is likely to enter the safety radius, and if the vessel's speed and/or course cannot be changed to avoid having the mammal enter the safety radius, the GI-airgun will be shut-down before the mammal is within the safety radius. Likewise, if a mammal is already within the safety zone when first detected, the airgun will be shut down immediately. The GI gun also will be shut down if a North Pacific right whale is sighted from the vessel, even if it is located outside the safety radius.

The GI-airgun activity will not resume until the marine mammal(s) has cleared the safety radius. The animal will be considered to have cleared the safety radius if it is visually observed to have left the safety radius, if it has not been seen within the radius for 15 minutes in the case of small odontocetes and pinnipeds, or has not been seen within the zone for 30 minutes in the case of mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales.

For a 105–in^3 GI airgun, the predicted 180–dB distances applicable to cetaceans are 27–200 m (89–656 ft), depending on water depth, and the corresponding 190–dB radii applicable to pinnipeds are 10–125 m (33–410 ft), depending on depth (Table 1). Airgun activity will not resume until the marine mammal has cleared the safety radius.

Also, to the extent practicable, the vessel will avoid entering the critical habitat around Steller sea lion haul outs by planning operations to remain in water depths ≤30 m (98 ft). In addition, no-approach zones of Steller sea lion rookeries will be observed, and the vessel will not approach within 3 nm (5.6 km) of the rookeries.

Start-Up Procedures

In order for airgun start-up to occur during day or night, the full safety radius must be visible for at least 30 consecutive minutes. During night-time operations, if the entire safety radius is visible using vessel lights and night-vision devices (NVDs) (as may be the case in deep and intermediate waters), then start up of the airgun from a shut down may occur. However, lights and NVDs may not be very effective as a basis for monitoring the larger safety radii around the GI airgun operating in shallow water. In shallow water, nighttime start ups of the GI gun from a shut-down condition may not to be possible and therefore, would not be authorized. However, if the GI airgun has been operational before nightfall, it can remain operational throughout the night, even though the entire safety radius may not be visible.

Comments on past IHAs raised the issue of prohibiting nighttime operations as a practical mitigation measure. However, this is not practicable due to cost considerations and ship time schedules. The daily cost to the Federal Government to operate vessels such as *Kilo Moana* is approximately $33,000-$35,000 /day (Ljunngren, pers. comm. May 28, 2003). If the vessel was prohibited from operating during nighttime, each trip could require an additional three to five days to complete, or up to $175,000 more, depending on average daylight at the time of work.

If a seismic survey vessel is limited to daylight seismic operations, efficiency would also be much reduced. Without commenting specifically on how that would affect the present project, for seismic operators in general, a daylight-only requirement would be expected to result in one or more of the following outcomes: cancellation of potentially valuable seismic surveys; reduction in the total number of seismic cruises annually due to longer cruise durations; a need for additional vessels to conduct the seismic operations; or work conducted by non-U.S. operators or non-U.S. vessels when in waters not subject to U.S. law.

Marine Mammal Monitoring

L-DEO must have at least three visual observers on board the *Kilo Moana* and at least two must be experienced marine mammal observers that NMFS has approved in advance of the start of the Aleutian Islands cruise. These observers will be on duty in shifts of no longer than 4 hours.

The visual observers will monitor marine mammals near the seismic source vessel during all daytime airgun operations, during any nighttime start-ups of the airgun (in intermediate and deep waters) and at night, whenever daytime monitoring resulted in one or more shut-down situations due to marine mammal presence. During daylight, vessel-based observers will watch for marine mammals near the seismic vessel during periods with shooting (including ramp-ups), and for 30 minutes prior to the planned start of airgun operations after a shut-down.

Use of multiple observers will increase the likelihood that marine mammals near the source vessel are detected. L-DEO bridge personnel will also assist in detecting marine mammals and implementing mitigation requirements whenever possible (they will be given instruction on how to do so), especially during ongoing operations at night when the designated observers are on stand-by and not required to be on watch at all times.

The observer(s) will watch for marine mammals from the highest practical vantage point on the vessel, which is either the bridge or the flying bridge. On the flying bridge of the *Kilo Moana*, the observer's eye level will be 17.2 m (56.4 ft) above sea level, allowing for good visibility around the entire vessel. If observers are stationed on the flying bridge, the eye level will be 14.4 m (47.2 ft) above sea level. If surveying from the bridge, the observer's eye level will be 14.4 m (47.2 ft) above sea level. The observer(s) will systematically scan the area around the vessel with reticle binoculars (e.g., 7 X 50 Fujinon) and with the naked eye during the daytime. At night, NVDs will be available (ITT F500 Series Generation 3 binocular-image intensifier or equivalent), when required. Laser range-finding binoculars (Leica L.F. 1200 laser rangefinder or equivalent) will be available to assist with distance estimation. Those are useful in training observers to estimate distances visually, but are generally not useful in measuring distances to animals directly. The observers will be used to determine when a marine mammal is in or near the safety radii so that the required mitigation measures, such as course alteration and power-down or shut-down, can be implemented. If the GI-airgun is shut down, observers will maintain watch to determine when the animal is outside the safety radius.

Observers will not be on duty during ongoing seismic operations at night; bridge personnel will watch for marine mammals during this time and will call for the airgun to be shut-down if marine mammal(s) are observed in or about to enter the safety radii. However, a biological observer must be on standby at night and available to assist the bridge watch if marine mammals are detected. If the airgun is turned on at night (see previous section for restrictions), two marine mammal observers will monitor the safety zone for marine mammals for 30 minutes prior to ramp-up and during the ramp-up using either deck lighting or NVDs that will be available (ITT F500 Series Generation 3 binocular image intensifier or equivalent).

Post-Survey Monitoring

In addition, at times the biological observers will be able to conduct monitoring of most recently-run transect lines as the returns along a parallel transect track. This will provide the biological observers with opportunities to look for injured or dead marine mammals (although no injuries or mortalities are expected during this research cruise).

Taking into consideration the additional costs of prohibiting nighttime operations and the likely impact of the activity (including all mitigation and monitoring), NMFS has preliminarily determined that the proposed mitigation and monitoring ensures that the activity will have the least practicable impact on the affected species or stocks. Marine mammals will have sufficient notice of a vessel approaching with an operating seismic airguns, thereby giving them an opportunity to avoid the approaching noise source; two marine mammal observers will be required to monitor the safety radii using shipboard lighting or NVDs for at least 30 minutes before ramp-up begins and verify that no marine mammals are in or approaching the safety radii; and start-up may not begin unless the entire safety radii are visible. Therefore as mentioned earlier, it is likely that the single GI-airgun will not be started-up from a shut-down at night when in waters shallower than 100 m (328 ft).

Reporting

L-DEO will submit a report to NMFS within 90 days after the end of the cruise, which is currently predicted to occur during June and July, 2005. The report will describe the operations that were conducted and the marine mammals that were detected. The report must provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks. The report will summarize the dates and locations of seismic operations, marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential take of marine mammals by harassment or in other ways.

Endangered Species Act (ESA)

Under section 7 of the ESA, the National Science Foundation (NSF), the agency funding L-DEO, has begun consultation on this proposed seismic survey. NMFS will also consult on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

The NSF has prepared an Environmental Assessment (EA) for the oceanographic survey planned for the Aleutian Islands area. NMFS is reviewing this EA and will either adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA. A copy of the NSF EA for this activity is available upon request (see **ADDRESSES**).

Preliminary Conclusions

NMFS has preliminarily determined that the impact of conducting the seismic survey in the Aleutian Islands in the North Pacific Ocean may result, at worst, in a temporary modification in behavior by certain species of marine mammals. This activity is expected to result in no more than a negligible impact on the affected species or stocks.

For reasons stated previously in this document, this preliminary determination is supported by (1) the likelihood that, given sufficient notice through slow ship speed and ramp-up, marine mammals are expected to move away from a noise source that it is annoying prior to its becoming potentially injurious; (2) recent research that indicates that TTS is unlikely (at least in delphinids) until levels closer to 200–205 dB re 1 microPa are reached rather than 180 dB re 1 microPa; (3) the fact that 200–205 dB isopleths would be well within 100 m (328 ft) of the vessel even in shallow water; and (4) the likelihood that marine mammal detection ability by trained observers is close to 100 percent during daytime and

remains high at night to that distance from the seismic vessel. As a result, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is very low and will be avoided through the incorporation of the proposed mitigation measures mentioned in this document.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, the proposed seismic program will not interfere with any legal subsistence hunts, since seismic operations will not take place in subsistence whaling and sealing areas and will not affect marine mammals used for subsistence purposes.

Proposed Authorization

NMFS proposes to issue an IHA to L-DEO for conducting a low-intensity oceanographic seismic survey in the Aleutian Island area of the North Pacific Ocean, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal stocks; and would not have an unmitigable adverse impact on the availability of species or stocks for subsistence uses.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**).

Dated: March 14, 2005.

Laurie K. Allen,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5542 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031505E]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings in Anchorage, AK.

DATES: The meetings will be held April 4, 2005, through April 11, 2005. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Anchorage Hilton Hotel, 500 West Third Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council's Advisory Panel will begin at 8 a.m., Monday, April 4 and continue through Friday April 8, 2005. The Scientific and Statistical Committee will begin at 8 a.m. on Monday, April 4, 2005, and continue through Wednesday, April 6, 2005.

The Council will begin its plenary session at 8 a.m. on Wednesday, April 6 and continuing through Monday April 11. All meetings are open to the public except executive sessions. The Ecosystem Committee will meet Monday, April 4, from 1 p.m. to 5 p.m. The Enforcement Committee will meet Tuesday, April 5 from 1 p.m. to 5 p.m.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports

a. Executive Director's Report

b. NMFS Management Report 9 include report on (1) Data Quality act requirements, (2) National Environmental Protection Act (NEPA) requirements for annual specification)

c. Coast Guard Report

d. Alaska Department of Fish & Game Report (Review Board of Fisheries March actions, initiating action as necessary)

e. U.S. Fish & Wildlife Service Report

f. Protected Species Report (T)

2. Community Development Quota (CDQ) Program: NMFS Report on CDQ allocation process. State of Alaska's Consultation on CDQ allocation recommendations.

3. Gulf of Alaska Groundfish (GOA) Rationalization: Receive Community Committee report and other available information and refine alternatives as appropriate.

4. GOA Rockfish Demonstration Project: Preliminary Review of EA/RIR/IRFA, action as necessary.

5. Bering Sea Aleutian Islands (BS/AI) Pacific Cod Allocations: Review/refine alternatives and options.

6. Bering Sea and Aleutian Island (BSAI) Salmon Bycatch: Review reports from pollock cooperatives. Finalize alternatives for analysis.

7. *Bairdi* Crab Split: Develop problem statement/refine Alternatives.

8. Groundfish Management: Receive Non-Target Species Committee report and determine next steps. GOA Other species calculation: Initial Review. Exempted Fishing Permit (EFP) for Internal Weighted Groundline: Review and action as necessary. EFP for salmon excluder and action as necessary.

9. Scallop: Review Scallop Stock Assessment Fishery Evaluation. Final action on Scallop Fishery Management Plan.

10. Staff Tasking: Review tasking and committees and initiate action as appropriate. Programmatic Supplemental Environmental Impact Statement Priorities, review objectives and develop workplan.

11. Other Business.

Scientific and Statistical Committee (SSC): The SSC agenda will include the following issues:

1. GOA Rockfish
2. BS/AI Pacific cod allocations
3. BS/AI Salmon Bycatch
4. Groundfish Management
5. Scallop

Advisory Panel: The Advisory Panel will address the same agenda issues as the Council.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been

notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907–271–2809 at least 7 working days prior to the meeting date.

Dated: March 16, 2005.

Emily Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–1214 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031105H]

Endangered Species; File No. 1295

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for modification

SUMMARY: Notice is hereby given that the NMFS Northeast Fisheries Science Center (Responsible Official- Dr. John Boreman), 166 Water Street, Woods Hole, MA 02543–1097, has requested a modification to scientific research Permit No. 1295.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 20, 2005.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9328; fax (978)281–9394.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1295.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Ruth Johnson, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 1295, issued on June 4, 2001 (66 FR 29934) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 1295 authorizes the permit holder to take loggerhead (Caretta caretta), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), and green (*Chelonia mydas*) sea turtles for scientific research. The current permit authorizes the sampling of turtles taken during bottom trawl, scallop, acoustic and Illex squid surveys; research designed to develop and test methods to reduce incidental bycatch of sea turtles that occurs in a commercial pound net fishery of Virginia; sampling during research designed to develop and test methods to reduce incidental bycatch of sea turtles that occurs in scallop drag fisheries; and the sampling of sea turtles captured during the NMFS Northeast Fishery Science Center's biennial shark longline surveys. The permit holder requests authorization to extend the duration of the pound net experiment from 42 days to 55 days. The permit holder also requests an increase in the number of annual lethal takes of loggerhead sea turtles from 2 to 4, the number of annual lethal takes of Kemp's ridley sea turtles from 3 to 6, and the number of annual lethal takes of green sea turtles from 0 to 1. The permit holder also asks for a total annual take increase of leatherbacks from 1 to 2 including an increase in allowed annual lethal takes from 0 to 1, and the addition of 1 hawksbill annual take that may be lethal. This research permit expires May 31, 2006. The requested modifications are necessary so the permit holder can continue bycatch reduction research relating to the pound net fishery.

Dated: March 16, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5540 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030905E]

Marine Mammals; File No. 978–1567

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Paul Nachtigall, Ph.D., University of Hawaii at Manoa, Hawaii Institute of Marine Biology, P.O. Box 1346, Kaneohe, Hawaii 96744, has been issued an amendment to scientific research Permit No. 978–1567–00.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814–4700; phone (808)973–2935; fax (808)973–2941.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jennifer Skidmore, (301)713–2289.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

This amendment (Permit No. 978–1567–01) extends the expiration date of the permit from June 30, 2005 to June 30, 2006.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: March 16, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5538 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030905D]

Marine Mammals; Files No. 522–1785 and 633–1778

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications.

SUMMARY: Notice is hereby given that two applicants have applied in due form for a permit to take marine mammals for scientific research purposes or for an amendment to an existing permit.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 20, 2005.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521;

File No. 633–1778 - Assistant Regional Administrator for Protected Resources, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9328; fax (987)281–9394; and

Files 522–1758 and 633–1778 - Assistant Regional Administrator for Protected Resources, Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701, phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 522–1785 or File No. 633–1778.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson (*Ruth.Johnson@noaa.gov*) or Carrie Hubard (*Carrie.W.Hubard@noaa.gov*) or phone (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Dr. Randall Wells (File No. 522–1785) requests a permit to take bottlenose dolphins (*Tursiops truncatus*) for scientific research. The take would include capture, examination, sample, mark, tag and release of up to 120 individual bottlenose dolphins in the shallow coastal waters of central west Florida and remotely biopsy sample 100 dolphins annually for five years. This work is a continuation of research activities since 1984. The activities would provide crucial background information on individual identification, sex, age, reproductive status, and genetic relationships to support ongoing long-term observational studies of population structure, population dynamics, life history, social structure, genetic structure including paternity patterns, and human interactions. Tissue samples and veterinary examinations would support investigation of biomarkers of environmental contaminants and their effects as part of an ongoing study in collaboration with NMFS. Other components of the collaborative program involve studies of health assessment, contaminant loads and associated medical effects, immune system function, detection of brevetoxin, assessments of thermal status, identification of prey species, nutritional status, and predation events, studies of whistle development and function, measures of hearing ability, and behavior associated with sound production.

Center for Coastal Studies (File No. 633–1778), (Julie Robbins (PI), requests a permit to approach, photograph (1600 animals) and collect tissue samples (200 animals) from humpback whales (*Megaptera novaeangliae*). Humpbacks would be biopsy sampled up to three times per year. Activities would take place in all U.S. waters of the North Atlantic Ocean, but would focus on the U.S. and Canadian Gulf of Maine. The Center for Coastal Studies maintains a long-term catalog and life history database for the Gulf of Maine humpback population. In the next five years, those data are expected to be applied to the following areas of research: (1) to monitor trends in abundance and vital rates, (2) to study movement and habitat use patterns, including individual exchange with other populations, (3) to study entanglement rates and human-related impacts, (4) to perform molecular genetic investigations into demography and reproductive success, (5) to perform hormone-based studies into reproduction and neonatal mortality, and (6) to perform stable isotope investigations into foraging ecology and nutritional stress. Authorization is also requested to import, export and re-export tissue samples between the U.S. and Canada and collect sloughed skin. Additionally, six other cetacean species would be approached and biopsy sampled on an opportunistic basis during the proposed research. Samples would be used to increase scientific understanding of local populations and to clarify oceanic population structure. The six species include approach, photo-id and biopsy sample once up to 25 each of fin whales (*Balaenoptera physalus*), minke whales (*Balaenoptera acutorostrata*), sei whales (*Balaenoptera borealis*), blue whales (*Balaenoptera musculus*), sperm whales (*Physeter macrocephalus*), and 50 each of killer whales (*Orcinus orca*).

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 15, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5539 Filed 3–18–05; 8:45 am]

BILLING CODE 3510–22–S

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[Recommendation 2005–1]

Nuclear Material Packaging

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice, recommendation.

SUMMARY: The Defense Nuclear Facilities Safety Board has made a recommendation to the Secretary of Energy pursuant to 42 U.S.C.2286a(a)(5) regarding the issuance of a requirement that nuclear material packaging meet technically justified criteria for safe storage and handling outside of engineered contamination barriers.

DATES: Comments, data, views or arguments concerning the recommendation are due on or before April 20, 2005.

ADDRESSES: Send comments, data, views, or arguments concerning this recommendation to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004–2001.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Pusateri or Andrew L. Thibadeau at the address above or telephone (202) 694–7000.

Dated: March 15, 2005.

John T. Conway,

Chairman.

Recommendation 2005–1 To the Secretary of Energy Pursuant to the 42 U.S.C. 2286a(a)(5), Atomic Energy Act of 1954, As Amended

Dated: March 10, 2005.

Background

In Recommendation 94–1, Improved Schedule for Remediation in the Defense Nuclear Facilities Complex, the Defense Nuclear Facilities Safety Board (Board) urged the Department of Energy (DOE) to improve the packaging and storage conditions of its large inventory of nuclear materials once used for weapons manufacture. In particular, the Board recommended that DOE place plutonium metals and oxides in storage configurations meeting DOE's standard for long-term storage (DOE–STD–3013–2004, Stabilization, Packaging, and Storage of Plutonium-Bearing Materials). Some sites applied Recommendation 94–1 to excess materials only. The Board has continued to evaluate whether other categories of nuclear materials are stored in a safe manner.

DOE has made progress in the stabilization and storage of its excess nuclear materials. The storage requirements for other categories of nuclear materials, however, are not as well defined and controlled. Specifically, DOE Order 5660.1B, Management of Nuclear Materials, does not address safe storage requirements. Other than two narrowly focused standards—DOE–STD–3013–2004 and DOE–STD–3028–2000, Criteria for Packaging and Storing Uranium-233-Bearing Materials—there is no explicit DOE-wide requirement to ensure the safe storage of nuclear materials. Currently, the technical adequacy of packaging—the combination of containers and other components providing a contamination barrier—for nuclear materials, including liquids, is dependent on the safety bases of individual facilities. Typically, facilities have credited engineered features, such as the confinement structure and ventilation system, for protecting offsite individuals and collocated workers. For facility workers, however, the controls are generally administrative, such as continuous air monitors, personal protective equipment, periodic contamination surveys, and other aspects of the radiological control program, in conjunction with proper evacuation training. In accordance with DOE Standard 3009, Preparation Guide for U.S. Department of Energy Nonreactor Nuclear Facility Documented Safety Analysis (DOE–STD–3009–94, Change Notice 02), accidents that pose the risk of significant radiological exposure to workers, such as a breached nuclear material storage package, should be prevented or mitigated using safety-significant controls. The preferred hierarchy of controls favors engineered, preventive features over administrative controls.

Establishing packaging requirements for nuclear materials within the DOE complex requires consideration of a diverse population of material types for storage for uncertain periods of time. From a safety standpoint, nuclear material packaging must protect against a number of challenges that could breach the container and release radioactive material. Many of the materials of concern generate gases that result in container pressurization and may be pyrophoric or highly reactive. The container design must take into account corrosion, oxidative expansion of stored metal, effects of radiolysis, diurnal pumping, and damage due to impacts from drops and tooling during handling. The Board's recent review of nuclear material packaging at Lawrence Livermore National Laboratory (LLNL) revealed that many of these insults had not been fully considered when packaging choices were made for nuclear materials not covered by Recommendation 94–1. In fact, many of these current packaging configurations are similar to the inadequate configurations addressed in Recommendation 94–1, and are documented as being susceptible to eventual failure in the report of the Recommendation 94–1 Materials Identification and Surveillance Working Group, entitled Summary of Plutonium Oxide and Metal Storage Package Failures (LA–UR–99–2896).

In general, the hazards posed by nuclear materials covered under DOE's Implementation Plan for Recommendation 94–1 are the same as those for nuclear materials not considered excess. When nonexcess materials are removed from glovebox confinement for interim storage, relocation to another work station, assay, or other purposes, the packages are susceptible to the same types of failures as those addressed in Recommendation 94–1. The longer the materials are stored, the greater are the chances that the packaging will fail, especially if the packaging has not been designed appropriately for the actual duration of storage. The Board found that approximately 15 percent of the nonexcess items at LLNL's Plutonium Facility are stored in packaging more than 5 years old. Some of the older items, previously declared excess, remain in their existing packaging while awaiting stabilization and packaging under DOE–STD–3013–2004. This situation emphasizes the need to establish a technical basis for packaging, such as designating the time period for which a particular container is confirmed to perform its function adequately, in conjunction with tracking the age of containers in use.

Two recent events serve as further reminders of the importance of using packaging that is properly designed for its function:

- An August 5, 2003, event at Los Alamos National Laboratory's (LANL) Plutonium Facility resulted in multiple workers receiving plutonium-238 uptakes as a result of the degradation of a package stored longer than planned. This event is documented in a DOE Type B investigation report (HQ–EH–2004–1). The release of material and the resulting contamination and worker uptakes were due, in large part, to the inadequate packaging of plutonium being stored and handled outside of a glovebox.
- An October 6, 2004, incident at LLNL involved the accidental drop of a package containing salt-bearing

plutonium oxide. This event is documented in an Occurrence Reporting and Processing System report (OAK—LLNL–LLNL–2004–0046). Although no plutonium was released, this event highlights the need to specify robust packaging requirements for materials handled outside of a glovebox.

State of Nuclear Material Packaging

DOE–STD–3013–2004 sets forth requirements for a robust storage configuration for long-term storage of plutonium-bearing materials. The requirements ensure containment through a combination of material form, packaging design, and surveillance of containers. However, the robust, welded configurations in the standard may not be desirable when a short storage period is anticipated pending use of the material.

There are no equivalent requirements for interim storage. As part of its response to Recommendation 94–1, DOE finalized guidance for the storage of plutonium-bearing materials not packaged for long-term storage under DOE–STD–3013. This guidance, identified in a January 25, 1996, memorandum from Deputy Secretary of Energy Curtis entitled Criteria for Interim Safe Storage of Plutonium-Bearing Solid Materials, provides a technically justified approach to safe packaging and storage of plutonium-bearing materials for a period of up to 20 years. Although these Interim Safe Storage Criteria (ISSC) were not intended to apply to materials in working inventory, much of the guidance remains germane to storage of all nuclear materials outside of approved engineered contamination barriers (*e.g.*, gloveboxes or certified shipping containers).

The ISSC were only implemented for selected excess materials and were never formally issued as part of the DOE Directives System. In practice, the sites use a wide variety of packages, many of which do not meet the ISSC. According to the lessons learned from the DOE Type B investigation of the worker uptakes at LANL, packages containing radioactive material should be assumed unsafe until proven otherwise or the materials are repackaged to current standards. Yet sites continue to rely on container types that have been used historically, but have no technically justified safety or design basis. These container types are generally forms of packaging typically used in non-nuclear applications (*e.g.*, paint cans, food pack cans). Thus, they are not designed to protect against the hazards of the nuclear materials they contain for the duration of storage.

Several commonly used containers and their potential inadequacies are briefly summarized in an attachment to this Recommendation. Many other containers are in use for specialized applications.

Remaining Problems

In response to the Board's May 20, 2002, correspondence on safety of nuclear materials storage, the National Nuclear Security Administration (NNSA) established the Inactive Actinide Working Group (IAWG), with the goal of developing a comprehensive approach to the characterization, packaging, and storage of a subset of nuclear materials. As presented in a February 7, 2003, letter from NNSA to the Board, the IAWG was to meet this goal through the development of three strategies for the following: acceptance and retention of nuclear materials, material characterization and storage adequacy, and disposition. The Board has been observing the IAWG's efforts and has made three observations.

First, a key product of the IAWG effort will be the strategy for material characterization and storage adequacy. Based on discussions with IAWG participants, the delivery of this strategy has been delayed, in large part because of disagreements among member sites on the requirements necessary for justifying adequate storage. The Board believes these requirements should provide for sufficient characterization based on an appropriate combination of analysis and process knowledge to determine the appropriate packaging. Characterization information should also be used to develop a surveillance program prioritized according to expected material and container risk (including, for example, material type, material form, and the age and type of container).

Second, in a June 2000 report entitled A Strategic Approach to Integrating the Long-Term Management of Nuclear Materials, DOE recognized the need to update the existing DOE Order on nuclear materials management. In particular, this report urged improvements to the nuclear materials management process. However, neither the current Order nor the report explicitly considers storage safety. The Board believes that DOE should require a technical basis for nuclear material packaging and storage safety. Efforts to meet this requirement should take advantage of the knowledge about storage adequacy being developed by the IAWG, as well as existing guidance, such as the ISSC.

Third, the IAWG strategy does not include other program offices in the defense nuclear complex, such as the Nuclear Energy, Science, and Technology (DOE–NE) facilities involved in defense nuclear activities. Currently, materials and activities in transition between the facilities of different program offices have the potential to be overlooked. For example, operators at the Savannah River Site have begun converting the neptunium-237 solutions covered under Recommendation 94–1 to oxide and placing the oxide in packaging intended for 1 year of storage at that site prior to offsite shipping. The long-term storage of large quantities of neptunium oxide has not been performed previously in the complex, and the technical basis for ensuring the safety of such storage is incomplete. Nonetheless, these materials will be transferred to DOE–NE for use, where they may continue to be stored in their existing packaging for a period of up to 20 years. In addition, the Board has learned that DOE–NE intends to assume more direct control of activities involving plutonium-238, which have to date been performed at NNSA sites. The significant radiological hazards associated with this material necessitate appropriate storage containers for the expected storage period. The Board believes the requirement for a technical basis for nuclear material packaging and storage should encompass all program offices in the defense nuclear complex. DOE may wish to consider implementing this requirement for all program offices, including those outside of the defense nuclear complex.

The Board is encouraged by other efforts currently under way to improve nuclear material packaging. As a result of discussions between the Board's staff and LLNL, the Livermore Site Office, in a December 3, 2004, letter, directed LLNL to develop a technical basis for the adequacy of storage packages as part of a Special Nuclear Materials Storage Plan covering ''all packaging activities.'' LLNL replied in a letter of January 31, 2005, outlining the required activities, milestones, and funding to develop and implement an approved packaging and storage program. Implementation of the plan is contingent upon the availability of key personnel and funding. Likewise, the proposed Documented Safety Analysis (DSA) for the LANL Plutonium Facility requires the use of a proposed facility packaging standard and designates material containers as a safety-related component. However, the new DSA has been awaiting NNSA approval. In general, these efforts represent an improvement, but they do not represent a comprehensive DOE-

wide effort, and significant differences remain in the quality of the efforts at individual facilities.

Recommendation

Nuclear material packaging provides the primary containment boundary to protect facility workers during storage and handling activities. The Board believes the development of technically justified criteria for packaging systems for nuclear materials is necessary on a DOE-wide level. Therefore, the Board recommends that DOE:

1. Issue a requirement that nuclear material packaging meet technically justified criteria for safe storage and handling. Packaging should, in general, provide a robust barrier between facility workers and the stored nuclear materials once they are removed from an approved engineered contamination barrier. It may be appropriate to include this requirement in an updated nuclear materials management Order.

2. Identify which nuclear materials should be included in the scope of the above requirement and then determine the technically justified packaging criteria needed to ensure the safe storage and handling of those materials. The scope need not include waste materials, fully encapsulated forms, or *de minimis* quantities such as analytical laboratory samples. The criteria should account for the nuclear material form and properties, expected future use, and duration of storage. It may be appropriate for this information to be included in a packaging Manual.

The ISSC may provide the beginning of a sound technical foundation for developing such criteria. Although some modifications may be necessary to make the ISSC more applicable to short-term storage, the Board believes the basic ISSC principles—for example, the requirement for a minimum of two contamination boundaries for high-hazard materials such as plutonium, assurance that leak-tightness is maintained for materials requiring a sealed environment, ability of the containers to withstand maximum expected internal pressures, and protection against common insults such as drops—should be maintained. The criteria should also include provisions for surveillance programs to verify that the container and any limited-life components are performing in a manner consistent with the duration of storage.

3. Prioritize implementation of the improved nuclear material packaging requirement consistent with the hazards of the different material types and the risk posed by the existing package configurations and conditions.

John T. Conway,
Chairman.

Attachment

Selection of Commonly Used Nuclear Material Packaging

Food-Pack Cans

Food-pack cans are thin-walled tinned carbon steel containers used in the food industry. No additional manufacturing or structural requirements have been specified for application with nuclear materials. These cans typically rely on a double-crimped metal-to-metal closure with a thin layer of sealing compound to provide leak-tightness. Historically, many sites have reported failures of food-pack cans. Lawrence Livermore National Laboratory (LLNL) has reported anecdotal evidence suggesting that none of its food-pack cans have failed to the point of detectable contamination outside the container (UCRL–ID–11733). However, this same report states further that some degree of oxidation was observed in all of the examined food-pack cans containing plutonium metal, suggesting the lack of an airtight seal. Leakage of oxygen through nonairtight food-pack cans has been responsible for a number of container failures reported at other sites, due to oxidative expansion of plutonium metals (LA–UR–99–2896).

Improvements have been made to the technology, including better sealing equipment, as discussed in a May 1984 report entitled The Effectiveness of Corrective Actions Taken to Preclude Events Involving Tin Cans and Plutonium (RHO–HS–SA–59 P). Some evidence suggests, however, that these containers still may not be adequate for prolonged storage of nuclear materials. Approximately half of the sampled lot of food-pack cans sealed 10 to 14 years earlier at the Hanford Plutonium Finishing Plant using the improved methodology failed leak testing, and nearly all showed further indications of a potential lack of seal (LA–UR–99–3053).

Additional testing performed at Pacific Northwest National Laboratory confirmed that the performance of food-pack cans is highly dependent on the quality of the seal (PNL–5591). During these tests, 33 industry-standard food-pack cans were sealed according to federal specifications. The testing revealed leak rates ranging from less than 10^{-5} cubic centimeters per second (cc/sec) to more than 2 cc/sec. These findings should receive due consideration when food-pack cans are used for storage applications in which a hermetic seal is required. LLNL continues to use food-pack cans as inner and outer containers for the storage of plutonium metal and oxide, and other sites may be storing nuclear materials previously packaged in food-pack cans.

Paint Cans

Paint cans are thin-walled cans with a press-fit lid that are commonly used to store paint. They have been used as both inner and outer containers for the storage of some nuclear materials, including plutonium metal. The press-fit lid is typically placed by hand using a mallet, which results in a questionable seal lacking any evidence of quality control. According to a January 16, 1987, LLNL site report entitled Incident Analysis/Plutonium Burn in Storage Can, oxidation was found to be common for plutonium metal stored in paint cans (memorandum from R.H. Condit to K. Ernst). The report goes on to calculate that a 4 micron gap integrated across the seal area would be sufficient to permit complete oxidation of 100 grams of plutonium metal in 1 year. A leak of this size can reasonably be assumed to be present in the press-fit closure; therefore, the adequacy of these cans for nuclear material storage applications requiring a seal cannot be ensured. Although LLNL reports that ingress of air is expected because the lid and rim of the can are not designed to be airtight (UCRL–ID–117333), paint cans remain approved for use for certain applications at the laboratory. Other sites may also be storing nuclear materials that were previously packaged in paint cans.

Taped Slip-Lid Cans

Slip-lid cans are thin-walled cans with a loose-fitting cover that is often taped. While convenient and inexpensive, the use of these containers has resulted in several breached storage packages, including the plutonium-238 package that led to the Type B event at Los Alamos National Laboratory (LANL). Many nuclear material packages consisting of nested taped slip-lid cans remain at the Department of Energy's defense nuclear facilities. By design, these cans were never intended to serve a containment function. Furthermore, except for tape, a mechanical closure is absent, resulting in a container that may not be able to provide even gross retention of the materials within. The effectiveness of tape in performing this sealing function over time and under high radiation conditions is poorly understood. For this reason, the Interim Safe Storage Criteria (ISSC) specifically prohibit

crediting slip-lid cans as one of the two required contamination barriers. Yet several sites continue to use this type of packaging. For nonmetallic plutonium, including items containing plutonium-238, LANL plans to rely on stainless steel taped slip-lid cans only as an inner container; currently, however, a large number of items remain at the laboratory in nested slip-lid cans. Moreover, several varieties of slip-lid cans continue to be approved for use as inner and outer storage containers for certain materials at LLNL.

Hagan Can

LANL's Comprehensive Nuclear Material Packaging and Stabilization Plan approves the use of a standard container known as the Hagan can, a robust, screw-top container with an O-ring seal and filtered vent. The Hagan can generally meets the expectations of the ISSC and has undergone testing to certify its performance (Wickland and Mataya, PATRAM 98, 1998). However, drop testing was performed at a height lower than the expected maximum storage height; therefore, additional analysis or testing is required. Under the proposed Documented Safety Analysis for LANL's Plutonium Facility, the Hagan can is classified as a safety-significant engineered feature. The Hagan can appears to be an appropriate outer package for nuclear material storage, although, as recognized by LANL, the service life of the Viton (an organic fluorocarbon compound) O-ring requires verification through a surveillance program. Currently, Hagan cans are widely used only at LANL; however, their use may be under consideration at other sites.

Conflat Can

A can fabricated with a Varian-type Conflat flange results in a hermetically sealed, robust container that can be used to store plutonium metal. A copper gasket on a bolted flange closure is designed to maintain a long-term hermetic seal against oxidation of plutonium metal. This closure type has been standard in the high-vacuum industry for many years and has been certified to maintain a leak-tight seal under various temperature and pressure conditions. The Conflat can is identified in LANL's Comprehensive Nuclear Material Packaging and Stabilization Plan as the inner container for the storage of plutonium metal. The use of Conflat cans for storage of other nuclear materials requiring a sealed environment may also be appropriate. Conflat cans have been used periodically at some sites for special storage applications, but their use is not widespread or uniform.

Metal Drums

Several sites commonly use U.S. Department of Transportation (DOT) Type A containers and similar types of metal drums for overpacking of packages of nuclear materials for onsite transportation and storage. These containers have been certified as Type A radioactive material packages per DOT specifications. For transportation purposes, this certification usually is limited to a single year. The use of these containers for interim storage beyond the certification period appears appropriate, but consideration should be given to periodic inspection and replacement for limited-life components, such as lid gaskets. The Criteria for the Safe Storage of Enriched Uranium at the Y–12 Plant (Y/ES–015/R2) allow interim storage of enriched uranium materials for a period of up to 10 years in DOT Type A or Type B containers.

Y–12 Prolonged Storage Container

The Y–12 Y/ES–015/R2 criteria specify the use of stainless steel cans similar to food-pack cans for prolonged low-maintenance storage for up to 50 years. While the reliance on a single robust barrier for the storage of enriched uranium may be appropriate, it is unclear whether the requirement to maintain mechanical and seal integrity during normal handling includes protection against drops. In addition, a lid sealant compound is specified in the appendix to Y/ES–015/R2, but no discussion of its longevity is provided. While fewer radiological hazards and less chemical reactivity are associated with enriched uranium than with plutonium and some other nuclear materials, further testing of these containers would better demonstrate their reliability for long-term storage. Currently, the Y–12 container specification is planned for use only at the Y–12 National Security Complex.

Plastic Bags and Bottles

Historically, plastic bags have been relied upon to provide contamination control for a limited period. Bag materials, which include polyethylene, polyvinyl chloride, and related polymers, play an important role in the overall packaging system. Their principal use is for contamination control during the ''bagout'' operation, when the nuclear material container is removed from the glovebox. Unfortunately, some types of bags have proven to be detrimental to the integrity of packages left in storage for prolonged periods of time. For example, the radiation-induced degradation of polyvinyl chloride bag material led to the production of hydrochloric acid, which in turn contributed to the corrosion and eventual failure of containers that occurred during the Type B event at LANL. The choice of material also impacts the generation of radiolytic gas and effectively defines the service life of a package when the outer container is not leak-tight. In repackaging campaigns at LLNL, as well as at other sites, such as Hanford, bags commonly have been found to be in a discolored or otherwise degraded state (UCRL–ID–117333 and WHC–SD–TRP–067). While plastic bags have been in use for a long time, little quantitative information exists on the effects of time, temperature, and radiation field exposure on maintenance of an effective contamination barrier. It is recognized that plastic bags may be necessary for contamination control, but they should not be relied upon as a long-term contamination barrier.

In some cases, plastic bottles (*e.g.*, safe bottles) have been used for the storage of solutions containing nuclear materials, especially enriched uranium, outside of processing equipment. While bottles are constructed of thicker plastics than are bags, they undergo the same chemical and radiolytic degradation with time and must be compatible with the chemical properties of the contained liquids. Furthermore, whereas bags provide only contamination control, bottles are relied upon to provide a complete contamination barrier, including structural integrity. Any reliance on plastic bags or plastic bottles for extended periods of time should be informed by the available knowledge of polymer degradation, in combination with information gleaned from surveillance programs.

[FR Doc. 05–5450 Filed 3–18–05; 8:45 am]
BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

Indian Education Formula Grants to Local Educational Agencies

AGENCY: Department of Education.

ACTION: Notice reopening the deadline date for the Indian Education Formula Grants to Local Educational Agencies Program.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.060A.

SUMMARY: On January 11, 2005 we published a notice in the **Federal**

Register (70 FR 1881) that established a deadline of February 28, 2005, for transmittal of applications for the fiscal year (''FY'') 2005 Indian Education Formula Grants to Local Educational Agencies. The purpose of this notice is to reopen the notice inviting applications, with a new deadline date for transmittal of applications for this program. A total of 96 current recipients that enroll approximately 16,600 Indian students did not submit their applications by the deadline. This year's deadline was several months earlier than usual, and some of those current grantees, who were focusing on assembling information required under their fiscal year 2004 grants, may not have understood that, during the months of January and February, they needed both to complete the submission of that information for their 2004 grants and to submit their fiscal year 2005 applications. The new deadline date for the transmittal of applications or amendments to applications already submitted is March 28, 2005.

DATES: The new deadline date for the transmittal of applications or amendments to applications already submitted, is March 28, 2005.

FOR FURTHER INFORMATION CONTACT: Victoria Vasques, Office of Indian Education, 400 Maryland Avenue, SW., room 3W115, Washington, DC 20202–6335. Telephone: (202) 260–3774 or by e-mail: *oiegrants@ed.gov*.

Electronic Access to This Document

You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: March 16, 2005.

Victoria Vasques,

Assistant Deputy Secretary for Indian Education.

[FR Doc. 05–5545 Filed 3–18–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Postsecondary Education, Overview Information, Teacher Quality Enhancement Grants Program—Teacher Quality Enhancement (TQE) Recruitment Grants for States and Partnerships; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.336C.

DATES: Applications Available: March 21, 2005.

Deadline for Transmittal of Applications: May 2, 2005.

Deadline for Intergovernmental Review: July 1, 2005.

Eligible Applicants: States (including the District of Columbia, Puerto Rico and the insular areas), and partnerships that comprise, at a minimum, an institution of higher education with an eligible teacher preparation program, a school of arts and sciences, and a high-need local educational agency (LEA). These terms are defined in section 203 of the Higher Education Act of 1965, as amended (HEA), and in sections 103(16) and 202(b) of the HEA.

States and partnerships that previously received a grant under this program are not eligible for a FY 2005 grant.

Estimated Available Funds: $16,579,318.

Estimated Range of Awards: $650,000–$1,100,000.

Estimated Average Size of Awards: $828,966.

Estimated Number of Awards: 20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to afford an opportunity for States and partnerships receiving grants to address the challenge of America's teacher shortage by making significant and lasting systemic changes in the way that teachers are recruited, prepared and supported to teach in high-need schools. The Department of Education's goal is that these systemic changes lead to important improvements to the supply of well-trained and highly-qualified teachers.

Program Authority: 20 U.S.C. 1024.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

(b) The regulations for this program in 34 CFR Part 611 (including the amendments to these regulations published elsewhere in this issue of the **Federal Register**).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $16,579,318.

Estimated Range of Awards: $650,000–$1,100,000.

Estimated Average Size of Awards: $828,966.

Estimated Number of Awards: 20.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* States (including the District of Columbia, Puerto Rico and the insular areas) and partnerships that comprise, at a minimum, an institution of higher education with an eligible teacher preparation program, a school of arts and sciences, and a high-need LEA. These terms are defined in section 203 of the HEA and in sections 103(16), and 202(b) of the HEA. States and partnerships that previously received a grant under this program are not eligible for a FY 2005 grant.

2. *Cost Sharing or Matching:* See 34 CFR 611.62.

IV. Application and Submission Information

1. *Address to Request Application Package:*

You may obtain an application package via Internet by downloading the package from the program Web site at: *http://www.ed.gov/programs/heatqp/index.html.*

You may also obtain a copy of the application package by contacting Luretha Kelley, U.S. Department of Education, 1990 K Street, NW., room 7096, Washington, DC 20006–8526. Telephone: (202) 502–7645 or by e-mail: *luretha.kelley@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together

with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 50 pages. In addition, you must limit the accompanying abstract to the equivalent of no more than one page; work plan to the equivalent of no more than 10 pages; budget narrative to the equivalent of no more than 10 pages; and evaluation to the equivalent of no more than 5 pages, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1'' margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget forms, the assurances and certifications; the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:* Applications Available: March 21, 2005.

Deadline for Transmittal of Applications: May 2, 2005.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-GRANTS system. For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We will not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: July 1, 2005.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

a. *Electronic Submission of Applications.* Applications for grants under the Teacher Quality Enhancement Grants Program for Recruitment—CFDA Number 84.336C must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: *http://e-grants.ed.gov.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

• You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this program after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

• The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• Any narrative sections of your application should be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.

• Your electronic application must comply with any page limit requirements described in this notice.

• Prior to submitting your electronic application, you may wish to print a copy of it for your records.

• After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

(1) Print ED 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2)(a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Department's e-Application system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Luretha Kelley, U.S. Department of Education, 1990 K Street, NW., room 7096, Washington, DC 20006–8526. FAX: (202) 502–7699.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.336C), 400 Maryland Avenue, SW., Washington, DC 20202–4260, or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.336C), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.336C), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are contained in 34 CFR 611.23 and are included in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* Under the Government Performance and Results Act (GPRA), the following measures will be used by the Department in assessing the performance of the Teacher Quality Enhancement Grants Program:

(1) Pass rates will increase for pre-service teachers taking subject matter competency tests as a part of State licensure requirements, in the States that receive funds under the Teacher Quality Enhancement Grants Program

for States to prepare teachers that are highly competent in the academic content areas in which they will be teaching.

(2) The percentage of program completers who are highlyqualified teachers will increase in projects funded under the Teacher Quality Enhancement Partnership program.

There is no performance measure that focuses specifically on Teacher Quality Enhancement Grants for Recruitment.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Luretha Kelley, U.S. Department of Education, 1990 K Street, NW., room 7096, Washington, DC 20006–8526. Telephone: (202) 502–7645 or e-mail: *luretha.kelley@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: March 16, 2005.

Sally L. Stroup,

Assistant Secretary for Postsecondary Education.

[FR Doc. 05–5544 Filed 3–18–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Recommendations for Sequencing Targets in Support of the Science Missions of the Office of Biological and Environmental Research (BER)

AGENCY: Office of Science; Office of Biological and Environmental Research; U.S. Department of Energy (DOE).

ACTION: Notice of recommendations for sequencing targets.

SUMMARY: This **Federal Register** Notice seeks the input and nominations of interested parties for candidate microbes, microbial consortia, and 250Mb-or-less-sized organisms for draft genomic sequencing in support of Office of Biological and Environmental Research (BER) programs, among them, the Genomics: GTL Program, the Climate Change Research Program, the Terrestrial Carbon Processes Program, the Natural and Accelerated Bioremediation Research (NABIR) Program, the Environmental Management Science Program (EMSP), the Ocean Science Program, and the Program for Ecosystem Research. Additional programs of relevance include the Energy Biosciences, and Nanoscale Science, Engineering and Technology Programs in the Office of Basic Energy Sciences. Nominated candidates should be relevant to DOE mission needs, *e.g.*, organisms involved in environmental processes, including waste remediation, carbon management, and energy production. This announcement is not an offer of direct financial support for research on these organisms. Those nominations selected will result in the DNA sequence of selected organisms being determined at a draft level (6–8 X coverage) at the DOE Production Genomics Facility (PGF) at the Joint Genome Institute (JGI), (*http://www.jgi.doe.gov*). A subset of the selected organisms may be identified for sequence finishing. This announcement is designed to assist DOE in determining and prioritizing a list of microbes, microbial consortia, or modest-genome sized (not more than 250Mb) organisms (including eukaryotes) that address DOE mission needs. Following merit review, and a determination of satisfactory programmatic relevance, draft sequencing will be carried out at the PGF.

DATES: To assure consideration, nominations in response to this notice should be received by 4:30 p.m. (e.d.t.), July 14, 2005, to be accepted for merit review. It is anticipated that review will be completed early in the fall of 2005 with draft sequencing at the DOE PGF to commence early in 2006, conditional upon the provision of high quality DNA.

ADDRESSES: Nominations responding to this notice should be sent to Dr. Daniel W. Drell, Office of Biological and Environmental Research, SC–72, Office of Science, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585–1290; e-mail is acceptable and encouraged for submitting nominations using the following addresses: *kim.laing@science.doe.gov* and *daniel.drell@science.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Daniel W. Drell, SC–72, Office of Biological and Environmental Research, Office of Science, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585–1290, phone: (301) 903–4742, e-mail: *daniel.drell@science.doe.gov.* The full text of this notice is available via the Internet using the following Web site address: *http://microbialgenome.org/.*

SUPPLEMENTARY INFORMATION: The DOE Office of Biological and Environmental Research supports fundamental research for a variety of missions (*http://www.science.doe.gov/ober/ober_top.html*). Relevant BER programs may include the the Genomics: GTL Program, the Climate Change Research Program, the Terrestrial Carbon Processes Program, the Natural and Accelerated Bioremediation Research (NABIR) Program, the Environmental Management Science Program (EMSP), the Ocean Science Program, and the Program for Ecosystem Science. Additional programs of relevance include the Energy Biosciences, and Nanoscale Science, Engineering and Technology Programs in the Office of Basic Energy Sciences. The Genomics:GTL Program, a partnership with the DOE Office of Advanced Scientific Computing Research, supports research into systems microbiology towards the comprehensive understanding of proteins and protein machines, gene regulatory networks, and microbial communities, and the development of computing and information infrastructure to enable a predictive understanding of biological systems. The Climate Change Research Program supports investigations of microbially-mediated fixation of atmospheric CO_2. The NABIR program supports research on microbial biotransformations and/or immobilization of metal and radionuclide wastes. The EMSP supports research into microbially-mediated biotransformations of DOE-relevant organic wastes such as chlorinated solvents. The Ocean

Sciences Program supports research to understand the ocean carbon cycle. The Program for Ecosystem Science supports research to understand and predict effects of environmental changes associated with energy production on the structure and functioning of important terrestrial ecosystems. In the Office of Basic Energy Sciences, the Energy Biosciences Program supports fundamental research in molecular-level studies on solar energy capture through natural photosynthesis; the mechanisms and regulation of carbon fixation and carbon energy storage; the synthesis, degradation, and molecular interconversions of complex hydrocarbons and carbohydrates. Aligned with this, the Nanoscale Science, Engineering and Technology Program supports studies of novel biosystems and their potential for materials synthesis, chemical catalysis, and materials synthesized at the nanoscale needed to develop future biotechnologies related to energy.

The purpose of this solicitation is to support these key DOE missions by generating and providing initial analyses of microbial DNA sequence information to further the understanding and application of microbiology relating to energy production, biochemical and biomaterials production, environmental carbon management, and environmental cleanup. Both terrestrial and ocean environments in which microbial flora contribute to the sequestration of carbon, particularly carbon dioxide, are of interest. Within the ocean environment, microbial flora that sequester or process carbon dioxide in both the eutrophic and ''twilight'' zones are of interest.

For more than ten years, sequencing of a variety of microorganisms that live in diverse environments has provided a considerable information base for scientific research related not only to DOE missions, but also to other federal agency missions and U.S. industry. (*http://www.tigr.org/tdb/mdb/mdbcomplete.html http://microbialgenome.org/organisms.shtml* and *http://genome.jgi-psf.org/microbial/*). Nonetheless, most of our current knowledge of microbiology still is derived from individual species that either cause disease or grow easily and readily as monocultures under laboratory conditions and are thus easy to study. The preponderance of species in the environment remains largely unknown to science. Many are thought to grow as part of interdependent consortia in which one species supplies a nutrient necessary for the growth of another. Little is known of the organization, membership, or functioning of these consortia, especially those involved in environmental processes of DOE interest.

Genomic analyses of sequenced microbes have suggested that processes such as lateral gene transfers at various times in the evolutionary history of some microbial lineages may have blurred the understanding of their phylogenetic relationships. For this notice, groups of microbes that may have exchanged (or may be exchanging) genetic information via lateral gene exchange or plasmid mediated exchanges can be proposed if the processes of genetic exchange result in functions relevant to the DOE missions noted above.

Genomic analyses are badly needed of microbial consortia and species refractory to laboratory culture that play important roles in environments challenged with metals, radionuclides, or chlorinated solvents; can potentially generate energy compounds (*e.g.,* hydrogen or methane); or are involved in carbon sequestration. The candidate(s) being proposed must mediate or catalyze metabolic events that contribute to these processes. Priority will be given to studies on those microbes or microbial consortia that can bioremediate metals and radionuclides, degrade biomass and significant biopolymers such as celluloses and lignins, produce potentially useful energy-related materials (H_2, CH_4, ethanol, etc.), or fix or sequester CO_2.

For this notice, candidate organisms (either individual organisms, consortia of organisms, or eukaryotes with small genomes) comprised of archaea, bacteria, fungi, algae, protests, and other eukaryotes with genome sizes not greater than 250 Mbp can be proposed for draft sequencing. For a current list of microbes that have been and are being sequenced by the DOE see *http://microbialgenome.org/organisms.shtml.* For a more comprehensive list of genomes (including microbes) being sequenced in the public sector, see *http://www.genomesonline.org.*

Aims: This request for nominations of candidate sequencing targets has two broad foci:

(1) Single organisms. These may be bacteria, archaea, fungi, microalgae or multicellular organisms with genomes not larger than 250Mb. The criteria that will be used to evaluate proposed candidates for draft sequencing will include:

(a) The candidate has significant relevance to the DOE missions noted above;

(b) To assess suitability for whole genome shotgun sequencing, preliminary data on genome size, repeat content, genome structure, GC content, polymorphism, and other characteristics are provided, especially for larger genomes;

(c) The source of genomic DNA (*i.e.*, strain or isolate, and researcher) is identified, and a clonal sample (or samples with low and characterized polymorphism) is available;

(d) A brief description of post sequencing follow-up work (*e.g.*, a data use plan and how will data be annotated to enable rapid and open use) is included, although funding will not be provided for these activities;

(e) The availability of a DNA/gene transfer system supporting genetic analyses is known;

(f) Biological novelty or uniqueness (*i.e.*, unusual genetically determined characteristics pertinent to DOE missions) is described;

(g) Place in the currently understood, 16s RNA based, ''Tree of Life'' is identified, *e.g.*, is the proposed candidate in a sparsely populated or more heavily populated section of the tree?

(h) A brief description of the scientific user community for the sequence information, and for the organism in general, is given;

(i) The potential impact on science is large;

(j) Explicit commitment to a data-release schedule, consistent with the guidelines given below is provided.

(k) Explicit commitment to the deposition of a culture of the proposed microbe to a publicly accessible repository is made.

(2) Currently unculturable or hard-to-culture organisms and environmental consortia. The review criteria that will be used to evaluate proposed candidates for draft sequencing will include most of the criteria listed above for single organisms (with less emphasis on genome size/structure, presence/absence of a genetic system, or position in the ''Tree of Life'' since it is recognized that few data on these attributes will be available), but in addition, the following considerations will be included:

(a) Some measure of the ''complexity'' of the target consortium being proposed, *e.g.*, approximate number of species, size(s) of genomes, and proportions of different members (it is understood that in most cases, only estimates of these parameters may be available) is discussed. When the environmental consortia are complex, approaches should be described to normalize the DNA libraries in order to reduce the

amount of sequencing required and assure adequate sampling of the complexity of the consortia. Additionally, the proposer(s) should be prepared to work together with JGI scientists to optimize the yield from the sequencing effort required;

(b) Past attempts to cultivate consortium members are described, *e.g.*, have any members of this consortium been successfully cultured;

(c) Some spatial/temporal/hydrochemical/geochemical or other characterization of the environment is given, *e.g.*, the physicochemical parameters of the site from which the selected community is derived; a description of the site contaminants; the accessibility of the site for future sampling; the adequacy of site documentation;

(d) If proposed, technical approaches and technology development specific for defining and isolating members of a given consortium are described;

(e) Some indication of the biological function of the relationships, within consortium members where available, along with a discussion of the scientific and programmatic importance of understanding these relationships is given;

(f) Information where available is given about the phylogenetic position(s) of the members of the consortium and what is known about closely related organisms.

(g) Available informatics tools and annotation plan (*e.g.*, for annotating genes from a consortium analysis or grouping identified genes into a putative ''consortium phenotype'' within the chosen environment) are described;

(h) Explicit commitment to a data-release schedule, consistent with the guidelines given below is provided.

Scientific community standards regarding access to sequencing data are evolving. BER conforms to the general guidance contained within the Draft Rapid Data Release Policy *http://www.genome.gov/page.cfm?pageID=10506537*) for ''community resource projects.'' The usual and customary practice for the JGI is to put all sequencing data up on its Web site (*http://www.jgi.doe.gov*) at frequent and periodic intervals. However, for the purposes of this notice, BER does not regard individual genome sequencing efforts involving less than 250Mb, or microbial community sequencing efforts, as requested herein, as ''community resource projects'' within the definition of the Draft Rapid Data Release policy. BER's position, which is provisional and subject to evolution, is that no more than 3 months from the completion of a ''first assembly'' of the sequence for a single-genome project, the data will be released on the JGI web site or to a publicly accessible database with no use restrictions. For microbial community projects, the JGI will conduct normal QA/QC assessments on the sequence output (at approximately 2 X coverage), then discuss with the proposer(s) and with BER staff the extent to which sequencing will be continued to achieve a satisfactory genomic ''view'' of the selected microbial community. From the time of initiation of this discussion, not more than 3 months will be permitted to elapse before unconditional release of these data. Proposers should clearly understand that the priority in the sequencing queue that a selected project is given may be linked to the willingness of the proposer(s) to shorten this ''embargo'' period. BER is fully aware that some ambiguity remains in the precise initiation of this embargo period but stresses its intention and commitment to the rapid release, without any use restrictions, of this data into publicly accessible databases.

Upon selection of a nominated microbial sequencing target, BER expects that Principal Investigators will collaborate with the JGI by providing high quality, high MW genomic DNA for library construction as well as assisting in annotating the draft sequence data until a sufficiently complete annotation is achieved, understanding that this will be sensitive to hypothetical gene predictions and the usual uncertainties of annotation. Notification of successful proposals will take place sometime in November 2005 at which time the successful proposer is expected to work out a detailed and mutually satisfactory User Agreement with the JGI. This User Agreement will specify the expectations of the proposer and the commitment of JGI resources to the project, including the amount of sequencing capacity or megabases to be sequenced. *Sequencing will NOT begin prior to the finalization of this User Agreement.* Thus proposers are strongly encouraged to begin preparation of DNA BEFORE notification of successful proposals because from the date of the conclusion of the User Agreement, the proposer is expected to furnish the JGI with usable, high quality DNA within 6 months or risk losing her/his place in the sequencing. A separate communication with the detailed requirements for DNA will be sent to proposers whose nominations are accepted for sequencing. Following data acquisition and annotation, DOE expects that Principal Investigators whose nominations have been sequenced will make good faith efforts to publish the results of their subsequent work in the open scientific literature, including both the genome sequences of the organisms sequenced under this notice as well as the annotation. BER also expects the Principal Investigator of a selected effort to either deposit a culture of the microbe or consortium into a publicly accessible collection or repository, or make it available directly so others can have access. These parties are encouraged to create process- and cost-effective partnerships that will maximize data production and analysis, data dissemination, and progress towards understanding basic biological mechanisms that can further the aims of this effort. Additionally, it must be explicitly understood that DOE will provide an assembled and computationally annotated draft (roughly 6 X; carried out in a paired-end sequencing approach) sequence of the microbe(s) selected, but that research using that sequence data should be funded from separate sources and/or separate solicitations. Finally, there is no commitment to finish a given drafted sequence, although this option may be considered at a later time for a selected subset of proposed candidates.

Submission Information: Interested parties should submit a brief white paper to either of the foci given above, consisting of not more than 5 pages of narrative exclusive of attachments (which should be kept to a minimum) responding to each of the specific criteria set forth. Electronic submission to (*kim.laing@science.doe.gov* and *daniel.drell@science.doe.gov*) is strongly encouraged. It is expected that the Principal Investigator will serve as the main point of contact for additional information on the nominated microbe. Nominations must contain a very short abstract or project summary and a cover page with the name of the applicant, mailing address, phone, fax, and e-mail. The nomination should include 2-page curriculum vitae of the key investigators; letters of intent (or e-mails) from collaborators (suggesting the size of the interested community) are permitted.

Nominations will be reviewed relative to the scope and research needs of the BER programs cited above. A brief response to each nomination will be provided electronically following merit and programmatic reviews.

Other useful Web sites include:

DOE JGI Microbial Sequencing Priorities for FY2005: *http://microbialgenome.org/.*

DOE Joint Genome Institute Microbial Web Page—*http://genome.jgi-psf.org/microbial/index.html.*

GenBank Home Page—*http://www.ncbi.nlm.nih.gov.*

DOE Genomics: GTL—*http://DOEGenomestolife.org.*

DOE Natural and Accelerated Bioremediation Research (NABIR) Program—*http://www.lbl.gov/nabir.*

Climate Change Research Program: *http://www.science.doe.gov/ober/CCRD_top.html.*

Terrestrial Carbon Processes Program: *http://www.science.doe.gov/ober/CCRD/tcp.html.*

Environmental Management Science Program (EMSP): *http://www.science.doe.gov/ober/ERSD/ersd_emsp.html.*

Ocean Science Program: *http://www.science.doe.gov/ober/CCRD/oceans.html.*

Program for Ecosystem Research: *http://www.science.doe.gov/ober/CCRD/per.html.*

Ari Patrinos,

Associate Director of Science for Biological and Environmental Research.

[FR Doc. 05–5492 Filed 3–18–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–20–000 and ER05–20–001]

New Dominion Energy Cooperative; Notice of Issuance of Order

March 14, 2005.

New Dominion Energy Cooperative (New Dominion) as amended, filed an application for market-based rate authority, with an accompanying rate schedule. The proposed rate tariff provides for wholesale sales of energy and capacity at market-based rates. New Dominion also requested waiver of various Commission regulations. In particular, New Dominion requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by New Dominion.

On March 8, 2005, the Commission granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by New Dominion should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 7, 2005.

Absent a request to be heard in opposition by the deadline above, New Dominion is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of New Dominion, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of New Dominion's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1200 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TX05–1–000 and TX05–1–002]

East Kentucky Power Cooperative, Inc.; Notice of Filing

March 11, 2005.

Take notice that on March 4, 2005, East Kentucky Power Cooperative, Inc. (East Kentucky) submitted for filing additional information in response to the Commission's order issued January 6, 2005, requesting the submission of additional information regarding the application filed October 1, 2004, by East Kentucky in the above-docketed proceeding.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on March 21, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1199 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–570–000 and ER05–570–001]

Hot Spring Power Company, LP; Notice of Issuance of Order

March 14, 2005.

Hot Spring Power Company, LP (Hot Spring), as amended, filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for wholesale sales of energy, capacity and ancillary services at market-based

rates. Hot Spring also requested waiver of various Commission regulations. In particular, Hot Spring requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Hot Spring.

On March 14, 2005, the Commission granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Hot Spring should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest is April 13, 2005.

Absent a request to be heard in opposition by the deadline above, Hot Spring is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Hot Spring, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Hot Spring's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1201 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM03–8–000, RM03–8–001, RM03–8–002]

Quarterly Financial Reporting and Revisions to the Annual Reports; Notice of Filing

March 14, 2005.

On March 11, 2005, the Interstate Natural Gas Association of America (INGAA) filed a motion requesting that the Commission: (1) Grant an extension of time, from April 25, 2005, until April 18, 2007, for companies to adopt the revised Form 1 certification required by Commission Orders No. 646 and 646–A, which were issued on February 11, 2004, and June 2, 2004, in the above-referenced dockets; and (2) while the requested extension is in effect, adopt some modest changes in the certification to bring it in line with the certification adopted by the Securities and Exchange Commission (SEC) in implementing sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

Comments on the INGAA's motion must be filed on or before March 18, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1202 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–76–000]

The United Illuminating Company Complainant, v. Dominion Energy Marketing, Inc. Respondent; Notice of Complaint

March 15, 2005.

Take notice that on March 14, 2005, The United Illuminating Company (Complainant) filed a complaint against Dominion Energy Marketing, Inc. (DEMI), pursuant to sections 206 and 306 of the Federal Power Act (16. U.S.C. 824e and 825e (2000)) and Rule 206 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 CFR 385.206 (2004)), in regard to charges under a wholesale power supply agreement.

The Complainant states that copies of the filing were served on DEMI and other potentially affected entities, as required by Rule 206(c) of the Commission's Rules of Practice and Procedure (18 CFR 385.206(c) (2004)).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. eastern time on April 13, 2005.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–1207 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC05–56–000, et al.]

Hardee Power Partners Limited, et al.; Electric Rate and Corporate Filings

March 14, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Hardee Power Partners Limited, Invenergy TN LLC, Judith Gap Energy LLC, Spring Canyon Energy LLC

[Docket No. EC05–56–000]

Take notice that on March 10, 2005, Hardee Power Partners Limited (Hardee Power), Invenergy TN LLC (Invenergy TN), Judith Gap Energy LLC (Judith Gap), and Spring Canyon Energy LLC (Spring Canyon), (collectively, the Applicants) submitted an application pursuant to section 203 of the Federal Power Act for authorization of an indirect disposition of jurisdictional facilities through two interrelated transactions that would result in changes to the upstream ownership interests held by existing indirect owners of the Applicants (the Transactions). Applicants state that Hardee Power owns and operates an approximately 370 MW natural gas/No. 2 oil-fired electricity generation facility located in Hardee Power and Polk Counties, Florida. Applicants state that Hardee Power's jurisdictional facilities consist of two long-term power sale agreements, a market-based rate tariff and contracts entered into thereunder, limited interconnection facilities, and related books and records. Applicants further state that Invenergy TN owns and operates an approximately 27 MW wind-powered generation facility located in Tennessee. Applicants also state that Invenergy TN's jurisdictional facilities consist of a market-based rate tariff and long-term contract entered into thereunder, limited interconnection facilities, and related books and records. Applicants state that once accepted for filing by the Commission, the jurisdictional facilities of Judith Gap and Spring Canyon will be their respective market-based rate tariffs. Applicants further state that the Transactions will not directly affect the Applicants direct ownership of their respective jurisdictional facilities nor will the Transactions affect the operation of such facilities.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

2. Mesquite Investors, L.L.C.; San Joaquin Cogen, L.L.C.; Pawtucket Power Holding Company, L.L.C.; NAPG San Joaquin, L.L.C.; NAPG Pawtucket, L.L.C.;

[Docket No. EC05–57–000]

Take notice that on March 11, 2005, Mesquite Investors, L.L.C. (Mesquite), San Joaquin Cogen, L.L.C. (San Joaquin), Pawtucket Power Holding Company, L.L.C. (Pawtucket), NAPG San Joaquin, L.L.C. (NAPG San Joaquin) and NAPG Pawtucket, L.L.C. (NAPG Pawtucket) (jointly, Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act requesting that the Commission authorize: (i) The sale and transfer of Mesquite's membership interests in San Joaquin to NAPG San Joaquin; and (ii) the sale and transfer of Mesquite's membership interests in Pawtucket to NAPG Pawtucket, and approve the conversion of San Joaquin's form of business organization to a limited liability company. Applicants requested privileged treatment for certain exhibits pursuant to 18 CFR 33.9 and 388.112.

Comment Date: 5 p.m. Eastern Time on April 1, 2005.

3. Mirant Corporation and Its Public Utility Subsidiaries

[Docket No. EC05–58–000]

Take notice that on March 11, 2005, Mirant Corporation and its public utility subsidiaries (Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act requesting approval for certain internal asset transfers and a corporate restructuring (the Restructuring) to be implemented pursuant to the Plan of Reorganization filed with the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division (Bankruptcy Court) for Mirant and certain of its wholly-owned subsidiaries on January 19, 2005, under Chapter 11 of the United States Bankruptcy Code. The Applicants request that the Commission provide them with certain limited flexibility to determine the specific manner by which the Restructuring will be implemented. The Applicants also request that the Commission issue an order approving the Restructuring no later than May 31, 2005, to permit the Plan of Reorganization to be confirmed by the Bankruptcy Court by June 30, 2005. The Applicants further request certain limited waivers of the Commission's part 33 filing requirements.

Comment Date: 5 p.m. Eastern Time on April 1, 2005.

4. Lake Benton Power Partners II, LLC

[Docket No. ER98–4222–003]

Take notice that on March 10, 2005, Lake Benton Power Partners II, LLC (Lake Benton II) submitted a compliance filing pursuant to *Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations*, 105 FERC ¶ 61,277 (2003), requiring that sellers with market-based rates that have not previously amended their tariffs to include the market behavior rules do so upon the filing of a three-year market-based rate update. In addition, Lake Benton II submitted revised tariff sheets in compliance with the Commission Order No. 652 issued February 10, 2005, *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, 110 FERC ¶ 61,097 (2005). Lake Benton II also submitted amended tariff sheets in compliance with Order No. 614 issued March 31, 2000, *Designation of Electric Rate Schedule Sheets*, [1996–2000 Reg. Preambles] FERC Stats. & Regs. ¶ 31,096 (2000) and a revised Code of Conduct.

Lake Benton II states that copies of the filing were served on parties on the official service list in the above-captioned proceeding and the Florida Public Service Commission.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

5. New Mexico Electric Marketing, LLC

[Docket No. ER02–77–003]

Take notice that on March 9, 2005, New Mexico Electric Marketing, LLC, (NewMex), submitted for filing, in response to a February 16, 2005 deficiency letter, an amendment to its December 10, 2004 filing of its triennial updated market analysis.

Comment Date: 5 p.m. Eastern Time on March 30, 2005.

6. Devon Power LLC, Middletown Power LLC, Montville Power LLC, Norwalk Power LLC, NRG Power Marketing Inc.

[Docket No. ER04–23–010]

Take notice that on March 1, 2005, Devon Power LLC, Middletown Power LLC, Montville Power LLC, and Norwalk Power LLC (collectively NRG), submitted an Informational Filing showing the non-reliability must-run revenues earned during the period January 17, 2004 through December 31, 2004 by Devon Units 11–14, Montville Units 5, 6, 10 and 11 and Middletown Units 2, 3, 4 and 10, pursuant to Paragraph II.5 of the Settlement Agreement approved by the Commission in an order issued January 27, 2005, in *ISO New England Inc., et al.*, 110 FERC ¶ 61,079 (2005).

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

7. Midwest Independent Transmission System Operator, Inc.; Public Utilities With Grandfathered Agreements in the Midwest ISO Region

[Docket Nos. ER04–691–029, EL04–104–028]

Take notice that on March 10, 2005, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted revisions to the Midwest ISO's Open Access Transmission and Energy Markets Tariff and other

information in compliance with the Commission's December 20, 2004 Order in *Midwest Independent Transmission System Operator, Inc., et al.*, 109 FERC ¶ 61,285 (2004). The Midwest ISO has requested a May 9, 2005, effective date for all tariff sheets submitted as part of this filing.

The Midwest ISO states that it has electronically served a copy of this filing, with attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, as well as all state commissions within the region. In addition, Midwest states that the filing has been electronically posted on the Midwest ISO's Web site at *http://www.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter and that the Midwest ISO will provide hard copies to any interested parties upon request.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

8. Central Maine Power Company

[Docket No. ER04–973–001]

Take notice that on March 8, 2005, Central Maine Power Company (CMP) tendered for filing, a supplement to its June 30, 2004 informational filing consisting of the annual update of the formula rates in CMP's Open Access Transmission Tariff. CMP states that the supplement to the annual informational filing is made in accordance with section 1.18 of the Settlement Agreement approved by the Commission on September 28, 2000 in Docket No. ER00–26–000, *et al.*, 92 FERC ¶ 61,272.

CMP further states that the charges associated with the supplemental data took effect February 1, 2005, in conjunction with the effective date of the New England RTO operations.

CMP states that copies of this filing were served on Commission staff and the Maine Public Utilities Commission.

Comment Date: 5 p.m. Eastern Time on March 29, 2005.

9. Avista Corporation

[Docket No. ER05–577–001]

Take notice that on March 10, 2005, Avista Corporation tendered for filing an amendment to its open access transmission tariff (OATT) to correct a typographical error in its compliance filing for Order 2003-B filed on February 15, 2005 in Docket No. ER05–577–000. Avista Corporation states that this revision does not change any portion of the pro forma Large Generator Interconnection Procedures and Large Generator Interconnection Agreement in Avista Corporation's OATT. Avista Corporation requests an effective date of January 19, 2005.

Avista Corporation states that copies of this filing were supplied to Avista Corporation's existing transmission customers.

Comment Date: Eastern Time on March 31, 2005.

10. Phoenix Energy Trading, LLC

[Docket No. ER05–654–001]

Take notice that on March 9, 2005, Phoenix Energy Trading, LLC. (PHOENIX) filed an amendment to its February 28, 2005 petition for acceptance of PHOENIX Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Comment Date: 5 p.m. Eastern Time on March 21, 2005.

11. Public Service Company of New Mexico, Texas-New Mexico Power Company

[Docket No. ER05–689–000]

Take notice that on March 9, 2005, Public Service Company of New Mexico (PNM) and Texas-New Mexico Power Company (TNMP) tendered for filing the Joint Open Access Transmission Tariff (Joint OATT), Original Volume No. 1, of the PNM Resources, Inc. (PNM Resources) Operating Companies. PNM and TNMP request that the Joint OATT become effective on the later of: (1) May 8, 2005, or (2) the closing date of the acquisition of TNMP's parent, TNP Enterprises, Inc., by PNM's parent, PNM Resources. PNM and TNMP state that the Joint OATT is being filed to combine into a common OATT the harmonized non-rate terms and conditions of the respective PNM and TNMP OATTs.

PNM and TNMP state that copies of the filing have been served on all existing OATT customers of PNM and TNMP, the New Mexico Public Regulation Commission, and the New Mexico Attorney General. PNM and TNMP also state that copies of the filing are available for public inspection at PNM's offices in Albuquerque, New Mexico, and at TNMP's offices in Fort Worth, Texas.

Comment Date: 5 p.m. Eastern Time on March 30, 2005.

12. Westar Energy, Inc.

[Docket No. ER05–690–000]

Take notice that on March 9, 2005, Westar Energy, Inc. (Westar) submitted for filing a Notice of Cancellation for Rate Schedule FERC No. 228, an Electric Power Supply Agreement between Westar and the City of Marion, Kansas.

Westar states that copies of the filing were served upon the Kansas Corporation Commission and the City of Marion, Kansas.

Comment Date: 5 p.m. Eastern Time on March 30, 2005.

13. NorthWestern Energy

[Docket No. ER05–691–000]

Take notice that on March 10, 2005, NorthWestern Energy tendered for filing an executed Generation Interconnection Agreement between NorthWestern Energy (Montana) and Exergy Development Group, LLC. Northwestern Energy requested an effective date of December 17, 2004.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

14. PJM Interconnection, L.L.C.

[Docket No. ER05–692–000]

Take notice that on March 10, 2005, PJM Interconnection, L.L.C. (PJM) submitted amendments to Schedule 2 of the PJM Open Access Transmission Tariff to incorporate the amended revenue requirements for reactive supply and voltage control from generation sources service for Allegheny Energy Supply Company, LLC (AE Supply), Monongahela Power Company (Mon Power), Duke Energy Lee, LLC (Duke Lee), Midwest Generation, LLC (MWGen), Rolling Hills Generating, L.L.C. (Rolling Hills), Ocean Peaking Power, L.L.C. (OPP), FPL Energy Marcus Hook, L.P. (Marcus Hook), Riverside Generating Company, L.L.C. (Riverside), and Buckeye Power, Inc. (Buckeye).

PJM states that copies of this filing have been served on all PJM members, AE Supply, Mon Power, Duke Lee, MWGen, Rolling Hills, OPP, Marcus Hook, FPL Energy, Riverside, Buckeye, and each state electric utility regulatory commission in the PJM region.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

15. PG Power Sales One, L.L.C.

[Docket No. ER05–693–000]

Take notice that on March 10, 2005, PG Power Sales One, L.L.C. (PGPS 1), by and through Peabody Energy, submitted for filing a Notice of Cancellation of its Market-Based Rate Tariff, Rate Schedule No. 1. PGPS 1 requests an effective date of December 31, 2004.

PGPS 1 states that notice of the proposed cancellation, has not been served on any party because PGPS 1 has not engaged in any sales of electric power or entered into any power or related contracts with any purchasers.

Comment Date: 5 p.m. Eastern Time on March 31, 2005.

Standard Paragraph

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Linda Mitry,

Deputy Secretary.

[FR Doc. E5–1206 Filed 3–18–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting, Notice of Vote, Explanation of Action Closing Meeting and List of Persons to Attend

March 15, 2005.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

Agency Holding Meeting: Federal Energy Regulatory Commission.

Date and Time: March 22, 2005. (Within a relatively short time after the Commission's open meeting on March 22, 2005.)

Place: Room 3M 4A/B, 888 First Street, NE., Washington, DC 20426.

Status: Closed.

Matters to be Considered: Non-Public Investigations and Inquiries, Enforcement Related Matters, and Security of Regulated Facilities.

Contact Person for More Information: Magalie R. Salas, Secretary, Telephone (202) 502–8400.

Chairman Wood and Commissioners Brownell, Kelliher, and Kelly voted to hold a closed meeting on March 22, 2005. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public reference Room at 888 First Street, NW., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary and her assistant, the General Counsel and members of her staff, and a stenographer are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Magalie R. Salas,

Secretary.

[FR Doc. 05–5558 Filed 3–16–05; 4:22 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice

March 15, 2005.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

Agency Holding Meeting: Federal Energy Regulatory Commission.

Date and Time: March 22, 2005, 10 a.m.

Place: Room 2C, 888 First Street NE., Washington, DC 20426.

Status: Open.

Matters To Be Considered: Agenda, *Note—Items listed on the agenda may be deleted without further notice.

Contact Person for More Information: Magalie R. Salas, Secretary, telephone (202) 502–8400. For a recorded listing of items stricken from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

884th Meeting March 22, 2005

Regular Meeting, 10 a.m.

Administrative Agenda

A–1.

AD02–1–000, Agency Administrative Matters

A–2.

AD02–7–000, Customer Matters, Realiability, Security and Market Operations

A–3. Compliance of Qualified Facilities With Ownership Requirements Under the Public Utility Regulatory Policies Act of 1978 (PURPA)

Markets, Tariffs, and Rates—Electric

E–1.

ER03–563–047, EL04–102–007, Devon Power LLC, Middletown Power LLC, Norwalk Power LLC and NRG Power Marketing Inc.

E–2.

ER03–563–048, EL04–102–008, Devon Power LLC, Middletown Power LLC, Norwalk Power LLC and NRG Power Marketing Inc.

E–3.

EL05–52–000, ER03–1272–003, EL05–22–000, Entergy Services, Inc.

E–4.

OMITTED

E–5.

ER04–691–023, Midwest Independent Transmission System Operator, Inc.

EL04–104–022, Public Utilities With Grandfathered Agreements in the Midwest ISO Region

ER04–960–002, ER04–960–003, Mid-Continent Area Power Pool

E–6.

OMITTED

E–7.

ER98–1643–006, ER98–1643–007, Portland General Electric Company

ER04–1206–000, ER04–1206–001, ER04–1206–002, Oregon Electric Utility Company, Portland General Electric Company and Portland General Term Power Procurement Company

E–8.

ER05–493–000, Saracen Energy LP

ER05–494–000, Saracen Energy Power Advisors LP

ER05–495–000, Saracen Merchant Energy LP

ER05–496–000, K2 Development LLC

E–9.

ER05–487–000, FPL Energy Cowboy Wind, LLC

E–10.

ER05–485–000, Union Electric Company

E–11.

ER05–483–000, Cottonwood Energy Company LP

E–12.

ER05–505–000, PacifiCorp

E–13.

ER05–500–000, New England Power Company

E–14.

ER05–94–000, ER05–94–001, Virginia Electric and Power Company

E–15.

ER05–526–000, Southwest Power Pool, Inc.

E–16.

ER05–522–000, Bluegrass Generation Company, L.L.C.

E–17.

ER05–518–000, Southern Company Services, Inc.

E–18.
ER05–534–000, Eastern Desert Power, LLC
E–19.
ER05–349–000, ER05–349–001 Georgia Energy Cooperative
E–20.
ER05–350–000, ER05–350–001, Mitchell Electric Membership Corporation
E–21.
OMITTED
E–22.
ER05–560–000, Midwest Independent Transmission System Operator, Inc.
E–23.
OMITTED
E–24.
ER05–447–000, ER05–447–001, ER05–447–002, ER05–447–003, Transmission Owners of the Midwest Independent Transmission System Operator, Inc.
E–25.
ER05–453–000, ER05–453–001, Wisconsin River Power Company
E–26.
ER98–4410–000, ER98–4410–001, ER98–4410–002, Entergy Services, Inc.
E–27.
RT01–87–010, Midwest Independent System Transmission Operator, Inc.
E–28.
ER01–2644–006 Colton Power, L.P.
E–29.
OMITTED
E–30.
OMITTED
E–31.
ER98–855–002, ER98–855–003, ER98–855–004, ER98–855–005, ER05–540–000, ER05–556–000, Wisconsin Electric Power Company
E–32.
OMITTED
E–33
ER01–1178–004, ER01–1178–004, Sempra Energy Resources, ER00–3444–003, ER00–3444–004, Sempra Energy Solutions ER05–440–000, ER05–440–001, Sempra Generation
E–34.
ER01–2233–002, ER01–2233–003, GWF Energy LLC
E–35.
ER00–586–002, ER00–586–003, ER00–586–004, ER00–586–005, Madison Gas and Electric Company
E–36.
ER00–2529–002, Dow Pipeline Company
E–37.
OMITTED
E–38.
OMITTED
E–39.
OMITTED
E–40.
ER98–496–012, ER98–2160–010, Duke Energy South Bay, LLC
E–41.
OMITTED
E–42.
RT04–2–010, RT04–2–011, RT04–2–012, ER04–116–011, ER04–116–012, ER04–116–010, ER04–157–012, ISO New England, Inc., Bangor Hydro Electric Company, Central Maine Power Company, NSTAR Electric & Gas Corporation, New England Power Company, Northeast Utilities Service Company, The United Illuminating Company and Vermont Electric Power Company; Bangor Hydro-Electric Company, Central Maine Power Company, NSTAR Electric & Gas Corporation, on behalf of its affiliates: Boston Edison Company, Commonwealth Electric Company, Cambridge Electric Light Company, Canal Canal Electric Company; New England Power Company, Northeast Utilities Service Company on behalf of its operating company affiliates: The Connecticut Light and Power Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Holyoke Water Power Company, The United Illuminating Company, Vermont Electric Power Company, Central Vermont Public Service Company and Green Mountain Power Corporation
EL01–39–010, the Consumers of New England v. New England Power Pool
ER04–433–002, ER04–433–004, New England Power Pool
ER04–432–002, ER04–432–004, Bangor Hydro-Electric Company, Central Maine Power Company, Fitchburg Gas and Electric Light Company, Northeast Utilities Service Company (on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Public Service Company of New Hampshire, Holyoke Power and Electric Light Company and Holyoke Water Power Company), NSTAR Electric and Gas Corporation (on behalf of Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company), The United Illuminating Company, Unitil Energy Systems, Inc. and Vermont Electric Power Company
ER05–459–000, New England Power Pool
E–43.
ER03–552–010, ER03–984–008, New York Independent System Operator, Inc.
E–44.
ER97–2846–003, ER97–2846–004, Progress Energy, Inc.
ER99–2311–005, Progress Energy Carolina (aka Carolina Power & Light Company)
ER03–1383–002, DeSoto County Generating Co., LLC
ER01–2928–005, Progress Ventures Inc.
ER01–1418–002, Effingham County Power, LLC
ER02–1238–002, MPC Generating, LLC
ER01–1419–002, Rowan County Power, LLC
ER01–1310–003, Walton County Power, LLC
ER03–398–003, Washington County Power, LLC
E–45.
ER96–496–010, ER96–496–011, ER96–496–012, Northeast Utilities Service Company
ER99–14–007, ER99–14–008, ER99–14–009, Select Energy, Inc.
ER02–556–003, ER02–556–004, Select Energy New York, Inc.
ER99–4463–001, ER99–4463–002, ER99–4463–003, Northeast Generation Company
E–46.
ER03–9–002, ER03–9–003, Westar Energy, Inc.
ER98–2157–002, ER98–2157–003, ER98–2157–004, EL05–64–000, Kansas Gas and Electric Company
E–47.
ER95–1528–010, ER95–1528–009, ER95–1528–008, ER95–1528–006,Wisconsin Public Service Corporation
ER96–1088–035, ER96–1088–034, ER96–1088–033, ER96–1088–031, Wisconsin Public Service Corporation, WPS Power Development, Inc., and WPS Energy Services, Inc.
ER05–89–000, ER05–89–001, ER05–89–002, Upper Peninsula Power Company
ER01–2659–004, Combined Locks Energy Center, LLC
ER02–2199–002, WPS Empire State, Inc.
ER03–55–002, WPS Niagara Generation, LLC
ER03–56–002, WPS Syracuse Generation, LLC
ER96–1858–015, ER96–1858–014, Mid-American Power, LLC
ER03–674–002, Quest Energy, L.L.C.
ER99–3420–004, ER99–3420–003, Sunbury Generation, LLC
ER99–1936–003, ER99–1936–002, WPS Canada Generation, Inc. and WPS New England Generation, Inc.
ER01–1114–003, ER01–1114–002, WPS Westwood Generation, LLC
ER97–2758–010, ER97–2758–009, Advantage Energy, Inc.
ER03–54–002, WPS Beaver Falls Generation, LLC
E–48.
OMITTED
E–49.
RM05–6–000, Commission Authorization to Hold Interlocking Directorates
E–50.
EL05–58–000, ConocoPhillips Company and Equilon Enterprises LLC dba Shell Oil Products US v. Los Angeles Department of Water and Power
E–51.
EL05–50–000, Jersey Central Power & Light Company v. Atlantic City Electric Company, Delmarva Power & Light Company, PECO Energy Company and Public Service Electric and Gas Company
E–52.
EL02–121–007, Occidental Chemical Corporation v. PJM Interconnection, L.L.C. and Delmarva Power & Light Company
E–53.
IN03–10–012, Investigation of Anomalous Bidding Behavior and Practices in the Western Markets
E–54.
ER03–1102–003, ER03–1102–004, ER03–1102–006, ER03–1102–007, ER05–14–000, California Independent System Operator Corporation
E–55.
OMITTED
E–56.
EL00–105–007, City of Vernon, California
ER00–2019–007, California Independent System Operator Corporation
E–57.
OMITTED

E–58.
ER04–1176–000, Southern California Edison Company
E–59.
ER03–215–000, Mirant Delta, LLC and Mirant Potrero, LLC
E–60.
ER05–113–000, ER05–125–000, EL02–20–000, Pacific Gas and Electric Company
E–61.
ER04–1110–000, Mirant Zeeland, L.L.C.
E–62.
EL03–47–000, Investigation of Certain Enron-Affiliated QF's
QF87–429–004, Onondaga Cogeneration Limited Partnership
E–63.
ER97–1523–065, ER97–1523–067, OA97–470–060, OA97–470–062, ER97–4234–058, ER97–4234–060, Central Hudson Gas & Electric Corporation
OA96–194–010, Niagara Mohawk Power Corporation
E–64.
ER04–992–000, Renaissance Power, L.L.C.
E–65.
RT01–2–015, ER03–738–003, RT01–2–016, PJM Interconnection, LLC
E–66.
OMITTED
E–67.
OMITTED
E–68.
ER05–270–001, EL05–72–000, Dynergy Midwest Generation, Inc.
E–69.
OMITTED
E–70.
RM01–10–005, Standards of Conduct for Transmission Providers
E–71.
ER04–958–001, New York Independent System Operator, Inc.
E–72.
EL04–74–001, New England Electric Transmission Corporation, New England Hydro Transmission Corporation, and New England Hydro-Transmission Electric Company, Inc.
E–73.
ER03–262–019, New PJM Companies, American Electric Power Service Corporation, Commonwealth Edison Company, Dayton Power and Light Company, Virginia Electric and Power Company and PJM Interconnection, LLC
ER03–263–003, Commonwealth Edison Company
E–74.
ER03–1312–002, ER03–1312–003, ER03–1312–004, ER03–1312–005, Midwest Independent Transmission System Operator, Inc.
E–75.
OMITTED
E–76.
EL00–66–003, Louisiana Public Service Commission and the Council of the City of New Orleans v. Entergy Corporation
ER00–2854–004, Entergy Service, Inc.
EL95–33–005, Louisiana Public Service Commission v. Entergy Services. Inc.
E–77.
ER04–847–001, EC04–110–001, Michigan Electric Transmission Company, LLC
E–78.
EL01–93–010, EL01–93–011, Mirant Americas Energy Marketing, L.P., Mirant New England, LLC, Mirant Kendall, LLC, and Mirant Canal, LLC v. ISO New England Inc.
E–79.
EL00–95–120, San Diego Gas & Electric Co., v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange
EL00–98–107, Investigation of Practices of the California Independent System Operator and the California Power Exchange
E–80.
ER03–363–003, Entergy Services, Inc.
E–81.
ER04–833–002, Southwest Power Pool, Inc.
E–82.
ER04–1068–002, PJM Interconnection, L.L.C., American Electric Power Service Corporation and Dayton Power & Light Company
ER04–1074–001, Allegheny Power, American Electric Power Service Corporation, Commonwealth Edison Company, Dayton Power & Light Company and PJM Interconnection, L.L.C.
ER04–1079–002, Dayton Power and Light Company
E–83.
OMITTED
E–84.
ER04–316–002, ER04–316–003, ER04–316–004, Southern California Edison Company on behalf of Mountainview Power Company, LLC
E–85.
ER03–811–002, Entergy Services, Inc.
E–86.
ER03–762–002, Alliant Energy Corporate Services, Inc.
E–87.
ER03–631–002, ISO New England Inc.
E–88.
RT01–8–000, Connexus Energy
RT01–22–000, Soyland Power Cooperative, Inc.
RT01–24–000, Edison Mission Energy and Midwest Generation, LLC
RT01–32–000, Kandiyohi Cooperative Electric Power Association
RT01–36–000, McDonough Power Cooperative
RT01–51–000, North Central Missouri Electric Cooperative, Inc.
RT01–54–000, Platte-Clay Electric Cooperative, Inc.
RT01–79–000, Mt. Carmel Public Utility Co.
RT01–81–000, Cleco Evangeline LLC
E–89.
EL05–46–000, Entergy Nuclear Operations, Inc., Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Indian Point 3, LLC v. Consolidated Edison Company of New York, Inc.
E–90.
ER05–519–000, ER05–520–000, ER05–523–000, Southwest Power Pool, Inc.
E–91.
EL00–95–114, EL00–95—117, EL00–95–098, EL00–95–124, EL00–95–113, San Diego Gas & Electric Company
EL00–98–101, EL00–98–104, EL00–98–086, EL00–98–086, EL00–98–111, Investigation of Practices of California Independent System Operator Corporation & California Power Exchange
E–92.
EL04–112–000, The Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont
ER05–134–002, ISO New England Inc.
E–93.
EC04–90–000, Portland General Electric Company and Oregon Electric Utility Company, LLC
E–94.
EL05–53–000, Southern Company Services, Inc.
E–95.
PA04–10–000, PA04–12–000, Carolina Power and Light Company, Florida Power Corporation, Progress Ventures, Inc., Effingham County Power, LLC, MPC Generating, LLC, Rowan, County Power, LLC, Walton County Power, LLC and Washington County Power

Miscellaneous Agenda

M–1.
RM03–8–002, Quarterly Financial Reporting and Revisions to the Annual Reports
G–1.
RP05–181–000, Northern Natural Gas Company
G–2.
RP05–184–000, Wyoming Interstate Company, Ltd.
G–3.
RP05–183–000, Cheyenne Plains Gas Pipeline Company, L.L.C.
G–4.
RP03–398–012, Northern Natural Gas Company
G–5.
RP04–197–001, RP04–197–002, Dominion Cove Point LNG, LP
G–6.
RP00–9–000, GulfTerra Texas Pipeline, L.P.
G–7.
RP02–153–006, Horizon Pipeline Company, L.L.C.
G–8.
OMITTED
G–9.
OMITTED
G–10.
RP00–477–006, RP00–477–007, RP01–18–005, RP98–99–010, RP03–183–002, Tennessee Gas Pipeline Company
G–11.
OMITTED
G–12.
OMITTED
G–13.
OMITTED
G–14.
RP04–171–002, Portland Natural Gas Transmission System

Energy Projects—Hydro

H–1.
P–2726–012, Idaho Power Company
H–2.
P–11659–003, Gustavus Electric Company

H–3.
P–2634–026, Great Lakes Hydro America, LLC
H–4.
P–803–067, Pacific Gas and Electric Company
H–5.
P–2436–200, P–2447–191, P–2448–196, P–2449–168, P–2450–167, P–2451–162, P–2452–174, P–2453–197, P–2468–172, P–2580–227, P–2599–189, Consumers Energy Company
H–6.
P–12522–001, Green Island Power Authority
H–7.
P–12480–001, Wind River Hydro, LLC
P–12457–001, Eastern Shoshone Tribe of the Wind River Reservation
H–8.
P–2436–180, P–2436–194, P–2447–171, P–2447–175, P–2447–177, P–2447–185, P–2448–176, P–2448–183, P–2448–185, P–2448–193, P–2449–153, P–2449–157, P–2449–159, P–2449–166, P–2450–151, P–2450–155, P–2450–157, P–2450–164, P–2451–149, P–2451–151, P–2451–153, P–2451–160, P–2452–156, P–2452–159, P–2452–161, P–2452–169, P–2453–178, P–2453–183, P–2453–185, P–2453–194, P–2468–153, P–2468–156, P–2468–159, P–2468–168, P–2580–207, P–2580–213, P–2580–215, P–2580–223, P–2599–170, P–2599–175, P–2599–177, P–2599–186, Consumers Energy Company

Energy Projects—Certificates

C–1.
CP04–366–000, Gulf South Pipeline Company, LP
C–2.
CP05–8–000, CP05–9–000, CP05–10–000, Starks Storage L.L.C.
C–3.
CP05–7–000, Natural Gas Pipeline Company of America
C–4.
CP04–13–003, CP04–14–003, CP04–14–004, CP04–15–002, Saltville Gas Storage Company, L.L.C.
C–5.
OMITTED
C–6.
CP04–385–000, Transcontinental Gas Pipe Line Corporation and Crosstex CCNG Transmission, Ltd.

Magalie R. Salas,

Secretary.

The Capitol Connection offers the opportunity for remote listening and viewing of the meeting. It is available for a fee, live over the Internet via C–Band Satellite. Persons interested in receiving the broadcast, or who need information on making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection Web site at *http://www.capitolconnection.gmu.edu* and click on ''FERC''.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in Hearing Room 2. Members of the public may view this briefing in the Commission Meeting overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 05–5559 Filed 3–16–05; 4:23 pm]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7887–3]

National Drinking Water Advisory Council's Water Security Working Group Teleconference Announcement

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) announces the second public teleconference of the Water Security Working Group (WSWG) of the National Drinking Water Advisory Council (NDWAC), which was established under the Safe Drinking Water Act. The purpose of this teleconference call is to provide an opportunity for the WSWG members to continue deliberations on their draft report and recommendations on features of active and effective security programs for the water sector (drinking water and wastewater utilities), including incentives to encourage broad adoption of active and effective security programs and measures to track the performance of water security programs. The teleconference will be open to the public by advance registration; an opportunity for public comment will be provided during that time. WSWG findings and recommendations will be provided to the NDWAC for their consideration. The WSWG anticipates providing findings and recommendations to the NDWAC in spring 2005. The WSWG has met in-person four times and had one previous public teleconference. One additional in-person meeting of the WSWG and one additional public teleconference are planned and will be announced in the near future.

DATES: The second WSWG teleconference will take place from 1:30 p.m. to 3:30 p.m., eastern standard time, on Thursday, April 7, 2005.

ADDRESSES: The teleconference will be held in the EPA East Building, which is located at 1201 Constitution Avenue, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Interested participants from the public should contact Marc Santora, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water, Water Security Division (Mail Code 4601–M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please contact Marc Santora at *santora.marc@epa.gov* or call (202) 564–1597 to register and receive pertinent details such as the telephone number and extension to participate in the teleconference.

SUPPLEMENTARY INFORMATION:

Background

The WSWG charge is to: (1) Identify, compile, and characterize best security practices and policies for drinking water and wastewater utilities and provide an approach for considering and adopting these practices and policies at a utility level; (2) consider mechanisms to provide recognition and incentives that facilitate a broad and receptive response among the water sector to implement these best security practices and policies and make recommendations as appropriate; and (3) consider mechanisms to measure the extent of implementation of these best security practices and policies, identify the impediments to their implementation, and make recommendations as appropriate. The Group is comprised of sixteen members from water and wastewater utilities, public health, academia, state regulators, and environmental and community interests. It is supported by technical experts from the Environmental Protection Agency, the Department of Homeland Security, the Centers for Disease Control and Prevention, and the Department of Defense.

Obtaining Teleconference Information

Teleconference lines are available on a first-come, first-served basis. The Designated Federal Officer will reserve a limited amount of teleconference lines for members of the public that are outside of the Washington, DC metropolitan commuting area and are unable to attend in person. Any interested person who wishes to obtain the teleconference information must contact the Designated Federal Officer at the phone number or e-mail address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Contact must be made at least twenty-four hours in advance of the scheduled start of the teleconference to obtain the call information.

Public Comment

An opportunity for public comment will take place during the WSWG teleconference. Oral statements will be limited to five minutes, and it is preferred that only one person present a statement on behalf of a group or organization. Written comments may be provided before, during, or after the meeting and may also be sent by e-mail to Marc Santora, Designated Federal Officer for the WSWG, at the e-mail address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Special Accommodations: Any person needing special accommodations at this meeting, including wheelchair access, should contact Marc Santora, Designated Federal Officer, at the number or e-mail address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Requests for special accommodations should be made at least five business days in advance of the WSWG teleconference.

Dated: March 15, 2005.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 05–5519 Filed 3–18–05; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Farm Credit System Insurance Corporation Board; Regular Meeting

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

Date and Time: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 21, 2005, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Jeanette C. Brinkley, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Closed Session

Confidential Report on System Performance

Open Session

A. Approval of Minutes

- January 13, 2005 (Regular Meeting).

B. Reports

- Financials.
- Report on Insured Obligations.
- Quarterly Report on Annual Performance Plan.

C. New Business

- Presentation of 2004 Audit Results.

Closed Session

- Executive Session.

Dated: March 15, 2005.

Jeanette C. Brinkley,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 05–5493 Filed 3–18–05; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 14, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction (PRA) comments should be submitted on or before May 20, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at 202–418–2918 or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0548.

Title: Section 76.1708, Principal Headend; Sections 76.1709 and 76.1620, Availability of Signals; Section 76.56, Signal Carriage Obligations; Section 76.1614, Identification of Must-Carry Signals.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 8,250.

Estimated Time per Response: 0.5–1.0 hour.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 49,500 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: 47 CR 76.1708 requires a cable system to designate the location of its principal headend. 47 CFR 76.1709 was previously reported as section 76.302, which requires the operator of every cable television system to maintain a public inspection file containing a list of all broadcast television stations carried by its system in fulfillment of the must-carry requirements pursuant to section 76.1620 and the designation and location of its principal headend. Sections 76.1709 and 76.1620 state that upon written request from any person, a cable operator is required to provide the lists of must-carried signals in writing within 30 days of receipt of such request. Additionally, section 76.1620 states that if a cable operator authorizes subscribers to install additional receiver connections, but does not provide the subscriber with such connections, or with the equipment and materials for

such connections, the operator shall notify such subscribers of all broadcast stations carried on the cable system which cannot be viewed via cable without a converter box and shall offer to sell or lease such a converter box to such subscribers. The notice, which may be included in routine billing statements, shall identify the signals that are unavailable without an additional connection, the manner for obtaining such additional connection, and instructions for installation. These notification and recordkeeping requirements ensure that subscribers are aware of which channels cannot be viewed without converter boxes and which channels are defined as must-carry. The records kept by cable television systems are reviewed by Commission staff during field inspections and by local public officials to assess the system's compliance with applicable rules and regulations. 47 CFR 76.1614 states that a cable operator shall respond in writing within 30 days to any written request by any person for the identification of the signals carried on its system in fulfillment of the must-carry requirements of section 76.56.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–5503 Filed 3–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

[File No. 022 3278]

CompUSA Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 11, 2005.

ADDRESSES: Comments should refer to ''CompUSA Inc., File No. 022 3278,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the **SUPPLEMENTARY INFORMATION** section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent to the following e-mail box: *consentagreement@ftc.gov*.

FOR FURTHER INFORMATION CONTACT: Kerry O'Brien, Linda Badger, or Matthew Gold, FTC Western Regional Office, 901 Market St., Suite 570, San Francisco, CA 94103. (415) 848–5189.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 11, 2005), on the World Wide Web, at *http://www.ftc.gov/os/2005/03/index.htm*. A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Written comments must be submitted on or before April 11, 2005. Comments should refer to ''CompUSA Inc., File No. 022 3278,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.''[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form should be sent to the following e-mail box: *consentagreement@ftc.gov*.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order with CompUSA Inc. (''CompUSA''). CompUSA is a major retailer of personal computers, computer-related hardware and software products, and other consumer electronics products. CompUSA advertises, labels, offers for sale, sells, and distributes all of these products to the public. The Commission has separately accepted an agreement with the principals of Q.P.S., Inc. (''QPS''), which manufactured computer peripheral products sold by CompUSA.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accomplished by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

withdraw from the agreement or make final the agreement's proposed order.

This matter concerns cash rebate offers that CompUSA advertised to consumers. Among the products that CompUSA marketed were QPS computer peripheral products, as well as CompUSA-labeled computer peripheral products. In marketing these and other products, CompUSA advertised mail-in rebates, which it has funded and which third-party manufacturers, such as QPS, have funded.

The complaint alleges that CompUSA engaged in deceptive and unfair practices relating to both the QPS-funded rebates and the CompUSA-funded rebates. First, the complaint alleges that CompUSA falsely represented that QPS-funded rebate checks would be mailed to purchasers of advertised QPS products within six to eight weeks, or within a reasonable period of time. Although these rebates were designed and intended to be funded by QPS, CompUSA was involved in their creation, and disseminated advertisements and rebate forms for these rebates. From September 2001 until December 2001, many consumers experienced delays ranging from one to six months in receiving their promised rebates, which ranged from $15 to $100 in value. From January 2002 through July 2002, many consumers experienced similar delays, and thousands of consumers never received their promised rebates from QPS. Despite knowledge of these significant problems, CompUSA continually advertised these QPS rebates until shortly before QPS filed for bankruptcy in August 2002.

Second, the complaint alleges that CompUSA falsely represented that it would deliver CompUSA-funded rebates to purchasers of its computer peripheral products within six to eight weeks, or within a a reasonable period of time. Between September 2001 and June 2002, many consumers experienced delays ranging from one week to more than three months in receiving their promised rebates. The rebates at issue ranged from $3 to $100 in value.

Finally, the complaint alleges that, in the advertising and sale of computer peripheral products, CompUSA offered to deliver rebates within six to eight weeks if they purchased the advertised computer peripheral products and submitted valid rebate requests for CompUSA-funded rebate offers. After receiving rebate requests in conformance with these offers, CompUSA unilaterally extended the time period in which it would deliver the rebates to consumers without consumers agreeing to this extension of time. According to the complaint, this constituted an unfair business practice.

The proposed order contains provisions designed to prevent CompUSA from engaging in similar acts and practices in the future. Part I applies to CompUSA Rebates, which are rebates that are designed and intended to be funded by CompUSA. Specifically, Part I.A. prohibits the company from representing the time in which it will mail any CompUSA Rebate, unless it possesses competent and reliable evidence substantiating the claim. Part I.B. prohibits CompUSA from failing to provide any CompUSA rebate within the time specified, or if no time is specified, within thirty days. Part I.C. requires that the company not ''misrepresent, in any manner, expressly or by implication, any material terms of any CompUSA Rebate program.''

Part II of the proposed order relates to CompUSA's advertising of Manufacturer Rebates, which are rebates that are designed and intended to be funded by a manufacturer or third party other than CompUSA. This provision prohibits the company from making any representation about the availability of any Manufacturer Rebate unless (1) it has an established record with the manufacturer demonstrating that the manufacturer has consistently paid rebates in a timely manner; or (2) if it does not have such an established record with the manufacturer, CompUSA has conducted a reasonable financial analysis of the manufacturer and that financial analysis demonstrates the manufacturer's ability to timely pay the rebates being offered.

Part III of the proposed order is a redress provision which requires CompUSA to pay all valid rebates requests to consumers who purchased QPS products at CompUSA and whose rebates are due or past due. This provision also requires CompUSA to send a rebate to any eligible QPS purchaser who contacts it or the FTC for a period of seventy-five (75) days after service of the order.

Parts IV through VIII of the proposed order are reporting and compliance provisions. Part IX is a provision ''sunsetting'' the order after twenty years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05–5512 Filed 3–18–05; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

[File No. 022 3278]

Priti Sharma and Rajeev Sharma, Individually and as Officers of Q.P.S., Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 11, 2005.

ADDRESSES: Comments should refer to ''Priti Sharma and Rajeev Sharma, Individually and as Officers of Q.P.S., Inc., File No. 022 3278,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent to the following e-mail box: *consentagreement@ftc.gov*.

FOR FURTHER INFORMATION CONTACT: Kerry O'Brien, Linda Badger, or Matthew Gold, FTC Western Regional Office, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 848–5189.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is

hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 11, 2005), on the World Wide Web, at *http://www.ftc.gov/os/2005/03/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Written comments must be submitted on or before April 11, 2005. Comments should refer to ''Priti Sharma and Rajeev Sharma, Individually and as Officers of Q.P.S., Inc., File No. 022 3278,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H–159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.'' [1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form should be sent to the following e-mail box: *consentagreement@ftc.gov.*

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order with Priti Sharma and Rajeev Sharma (''proposed respondents''). Proposed respondents were officers of Q.P.S., Inc. (''QPS''), a company that marketed computer peripheral products to the public, including CD–R, CD–RW, and DVD storage products, under the brand name *Que!* In 2002, QPS filed for bankruptcy.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that proposed respondents engaged in deceptive and unfair practices relating to mail-in rebate offers that QPS advertised to consumers. Proposed respondents are named individually in this complaint because they formulated, directed, or controlled the policies, acts, or practices of QPS, including the acts or practices alleged in the complaint. Specifically, the complaint alleges that proposed respondents falsely represented that QPS-funded rebate checks would be mailed to purchasers of advertised QPS products within six to eight weeks, or within a reasonable period of time. From September 2001 until December 2001, many consumers experienced delays ranging from one to six months in receiving their promised rebates, which ranged from $15 to $100 in value. From January 2002 through July 2002, many consumers experienced similar delays, and thousands of consumers never received their promised rebates from QPS. Despite these significant problems, proposed respondents continually advertised these QPS rebates until shortly before QPS filed for bankruptcy in August 2002.

Finally, the complaint alleges that, in the advertising and sale of computer peripheral products, proposed respondents offered to deliver rebates within six to eight weeks if they purchased the advertised computer peripheral products and submitted valid rebate requests for proposed respondents-funded rebate offers. After receiving rebate requests in conformance with these offers, proposed respondents unilaterally extended the time period in which it would deliver the rebates to consumers without consumers agreeing to this extension of time. According to the complaint, this constituted an unfair business practice.

The proposed order contains provisions designed to prevent proposed respondents from engaging in similar acts and practices in the future. Specifically, Part I.A. prohibits the proposed respondents from representing the time in which they will mail any rebate, unless they possess competent and reliable evidence substantiating the claim. Part I.B. prohibits proposed respondents from failing to provide any rebate within the time specified, or if no time is specified, within thirty days. Part I.C. requires that proposed respondents not ''misrepresent, in any manner, expressly or by implication, any material terms of any rebate program, including the status of or reasons for any delay in providing any rebate.''

Parts II through V of the proposed order are reporting and compliance provisions. Part VI is a provision ''sunsetting'' the order after twenty years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05–5514 Filed 3–18–05; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[PBS-N01]

Notice of Intent to Prepare an Environmental Impact Statement for the Construction of a New Border Station Facility on 1–91 at Derby Line, Vermont

AGENCY: Public Buildings Service, GSA.

ACTION: Notice of Intent.

SUMMARY: The General Services Administration (GSA) announces its intent to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) of 1969 to assess the potential impacts of the construction of a New Border Station Facility on Interstate 91 in Derby Line, Vermont (the ''Proposed Action'').

At the request of the US Customs and Border Protection, the GSA is proposing to construct a new border station facility on Interstate Highway 91 at Derby Line, Vermont. The existing facilities are undersized and obsolete, and consequently incapable of providing the level of security now required.

The Proposed Action has been defined and will likely include: (a) identification of land requirements, including acquisition of adjoining land if appropriate; (b) demolition of all existing government structures at the border station; (c) construction of a main administration building and ancillary support buildings; and (d) relocation a portion of the I–91 roadway and interchange and consequent potential alterations to secondary roads.

The location of the new border station facility is set by the requirement that the facility be located at the intersection of the interstate highway and the U. S. Border. Therefore, alternatives to be studied will identify alternative locations for the components of the border station including the main administration and ancillary support buildings, the roadway and interchange. A No Action alternative will also be studied that will evaluate the consequences of not constructing the new border station facility. This alternative is included to provide a basis for comparison to the action alternatives described above as required by NEPA regulations (40 CFR 1002.14(d)).

GSA invites individuals, organizations and agencies to submit comments concerning the scope of the EIS.

The public scoping period starts with the publication of this notice in the **Federal Register** and will continue for forty five (45) days from the date of this notice. GSA will consider all comments received or postmarked by that date in defining the scope of the EIS.

GSA expects to issue a Draft EIS in summer 2005 at which time its availability will be announced in the **Federal Register** and local media. A public comment period will commence upon publication of the Notice of Availability. The GSA will consider and respond to comments received on the Draft EIS in preparing the Final EIS.

ADDRESSES: Written comments or suggestions concerning the scope of the EIS should be sent to David M. Drevinsky P.E., PMP, Regional Environmental Quality Advocate (REQA), U.S. General Services Administration, 10 Causeway Street, Room 975, Boston, MA 02222; Fax (617) 565–5967.

FOR FURTHER INFORMATION CONTACT: David M. Drevinsky by phone at (617) 565–6596 or by email at dave.drevinsky@gsa.gov.

SUPPLEMENTARY INFORMATION:

Other Agency Involvement:

The GSA anticipates that the Federal Highway Administration will be a cooperating agency in the preparation of the EIS because the proposed action affects the Federal Highway System. The GSA will consult with the Vermont Agency of Transportation regarding regulatory issues pertaining to the Proposed Action.

Public Scoping Meetings:

A public scoping meeting will provide the public with an opportunity to present comments, ask questions, and discuss concerns regarding the scope of the EIS for the Proposed Action with GSA representatives. GSA will hold a public scoping meeting in April 2005 at Derby Line, Vermont. Once established, the specific date for this meeting will be published in the **Federal Register** and the local media.

Date: March 14, 2005

Dennis R. Smith

Regional Administrator,New England Region

[FR Doc. 05–5452 Filed 3–18–05; 8:45 am]

BILLING CODE 6820–23–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Measures of Healthcare Experiences of People With Mobility Impairment

AGENCY: Agency for Healthcare Research and Quality (AHRQ), DHHS.

ACTION: Notice of request for measures.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ), with the support of the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services and the National Institute on Disability and Rehabilitation Research (NIDRR) of the U.S. Department of Education are soliciting the submission of instruments or items that measure the quality of healthcare experienced by people with mobility impairment. The instruments or items will be considered for inclusion in a CAHPS® survey of people with mobility impairment (PWMI). Items or survey instruments may be submitted from researchers, health plans, other health care providers, disability organizations, stakeholders, vendors and other interested parties. This initiative is in response to suggestions from a significant number of stakeholders to develop a CAHPS® tool that measures the quality of care as perceived by adults with disabilities, and to provide performance data to health plans and others that are actionable for quality improvement and access. Our response to stakeholder requests will ultimately provide users with a flexible survey tool to assess the quality of healthcare services for adults with disabilities across multiple settings. The focus of this initial project will be only on people with mobility impairments, and subsequent survey projects may focus on other aspects of disability.

Many questions in the existing CAHPS instruments address concerns of people with mobility impairments, including access, communication, courtesy and respect, and shared decision-making. We are particularly interested in identifying and considering new content areas, new response categories and scales for existing questions, and revised wording or question order to make existing questions disability-appropriate.

DATES: Please submit instruments or items and supporting information on or before May 20, 2005. AHRQ will not respond individually to submitters, but will consider all submitted instruments and items, and publicly report the results of the review of the submissions in aggregate.

ADDRESSES: Submissions should include a brief cover letter, a copy of an instrument or items for consideration, and supporting statements and information as specified under the submission criteria below. Submissions may be in the form of a letter or e-mail, preferably as an electronic file with an e-mail attachment. Electronic submissions are strongly encouraged. Responses to this request should be submitted to: Marybeth Farquhar, RN, MSN, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, MD 20850, phone: (301) 427–1317, Fax: (301) 427–1341, e-mail: *mfarquha@ahrq.gov.*

To facilitate handling of submissions, please include full-information about

the instrument developer or contact person: (a) Name, (b) title, (c) organization, (d) mailing address, (e) telephone number, (f) fax number, and (g) e-mail address. Also, please submit with a copy of the instrument or items for consideration, evidence that it/they meet(s) the criteria set out under the Submission Criteria section below. Please do not use acronyms in your submissions.

Submitters musts also provide a statement of willingness to grant to AHRQ the right to use and authorize others to use submitted measures and their documentation as part of a new or revised CAHPS®-trademarked instrument. The new CAHPS® instrument for people with mobility impairments will be made publicly available, free of charge.

FOR FURTHER INFORMATION CONTACT: Marybeth Farquhar, RN, MSN, Center for Quality Improvement and Patient Safety, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, MD 20850; phone (301) 427–1317; Fax: (301) 427–1341; e-mail: *mfarquha@ahrq.gov.*

Submission Criteria

Instruments submitted should focus on health care for the functions listed below, as well as any other quality domains that are indicated by the field to be important for people with mobility impairments. The following are provided as examples of areas of interest; however, items or tools reflecting additional domains are also welcome.

- Care coordination between providers or sites of care for people with mobility impairments;
- Shared decision-making or consumer involvement in decision-making about health care options and treatment.
- Culturally appropriate and disability sensitive care or care that tries to meet the cultural and linguistic needs of consumers including those using augmentative communication devices.
- Availability of information from the health plan in suitable alternative formats to promote consumer decision-making about health care options, treatment and access;
- Availability and usability of plan-level information in alternative formats on benefits, coverage, out-of-pocket cost to consumers, and how to file grievances/appeals;
- Availability and usability of consumer information from the health plan that identifies and compares accessible and disability-literate providers;
- Availability and usability of consumer information from the health plan to assist consumers in the selection of individual clinician (primary care or specialist) or treatment programs (*e.g.,* pain management, skin breakdown clinics, or condition-sepcific clinics such as multiple sclerosis or post-polio); and,
- Helpfulness of health plan call center staff and customer service staff.

Measures submitted should meet these criteria to be considered: Capture the quality of care as experienced by people with mobility impairments; demonstrate a high degree of reliability and validity across different conditions leading to different degrees of mobility impairment; and have been used widely, not just in one or two research studies.

Submitter's willingness to grant to AHRQ the right to use and authorize others to use the instrument means that the CAHPS® trademark will be applied to a new instrument combining the best features of all the submissions as well as any ideas that may be developed in the course of reviewing them. Free access to any final CAHPS instrument(s) for people with mobility impairment, and free access to the instrument's supportive/administrative information is important to permit widespread use of a uniform tool. Thus, submitters of items that may be incorporated in the new CAHPS-PWMI supplement will be required to permit such universal free access to and use of, their incorporated item(s). However, item ownership will be protected during testing of the new CAHPS-PWMI surveys. AHRQ, in collaboration with NIDRR, CDC, and the expert CAHPS grantees, will evaluate all submitted instruments or items, and select one or more either in whole or in part for testing and, if required, modification. AHRQ will assume responsibility for the final instruments as well as any future modifications.

The final instruments will bear the CAHPS® trademark and they will be made freely available for use by all interested parties. Submitters will relinquish exclusive control of any items that appear in the final instrument. As a matter of quality control there will be warnings that CAHPS® identification may not be used if any changes are made to the instrument or final measure set without review and permission of the Agency.

Each submission should include the following information:

- The name of the instrument;
- Whether the instrument/item(s) is disease or condition specific;
- Domain(s) of the instrument/items;
- Language(s) in which the instrument/item(s) is available;
- Evidence of cultural/cross group comparability, if any;
- Instrument reliability (internal consistency, test-retest, etc.);
- Validity (content, construct, criterion-related);
- Response rates;
- Methods and results of cognitive testing and field-testing;
- Description of sampling strategies and data collection protocols, including such elements as mode of administration, use of advance letters, timing and frequencies of contacts;
- A list of where the instrument has been fielded and at what level it has been and/or is being used; and
- Evidence addressing the criteria should be demonstrated through submission of peer-reviewed journal article(s) or through the best evidence available at the time of submission. Citation of peer-reviewed journal article(s) pertaining to the instrument or item(s) include the title of the article, author(s), publication year, journal name, volume, issue, and page numbers where article appears, may be included but are not required.

Submission of copies of existing report formats developed to provide findings to consumers and providers is desirable, but not required. Additionally, information about existing database(s) for the instrument(s) submitted is helpful, but also not required for submission.

SUPPLEMENTARY INFORMATION:

Background

Public and private organizations are surveying consumers to collect information on access to care, use of health services, health outcomes, and patient satisfaction. The results of these surveys are being used by: Consumers to inform their choices about health care plans; purchasers to assess the value of the services they buy; and health insurers, quality managers and policy makers, to plan programs and services. The original CAHPS Request for Applications (RFA) broadly defined the future direction of the CAHPS initiative including the development of a core health plan survey and additional modules to obtain assessment data from a variety of consumers including high users of health care services, such as the chronically ill, those suffering severe acute episodes of illness, and persons with disabilities.

Rationale for developing a CAHPS–PWMI includes:

- Persons with disabilities on average need both more health services as well as more complex services than persons

without disabilities. It is important for providers, payers, purchasers and other stakeholders to understand what these needs are so that they can be met more appropriately.

• Information about health plan and health care deficits ins an important step in quality improvement for all consumers. Because they are on average higher users of care and often use a large variety of services, persons with mobility impairments are likely to identify important plan deficits that may be evident to consumers without disabilities.

• More persons with mobility impairments are being offered complex choices about both health plan options and health care quality.

In CAHPS II, we are focusing on a single type of impairment, specifically mobility impairments, which can be used as a starting point for development. We define ''mobility impairment'' as a functional impairment of the lower limbs. Some health care needs of people with and without mobility impairments are similar; for example, everyone needs preventive screening services and counseling about healthy behaviors. Mobility impairments severe enough to require an assistive device usually stem from a condition requiring additional preventive and specialized health care needs such as examining tables that can be adjusted for easy transfer, and accessible diagnostic equipment and rest rooms. The mobility impairment may be accompanied by upper limb mobility impairments, chronic pain, impaired cognition, and/or behavioral co-impairments such as anxiety or depression. Consequently even though initially we are directly addressing the specific needs of people with mobility impairments, we will also be indirectly addressing the needs of people with other types of impairments.

Dated: March 10, 2005.

Carolyn M. Clancy,

Director.

[FR Doc. 05–5436 Filed 3–18–05; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC–INFO Contact Center; Announcement

AGENCY: Centers for Disease Control and Prevention.

ACTION: Public notice.

SUMMARY: The Centers for Disease Control and Prevention announces a new consolidated consumer response service for health information inquiries called the CDC–INFO Contact Center and is phasing out of numerous existing hotlines and clearinghouses serving those purposes.

SUPPLEMENTARY INFORMATION: This notice is being published pursuant to The Office of Management and Budget (OMB) Circular A–130, ''Management of Federal Information Resources,'' Section 8.a.6.(j) which requires federal agencies to provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products.

CDC is transitioning to a new consumer response service (CRS) offering that will consolidate virtually all of CDC's existing hotlines, clearinghouses, and other information fulfillment services for the public and health professionals seeking health information from CDC. Beginning in February 2005 and extending over the following 2–3 years, the breadth of CDC's health topics will be transitioned into the new consolidated service.

The CRS will handle incoming calls, fax transmissions, postal mail, e-mails, and web inquiries, 24 hours a day, every day. Responses will be provided verbally, via fax, e-mail, interactive web, or postal mail based on the nature of the information request and the caller's preferred response method. The service will be multilingual (Spanish initially) and include services for the hearing impaired.

As the current services are transitioned, existing hotlines and clearinghouses will be phased out. Targeted notifications will be disseminated to the particular communities of interest as each health topic is transitioned. Similarly, the CDC voice/fax information service, (CDC VIS) which is an interactive voice response system will be phased out when the majority of health topics have been transitioned.

The overall objective of the CDC–INFO Contact Center is to ensure the dissemination of consistent, timely, reliable health information to a variety of consumers, and to address variations in the number of inquiries related to public health emergencies, news events, and dynamic, shifting public health priorities. Specific objectives are to bring CDC closer to citizens and improve their ability to access health information from CDC. The CDC–INFO Contact Center will provide service at the first level of contact to give citizens the health information they want, when they want it, and how they want it. In addition to optimizing customer interactions, the CDC–INFO Contact Center will reduce the unit cost of providing health information, support accountability, and employ performance-based metrics to meet customer satisfaction goals.

FOR FURTHER INFORMATION CONTACT: Dottie Knight, CDC, telephone 404–498–3208 (*dsknight@cdc.gov*) or Suzi Gates, CDC, telephone 404–639–7829 (*sgates@cdc.gov*).

Dated: March 14, 2005.

James Seligman,

Chief Information Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–5495 Filed 3–18–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Center for Environmental Health/Agency for Toxic Substances and Disease Registry

The Community and Tribal Subcommittee of the Board of Scientific Counselors (BSC), National Center for Environmental Health (NCEH)/Agency for Toxic Substances and Disease Registry (ATSDR), Centers for Disease Control and Prevention (CDC): Teleconference.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), The Centers for Disease Control and Prevention, NCEH/ATSDR announces the following subcommittee meeting:

Name: Community and Tribal Subcommittee (CTS).

Time and Date: 3 p.m.–4:30 p.m., April 4, 2005.

Place: The teleconference will originate at the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry in Atlanta, Georgia. Please see ''*Supplementary Information*'' for details on accessing the teleconference.

Status: Open to the public, teleconference access limited only by availability of telephone ports.

Purpose: Under the charge of the Board of Scientific Counselors, NCEH/ATSDR, the Community and Tribal Subcommittee will provide the Board with a forum for community and tribal first-hand perspectives on the interactions and impacts of the NCEH/ATSDR's national and regional policies, practices and programs.

Matters to be Discussed: The teleconference agenda will include continuing discussions from the last teleconference of January 8, 2005, on obtaining directions from the Board on their

expectations from the CTS; the community tool kit; faith-based initiative/emergency preparedness; partnering with the Program Review Committee; and an open discussion of other important issues.

The agenda is subject to change as priorities dictate.

Supplementary Information: This conference call is scheduled to begin at 3 p.m. eastern standard time. To participate in the teleconference, please dial (877) 315–6535 and enter conference code 383520.

For Further Information Contact: Sandra Malcom, Committee Management Specialist, Office of Science, NCEH/ATSDR, M/S E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/498–0003.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry.

Dated: March 15, 2005.

Alvin Hall, Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–5494 Filed 3–18–05; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10133]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Center for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR part 1320. This is necessary to ensure compliance with an initiative of the Administration.

We cannot reasonably comply with the normal clearance procedures because of an unanticipated event and possible public harm. As a result of a statutory deadline, we are requesting expedited review and approval of the Medicare Part B Drug and Biological Competitive Acquisition Program (CAP) bidding forms. Without approval of these forms on an emergency basis, potential vendors/suppliers will not be able to participate in the program for which they are essential.

In particular, CMS has accelerated the normal ''statute to regulation'' process in order to meet the CAP's statutory implementation deadline of January 1, 2006. CMS placed the proposed rule (CMS–1325–P) on display on February 25, 2005, and the proposed rule was published in the **Federal Register** on March 4, 2005. CMS anticipates publishing the final rule during the last week of May 2005. We are requesting to use the expedited approval process for the collection requirements so that we can begin collecting bids from potential vendors on June 1, 2005, and award contracts by August 2005. Therefore, we are requesting OMB approval for these forms no later than May 26, 2005. The CAP Physician election process will begin on October 1, 2005. Physicians who elect to participate in the CAP can begin receiving their drugs through a CAP vendor on January 1, 2006.

This request covers the CAP Vendor Application and Bid Form, the CAP Drug Vendor Application Guide, and the CAP Physician Election Agreement. The CAP Vendor Application and Bid Form will be used by potential vendors to provide information related to the characteristics of their company and to submit their bid prices for CAP drugs. The CAP Drug Vendor Application Guide is an informational piece intended to facilitate completion of the application. The Physician Election Agreement will be used by physicians to elect to participate in the CAP program.

CMS is requesting OMB review and approval of this collection by May 26, 2005, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below by May 15, 2005.

Type of Information Collection Request: New collection; *Title of Information Collection:* Medicare Competitive Acquisition Program Applications; *Form No.:* CMS–10133 (OMB# 0938–New); *Use:* The forms included in this request (CAP Vendor Application and Bid Form) will be used by potential vendors to provide information related to the characteristics of their company, record their bid prices for CAP drugs, and provide information about the company's finances. Physicians will use the Physician Election Agreement to elect to participate in the program beginning October 2005 and begin receiving their drugs through a CAP vendor January 2006; *Frequency:* Upon Occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Individuals; *Number of Respondents:* 70,025; *Total Annual Responses:* 70,025; *Total Annual Hours:* 18,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/regulations/pra* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below by May 15, 2005:

Centers for Medicare and Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Room C5–13–27, 7500 Security Boulevard, Baltimore, MD 21244–1850; Fax Number: (410) 786–0262; Attn: William N. Parham, III, (CMS–10133); and,

OMB Human Resources and Housing Branch, Attention: Christopher Martin (CMS–10133), New Executive Office Building, Room 10235, Fax Number (202) 395–6974; Washington, DC 20503.

Dated: March 16, 2005.

John P. Burke, III,

CMS Paperwork Reduction Act Reports Clearance Officer, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group.

[FR Doc. 05–5563 Filed 3–18–05; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Grants to States for Family Violence Prevention and Services, Grants to Native American Tribes and Alaskan Native Villages, Grants to State Domestic Violence Coalitions.

Title: Grants for Battered Women's Shelters.

OMB No.: 0970–0274.

Description: This information collection is authorized under Title III of the Child Abuse Amendments of 1984, Public Law 98–457, as amended. In response to the program announcements, the respondents submit information about their service programs and their eligibility. Information that is collected is used to award grants under the Family Violence Prevention and Services/Grants for Battered Women's Shelters Program.

Respondents: State agencies administering the Family Violence Prevention and Services program; Native American Tribes and Tribal Organizations administering the Family Violence Prevention and Services program; and state domestic violence coalitions administering the Family Violence Prevention and Services program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State FV Agencies	53	1	6	318
Tribes and Alaskan Villages	180	1	6	1,080
Domestic Violence Coalitions	53	1	6	318

Estimated Total Annual Burden Hours: 1,716.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families in soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of informationcan be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *grjohnson@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 14, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–5475 Filed 3–18–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects:

Title: Data Collection for the Fourth National Incidence Study of Child Abuse and Neglect.

OMB No.: New collection.

Description: The Department of Health and Human Services (HHS) intends to collect data for the next National Incidence Study of Child Abuse and Neglect (NIS). This will be the fourth cycle of this periodic study. NIS–1, mandated under Public Law (Pub. L.) 93–247 (1974), was conducted in 1979 and 1980, and reported in 1981. NIS–2, mandated under (Pub. L.) 100–294 and the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (Pub. L.) 102–295, was conducted between 1993 and 1995, and reported in 1996. NIS–4, mandated by the Keeping Children and Families Save Act of 2003 (Pub. L.) 108–36, will gather data in 2005 and 2006, and be reported in 2008.

NIS is unique in that it goes beyond the abused and neglected children who come to the attention of the Child Protective Services (CPS) system. In contrast to the National Child Abuse and Neglect Data Systems (NCANDS), which rely solely on reported cases, the NIS design assumes that reported children represent only a portion of the children who actually are maltreated. NIS estimates the scope of the maltreated child population by combining information about reported cases with data on maltreated children identified by professionals (called ''sentinels'') who encounter them during the normal course of their work in a wide range of agencies in representative communities. Sentinels are asked to remain on the lookout for children whom they believe are maltreated during the study reference period and to provide information about these children.

Children identified by sentinels and those whose alleged maltreatment is investigated by CPS during the same period are evaluated against standardized definitions, and only children who meet the study standards are used to develop the study estimates. The study estimates are couched in

terms of nunmbers of maltreated children, with data unduplicated s o that a given child is counted only once. Confidentiality of all participants is carefully protected through study procedures and with a Certificate of Confidentiality from the National Institutes of Health (NIH).

A nationally representative sample of 122 counties has been selected and all 125 local CPS agencies serving the selected counties have been identified. Plans have been developed to obtain data on cases investigated during the period, September 4, 2005 through January 3, 2006. Sentinels in the selected counties are being identified through samples of agencies in 11 categories: County juvenile probation departments, sheriff (and/or state police) departments, public health departments, public housing departments, municipal police departments, hospitals, schools, day care centers, social service and mental health agencies, and shelters for battered women or runaway/homeless youth. Over 1,700 sentinel agencies are being selected. Plans are being developed to identify staff in these agencies that have direct contact with children to serve as sentinels during the study by submitting data on maltreated children they encounter during the study reference period.

In addition to the main NIS–4 study to measure the incidence of maltreated children, two related surveys of participation CPS agencies will be conducted to enhance the interpretability of the findings: (1) *The CPS Screening Records Survey* will collect information on the CPS agencies' screening practices to understand the kinds of reports they would not accept for investigation but would instead screen out or refer for an alternative agency response. (The main NIS–4 will collect data from CPS agencies only on investigated children.) This survey will be conducted through telephone interviews with intake supervisors in the participating CPS agencies serving the NIS–4 counties; and (2) *The Surveyon CPS Structure and Policies* will collect information on the CPS agency context during NIS–4 to provide a basis for relating jurisdictional differences in the NIS incidence findings to the operational structure and practices of the local CPS agencies. This will be implemented through a mail survey to participating NIS–4 CPS agencies. The survey will be organized into four topical modules (covering administration, screening, investigation, and alternate response policies and practices) and the agencies will be asked to have agency staff with the appropriate expertise complete each module.

The respondents and data collection instruments are as follows:

Respondents: Nationally Representative CPA Agencies and Nationally Representative Sentinel Agency Staff.

- The CPS Maltreatment Form will collect details from CPS agencies concerning the children and maltreatment events in a sample of cases and will be used in characterizing maltreated children and generating national estimates of their numbers in different categories of abuse and neglect.
- The CPS Summary data Form will be completed on all non-sampled cases investigated by CPS during the reference period and will be used for unduplicating multiple records on the same child both within the CPS data and between the CPS and sentinel data. The CPS Summary Data Form data will be collected electronically whenever possible.
- The Sentinel Data Form will obtain details from sentinels concerning each maltreated child they encounter during the reference period.
- *The CPS Screening Records Survey* will be administered to CPS agencies as described above.
- *The Survey on CPS Structures and Policies* will be administered to CPS agencies as described above.

NIS–4 Annual Burden Hour Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CPS Maltreatment Data Form	125	[a]80	[b].55	5,500
CPS Summary Forms, hard copy [c]	31	[d]1,056	[e].08	2,619
CPS Summary Forms, electronic [c]	94	1	20	[f]1,880
Sentinel Data Form	12,000	[g].8	[h].35	3,360
CPS Screening Records Survey	125	1	[i]1	125
Survey on CPS Structures and Policies	125	1	[j]2.89	361
Estimated Total Annual Burden Hours				13,845

[a] Estimated by dividing 10,000 (estimated number of sampled cases) by 125 (number of CPS agencies). The actual sample sizes within the CPS agencies may diverge from this average of 80.
[b] Based on CPS workers' average estimate of 33 minutes per form.
[c] Assumes that on-fourth of the 125 agencies will only be able to submit hard-copy forms while three-fourths will be capable of submitting the data electronically. (Note: electronic submission will be used with every agency that has the capability to do so.)
[d] Based on NCANDS caseload data, we estimate that we will receive a total of 132,000 CPS Summary Forms, or an average of about 1,056 from each of the 125 agencies.
[e] Based on CPS workers' average estimate of 5 minutes per form.
[f] Based on an estimated 20 hours per agency for working out the specifications, programming, review, and documentation to produce the files with the summary form information.
[g] Using the NIS–3 average of .8 form per recruited sentinel.
[h] Based on sentinels' average estimate of 21 minutes per form.
[i] Based on simulated interviews conducted by contractor staff.
[j] Based on the contractor's estimate of 2.25 hours for the administration, screening, and investigation modules (completed by 100 percent of agencies) and 1 hour for the alternative response module (completed by 64 percent of agencies, based on findings from the Local Agency Survey in the National Study of CPS Systems and Reforms Efforts).

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *grjohnson@acf.hhs.gov*.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *grjohnson@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 14, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–5476 Filed 3–18–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

OMB No.: New collection.

Description: In accordance with the Developmental Disabilities Assistance and Bill of Rights Act of 2000, University Centers for Excellence in Developmental Disabilities Education, Research, and Service (UCEDDs) are required to collect data in order to measure progress achieved for each of their four core functions (pre-service preparation and continuing education, community services—training and technical assistance, research, and information dissemination) in one or more areas of emphasis (child care, education and early education, employment, health, housing, recreation, transportation, quality assurance) through advocacy, capacity building, and systemic change activities. Progress is to be measured through measures of improvement, consumer satisfaction, and collaboration.

Respondents: University Centers for Excellence in Developmental Disabilities Education, Research, and Service.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Data Collection for Annual Report—University Centers	61	1	200	12,200

Estimated Total Annual Burden Hours: 12,200.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *grjohnson@acf.hhs.gov.* All requests be identified by the title of the information collection.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days of after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB received it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: *Katherine_T._Astrich@omb.eop.gov.*

Dated: March 14, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–5477 Filed 3–18–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submissions for OMB Review; Comment Request

Title: Improper Payments Information Survey for the TANF Program; Improper Payments Information Survey for the CCDF Program.

OMB No.: New Collection.

Description: These surveys for the Temporary Assistance for Needy Families (TANF) and the Child Care and Development Fund (CCDF) programs will request that States voluntarily provide information including how States define improper payments in their State, the process used to identify such payments, and what actions are taken in States to reduce or eliminate improper payments. The Administration for Children and Families (ACF) intends to establish a repository for State submissions, which will be available to all States for viewing on an ACF Web site. This Web site will provide information that will help States improve their program integrity system(s) so that improper payments in the programs can be reduced.

Respondents: The 50 States of the United States, the District of Columbia, and the Territories of Guam, Puerto Rico and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Improper payments information survey for the TANF program	54	1	24	1,296
Improper payments information survey for the CCDF program	54	1	24	1,296

Estimated Total Annual Burden Hours: 2,592 hours.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *grjonson@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: *Katherine_T._Astrich@omb.eop.gov.*

Dated: March 14, 2005.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–5478 Filed 3–18–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for Proposed Collection; Comment Request; The Effectiveness of the NIH Curriculum Supplements and Workshops Survey

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Science Education, the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: The Effectiveness of the NIH Curriculum Supplements and Workshops Survey. *Information Collection Request:* New. *Need and Use of Information Collection:* The survey will attempt to assess the effectiveness of the NIH curriculum supplements in aiding teachers to teach science in a more engaging and interactive way. The supplements help k–12 educators teach science in more engaging and effective ways by featuring the latest NIH research. A typical supplement contains two weeks of student activities on the science behind a health topic, such as cancer, sleep or obesity. Web-based simulations, animations and experiments enhance the ''pencil and paper'' activities. In addition to developing and distributing the supplements, OSE conducts professional workshops to help teachers successfully implement these lessons with their students. Since January 2000, over 3,000 teachers have attended an OSE workshop.

Assessing the effectiveness of the NIH Curriculum Supplements and teacher workshops is critical to determining if OSE is successfully fulfilling its mission. OSE has the database infrastructure in place to easily collect customer satisfaction data from supplement requesters and workshop attendees. At present, we do not have clearance to contact our customers to determine how NIH resources are meeting their educational needs.

BURDEN TABLE

Type of respondent	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Focus Group Teachers	60	1	2.0	120
Workshop Teachers: Initial Survey	350	1	0.083	29
Workshop Teachers: In-Depth Survey	50	1	0.5	25
Totals	460			174

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) ways to enhance the quality, utility, and clarity of the information to be collected; and (3) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to NIH: Written comments and/or suggestions regarding the item(s) contained in this notice should be directed to the: Office of Science Education, National Institutes of Health, 6705 Rockledge Drive, Suite 700, Bethesda, MD 20817, Attention: Cassandra Isom. To request more information on the proposed project or to obtain a copy of the data collection plans and survey, contact: Dr. David Vannier, Office of Science Education, 6705 Rockledge Drive, Suite 700, Bethesda, MD 20817, or call 301–496–8741, or e-mail your request including your address to: *vannierd@od.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: March 11, 2005.

Cassandra Isom,

Program Administrator, Office of Science Education, National Institutes of Health.

[FR Doc. 05–5472 Filed 3–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program; National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Request for Data on Non-Animal Methods and Approaches for Determining Skin and Eye Irritation Potential of Antimicrobial Cleaning Product Formulations; Request for Nominations for an Independent Expert Panel

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Request for data and nomination of panelists.

SUMMARY: The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and NICEATM are requesting the submission of data that would assist in evaluating the validation status of non-animal methods and approaches used for determining the skin and eye irritation potential of antimicrobial cleaning product formulations to meet regulatory hazard classification and labeling purposes. Additionally, NICEATM is also requesting the nomination of scientists for consideration as potential members of an independent scientific expert panel (''Panel'') to evaluate the proposed methods and approaches. The ICCVAM will consider the conclusions and recommendations from the Panel in developing its recommendations on the validation status of these methods.

DATES: Nominations and data should be received by noon on May 5, 2005.

ADDRESSES: Nominations and data should be sent by mail, fax, or email to Dr. William S. Stokes, Director of NICEATM at NICEATM, NIEHS, P.O. Box 12233, MD EC–17, Research Triangle Park, NC, 27709, (phone) 919–541–2384, (fax) 919–541–0947, (e-mail) *niceatm@niehs.nih.gov.* Courier address: NICEATM, 79 T.W. Alexander Drive, Building 4401, Room 3128, Research Triangle Park, NC 27709.

FOR FURTHER INFORMATION CONTACT: Dr. William S. Stokes, Director of NICEATM, (phone) 919–541–2384, (fax) 919–541–0947, (email) *niceatm@niehs.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background

In June 2004, the Environmental Protection Agency (EPA) asked ICCVAM to evaluate the validation status of proposed non-animal approaches for determining the skin and eye irritation potential of antimicrobial cleaning product formulations for meeting regulatory hazard classification and labeling requirements. ICCVAM considered the EPA's request and recommended that the evaluation of these non-animal approaches proceed as a high priority. ICCVAM agreed to work with the EPA and representatives of its Pesticide Program Dialogue Committee (PPDC) to help assure that the submission provided to ICCVAM contains all relevant information, data, and appropriate analyses as described in the ''ICCVAM Guidelines for the Nomination and Submission of New, Revised, and Alternative Test Methods'' (NIH publication 03–4508). The NICEATM on behalf of ICCVAM plans to convene an independent scientific expert panel to review the submission, develop conclusions on the validation status of these methods, and make recommendations about the usefulness and limitations of these methods for their intended purpose. The date for the expert panel meeting has not been determined but will be announced in a future **Federal Register** notice.

Request for Data

Data, the nomination of experts, and other information submitted in response to this notice should be sent to NICEATM at the address given above. Data received by the deadline will be made available on the ICCVAM/NICEATM Web site at *http://iccvam.niehs.nih.gov* and considered by the Panel and ICCVAM.

When submitting data or information on protocols, please reference this **Federal Register** notice and provide appropriate contact information (name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, as applicable). NICEATM prefers the submission of raw untransformed data in addition to any summary data including the submission of copies of pages from applicable study notebooks and/or study reports, if available. *In vivo* and *in vitro* data for each substance are preferred. Post-marketing surveillance data, ethical human studies, and accidental exposure reports also are sought when available and applicable. Each submission for a chemical or product should preferably include the following information when available:

- Common and trade name.
- Chemical Abstracts Service Registry Number (CASRN) for each ingredient of a formulation, and the percent composition of each ingredient.
- Chemical structure.
- Chemical class.
- Product class.
- Commercial source.
- Test protocol used for either *in vivo* or *in vitro* testing.
- The extent to which the study complies with national/international Good Laboratory Practice (GLP) guidelines.
- Date and testing organization.

Request for the Nomination of Scientists for the Expert Panel

NICEATM invites the nomination of scientists with relevant knowledge and experience that can serve on the Panel to evaluate *in vitro* dermal and ocular toxicity test methods. Areas of relevant expertise include, but are not limited to: human and animal dermatotoxicology/ophthalmology with an emphasis on evaluation and treatment of chemical injuries, *in vivo* dermal/ocular toxicity testing, *in vitro* dermal/ocular toxicology, test method validation, and biostatistics. Each nomination should include the person's name, affiliation, contact information (*i.e.*, mailing address, e-mail address, telephone and fax numbers), a brief summary of relevant experience and qualifications, and curriculum vitae, if possible. NICEATM and ICCVAM will also consider nominations previously submitted in response to a request for scientific experts for the evaluation of *in vitro* ocular test methods (**Federal Register**, Vol. 69, No. 57, pp. 13859–13861, March 24, 2004, available at *http://iccvam.niehs.nih.gov/)* and do not need to be resubmitted.

Background Information on ICCVAM and NICEATM

ICCVAM is an interagency committee composed of representatives from 15 Federal regulatory and research agencies that use or generate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, or replace animal use. The ICCVAM Authorization Act of 2000 (Pub. L. 106–545, available at *http://iccvam.niehs.nih.gov/about/*

PL106545.htm) establishes ICCVAM as a permanent interagency committee of the NIEHS under the NICEATM. NICEATM administers the ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of Federal agencies. Additional information about ICCVAM and NICEATM can be found at the following Web site: *http://iccvam.niehs.nih.gov.*

Dated: March 9, 2005.

Samuel Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 05–5471 Filed 3–18–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program; National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Availability of Expert Panel Report on the Evaluation of the Current Validation Status of *In Vitro* Test Methods for Identifying Ocular Corrosives and Severe Irritants

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Availability of report and request for comments.

SUMMARY: The National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM) announces the availability of a report entitled, ''The Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) Expert Panel Evaluation of the Current Validation Status of *In Vitro* Test Methods for Identifying Ocular Corrosives and Severe Irritants.'' The NICEATM invites public comment on the expert panel report. Copies of the expert panel report may be obtained on the ICCVAM/NICEATM Web site at *http://iccvam.niehs.nih.gov,* or by contacting NICEATM at the address given below.

DATES: Written comments and additional information should be received by noon on May 5, 2005.

ADDRESSES: Comments and additional information should be sent by mail, fax, or e-mail to Dr. William S. Stokes, Director of NICEATM, at NICEATM, NIEHS, P. O. Box 12233, MD EC–17, Research Triangle Park, NC 27709, (phone) 919–541–2384, (fax) 919–541–0947, (e-mail) *niceatm@niehs.nih.gov.* Courier address: NICEATM, 79 T.W. Alexander Drive, Building 4401, Room 3128, Research Triangle Park, NC 27709.

FOR FURTHER INFORMATION CONTACT: Dr. William S. Stokes, Director of NICEATM, (phone) 919–541–2384, (e-mail) *niceatm@niehs.nih.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 11 and 12, 2005, NICEATM and ICCVAM held an expert panel meeting to evaluate the validation status for four *in vitro* ocular test methods nominated by the EPA: (1) The Bovine Corneal Opacity and Permeability (BCOP) test; (2) the Hen's Egg Test—Chorion Allantoic Membrane (HET–CAM); (3) the Isolated Rabbit Eye (IRE) test; and (4) the Isolated Chicken Eye (ICE) test. At this meeting, the expert panel reviewed the Background Review Document (BRD) for each method and was asked to:

- Evaluate the extent and adequacy that each method's BRD addresses the applicable ICCVAM validation and acceptance criteria based on available information and data, or will address the criteria in proposed studies, focused on identifying ocular corrosives and severe irritants in a tiered testing strategy.
- Develop conclusions and recommendations on:

—The current usefulness and limitations of each of the four test methods for identifying ocular corrosives and severe/irreversible irritants.

—The test method protocol that should be used for future testing and validation studies.

—The adequacy of proposed optimization and/or validation studies.

—The adequacy of reference substances proposed for future validation studies.

The expert panel's conclusions and recommendations on the four test methods are described in ''The ICCVAM Expert Panel Evaluation of the Current Validation Status of *In Vitro* Test Methods for Identifying Ocular Corrosives and Severe Irritants''.

Prior to the expert panel meeting, NICEATM issued several **Federal Register** notices to (1) request public comment on the EPA nomination of ocular toxicity test methods and related activities and request data on chemicals evaluated by *in vitro* or *in vivo* ocular irritancy test methods (**Federal Register**, Vol. 69, No. 57, pp. 13859–13861, March 24, 2004, available at *http://iccvam.niehs.nih.gov/*); (2) request the nomination of scientific experts to serve on the expert panel (**Federal Register**, Vol. 69, No. 77, pg. 21565, April 21, 2004, available at *http://iccvam.niehs.nih.gov/*); and (3) request public comments on the BRDs prepared by NICEATM for each of the four test methods (**Federal Register**, Vol. 69, No. 212, pp. 64081–64082, November 3, 2004, and public comments are available at *http://iccvam.niehs.nih.gov/*).

Request for Comments

NICEATM invites the submission of written comments on the expert panel report. When submitting written comments please include appropriate contact information (name, affiliation, mailing address, phone, fax, email and sponsoring organization, if applicable). All written comments received by the deadline listed above will be posted on the ICCVAM/NICEATM Web site and made available to ICCVAM.

ICCVAM will consider the expert panel report and any written public comments received on that report as it prepares final ICCVAM test method recommendations for the four *in vitro* ocular test methods. An ICCVAM test method evaluation report, which includes the ICCVAM recommendations, will be forwarded to appropriate Federal agencies for their consideration. This report also will be available to the public on the ICCVAM/NICEATM Web site and by request to NICEATM.

Background Information on ICCVAM and NICEATM

ICCVAM is an interagency committee composed of representatives from 15 Federal regulatory and research agencies that use or generate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability, and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, and replace animal use. The ICCVAM Authorization Act of 2000 (Pub. L. 106–545, available at *http://iccvam.niehs.nih.gov/about/PL106545.htm*) establishes ICCVAM as a permanent interagency committee of the NIEHS under the NICEATM. NICEATM administers the ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of

Federal agencies. Additional information about ICCVAM and NICEATM can be found at the following Web site: *http://iccvam.niehs.nih.gov.*

Dated: March 9, 2005.

Samuel Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 05–5473 Filed 3–18–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

2004 Inventory of Mental Health Organizations, General Hospital Mental Health Services, and Managed Care Organizations Survey (IMHO)—(OMB No. 0930–0119)—Revision

The 2004 IMHO will be conducted by the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS). The design of the 2004 IMHO will be different from the 1998, 2000, and 2002 surveys. For 2004, we will return to just one data collection phase. This single phase, used by all surveys prior to 1998, will be a 100% enumeration of all known mental health organizations. The 2004 IMHO will utilize five separate questionnaires: (1) The Mental Health Organization Inventory; (2) The General Hospital Inventory; (3) The General Hospital Screener; (4) The Community Residential Organization Screener; and (5) The Managed Behavioral Healthcare Organization questionnaire.

Organizational data, to be collected by the Inventory questionnaires, include service categories, client/patient census by basic demographics, revenues, expenditures, and staffing. The purpose of the two screener questionnaires will be to confirm whether direct and separate mental health services are being provided in these organizations.

The resulting data base will be used to provide national estimates and will be the basis of the National Directory of Mental Health Services. In addition, data derived from the survey will be published by CMHS in Data Highlights, in Mental Health, United States, and in professional journals such as Psychiatric Services and the American Journal of Psychiatry. The publication Mental Health, United States is used by the general public, State governments, the U.S. Congress, university researchers, and other health care professionals. The following Table summarizes the burden for the survey.

ESTIMATED TOTAL RESPONSE BURDEN FOR THE 2004 INVENTORY OF MENTAL HEALTH

Organizations types	Number of respondents	Responses per respondent	Average hours per response	Total hour Burden
Specialty Mental Health Organizations	2,915	1	3	8,745
General Hospitals with Separate Psychiatric Units	1,439	1	3	4,317
General Hospitals without Separate Psychiatric Units	3,460	1	0.25	865
Community Residential Organizations	1,611	1	0.25	403
Managed Behavioral Healthcare Orgs	265	1	0.50	133
Total	9,690	.....	.....	14,463

Written comments and recommendations concerning the proposed information collection should be sent by April 20, 2005, to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: March 4, 2005.

Patricia S. Bransford,

Acting Executive Officer, SAMHSA.

[FR Doc. 05–5497 Filed 3–18–05; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Automated Commercial Environment (ACE): National Customs Automation Program Test of Automated Truck Manifest

AGENCY: Customs and Border Protection; Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document provides a modification to the Bureau of Customs and Border Protection's (CBP) National Customs Automation Program (NCAP) test, announced in conjunction with the Department of Transportation, Federal Motor Carrier Safety Administration, concerning the transmission of automated truck manifest data. The original notice announcing this test stated that the transmission of certain data elements is requested, but not required. This notice emphasizes that all relevant data elements (with a single exception, as explained in this notice) are required to be submitted in the automated truck manifest submission. Additionally, this notice re-publishes the data elements required for participation in the test.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Baskin, Office of Regulations and Rulings, via e-mail at *jeremy.baskin@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

On September 13, 2004, Customs and Border Protection (CBP) published a General Notice in the **Federal Register** (69 FR 55167) announcing a test allowing participating Truck Carrier Accounts to transmit electronic manifest data in the Automated Commercial Environment (ACE), including advance cargo information as required by the final rule published by CBP to implement section 343 of the Trade Act

of 2002, as amended by the Maritime Transportation Security Act of 2002 (see 68 FR 68140, December 5, 2003). Truck Carrier Accounts participating in the test have the ability to electronically transmit the truck manifest data and obtain release of their cargo, crew, conveyances, and equipment via the ACE Portal or electronic data interchange (EDI) messaging. The Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA) is participating in the test.

The September 13, 2004, test notice stated that twelve data items were required under the test so as to be in compliance with advance electronic cargo information requirements as provided in the final rule, published by CBP at 68 FR 68175. These data items appear as numbers 1 through 12 on the list re-published in this document.

Additionally, the September 13, 2004, notice provided that, for purposes of the test, 18 additional data elements having primarily to do with crew information and conveyance type were ''requested (although not required * * *).'' While CBP intended that these data elements (numbers 13 through 30 on the re-published list) also be required for purposes of the test, this was unclear. Accordingly, the purpose of this notice is to modify the original test notice by clearly setting forth that these data elements are required for the test and not merely ''requested.''

Another 40 data elements having primarily to do with information concerning passengers, insurance, in-bond, and hazardous material are made conditional by the test and those elements are also required where applicable (where the conditions would require their submission). These ''conditional'' data elements are listed as numbers 31 through 70 on the re-published list. Of these 40 data elements only a single data element, described as ''Marks and numbers (on packaging to be distinguished from numbers required by advance cargo information)'' is considered to be an optional data element that may be submitted upon the discretion of the submitting party. This ''optional'' data element appears as number 70 on the re-published list.

Data Elements To Be Required on the Electronic Manifest

The list of data elements set forth below is consistent with the list of data elements published in the September 13, 2004, General Notice. The only difference between the two lists is that this list clearly states that items 13 through 69 are required.

(1) Conveyance number, and (if applicable) equipment number (the number of the conveyance is its Vehicle Identification Number (VIN) or its license plate number and State of issuance; the equipment number, if applicable, refers to the identification number of any trailing equipment or container attached to the power unit. For purposes of this test, both the VIN and the license plate number are required);

(2) Carrier identification (*i.e.*, the truck carrier identification SCAC code (the unique Standard Carrier Alpha Code) assigned for each carrier by the National Motor Freight Traffic Association);

(3) Trip number and, if applicable, the transportation reference number for each shipment (The transportation reference number is the freight bill number, or Pro Number, if such a number has been generated by the carrier. For purposes of this test the SCN and, if applicable, the associated BCNs are required);

(4) Container number(s) (for any containerized shipment, if different from the equipment number), and the seal numbers for all seals affixed to the equipment or container(s) (For purposes of this test, seal numbers will be enforced in FAST on the southern border);

(5) The foreign location where the truck carrier takes possession of the cargo destined for the U.S.;

(6) The scheduled date and time of arrival of the truck at the first port of entry in the U.S.;

(7) The numbers and quantities for the cargo laden aboard the truck as contained in the bill(s) of lading (this means the quantity of the lowest external packaging unit; numbers referencing only containers and pallets do not constitute acceptable information; for example, a container holding 10 pallets with 200 cartons should be described as 200 cartons);

(8) The weight of the cargo, or, for a sealed container, the shipper's declared weight of the cargo;

(9) A precise description of the cargo and/or the Harmonized Tariff Schedule (HTS) numbers to the 6-digit level under which the cargo will be classified. (Generic descriptions, specifically those such as freight of all kinds (FAK), general cargo, and said to contain (STC) are not acceptable.);

(10) Internationally recognized hazardous material code when such cargo is being shipped by truck;

(11) The shipper's complete name and address, or identification number (The identity of the foreign vendor, supplier, manufacturer, or other similar party is acceptable (and the address of the foreign vendor, etc., must be a foreign address). By contrast, the identity of the carrier, freight forwarder, consolidator, or broker, is not acceptable. The identification number will be a unique number to be assigned by CBP upon the implementation of the Automated Commercial Environment.); and

(12) The complete name and address of the consignee, or identification number (The consignee is the party to whom the cargo will be delivered in the U.S., with the exception of Foreign Cargo Remaining On Board (FROB)). The identification number will be a unique number assigned by CBP upon implementation of the Automated Commercial Environment);

(13) DOT number;

(14) Person on arriving conveyance who is in charge;

(15) Names of all crew members;

(16) Date of birth of each crew member;

(17) Commercial driver's license (CDL)/drivers license number for each crew member;

(18) CDL/driver's license State/province of issuance for each crew member;

(19) CDL country of issuance for each crew member;

(20) Travel document number for each crew member;

(21) Travel document country of issuance for each crew member;

(22) Travel document State/province of issuance for each crew member;

(23) Travel document type for each crew member;

(24) Address for each crew member (For purposes of this test, this is defined as the physical location, in the U.S., where a crew member will actually be on this particular trip. This could include a consignee's location, a hotel, a truck stop, or a family or friend's location. Those individuals possessing a FAST ID are exempt from the U.S. address requirement.);

(25) Gender of each crew member;

(26) Nationality/citizenship of each crew member;

(27) Method of transport (defined as the mode by which the merchandise crosses the international border);

(28) Conveyance type;

(29) Conveyance State/province of registration; and

(30) Equipment State/province of registration.

The submission of the following information is considered conditional and is required only where applicable:

(31) Hazmat endorsement for each crew member;

(32) Names of all passengers;

(33) Date of birth of each passenger;

(34) Travel document number for each passenger;

(35) Travel document country of issuance for each passenger;
(36) Travel document State/province of issuance for each passenger;
(37) Travel document type for each passenger;
(38) Gender of each passenger;
(39) Nationality of each passenger;
(40) Import/export/in-transit indicator;
(41) Conveyance country of registration;
(42) Conveyance insurance company name;
(43) Conveyance insurance policy number;
(44) Year of issuance;
(45) Insurance amount;
(46) Transponder number;
(47) Shipment release type;
(48) Equipment type;
(49) Equipment country of registration;
(50) Conveyance or equipment instrument of international traffic indicator;
(51) Estimated date of U.S. departure (for use with T&E or IE);
(52) In-bond destination;
(53) Onward carrier (the SCAC code of the carrier to whom the In-bond goods are being transferred);
(54) Foreign port of unloading;
(55) Place of receipt;
(56) Service type (the type of shipping contract);
(57) Party, ID number, and type (for any other party to the transaction listed on the trucker's bill of lading);
(58) C–4 code;
(59) Shipment identifier (any number that the carrier may wish to pass on to the broker (*i.e.*, purchase order, commercial invoice, etc.));
(60) Paperless in-bond number;
(61) In-bond CF–7512 number;
(62) Bonded carrier ID number;
(63) Transfer carrier (intended to be the cartman, local carrier);
(64) Transfer destination firms code;
(65) Hazmat contact;
(66) FDA freight indicator (identifies FDA jurisdiction over the shipment; this is not the prior notice requirement as set forth in the Bio-Terrorism Act);
(67) Country of origin of the cargo;
(68) Value; and
(69) Entry type code.

The submission of the following information is considered optional upon the discretion of the submitting party:

(70) Marks and numbers (on packaging to be distinguished from numbers required by advance cargo information).

Previous Notices

All requirements and aspects of the test discussed in previous notices, except to the extent expressly modified by this new notice, are hereby incorporated by reference into this notice and continue to be applicable. Examples of such requirements and aspects are the rules regarding misconduct under the test and the required evaluation of the test (both of which are detailed in the notice published at 69 FR 55167).

Dated: March 15, 2005.

Jayson P. Ahern,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–5546 Filed 3–18–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Notice of Cancellation of Customs Broker National Permit

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

ACTION: General notice.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker national permits are canceled without prejudice.

Name	Port name	National permit #
Secure Customs Broker, Inc.	Atlanta	99–00119
Jean D Duncan Customs Brokers, Inc.	Atlanta	04–00039
Jea Gackowski	Atlanta	04–00200
RBA Logistics, Inc.	Charlotte	04–00091
World Commerce Services, Inc.	Chicago	99–00347
Northstar Drawback Consultants, Ltd.	Chicago	99–00087
Julia L. Ertler	Chicago	04–00030
ETI Import Services, Inc.	Chicago	04–00050
Thomas A. Barnhart	Cleveland	04–00228
Christopher A. LaVenture	Detroit	99–00516
Colorado Customs Brokers, Inc.	Great Falls	04–00047
Rafael Quiroz, Jr.	Laredo	99–00394
F Zuniga, Inc.	Laredo	04–00060
Rosa E. Garcia	Laredo	99–00174
Jaime Salazar, Jr.	Laredo	04–00027
Parkerco, Inc.	Laredo	99–00559
Hyesook Kwak	Los Angeles	04–00233
Packair Customs Brokers, Inc.	Los Angeles	04–00225
American Customs Service, Inc.	Los Angeles	99–00423
Celco Customs Service Co.	Los Angeles	04–00204
Speedline Systems, Inc.	Los Angeles	04–00206
Julie Mei Wang	Los Angeles	99–00599
Worldpub Enterprise, Inc.	Los Angeles	04–00107
Evans, Wood & Mooring, Inc.	Los Angeles	99–00156
J & B Customhouse Broker, Inc.	Los Angeles	04–00112
Valerie J. Knapp-Banker	Miami	99–00302
Tom A. Burcet	Miami	99–00582
All-Air Customs Brokers, Inc.	New York	99–00456
New York Customs Brokers, Inc.	New York	04–00026
Profreight Brokers, Inc.	New York	99–00341
Harmonized Customs Brokers, Inc.	New York	99–00246
All Flags Forwarding, Inc.	New York	99–00372
Aries International Import Services	New York	99–00314

Name	Port name	National permit #
Worchel Transport, Inc.	New York	04–00068
International Communication Custom Broker, Inc.	New York	99–00482
Harold Mistler	New York	99–00318
EH Harms USA, Inc.	New York	99–00382
Gemm Customs Brokers, Inc.	New York	99–00361
Armen Cargo Services, Inc.	New York	04–00215
Agra Services Brokerage, Inc.	New York	99–00513
Renee L. Beltran	New York	99–00070
A Burghart Shipping Company, Inc.	New York	99–00132
Laufer Clearance Company, Inc.	New York	99–00493
Tom Ahearn Associates, Inc.	New York	99–00080
Dominion International, Inc.	Norfolk	04–00081
Charles Godfrey	Philadelphia	99–00287
Edward L. Hart, Jr.	Savannah	99–00654
Page International, Inc.	Savannah	99–00285
Fracht FWO, Inc.	Savannah	04–00052
Rialto, Inc.	Seattle	99–00515
Veritrade International, Inc.	Seattle	99–00093
Duty Recovery Services, Inc.	Tampa	99–00406

Dated: March 11, 2005.

Charles P. Bartoldus,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 05–5438 Filed 3–18–05; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4971–N–15]

Notice of Submission of Proposed Information Collection to OMB; Manufactured Home Construction and Safety Standards Act Reporting Requirements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

HUD is requesting approval to continue the current information collection requirements.

DATES: *Comments Due Date:* April 20, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0253) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov*; or Lillian Deitzer at *Lillian_L_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms. Deitzer.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Manufactured Home Construction and Safety Standards Act Reporting Requirements.

OMB Approval Number: 2502–0253.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: The information collected assists both HUD and State Agency's in locating manufactured homes with defects requiring notification and/or correction by the manufacturer. Also, manufacturers are required to provide certain information to consumers related to operational, testing, and maintenance issues for such things as smoke detectors, gas connections, exhaust ducts, etc.

Frequency of Submission: On occasion.

Reporting burden	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
	254	1,493,433		0.12		182,414

Total Estimated Burden Hours: 182,414.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 15, 2005.

Wayne Eddins,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E5–1215 Filed 3–18–05; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Child Welfare Act; Receipt of Designated Tribal Agents for Service of Notice

AGENCY: Bureau of Indians Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.

The regulations implementing the Indian Child Welfare Act provide that Indian tribes may designate an agent other than the tribal chairman for service of notice of proceedings under the Act, 25 CFR 23.12. The Secretary of the Interior shall publish in the **Federal Register** on an annual basis the names and addresses of the designated agents.

This is the current list of Designated Tribal Agents for service of notice, and includes the listings of designated tribal agents received by the Secretary of the Interior prior to the date of this publication.

FOR FURTHER INFORMATION CONTACT: Evangeline M. Campbell, Indian Child Welfare Supervisory Social Worker, Bureau of Indian Affairs, Division of Social Services, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240; telephone: (202) 513–7623.

Dated: March 7, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

Alaska Region

Niles Cesar, Regional Director, Alaska Regional Office, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Telephone: (800) 645–8397; Fax: (907) 586–7252.

Gloria Kate Gorman, M.S.W., Human Services Director, P.O. Box 25520, 709 W. 9th, 3rd Floor, Federal Building, Juneau, AK 99802–5520; Telephone: (800) 645–8397 ext. 2; Fax: (907) 586–7057.

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Native Village of Afognak, Vera Benedek, Special Projects Coordinator, 204 E. Rezanof, Suite 100, Kodiak, AK 99615; Telephone: (907) 486–6357, Fax: (907) 486–6529, email: *tribe@afognak.org.*

Agdaagux Tribe of King Cove, David Eguia, Tribal Representative, P.O. Box 249, King Cove, AK 99612, Telephone: (907) 497–2648, Fax: (907) 497–2803.

Native Village of Akhiok, Kathleen McInally, MSSW, Kodiak Area Native Association, 3449 E. Rezanof Drive, Kodiak, AK 99615; Telephone: (907) 486–9843, Fax: (907) 486–9886; email: *Kathleen.mcinally@kanaweb.org.*

Akiachak Native Community, Georgiann Wassilie, ICWA Program, P.O. Box 70, Akiachak, AK 99551–0070; Telephone: (907) 825–4626, Fax: (907) 825–4029, email: *yupiat@unicom-alaska.com.*

Akiak Native Community, Andrea Jasper and Sam Jackson II, P.O. Box 52127, Akiak, AK 99552; Telephone: (907) 765–7118/7112; Fax: (907) 765–7512; email: *akiaknc@unicom-alaska.com.*

Native Village of Akutan, Jacob Stepetin, Administrator, P.O. Box 89, Akutan, AK 99553; Phone: (907) 698–2300; Fax (907) 698–2301, email: *akutanaleuttribe@gci.net,* and Grace Smith, Tribal Representative, Aleutian/Pribilof Islands Association, 201 E. 3rd Ave., Anchorage, AK 99501; Telephone: (907) 276–2700 or 222–4236; Fax: (907) 279–4351; email: *graces@apiai.org.*

Native Village of Alakanuk, Agnes Phillip, P.O. Box 149, Alakanuk, AK 99554; Phone: (907) 238–3704; Fax: (907) 238–3429, email: *agnes_phillip@avcp.org* and Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, AK 99559; Telephone: (907) 543–7366; Fax: (907) 543–5759.

Alatna Village, Michelle Sam, Assistant Administrator or Valerie Bergman, Family Services Coordinator, P.O. Box 70, Allakaket, AK 99720; Phone: (907) 968–2261; Fax: (907) 968–2305 and Legal Department, Tanana Chiefs Conference, Inc., 122 First Avenue, Suite 600, Fairbanks, AK 99701; Telephone: (907) 452–8251 ext. 3177; Fax: (907) 459–3953.

Native Village of Aleknagik, Allen Ilutsik, Village Administrator, P.O. Box 115, Aleknagik, AK 99555, Phone: (907) 842–2080; Fax: (907) 842–2081 and Children's Services Program Manager, Bristol Bay Native Association, P.O. Box 310, 1500 Kanakanak Road, Dillingham, AK 99576; Telephone: (907) 842–4139; Fax: (907) 842–4106; email: *cnixon@bbna.com.*

Native Village of Algaaciq (St. Mary's), Francis Thompson, Tribal Administrator and Esther Tyson; ICWA Coordinator, P.O. Box 48, St. Mary's, AK 99658–0048; Phone: (907) 438–2335/2933; Fax: (907) 438–2227 and Association of Village Council Presidents, ICWA Counsel, P.O. Box 219, Bethel, AK 99559; Telephone: (907) 543–7366; Fax: (907) 543–5759.

Allakaket Village, Herbie Moses, 1st Chief, and Wilma David, Tribal Administrator, P.O. Box 50, Allakaket, AK 99720 Phone: (907) 968–2237; Fax: (907) 968–2233; email: *wilmadavid@tananachiefs.org* and Legal Department, Tanana Chiefs Conference, Inc., 122 First Avenue, Suite 600, Fairbanks, AK 99701; Telephone: (907) 452–8251; Fax: (907) 459–3953.

Native Village of Ambler, Mary J. Ramoth, ICWA Coordinator, Box 47, Ambler, AK 99786–0047; Telephone: (907) 445–2189; Fax: (907) 445–2257, email: *mary.ramoth@ivisaappaat.org.*

Village of Anaktuvuk Pass, Evelyn Mekiana, Tribal Administrator, P.O. Box 21065, Anaktuvuk Pass, AK 99721, Telephone: (907) 661–2575, Fax: (907) 661–2576, email: *icasakp@astacalaska.net* and Sharon Thompson, Arctic Slope Native Association, Social Services, P.O. Box 1232, Barrow, AK 99723; Telephone: (907) 852–2762; Fax: (907) 852–2105.

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Haines (See Chilkoot Indian Association)

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King Cove (see Agdaagux)

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Louden (See Galena)

M

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Mountain Village (See Asa'Carsarmiut Tribe)

N

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Quinhagak (see Kwinhagak)

R

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Russian Mission (see Iqurmuit Traditional Council)

S

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Pala Band of Mission Indians, Robert Smith, Chairperson, P.O. Box 50, Pala, CA 92059; Phone: (760) 742–3784; fax (760) 891–3582.

Paskenta Band of Nomlaki Indians, Ines Crosby, ICWA Coordinator, P.O. Box 398, Orland, CA 95963; Phone: (530) 865–2010; Fax: (530) 865–1870.

Pauma & Yuima Band of Mission Indians, ICWA Manager, Department of Operations, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061; Phone: (760) 749–1410; fax (760) 749–5518.

Pechanga Band of Mission Indians, Mark Macarro, Spokesman, P.O. Box 1477, Temecula, CA 92593; Phone: (951) 676–2768; fax (951) 695–1778.

Picayune Rancheria of Chukchansi Indians, ICWA Director, 46575 Road 417, Coarsegold, CA 93614; Phone: (559) 683–6633; fax 683–0599.

Pinoleville Reservation, Chairperson, 367 North State Street, Suite 204, Ukiah, CA 95482; Phone: (707) 463–1454.

Pit River Reservation, ICWA Director, 37014 Main Street, Burney, CA 96013; Phone: (530) 335–5421 or (866) 335–5530; Fax: (530) 335–3966.

Potter Valley Rancheria, ICWA Coordinator, 112 N. School St., Ukiah, CA 95482; Phone: (707) 462–1213.

Q

Quartz Valley Indian Reservation, ICWA Director, P.O. Box 24, Fort Jones, CA 96032; Phone: (530) 468–5729 or 5937; Fax: (530) 468–2491.

R

Ramona Band or Village of Cahuilla Mission Indians, Manuel Hamilton, P.O. Box 391372, Anza, CA 92539; phone (951) 676–8832; fax (951) 763–4325.

Redding Rancheria, Director, Social Services, 2000 Rancheria Road, Redding, CA 96001–5528; Phone: (530) 225–8979.

Redwood Valley Reservation, Mary Nevarez, ICWA Coordinator, 3250 Road 1, Redwood Valley, CA 95470; Phone: (707) 485–0361; Fax: (707) 485–5726.

Resighini Rancheria, Chairperson, P.O. Box 529, Klamath, CA 95548; Phone: (707) 482–2431; Fax: (707) 482–3425.

Rincon Band of Mission Indians, ICWA Manager, Department of Operations, Indian Health Council, P.O. Box 406, Pauma Valley, CA 92061; Phone: (760) 749–1410; fax (760) 749–8901.

Robinson Rancheria, Marsha Lee, ICWA Coordinator, P.O. Box 563, Nice, CA 95464; Phone: (707) 275–9363.

Round Valley Reservation, Valerie Britton, ICWA Coordinator, P.O. Box 448, Covelo, CA 95428; Phone: (707) 983–6126; Fax: (707) 983–6128.

Rumsey Rancheria, Paula Lorenzo, Chairperson, P.O. Box 18, Brooks, CA 95606; Phone: (530) 796–3400.

S

San Manuel Band of Mission Indians, Chairperson, P.O. Box 266, Patton, CA 92369; Phone: (909) 864–8933. Fax (909) 864–3370.

San Pasqual Band of Diegueno Indians, ICWA Manager, Department of Operations, Indian Health Council, Inc., P.O. Box 406, Pauma Valley, CA 92061; Phone: (760) 749–1410; fax (760) 749–5518.

Santa Rosa Band of Mission Indians, ICWA Representative, P.O. Box 609, Hemet, CA 92507; Phone: (951) 658–5311.

Santa Rosa Rancheria, ICWA Director, P.O. Box 8, Lemoore, CA 93245–0008; Phone: (559) 925–2940.

Santa Ynez Band of Mission Indians, Caren Romero, ICWA Coordinator, 90 Via Juana Lane, Santa Ynez, CA 93460; Phone: (805) 688–7070 ext. 43; fax (805) 686–2060.

Santa Ysabel Band of Mission Indians, Sonny Simms, Director, Santa Ysabel Social Services Dept., P.O. Box 130, Santa Ysabel, CA 92070. Phone (760) 765–0845; fax (760) 765–0320.

Scotts Valley Rancheria, Sharon Warner, ICWA Coordinator, 9700 Soda Bay Road, Kelseyville, CA 95451; Phone (707) 277–8870; fax (707) 277–8874.

Sherwood Valley Rancheria, Lorraine Laiwa, ICWA Coordinator, Indian Child and Family Preservation Program, 684 S. Orchard Ave., Ukiah, CA 95482; Phone: (707) 485–8723.

Shingle Springs Rancheria, Chairperson, ICWA Coordinator, P.O. Box 1340, Shingle Springs, CA 95682; Phone: (530) 676–8010.

Smith River Rancheria, Elvira Rodriquez, ICWA Director, 250 N Indian Road, Smith River, CA 95567–9525; Phone: (707) 487–9255; Fax: (707) 487–0930.

Soboba Band of Luiseno Indians, Project Manager, P.O. Box 487, San Jacinto, CA 92581; Phone: (951) 654–2765; fax (951) 654–4198.

Stewarts Point Rancheria, Lorraine Laiwa, Indian Child and Family Preservation Program, 684 S. Orchard Ave., Ukiah, CA 95482; Phone: (707) 485–8273.

Susanville Indian Rancheria, Chairperson, ICWA Director, P.O. Drawer U, Susanville, CA 96130; Phone: (530) 251–5205.

Sycuan Band of Mission Indians, Program Director, Indian Child Social Services Department, Southern Indian Health Council, 4058 Willow Rd., Alpine, CA 91903–2128; Phone: (619) 445–1188; fax (619) 445–0765.

T

Table Bluff Reservation, Elsie McLaughlin-Feliz, Director, Social Services, 1000 Wiyot Drive, Loleta, CA 95551; Phone: (707) 733–5055; Fax: (707) 733–5601.

Table Mountain Rancheria, Chairperson, P.O. Box 410, Friant, CA 93626–0410; Phone: (559) 822–2587; Fax: (559) 822–2693.

Timbi-sha Shoshone Tribe, Peggy Vega, Family Services Coordinator, Toiyabe Indian Health Project, 52 Tu Su Lane, Bishop, CA 93514; Phone: (760) 873–6394; fax 873–3254.

Torres-Martinez Desert Cahuilla Indians, Annette Chihuahua, ICWA Representative, P.O. Box 1160, Thermal, CA 92274; Phone: (760) 397–0300; fax (760) 397–8146.

Trinidad Rancheria, Chairperson, P.O. Box 630, Trinidad, CA 95570; Phone: (707) 677–0211; Fax: (707) 677–3921.

Tule River Reservation, ICWA Director, P.O. Box 589, Porterville, CA 93258; Phone: (559) 781–4271.

Tuolumne Rancheria, ICWA Coordinator, P.O. Box 699, Tuolumne, CA 95379; Phone: (209) 928–3475.

Twenty-Nine Palms Band of Mission Indians, Executive Director, Indian Child & Family Services, P.O. Box 2269, Temecula, CA 92590; Phone: (909) 676–8832.

U

Upper Lake Rancheria, Angelina Arroyo, ICWA Advocate, P.O. Box 516, Upper Lake, CA 95485; Phone: (707) 275–0737; fax 275–2007.

Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, Joseph C. Saulque, Tribal Administrator, 567 Yellow Jacket Road, Benton, CA 93512; Phone: (760) 933–2321; fax 933–2412; e-mail numic@qnet.com.

V

Viejas (Baron Long) Band of Mission Indians, Program Director, Indian Child Social Services Department, Southern Indian Health Council, 4058 Willow Rd., Alpine, CA 91903–2128; Phone: (619) 445–1188; fax (619) 445–0765.

Y

Yurok Tribe, Director, Social Services, ICWA Coordinator, P.O. Box 1027, Klamath, CA 95548; Phone: (707) 482–1350.

Rocky Mountain Region

Keith Beartusk, Regional Director, 316 North 26th Street, Billings, Montana 59101; Phone: (406) 247–7943; Fax: (406) 247–7976.

Jo Ann Birdshead, Regional Social Worker, 316 North 26th Street, Billings, Montana 59101; Phone: (406) 247–7988; Fax: (406) 247–7566.

A

Assiniboine and Sioux Tribes of the Fort Peck Reservation of Montana, Chairman, P.O. Box, 1027, Poplar, Montana 59255; Phone: (406) 768–5155; Fax: (406) 768–5478.

B

Blackfeet Tribe of Montana, Indian Child Welfare Act (ICWA) Coordinator, P.O. Box 588 Browning, Montana 59417; Phone: (406) 338–7806; Fax: (406) 338–7726.

C

Chippewa Cree Tribe of the Rocky Boys Reservation of Montana, Tribal Chairman, Rural Route 1, P.O. Box 544, Box Elder, Montana 59521; Phone: (406) 395–4478; Fax: (406) 395–4497.

Crow Tribe of the Crow Reservation of Montana, Director of Tribal Social Services, P.O. Box 159, Crow Agency, Montana 59022; Phone: (406) 638–3932/5; Fax: (406) 638–3957.

E

Eastern Shoshone Tribe of the Wind River Reservation, Chairman, P.O. Box 217, Fort Washakie, Wyoming 82514; Phone: (307) 332–3040; Fax: (307) 332–4557.

G

Gros Ventre and Assiniboine Tribe of Fort Belknap Community Council, Director of Tribal Social Services, Rural Route 1, Box 66, Harlem, Montana 59526; Phone: (406) 353–2205; Fax: (406) 353–4634.

N

Northern Arapaho Tribe of the Wind River Reservation, Chairman, P.O. Box 217, Fort Washakie, Wyoming 82514; Phone: (406) 332–6120; Fax: (307) 332–3055.

Northern Cheyenne Tribe of the Northern Cheyenne Reservation, Director, Tribal Social Services, P.O. Box 128, Lame Deer, Montana 59043; Phone: (406) 477–8321; Fax: (406) 477–8333.

Southwest Region

Larry Morrin, Regional Director, P.O. Box 26567 (87125), 1001 Indian School Road, NW, Albuquerque, NM 87104; Phone: (505) 563–3100; Fax: (505) 563–3101.

Stephanie Birdwell, Regional Social Worker, P.O. Box 26567 (87125), 1001 Indian School Road, NW, Albuquerque, NM 87104; Phone: (505) 563–3522; Fax: (505) 563–3058.

*Pueblo of Acoma, Melissa Gordon, TEWA Social Worker, P.O. Box 309, Acoma, NM 87034; Phone: (505) 552–5151; (505) 552–7522.

*Pueblo of Cochiti, Hope Lewis, ICWA Director, P.O. Box 70, Cochiti, NM 87072; Phone: (505) 465–2244; Fax: (505) 465–1135.

*Pueblo of Isleta, Evelyn Ankerpont, ICWA Program, P.O. Box 1270, Isleta, NM 87022; Phone: (505)866–6607 or (505) 866–1144.

*Pueblo of Jemez, Henrietta Gachupin, Social Services Program, P.O. Box 340, NM 87024; Phone: (505) 834–7117; Fax: (505) 834–7103.

Jicarilla Apache Nation, Patricia (Pat) Serna, Director of Mental Health & Social Services, P.O. Box 546, Dulce, NM 87528; Phone: (505) 759–3162; Fax: (505) 759–3588.

Pueblo of Laguna, Miriam Sue Goetting, Family Services Program, P.O. Box 194, Laguna, NM 87026; Phone: (505) 562–9701/9713; Fax: (505) 552–6053.

Mescalero Apache Tribe, Irenis Noseep, Acting Supervisor for Social Services, P.O. Box 189, Mescalero, NM 88340; Phone (505) 464–4424; Fax: (505) 464–4238.

Pueblo of Nambe, Victoria Parrill, Health and Human Services Manager, P.O. Box 177–BB, Santa Fe, NM 87506; Phone (505) 455–2036 ext. 27; Fax (505) 455–2038.

Pueblo of Picuris, Denise Gallegos, ICWA Coordinator, P.O. Box 127, Penasco, NM 87553; Phone (505) 587–1003/2519; Fax (505) 587–1071.

Pueblo of Pojoaque, Carmen Chavez-Lujan, Director of Social Services, 58 Cities of Gold Rd. Suite 4, Santa Fe; NM 87506; Phone: (505) 455–0238; Fax: (505) 455–2363.

Ramah Navajo School Board, Inc., Director of Social Services, P.O. Box 250, Pine Hill, NM 87357; Phone (505) 775–3221; Fax: (505) 775–3520.

Pueblo of San Felipe, Darlene Valencia, Family Services Program Director, Pueblo of San Felipe, P.O. Box 4350, San Felipe Pueblo, NM 87004; Phone (505) 867–9740; Fax: (505) 867–6166.

Pueblo of San Ildelfonso, William Christian, Contracts Administrator, Route 5, P.O. Box 315–A, Santa Fe, NM 87506; Phone (505) 455–2273, ext. 310; Fax: (505) 455–7351.

*Pueblo of San Juan, Jackie Calabaza, ICWA Coordinator, P.O. Box 1187, San Juan Pueblo, NM 87566; Phone (505) 852–4400; Fax: (505) 852–4820 or (505) 852–1873

Pueblo of Sandia, Ms. Lupita Avila, ICWA Program, P.O. Box 6008, Bernalillo, NM 87004; Phone: (505) 771–5133; Fax: (505) 867–4997.

Pueblo of Santa Ana, Jane Jacksonbear, Director of Social Services, Pueblo of Santa Ana, 2 Dove Road, Bernalillo, NM 87004; Phone: (505) 867–3301; (505) 867–3395.

Pueblo of Santa Clara, Fidel Naranjo, ICWA Coordinator, P.O. Box 580, Espanola, NM 87532; Phone: (505) 747–9633; Fax: (505) 753–8988.

Pueblo of Santo Domingo, Doris Bailon, Director of Social Services, P.O. Box 129, Santo Domingo Pueblo, NM 87052; Phone: (505) 465–0630; Fax (505) 465–2554.

Southern Ute Indian Tribe, Denise Gurule, Case Worker I, P.O. Box 737, Ignacio, CO 81137; Phone (970) 563–0209; Fax (970) 563–0334.

Pueblo of Taos, Ms. Linda Aspenwind, ICWA Coordinator, Phyllis Dodson, Social Service Director, Pueblo of Taos, P.O. Box 1846, Taos, NM 87571; Phone: (505) 758–7824; Fax: (505) 758–3346; Fax: (505) 751–3345, respectively.

Pueblo of Tesuque, Rita Jojola-Dorame, ICWA Coordinator, Route 5, Box 360–T, Santa Fe, NM 87501; Phone: (505) 660–9508; Fax: (505) 982–2331.

Ute Mountain Ute Tribe (Colorado & Utah), Carla Knight-Cantsee, Social Services Director, P.O. Box 309, Towaoc, CO 81334; Phone: (970) 564–5307/5310; Fax: (970) 564–5300.

Ysleta del Sur Pueblo, Elizabeth Acosta, TEWA Family Case Worker, 119 South Old Pueblo Rd., Ysleta Station, El Paso, TX 79907; Phone: (915) 859–7913 ext. 151; Fax: (915) 859–5526.

Pueblo of Zia, Eileen Gachupin, ICWA Program or Mark Medina ICWA Coordinator, 135 Capital Square Drive, Zia Pueblo, NM 87053; Phone: (505) 867–3304; Fax: (505) 867–3308.

Pueblo of Zuni, Denise Sanchez, Family Preservation Worker, P.O. Box 339, Zuni, NM 87327; Phone: (505) 782–7166; Fax: (505) 782–5077.

Western Region

Wayne Nordwall, Regional Director, 400 North 5th Street (85004), P.O. Box 10, Phoenix, Arizona 85001; Phone: (602) 379–6600.

Evelyn S. Roanhorse, Regional Social Worker, 400 North 5th Street (85004), P.O. Box 10, Phoenix, Arizona 85001; Phone: (602) 379–6785.

A

Ak Chin Indian Community, Richard Huff, Tribal Social Worker, 47314 West Farrell Road, Maricopa, Arizona 85239; Phone: (520) 568–1092.

B

Battle Mountain Band Council, ICWA Coordinator, Social Services Program, 37 Mountain View Drive, Battle Mountain, Nevada 89820; Phone: (775) 635–2004, Ext. 102.

C

Chemehuevi Indian Tribe, Irene L. Anthony, Tribal Administrator, Indian Child Welfare Program, P.O. Box 1976, Havasu Lake, California 92363; Phone: (760) 858–4301.

Cocopah Indian Tribe, Mr. Kermit A. Palmer, Tribal Administrator, County 15 and Ave. G, Somerton, Arizona 85350; Phone: (520) 627–2102.

Colorado River Indian Tribes, Daniel Eddy, Jr., Chairman, Route 1, Box 23–B, Parker, Arizona 85344; Phone: (928) 669–1220.

D

Duckwater Shoshone Tribal Council, Ms. Nancy Abel, MSW, P.O. Box 140068, Duckwater, Nevada 89314; Phone: (775) 863–0227.

E

Elko Band Council, Lillian Garcia, ICWA Coordinator; Margaret Yowell, Social Service Worker, 1745 Silver Eagle Dr., Elko, Nevada 89801; Phone: (775) 738–8889.

Ely Shoshone Tribal Council, Social Service Director, 400–B Newe View, Ely, Nevada 89301; Phone: (775) 289–4133, Fax: 775/289–3237.

F

Fallon Paiute Shoshone Business Council, Donna Sharp, Acting Director, Youth & Family Services, 565 Rio Vista Drive, Fallon, Nevada 89406; Phone: (775) 423–1215.

Fort McDermitt Tribal Council, Karen Crutcher, Chairperson, P.O. Box 457, McDermitt, Nevada 89421; Phone: (775) 532–8259.

Fort McDowell Yavapai Tribe, Attention: CPS/ICWA Coordinator, Family and Community Services, P.O. Box 17779, Fountain Hills, Arizona 85269; Phone: (480) 837–5076.

Fort Mojave Indian Tribe, Attention: Social Services Director, 500 Merriman Avenue, Needles, California 92363; Phone: (760) 629–3745.

G

Gila River Pima-Maricopa Indian Community, Attention: Drake Lewis, Tribal Social Service Director, P.O. Box 97, Sacaton, Arizona 85247; Phone: (520) 562–3711, Ext 233.

Goshute Business Council (Nevada and Utah), Chairman, P.O. Box 6104, Ibapah, Utah 84034; Phone: (435) 234–1138.

H

Havasupai Tribe, Attention: Phyllis Jones, ICWA Coordinator, P.O. Box 10, Supai, Arizona 86435; Phone: (928) 448–2731, Fax: (928) 448–2143.

Hopi Tribe of Arizona, Hopi Guidance Center Social Services, Mr. C. Frank Freeman, Clinical Supervisor, P.O. Box 68, Second Mesa, Arizona 86043; Phone: (928) 737–2685.

Hualapai Tribe, Attention: Emma Clark, Program Manager and/or Shirley Reed, ICWA Program, P.O. Box 397, Peach Springs, Arizona 86434; Phone: (928) 769–2207, Fax: (928) 769–2494.

K

Kaibab Band of Paiute Indians, Jenny Kalauli, Director, Social Services Program, HC 65 Box 2, Pipe Spring, Arizona 86022; Phone: (928) 643–6010.

L

Las Vegas Paiute Tribe, Ruth Fitzpatrick, Social Services Worker, One Paiute Drive, Las Vegas, Nevada 89106; Phone: (702) 382–0784.

Lovelock Paiute Tribal Council, Attention: Susan Calvin, Indian Child Welfare Coordinator, P.O. Box 878, Lovelock, Nevada 89419; Phone: (775) 273–7861.

M

Moapa Band of Paiute Indians Business Council, Roberta Hanks, P.O. Box 340, Moapa, Nevada 89025–0340; Phone: (702) 865–2787.

P

Paiute Indian Tribe of Utah, Attention: Mr. Allan Pauole, ICWA Caseworker, 440 North Paiute Drive, Cedar City, Utah 84720; Phone: (435) 586–1112.

Pascua Yaqui Tribe, Office of the Attorney General, Tamara Walters, Assistant Attorney General, 4725 West Calle Tetakusim, Bldg. B, Tucson, Arizona 85746; Phone: (520) 883–5108; Fax: (520) 883–5084.

Pyramid Lake Paiute Tribal Council, Bonnie Akaka-Smith, Chairperson, P.O. Box 256, Nixon, Nevada 89424; Phone: (775) 574–1000.

Q

Quechan Tribal Council, President, P.O. Box 1899, Yuma, Arizona 85366–1899; Phone: (760) 572–0213; Fax: (760) 572–2102.

R

Reno-Sparks Indian Colony, Attention: Director of Social Services, 98 Colony Road, Reno, Nevada 89502; Phone: (775) 329–5071.

S

Salt River Pima-Maricopa Indian Community, Office of the General Counsel or Social Services Division, Child Protective Services, 10,005 East Osborn Road, Scottsdale, Arizona 85256; Phone: (480) 850–4130.

San Carlos Apache Tribe, Terry Ross, Director of Tribal Social Services, P.O. Box 0, San Carlos, Arizona 85550; Phone: (928) 475–2313/2314; Fax: (928) 475–2342.

San Juan Southern Paiute Tribe, Administration Office, P.O. Box 1989, Tuba City, Arizona 86045; Phone: (928) 283–4587, Fax: (928) 283–5761.

Shoshone-Paiute Tribes of the Duck Valley Reservation (Nevada), Chairman, P.O. Box 219, Owyhee, Nevada 89832; Phone: (208) 759–3100.

Skull Valley Band of Goshute Indians, Attention: ICWA Program Office, Metropolitan Plaza, Suite 110, 2480 S. Main Street, South Salt Lake City, Utah 84115; Phone: (801) 474–0535.

South Fork Band Council, Karen McDade, Director, Social Services Program, 21Lee, B13, Spring Creek, Nevada 89815; Phone: (775) 744–2412.

Summit Lake Paiute Tribe, Attn: Tribal Chairperson, 653 Anderson Street, Winnemucca, Nevada 89445; Phone: (775) 623–5151.

T

Te-Moak Tribe of Western Shoshone Indians, Chairman, 525 Sunset Street, Elko, Nevada 89801; Phone: (775) 738–9251.

Tohono O'odham Nation, Office of Attorney General, P.O. Box 830, Sells, Arizona 85634; Phone: (520) 383–3410.

Tonto Apache Tribe, Jerry Gramm, Social Services Director, Tonto Apache Reservation #30, Payson, Arizona 85541; Phone: (928) 474–5000, Fax: (928) 474–9125.

U

Ute Indian Tribe of the Uintah & Ouray Reservation (Utah), Attention: ICWA Worker, P.O. Box 190, Fort Duchesne, Utah 84026; Phone: (475) 722–5141, Ext. 4032.

W

Walker River Paiute Tribe, Chairperson, P.O. Box 220, Schurz, Nevada 89427; Phone: (775) 773–2306.

Washoe Tribe of Nevada and California (Carson Colony, Dresslerville, Woodfords, Stewart and Washoe Community Councils), Social Services Director, 919 Hwy, 395 South, Gardnerville, Nevada 89410; Phone: (775) 883–1446.

Wells Indian Colony Band Council, Chairman, P.O. Box 809, Wells, Nevada 89835; Phone: (775) 752–3045.

White Mountain Apache Tribe, Department of Social Services, ATTN: Cynthia Burnett, Child Welfare Administrator, Department of Social Services, P.O. Box 1870, Whiteriver, Arizona 85941; Phone: (928) 338–4164, Fax: (928) 338–1469.

Winnemucca Tribe, Chairman, P.O. Box 1370, Winnemucca, Nevada 89446.

Y

Yavapai-Apache Nation, Indian Child Welfare Act, Attn: Frieda A. Eswonia, Coordinator, 2400 Datsi Street, Camp Verde, Arizona 86322–8412; Phone: (928) 567–9439 Ext. 21, Fax: (928) 567–6485; Email: *feswonia@yan-tribe.org.*

Yavapai Prescott Indian Tribe, Attention: Alex Spence, ICWA, 530 East Merritt Avenue, Prescott, Arizona 86301; Phone: (928) 777–0532, Fax: (928) 445–7945.

Yerington Paiute Tribe, Mr. Wayne M. Garcia, 171 Campbell Lane, Yerington, Nevada 89447; Phone: (775) 463–3301.

Yomba Tribe, Chairman, HC61, Box 6275, Austin, Nevada 89310; Phone: (775) 964–2463.

[FR Doc. 05–5470 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal—State Compact.

SUMMARY: This notice publishes approval of the Tribal—State Compact between the Osage Nation and the State of Oklahoma.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Compact authorizes the Osage Nation to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games.

Dated: March 4, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–5483 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: This notice publishes the approval of the Tribal-State Compact between the Pawnee Tribe of Oklahoma and the State of Oklahoma.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary-Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Compact authorizes the Pawnee Tribe of Oklahoma to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games.

Dated: March 9, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–5482 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Class III Tribal-State Compact.

SUMMARY: This notice publishes approval of the First Amendment to the Tribal-State Compact between the Reno-Sparks Indian Colony and the State of Nevada.

EFFECTIVE DATE: March 21, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Amendment allows for a one year extension of the current compact.

Dated: March 7, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–5481 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT039–1020–05–AL]

North Dakota: Dakotas Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, North Dakota Field Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Dakotas Resource Advisory Council will be held May 3–4, 2005, in Fort Meade, SD. At 3 p.m. on May 3 we will meet at 54 Sheridan Street in Fort Meade, SD. The meeting will reconvene on Wednesday at 8 a.m. Agenda items include: National Cemetery, Prairie Dogs, Sage Grouse Conservation Plan review, Coteau Coal Mine, ND Grasslands fire damage and rehabilitation.

The meeting is open to the public and a public comment period is set for 1 p.m. on May 4, 2005. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per-person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying.

The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the Dakotas.

FOR FURTHER INFORMATION CONTACT: Marian Atkins, Field Office Manager, South Dakota Field Office, 310 Roundup St., Belle Fourche, South Dakota. Telephone 605–892–7000. Lonny Bagley, Field Office Manager, North Dakota Field Office, 2933 3rd Ave. W. Dickinson, North Dakota. Telephone 701–227–7700.

Dated: March 15, 2005.

Lonny R. Bagley,

Field Manager.

[FR Doc. 05–5498 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–660–05–1220–DU]

South Coast Resource Management Plan Amendment for the San Diego County Border Mountains

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with Bureau of Land Management (BLM) planning regulations, Title 43 Code of Federal Regulations (CFR) part 1610.5–5, this provides notice that the BLM Palm Springs-South Coast Field Office proposes to prepare an amendment to the South Coast RMP with an associated environmental assessment (EA) or, if needed, an environmental impact statement (EIS) for BLM-administered public lands in the Border Mountains portion of the San Diego County Management Area. The plan amendment proposes to establish management guidelines for lands acquired since 1994 and designate a route of travel network. This planning activity encompasses approximately 60,000 acres of federally managed public land, including the Otay Mountain Wilderness, the Hauser Mountain Wilderness Study Area, the Kuchamaa Area of Critical Environmental Concern (ACEC), and the McAlmond Canyon/Hauser Mountain Wildlife Management Area.

The BLM invites the public to participate in this planning effort. Citizens are requested to help identify issues or concerns and to provide input on BLM's proposed planning criteria as described below under **SUPPLEMENTARY INFORMATION**.

DATES: This notice initiates the public scoping process. All comments received shall be taken into consideration prior to issuance of the Decision Record. Please submit any scoping or proposed planning criteria comments in writing, by April 20, 2005, to ensure inclusion in the draft plan/EA. Comments on issues and planning criteria may be submitted in writing to the address listed below.

Public Participation: Public meetings will be held during the plan scoping and document preparation period. In order to ensure local community participation and input, public meetings will be held in Dulzura, located within and adjacent to the planning area in southwestern San Diego County. Early and ongoing participation is encouraged and will help determine the future management of federally managed public lands within the San Diego County Management Area. All public meetings will be announced through the local news media, newsletters, and the BLM Web site (*http://www.ca.blm.gov*) at least 15 days prior to the event. The minutes for each meeting will be available to the public and open for 30 days to any participant who wishes to clarify the views they expressed. Upon publication of the draft Plan Amendment/EA, additional public meetings will be announced to provide the public opportunities to comment on the alternatives and submit oral comments. Written comments will be accepted and considered throughout the planning process. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

ADDRESSES: Written comments should be sent to Gail Acheson—Field Manager, Palm Springs-South Coast Field Office, Bureau of Land

Management, P.O. Box 581260, North Palm Springs, CA 92258; or by fax at (760) 251–4899, or by e-mail at *gchill@ca.blm.gov.* Documents pertinent to this proposal, including comments with the names and addresses of respondents, will be available for public review at the Palm Springs-South Coast Field Office located at 690 W. Garnet Avenue, North Palm Springs, California, or the San Diego Project Office located at 10845 Rancho Bernardo Road, Suite 102, San Diego, California, during regular business hours of 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EA.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list contact Greg Hill at (760) 251–4840, *gchill@ca.blm.gov.*

SUPPLEMENTARY INFORMATION: The Border Mountains planning area encompasses the BLM public lands east of Otay Mesa, south of Interstate 8, and west of the California Desert Conservation Area boundary (T.17 S., R.1 E.; T.18 S., R.1 E.; T.17 S., R.2 E.; T.18 S., R.2 E.; T.17 S., R.3 E.; T.18 S., R.3 E.; T.17 S., R.4 E.; T.18 S., R.4 E.; T.17 S., R.5 E.; T.18 S., R.5 E.; T.17 S., R.6 E.; T.18 S., R.6 E.; T.17 S., R.7 E., and T.18 S., R.7 E.).

Since completion of the South Coast RMP in 1994, new circumstances have prompted the need for an amendment to the plan, particularly in the Border Mountains area. The following is a summary of the major issues and new circumstances BLM proposes to address in this plan amendment. An important management action required under BLM policy and land use planning requirements is designation of Off Highway Vehicle (OHV) roads and trails. Although OHV Area designations were completed in 1994, vehicle route designations were not completed. Since 1994, the BLM has also acquired several thousand acres of public lands for which OHV Area designations have not been assigned and where roads and trails have not been inventoried.

The creation of the San Diego Multiple Species Conservation Plan (MSCP) and the Otay Mountain Wilderness, along with associated land acquisitions and the changing needs and interests of the public, also necessitates a plan amendment. The MSCP, covering 85 species and intended to preserve over 170,000 acres of habitat, was signed in 1997 to meet requirements of the Endangered Species Act of 1973 (as amended), and the California Natural Communities Conservation Program (NCCP). The MSCP was signed by the City of San Diego and 13 other jurisdictions, San Diego County, the San Diego Association of Governments (SANDAG), the California Department of Fish and Game (CDFG), and the U.S. Fish and Wildlife Service (USFWS). The MSCP identified over 24,700 acres of BLM managed public land as the Otay/Kuchamaa Cooperative Management Area and as a ''core area'' of the MSCP. In a Memorandum of Understanding between BLM, local governments, and state and federal wildlife agencies, the BLM agreed to cooperate in the design, land acquisition, and management of the MSCP to promote biological diversity and facilitate permitting in the planning area. Since 1994 the BLM has acquired over 6,000 acres of sensitive habitat in support of the MSCP. These new federal lands and MSCP designations are not addressed by the 1994 South Coast RMP. Additional issues and concerns would be considered as identified through the public participation process.

In compliance with 43 CFR 1610.4–2, the BLM requests public input on the following proposed planning criteria, which will guide development and establish ''sideboards'' for preparation of the South Coast Plan Amendment. Please submit any comments in writing to the BLM address listed above no later than 30 days from the date of this **Federal Register** notice.

Selection of the preferred alternative will be based on the following proposed planning criteria:

- Promote long-term recovery and viability of native flora and fauna.
- Would not unduly burden Bureau resources and funding capability, including maintenance activities.
- Would consider the ability to manage and implement approved actions relative to the urban/wildland interface, the public/private interface, and border related national security concerns.
- Seek to achieve common goals set forth in the MSCP.
- Selection of the preferred alternative shall be conducted in close coordination with the local jurisdictions to promote land management consistency, effectiveness, and cost efficiency across jurisdictional boundaries.

Development of the South Coast RMP Amendment shall be conducted:

- In compliance with the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), the Otay Mountain Wilderness Act (1999), and the Endangered Species Act of 1973, as amended.
- In compliance with all applicable environmental laws, regulations and policies which address such pertinent topics as BLM's multiple use mandate, valid existing rights, the Bureau's energy policy, route designation, habitat and range management, and critical elements of the human environment such as ACEC's, threatened and endangered species, cultural resources, Native American consultation, water quality, air quality, wilderness, and other topics.
- In close coordination with the local jurisdictions, State, and other Federal agencies to facilitate consistency with the MSCP.
- To facilitate consistency with relevant plans such as Recovery Plans prepared by the USFWS.
- Such that nothing in the proposed plan amendment shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and/or replacement activities in such rights-of-ways in accordance with sections 509(a) and 701(a) of FLPMA.

An interdisciplinary approach will be used to develop the plan in order to consider the variety of resource issues and concerns identified. Disciplines involved in the planning process will include specialists with expertise in outdoor recreation, archaeology, wildlife and plants, lands and realty, hydrology, soils, geographic information systems, rangeland management, minerals and geology, sociology, and economics.

Gail Acheson,

Field Manager, Palm Springs-South Coast Field Office.

[FR Doc. 05–5457 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boundary Establishment for Flight 93 National Memorial

AGENCY: National Park Service.

ACTION: Notice of boundary establishment.

SUMMARY: Notice is hereby given that, pursuant to Public Law 107–226 (116 Stat. 1345, 16 U.S.C. 431 note), dated September 24, 2002, a boundary is hereby established for Flight 93 National Memorial, located in Somerset County, Pennsylvania, to encompass lands depicted on Map No. 04–01 that was attached to Resolution 0401 issued by the Flight 93 Advisory Commission on July 30, 2004.

FOR FURTHER INFORMATION CONTACT: Superintendent, Flight 93 National Memorial, 109 West Main Street, Suite 104, Somerset, PA 15501–2035.

SUPPLEMENTARY INFORMATION: Public Law 107–226 (116 Stat. 1345, 16 U.S.C. 431 note), dated September 24, 2002, established the Flight 93 National Memorial to commemorate the passengers and crew of United Airlines Flight 93 who, on September 11, 2001, courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital. Public Law 107–226 established the Flight 93 Advisory Commission and directed the Commission to advise the Secretary of the Interior on the boundary of the memorial site. On July 30, 2004, the Commission's Resolution 0401 advised the Secretary of the Interior to establish the boundary as depicted on Map No. 04–01. By a letter to the Commission, dated January 14, 2005, the Secretary of the Interior accepted the Commission's advice to establish the boundary as provided in Resolution 0401.

The map is on file and available for inspection in the Land Resources Program Center, Northeast Regional Office, U.S. Customs House, 200 Chestnut Street, 3rd Floor, Philadelphia, Pennsylvania 19106–2988, in the Office of the National Park Service, Department of the Interior, Washington, DC 20240 and in the Office of Flight 93 National Memorial, 109 West Main Street, Somerset, Pennsylvania 15501.

Dated: February 7, 2005.

Joanne M. Hanley,

Superintendent, Flight 93 National Memorial National Park Service.

[FR Doc. 05–5449 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–WH–M

DEPARTMENT OF THE INTERIOR

National Park Service

Draft Environmental Impact Statement; Fire Management Plan; Golden Gate National Recreation Area; Marin, San Francisco and San Mateo Counties, California; Notice of Availability

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, 42 U.S.C. 4321–4347, January 1, 1970, as amended), and the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508), the National Park Service, Department of the Interior, has prepared a Draft Environmental Impact Statement identifying and evaluating three alternatives for a Fire Management Plan for Golden Gate National Recreation Area (GGNRA), in northern California. Potential impacts and mitigating measures are described for each alternative. The alternative selected after this conservation planning and environmental impact analysis process will serve as a blueprint for fire management actions for the GGNRA over the next 10–15 years.

This Fire Management Plan (FMP) and Draft Environmental Impact Statement (DEIS) identifies and analyzes two action alternatives, and a No Action alternative, to update and revise the 1993 Fire Management Plan for the GGNRA, Muir Woods National Monument and Fort Point National Historic Site; the latter two sites are administered by GGNRA. The 1993 FMP focuses primarily on natural resource management issues and needs to be revised to more fully address cultural resource concerns. In addition, the revisions will bring the FMP into conformance with current federal wildland fire policies and standards, address lands added to GGNRA since 1993, and plan for fire hazard reduction in the extensive wildland urban interface on the park's boundary.

This FMP DEIS evaluates fire management options for approximately 15,000 acres of GGNRA's nearly 75,000 legislated acres. The planning area for the FMP contains lands in Marin, San Francisco and San Mateo counties—three of the nine counties that make up the San Francisco Bay area. Several of the smaller national park sites are within the City of San Francisco itself; remaining areas are in southern and southwestern Marin County, northwestern San Mateo County and the Phleger Estate, in southeastern San Mateo County near the Town of Woodside. The FMP planning area does not included the following lands:

(1) The northern lands of GGNRA, comprising 18,000 acres north of the Bolinas-Fairfax Road in western Marin County, which are managed by the Point Reyes National Seashore (PRNS) under an agreement between the two park units. Fire management responsibilities for these northern lands are addressed in the PRNS FMP (approved October 29, 2004).

(2) Lands within the jurisdictional boundary of GGNRA that are not directly managed by the National Park Service. This includes the San Francisco Watershed, managed by the San Francisco Public Utilities Commission (with overlays of NPS easements) and the interior portion of the Presidio of San Francisco (referred to as Area B), which is managed by the Presidio Trust, a federal corporation. The coastal portion of the Presidio (Area A), managed by the GGNRA, is included in the planning area.

In addition to lands currently under the management of the NPS, the FMP planning area includes those lands within the legislative boundary that may pass to NPS management in the near future. These areas, all in San Mateo County, include Cattle Hill, Pedro Point, Picardo Ranch, and northern coastal bluffs along Highway 1.

GGNRA was created in 1972 to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, California, possessing outstanding natural, historic, scenic, and recreational values, and in order to provide for the maintenance of needed recreational open space necessary to urban environment and planning. The legislation charged the Secretary of the Interior to ''utilize the resources [of GGNRA] in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management'' and to ''preserve the recreation area, as far as possible, in its natural setting, and protect it from development and uses which would destroy the scenic beauty and natural character of the area.''[16 U.S.C. 460bb]. GGNRA protects a remarkably diverse cluster of coastal ecosystems, landscapes, and historical sites, from the rural hills of Tomales Bay and the San Mateo watershed to the scenic headlands and military outposts of the Golden Gate and the urban shorelines of San Francisco. This diversity centers on the singular geographic feature of Golden Gate, portal between the United States and the Pacific Basin, and includes a Civil War fort, an ancient redwood forest, the former Alcatraz federal penitentiary, and most of the last remaining open spaces and forests on the ocean coast of the metropolitan Bay Area. The parklands include beaches, coastal headlands, grasslands, coastal scrub, Douglas fir and coast redwood forests, freshwater and estuarine wetlands, marine terraces, and riparian corridors. GGNRA contains the highest concentration of historic buildings (over 1,250 buildings and five national historic landmark districts) in any single unit of the National Park System.

In the past, wildland fire occurred naturally in the park as an important ecosystem process that kept forest fuels and vegetation structure within the natural range of variability. Past logging and fire suppression activities have lead to increased fuel loads and changes in vegetation community structure. This has increased the risk of large, high-intensity wildland fire within the park,

threatening the park's developed zones, its natural and cultural resources, and residential areas close to the park boundary in the wildland urban interface zone.

Alternatives. Though the three alternatives vary in the strategies used to achieve fire management goals, there are several common elements of the FMP that are the same under each alternative. The fire management approach for Muir Woods National Monument would be the same, including the use of prescribed fire as well as mechanical fuel reduction. Some actions, including continued implementation of the Wildland Urban Interface Initiative, maintenance of the park's fire roads and trails, vegetation clearing around park buildings, suppression of unplanned ignitions, public information and education, construction of a new fire cache for equipment storage and continuation of the current fire monitoring program, would be carried out under all three alternatives. The three alternatives meet the park's goals and objectives to an acceptably large degree, and are within constraints imposed by regulations and policies, by risks associated with the wildland urban interface, and by technical and funding limitations. The three alternatives differ in combinations of prescribed burning and mechanical treatments in the park interior versus parklands that share a boundary with development. Each alternative has an upper limit set on the number of acres that could be treated by either prescribed burning or mechanically treated in one year (see Table 1).

Alternative A (No Action)—This alternative would update the 1993 FMP only to reflect changes to the park's boundary (e.g., addition of new lands since 1993) and current national fire management policies. The focus of the 1993 FMP program is on vegetation management through the application of prescribed fire to perpetuate fire-dependent natural systems. In recent practice, many fire management actions have been mechanical fuel reduction projects (e.g., mowing, cutting to remove non-native shrubs and trees, and selective thinning in forested stands) funded through the Wildland-Urban Interface Program. This alternative would rely on the continued implementation of the 1993 FMP supplemented by mechanical fuel reduction along with prescribed fire, and suppression of all wildfires. Current research projects would continue and would focus on the role of fire to enhance natural resources and the effects of fire on key natural resources to determine the effectiveness of various fuel treatments.

Alternative B—Hazard Reduction and Restricted Fire Use for Research and Resource Enhancement. This alternative would emphasize use of mechanical methods to reduce fire hazards and fuel loads in areas with the highest risks. Compared to Alternative A, Alternative B would increase the number of acres mechanically treated each year, with a focus on the reduction of high fuel loads in the wildland urban interface area. Limited use of prescribed fire could occur for research purposes within the park interior. Research projects would examine the role of fire to enhance natural resources and the effects of fire on key natural resources to determine the effectiveness of various fuel treatments. Natural and cultural resource goals and objectives would be integrated into the design and implementation of fuel reduction projects.

Alternative C (Preferred Alternative) (Environmentally Preferred)—Hazard Reduction and Resource Enhancement through Multiple Treatments. This alternative would allow for the greatest number of acres to be treated on an annual basis to achieve fire management and resource objectives through the use of a broad range of fire management strategies. Mechanical treatment and prescribed burning would be used throughout the park as a means to reduce fuel loading and achieve resource enhancement goals. Mechanical treatments, complemented by prescribed fire, would be employed to assist with restoration and maintenance of the park's natural and cultural resources. An expanded research program would examine the role of fire and mechanical treatments in enhancing natural resources, reducing fuel loading, and specific impacts of fire on key natural resources; research would also be used to adaptively guide the fire management program and help to maximize the benefits to park resources. As in Alternative B, natural and cultural resource goals and objectives would be integrated into the design and implementation of fuel reduction projects.

TABLE 1.—SUMMARY OF ALTERNATIVES BY ANNUAL ACRES TREATED AND TREATMENT TYPE

[Source: GGNRA Fire Management Office, 2004.]

Treatment type	County	Alternative A[1]	Alternative B	Alternative C
Mechanical Treatment[2] (ac/year)	Marin	75	180	225
	San Francisco	5	10	10
	San Mateo	20	40	40
Total		100	230	275
Prescribed Burning (ac/year)	Marin	100	120	285
	San Francisco	<1	<1	<1
	San Mateo	10	0	35
Total		110	120	120

[1] Estimated based upon current practice, since 1993 FMP did not specify number of acres per year for treatments.
[2] Includes fuel reduction through methods such as mowing, cutting, short-term grazing, and selective thinning.

Planning Background: Public scoping for the FMP EIS began on August 8, 2003, with publication in the **Federal Register** of the Notice of Intent to prepare an environmental impact statement for the GGNRA Fire Management Plan. In addition to the **Federal Register** notice, the scoping period was publicized through a mass mailing to the public and a notice advertising scoping workshops, which were held in each of the three counties in the planning area. Scoping comments were solicited from the public, regulatory agencies, local fire departments and park staff from August 8, 2003, to December 5, 2003.

Comments: The FMP/DEIS will be sent directly to those who request it in writing received by regular mail or e-mail. Copies and compact discs of the document will be available at park headquarters, park visitor centers, and at local and regional libraries. The complete document will be posted on the park's Web site at *http://www.nps.gov/goga/admin/planning.* Written comments must be postmarked (or transmitted by e-mail) no later than sixty days from the date of EPA's notice of filing published in the **Federal Register**—as soon as it is confirmed, the close of the commenting period will also be posted on the park's Web site. All comments should be addressed to the Superintendent and mailed to Golden Gate National Recreation Area, Fort Mason, Building 201, San Francisco, CA 94123 (Attn: Fire Management Plan); E-mail should be sent to: *goga_fire@nps.gov* (please mark the e-mail subject line ''FMP DEIS Comments''). A public meeting will be held be held to hear comments on the DEIS. Please visit the GGNRA Web site at *http://www.nps.gov/goga/* for the date, location, and time, or call the GGNRA Fire Management Office at (415) 331–6374.

All comments are maintained in the administrative record and will be available for public review at park headquarters. If individuals submitting comments request that their name and/or address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. As always, NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and anonymous comments may not be considered.

Decision Process: It is anticipated that the Final Environmental Impact Statement for the Fire Management Plan would be completed in spring, 2005. The availability of the Final EIS will be published in the **Federal Register**, and announced via mailings and Web site postings. Not sooner than thirty days after the distribution of the Final EIS/FMP, a Record of Decision may be approved (as a delegated EIS the approving official is the Regional Director, Pacific West Region of the National Park Service). After approval, the official responsible for implementation of the FMP will be the General Superintendent, Golden Gate National Recreation Area.

Dated: February 15, 2005.

George J. Turnbull,

Acting Regional Director, Pacific West Region.

[FR Doc. 05–5448 Filed 3–18–05; 8:45 am]

BILLING CODE 4312–FN–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of a Record of Decision on the Final Environmental Impact Statement for the Arrowhead-Weston Transmission Line River Crossing/Right-of-Way Request, Saint Croix National Scenic River

AGENCY: National Park Service, Department of the Interior.

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, 83 Stat. 852, 853, as codified as amended at 42 U.S.C. 4332(2)(C), the National Park Service (NPS) announces the availability of the record of decision for the Arrowhead-Weston Transmission Line River Crossing/Right-Of-Way Request. On February 23, the Director, Midwest Region, approved the record of decision for the crossing/right-of-way (ROW) request. Specifically, the NPS has selected the preferred alternative (alternative 1: Long-span option) as described in the final environmental impact statement (EIS). Under the selected action, the NPS will issue a 120-foot wide ROW permit to Minnesota Power, Wisconsin Public Service Corporation, and American Transmission Company (the Applicants) to allow for construction and operation of alternative 1: Long-span option, which is a double-circuited, alternating current, 161 and 345-kilovolt transmission line crossing of the Namekagon River, a segment of the Saint Croix National Scenic Riverway (Riverway).

The selected action and four other alternatives were analyzed in the draft and final EIS. The full range of foreseeable environmental consequences was assessed. Among the alternatives the NPS considered, the selected action best provides a combination of limiting impacts in the crossing area and providing enhancements throughout the Riverway. The NPS believes the preferred alternative allows for a transmission line crossing of the Namekagon River while minimizing and compensating for impacts to the Riverway. The river crossing will have no impact on the free-flowing characteristics of the Namekagon River and is consistent with the park's general management plan which calls for new crossings to be consolidated in existing crossings. The preferred will allow supporting structures to be set back from line-of-sight of the river, and will require less ground, vegetation, and ongoing maintenance disturbances. The compensatory mitigation package will eliminate up to eight distribution line crossings, provide noise abatement measures on a nearby stretch of the Riverway, and provide funds for studies and activities to enhance scenery and recreation along the Riverway.

The record of decision includes a statement of the decision made, synopses of other alternatives considered, the basis for the decision, the rationale for why the selected action is the environmentally preferred alternative, a finding on impairment of park resources and values, and an overview of public involvement in the decisionmaking process.

FOR FURTHER INFORMATION CONTACT: Ms. Jill Medland, Saint Croix National Scenic Riverway, 401 Hamilton Street, P.O. Box 708, Saint Croix Falls, Wisconsin 54024; phone 715 483–3284, extension 609. Copies of the record of decision may be obtained from the contact listed above.

Dated: February 22, 2005.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 05–5446 Filed 3–18–05; 8:45 am]

BILLING CODE 4312–96–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 26, 2005. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St., NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written

or faxed comments should be submitted by April 5, 2005.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Contra Costa County

Merrill, Charles W., House, 407 Camino Sobrante, Orinda, 05000251

IOWA

Delaware County

Kirkpatrick, Robert Round Barn, (Iowa Round Barns: The Sixty Year Experiment TR), 3342–120th Ave., Coggon, 05000252

Polk County

Universalist Church, 420 4th St., Mitchellville, 05000253

KENTUCKY

Jefferson County

Schaefer—Meyer Brewing Co., Address Restricted, Louisville, 05000255

Oldham County

Bradshaw—Duncan House, 8502 Todds Point Rd., Crestwood, 05000254

MONTANA

Gallatin County

Three Valleys State Bank, 202 Main St., Three Forks, 05000256

NEW MEXICO

Sierra County

Fort McRae, Address Restricted, Elephant Butte, 05000258

NEW YORK

Albany County

Van derzee, Cornelius and Agnietje, Van Derzee Rd., Coeymans, 05000259

Cayuga County

Ingham, William Smith, House, 3069 W Main St., Meridian, 05000263

Columbia County

Pulver, William and Victoria, House, 2329 Cty Rd. 8, Snyderville, 05000260

Dutchess County

St. Thomas' Episcopal Church, Leedsville Rd., N side, W of NY 41, Amenia Union, 05000261

Greene County

Parsonage, The, 424 Main St., Oak Hill, 05000262

Nassau County

Saint Mary's Chapel, Rushmore Ave. bet Roslyn Ave. and Glen Cove Ave., Carle Place, 05000270

Saratoga County

St. Stephen's Episcopal Church, 1 Grove St., Schuylerville, 05000264

Suffolk County

Port Jefferson Village Historic District, Roughly along E. Main St., E. Broadway, Grant ST., High St. and South St., Port Jefferson, 05000265

NORTH CAROLINA

Cleveland County

King Street Overhead Bridge, King St. Bet. Battleground and Railroad Aves., Kings Mountain, 05000268

Person County

Long, James A and Laura Thompson, House, 217 S. Main St., Roxboro, 05000267

Stanly County

Second Street Historic District, Portions of 100 and 200 blks N. Second St. and 100 blk West North St., Albemarle, 05000266

Yadkin County

Morse and Wade Building, 100 E. Main St., East Bend, 05000269

PUERTO RICO

Cayey Municipality

Rodriguez Morales, Juana, House, 7 Nunez Romeu St., Cayey, 05000257

VIRGINIA

Louisa County

Mineral Historic District, Roughly along Mineral, Louisa, Lee, Richmond, Albemarle, Pendleton, Piedmont, Old Tolersville, S. Cecilia, et al, Mineral, 05000271

WISCONSIN

Wood County

Marshfield Senior High School, 900 E. Fourth St., Marshfield, 05000272

A request for REMOVAL has been made for the following resources:

NORTH DAKOTA

Grand Forks

Building at 205 DeMers Ave., (Downtown Grand Forks MRA), 205 DeMers Ave., Grand Forks, 82001316

Building at 317 S. 3rd St., (Downtown Grand Forks MRA), 317 S. 3rd St., Grand Forks, 82001318

House at 1648 Riverside Drive, 1648 Riverside Dr., Grand Forks, 94001074

New Hampshire Apartments, (Downtown Grand Forks MRA), 105 N. 3rd St., Grand Forks, 82001332

Viets Hotel, (Downtown Grand Forks MRA), 309–311 3rd St., S, Grand Forks, 82001341

[FR Doc. 05–5447 Filed 3–18–05; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Central Valley Project Improvement Act, Water Management Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: The following Water Management Plans are available for review: City of Folsom; Plain View Water District; City of Shasta Lake; Tulare Irrigation District.

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation has developed and published the Criteria for Evaluating Water Management Plans (Criteria). Note: For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water Conservation Plans. The above districts have developed Plans, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the Plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (*i.e.*, draft) determination is invited at this time.

DATES: All public comments must be received by April 20, 2005.

ADDRESSES: Please mail comments to Leslie Barbre, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, or contact at 916–978–5232 (TDD 978–5608), or e-mail at *lbarbre@mp.usbr.gov*.

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Barbre at the e-mail address or telephone number above.

SUPPLEMENTARY INFORMATION: We are inviting the public to comment on our preliminary (*i.e.*, draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Public Law 102–575) requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices (BMPs) that shall ''* * * develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by Section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these Criteria must be developed ''* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' These Criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare Plans that contain the following information:

1. Description of the District.

2. Inventory of Water Resources.
3. BMPs for Agricultural Contractors.
4. BMPs for Urban Contractors.
5. BMP Plan Implementation.
6. BMP Exemption Justification.

Reclamation will evaluate Plans based on these Criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific Regional Office located in Sacramento, California, and the local area office.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, and we will honor such request to the extent allowable by law. There also may be circumstances in which Reclamation would elect to withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public disclosure in their entirety. If you wish to review a copy of these Plans, please contact Ms. Barbre to find the office nearest you.

Dated: February 28, 2005.

Donna E. Tegelman,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 05–5496 Filed 3–18–05; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–352]

Andean Trade Preference Act: Effect on the U.S. Economy and on Andean Drug Crop Eradication

AGENCY: International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with the 2004 ATPA report.

DATES: *Effective Date:* March 11, 2005.

FOR FURTHER INFORMATION CONTACT: Joanne Guth (202–205–3264 or *joanne.guth@usitc.gov),* Country and Regional Analysis Division, Office of Economics, U.S. International Trade Commission, Washington, DC 20436. General information concerning the Commission may be obtained by accessing its Internet server (*http://www.usitc.gov*).

Background: Section 206 of the Andean Trade Preference Act (ATPA) (19 U.S.C. 3204) requires that the Commission submit annual reports to the Congress regarding the economic impact of the Act on U.S. industries and consumers and, in conjunction with other agencies, the effectiveness of the Act in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries. Section 206(b) of the Act requires that each report include:

(1) The actual effect of ATPA on the U.S. economy generally as well as on specific domestic industries which produce articles that are like, or directly competitive with, articles being imported under the Act;

(2) The probable future effect that ATPA will have on the U.S. economy generally and on domestic industries affected by the Act; and

(3) The estimated effect that ATPA has had on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Notice of institution of the investigation and the schedule for such reports under section 206 of ATPA was published in the **Federal Register** of March 10, 1994 (59 FR 11308). The eleventh report, covering calendar year 2004, is to be submitted by September 30, 2005.

Written Submissions: The Commission does not plan to hold a public hearing in connection with the preparation of this eleventh report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on June 10, 2005. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential business information (CBI) must be deleted (see the following paragraph for further information regarding CBI). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000 or *edis@usitc.gov*).

Any submissions that contain CBI must also conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages clearly be marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the CBI be clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested parties.

The Commission intends to publish only a public report in this investigation. Accordingly, any CBI received by the Commission in this investigation will not be published in a manner that would reveal the operations of the firm supplying the information. The report will be made available to the public on the Commission's Web site.

The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: March 15, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary.

[FR Doc. 05–5464 Filed 3–18–05; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–438 (Final)]

Live Swine From Canada

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 11, 2005, the Department of Commerce published notice in the **Federal Register** of a negative final determination of

subsidies in connection with the subject investigation (70 FR 12186). Accordingly, pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty investigation concerning live swine from Canada (investigation No. 701–TA–438 (Final)) is terminated.

EFFECTIVE DATE: March 11, 2005.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski (202–205–3188), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server *(http://www.usitc.gov).* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

Issued: March 15, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–5465 Filed 3–18–05; 8:45 am]

BILLING CODE 7020–02–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 05–04]

Notice of Quarterly Report

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with Section 612(b) of the Millennium Challenge Act of 2003 (Pub. L. 108–199, Division D), the Millennium Challenge Corporation is making its first quarterly report available to the public. The following report covers the quarter beginning October 1, 2004 and ending December 31, 2004.

MILLENNIUM CHALLENGE CORPORATION

[Quarterly report for the period October 1, 2004 through December 31, 2004]

	Pending actions	Undisbursed obligations	Expenditures quarter	Expenditures YTD
Programs:				
Compacts	$0	$0	$0	$0
Threshold Programs, See (A) Below	40,000,000	0	0	0
Due Diligence/Monitoring and Evaluation See (B) Below	745,000	144,492	144,492	144,492
Inspector General			360,000	360,000
Total	40,745,000	144,492	504,492	504,492
Memo: Inter-agency transfers (included above)				
(A) *Threshold Programs:* USAID agreement to oversee agreements with Threshold Program countries	40,000,000			
(B) *Due Diligence:* Department of the Treasury, Office of Technical Assistance (OTA)—Evaluation by OTA of eligible country financial management systems	250,000			
(B) *Due Diligence:* U.S. Army Corps—Evaluation by Army Corps of Honduran proposal	200,000			

FOR FURTHER INFORMATION CONTACT: Jake Stefanik, Legislative Assistant, Office of Domestic Affairs, at *info@mcc.gov* or (202) 521–3600.

Dated: March 15, 2005.

Frances C. McNaught,

Vice President, Domestic Relations, Millennium Challenge Corporation.

[FR Doc. 05–5511 Filed 3–18–05; 8:45 am]

BILLING CODE 9210–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

March 10, 2005.

TIME AND DATE: 10 a.m., Thursday, March 17, 2005.

PLACE: The Richard V. Backley Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Georges Colliers, Inc.,* Docket No. EAJ 2002–2. (Issues include whether the administrative law judge properly denied fees and expenses to Georges Colliers, Inc. under the Equal Access to Justice Act, 5 U.S.C. 504 *et seq.*)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs, subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202)434–9950/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 05–5637 Filed 3–17–05; 2:17 pm]

BILLING CODE 6735–01–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB

for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before April 20, 2005 to be assured of consideration.

ADDRESSES: Send comments to Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–837–3213.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on January 7, 2005 (70 FR 1476). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Public Vaults Survey.

OMB number: 3095–00XX.

Agency form number: N/A.

Type of review: Regular.

Affected public: Individuals who visit the Public Vaults in Washington, DC.

Estimated number of respondents: 1,050.

Estimated time per response: 10 minutes.

Frequency of response: On occasion (when an individual visits the Public Vaults in Washington, DC).

Estimated total annual burden hours: 175 hours.

Abstract: The information collection is prescribed by EO 12862 issued September 11, 1993, which requires Federal agencies to survey their customers concerning customer service. The general purpose of this voluntary data collection is to (1) provide baseline data concerning the effectiveness of the Public Vaults and its several exhibits in enhancing visitors' understanding that records matter, (2) measure customer satisfaction with the Public Vaults, and (3) identify additional opportunities for improving the customers' experience.

Dated: March 10, 2005.

Shelly L. Myers,

Deputy Chief Information Officer.

[FR Doc. 05–5437 Filed 3–18–05; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: National Science Foundation—Applicant Survey

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by May 20, 2005, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: ''National Science Foundation Applicant Survey.''

OMB Approval Number: 3145–0096.

Expiration Date of Approval: August 31, 2005.

Type of Request: Intent to seek approval to extend with revision an information collection for three years.

Proposed Project: The current National Science Foundation Applicant survey has been in use for several years. Data are collected from applicant pools to examine the racial/sexual/disability composition and to determine the source of information about NSF vacancies.

Use of the Information: Analysis of the applicant pools is necessary to determine if NSF's targeted recruitment efforts are reaching groups that are underrepresented in the Agency's workforce and/or to defend the Foundations' practice in discrimination cases.

Burden on the Public: The Foundation estimates about 8,000 responses annually at 1 minute per response; this computes to approximately 133 hours annually.

Dated: March 15, 2005.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 05–5443 Filed 3–18–05; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences (BIO); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L., 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences (BIO) (1110).

Date and Time: April 7, 2005; 8:30 a.m.–5 p.m. April 8, 2005; 8:30 a.m.–3 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Stafford Place II, Room 555.

Type of Meeting: Open.

Contact Person: Dr. Mary E. Clutter, Assistant Director, Biological Sciences, Room

605, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; tel. no.: (703) 292–8400.

Minutes: May be obtain from the contact person listed above.

Purpose of Meeting: The Advisory Committee for BIO provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Long Range Planning Meeting; Bio Leading Edge Discussions; Cyberinfrastructure; NEON Status.

Dated: March 15, 2005.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 05–5445 Filed 3–18–05; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Computer and Information Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Computer and Information Science and Engineering—(1115).

Date and Time: April 22, 2005, 8 a.m. to 3:30 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., room 1235, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Gwen Barber-Blount, Office of the Assistant Director, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Blvd., Suite 1105, Arlington, VA 22230. Telephone (703) 292–8900.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the CISE community. To provide advice to the Assistant Director/CISE on issues related to long-range planning, and to form ad hoc subcommittees to carry out needed studies and tasks.

Agenda: Report from the Assistant Director. Discussion of education, diversity, workforce issued in IT; cyberinfrastructure; long-range funding outlook and proposal success rates.

Dated: March 15, 2005.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 05–5444 Filed 3–18–05; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 050–155]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact Approval of the License Termination Plan for the Big Rock Point Reactor Facility, Charlevoix, MI

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: James C. Shepherd, Project Engineer, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Rockville, Maryland 20852. Telephone: (301) 415–6712; fax number: (301) 415–5398; e-mail: *jcs2@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuing an amendment to Facility Operating License No. DPR–6, issued to the Consumers Energy (CE) Company (licensee), that would authorize CE to implement the License Termination Plan (LTP) submitted for the Big Rock Point Power Station (BRP). The NRC prepared this environmental assessment (EA) to determine the environmental effects from LTP approval and subsequent release of the site for unrestricted use, as described in the final rule ''Radiological Criteria for License Termination'' (62 FR 39058). The NRC is issuing this environmental assessment and finding of no significant impact pursuant to 10 CFR 51.21.

II. EA Summary

The purpose of the proposed action is to authorize the licensee to complete decommissioning of the Big Rock Point site to unrestricted release criteria as defined in 10 CFR 20.1402, *i.e.* that the calculated dose to a member of the public from residual radiation at the site will be less than 25 mrem per year. All systems and equipment used during reactor operation will be removed from the site and disposed in accordance with regulations, except for the cooling water intake that will remain submerged in Lake Michigan, and the facility septic drain field located about 100 meters (300 feet) west of the former reactor facility. The licensee has moved all reactor fuel to an independent spent fuel storage installation (ISFSI) located about one kilometer (one half mile) south of the former reactor area. The ISFSI and its support facilities will be maintained until the fuel is transferred to Department of Energy, expected to occur about 2012.

The staff has prepared the EA in support of the proposed license amendment. The NRC has examined the licensee's proposed amendment request and concluded that there are no significant radiological environmental impacts associated with this action, and it will not result in significant nonradiological environmental impacts.

III. Finding of No Significant Impact

On the basis of the EA, NRC has concluded that there are no significant environmental impacts from the proposed amendment and has determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: (1) The licensee's License Termination Plan, Rev. 0, dated April 1, 2004, ML031050635, (2) the licensee's License Termination Plan, Rev. 1, dated July 1, 2004, ML042640320, and (3) the EA, ML042890054. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland, this 11th day of March 2005.

For the Nuclear Regulatory Commission.

Daniel M. Gillen,

Deputy Director, Decommissioning Directorate, Division of Waste Management and Environmental Protection, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 05–5474 Filed 3–18–05; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: Quasette Crowner, Chief, Executive Resources Group, Center for Leadership and Executive Resources Policy, Division for Strategic Human Resources Policy, 202–606–8046.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedule C between February 1, 2005, and February 28, 2005. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A appointments for February 2005.

Schedule B

No Schedule B appointments for February 2005.

Schedule C

The following Schedule C appointments were approved for February 2005:

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS00152 Portfolio Manager to the Administrator, E-Government and Information Technology. Effective February 9, 2005.

BOGS60143 Deputy to the Associate Director for Legislative Affairs (House) to the Associate Director for Legislative Affairs. Effective February 15, 2005.

Office of National Drug Control Policy

QQGS00029 Legislative Staff Assistant (Office Automation) to the Associate Director, Legislative Affairs. Effective February 04, 2005.

QQGS00030 Public Affairs Assistant to the Associate Director, Public Affairs. Effective February 18, 2005.

QQGS00032 Program Assistant (Office Automation) to the Project Coordinator. Effective February 24, 2005.

Office of Science and Technology Policy

TSGS60036 Confidential Assistant to the Associate Director for Technology to the Associate Director, Technology. Effective February 17, 2005.

Section 213.3304 Department of State

DSGS60812 Staff Assistant to the Senior Advisor to the Secretary and White House Liaison. Effective February 04, 2005.

DSGS60818 Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective February 16, 2005.

DSGS60815 Special Assistant to the Deputy Secretary. Effective February 18, 2005.

DSGS60816 Special Assistant to the Deputy Secretary. Effective February 18, 2005.

DSGS60821 Staff Assistant to the Deputy Secretary. Effective February 18, 2005.

Section 213.3305 Department of the Treasury

DYGS60421 Special Assistant to the Deputy Assistant Secretary for Legislative Affairs. Effective February 01, 2005.

DYGS00446 Senior Advisor to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs. Effective February 02, 2005.

DYGS00420 Special Assistant to the Assistant Secretary (Deputy Under Secretary) Legislative Affairs. Effective February 04, 2005.

DYGS00442 Special Assistant to the Deputy Assistant Secretary (Public Liaison, Strategic Planning and Business Development). Effective February 04, 2005.

DYGS00447 Special Advisor to the Under Secretary for Enforcement. Effective February 07, 2005.

DYGS00448 Special Assistant to the Deputy Assistant Secretary. Effective February 10, 2005.

DYGS00449 Special Assistant to the Director, Public Affairs. Effective February 14, 2005.

DYGS00450 Special Assistant to the Director, Public Affairs. Effective February 14, 2005.

DYGS60250 Director, Public Affairs to the Deputy Assistant Secretary (Public Affairs). Effective February 14, 2005.

DYGS00356 Director, Critical Infrastructure Policy and Compliance Policy to the Deputy Assistant Secretary (Critical Infrastructure Protection and Compliance Policy). Effective February 17, 2005.

DYGS60230 Public Affairs Specialist to the Director, Public Affairs. Effective February 17, 2005.

DYGS00451 Policy Analyst to the Assistant Secretary—Terrorist Financing. Effective February 25, 2005.

DYGS60390 Senior Advisor to the Assistant Secretary (Management) and Chief Financial Officer. Effective February 25, 2005.

Section 213.3306 Department of Defense

DDGS16856 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective February 8, 2005.

DDGS16778 Staff Assistant to the Deputy Assistant Secretary of Defense (Negotiations Policy). Effective February 15, 2005.

DDGS16858 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legal Affairs). Effective February 15, 2005.

DDGS16859 Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legal Affairs). Effective February 15, 2005.

DDGS16854 Defense Fellow to the Special Assistant to the Secretary of Defense for Protocol. Effective February 16, 2005.

DDGS16861 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective February 18, 2005.

DDGS16862 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective February 23, 2005.

DDGS16864 Executive Assistant to the President's Physician to the Special Assistant to the Secretary of Defense for White House Liaison. Effective February 25, 2005.

DDGS16866 Staff Assistant to the Assistant Secretary of Defense (Health Affairs). Effective February 25, 2005.

Section 213.3308 Department of the Navy

DNGS60073 Confidential Staff Assistant to the Assistant Secretary of the Navy (Financial Management and Comptroller). Effective February 15, 2005.

Section 213.3309 Department of the Air Force

DFGS60011 Personal and Confidential Assistant to the General Counsel. Effective February 15, 2005.

Section 213.3310 Department of Justice

DJGS00263 Law Clerk to the Assistant Attorney General (Legal Policy). Effective February 02, 2005.

DJGS00305 Assistant Director to the Director, Office of Intergovernmental and Public Liaison. Effective February 02, 2005.

DJGS00445 Special Assistant to the Director, Community Relations Service. Effective February 02, 2005.
DJGS00163 Special Assistant to the Assistant Attorney General. Effective February 03, 2005.
DJGS00164 Counsel to the Assistant Attorney General. Effective February 03, 2005.
DJGS00368 Assistant to the Attorney General. Effective February 03, 2005.
DJGS00374 Staff Assistant to the Director, Office of Public Affairs. Effective February 03, 2005.
DJGS00406 Public Affairs Specialist to the Director, Office of Public Affairs. Effective February 03, 2005.
DJGS00131 Special Assistant to the Assistant Attorney General. Effective February 04, 2005.
DJGS00037 Special Assistant to the Deputy Attorney General. Effective February 14, 2005.
DJGS00213 Special Assistant to the Director, National Institute of Justice. Effective February 14, 2005.
DJGS00324 Special Assistant to the Assistant Attorney General (Legislative Affairs). Effective February 14, 2005.
DJGS00362 Policy Advisor to the Assistant Attorney General for Justice Programs. Effective February 15, 2005.
DJGS00363 Policy Advisor to the Assistant Attorney General for Justice Programs. Effective February 15, 2005.
DJGS00048 Congressional Liaison Specialist to the Administrator, Drug Enforcement Administration. Effective February 18, 2005.
DJGS00206 Counsel to the Director of the Violence Against Women Office. Effective February 18, 2005.
DJGS00335 Special Assistant to the Chief of Staff. Effective February 18, 2005.
DJGS00369 Deputy White House Liaison to the Advisor to the Attorney General and White House Liaison. Effective February 18, 2005.
DJGS00052 Chief of Staff to the Director, National Institute of Justice. Effective February 23, 2005.
DJGS00145 Executive Assistant to the Solicitor General. Effective February 23, 2005.
DJGS00223 Special Assistant to the Director of Violence Against Women, Office. Effective February 23, 2005.
DJGS00250 Assistant to the Attorney General for Scheduling and Advance to the Director of Scheduling and Advance. Effective February 24, 2005.
DJGS00166 Counselor to the Attorney General. Effective February 25, 2005.
DJGS00366 Special Assistant to the Attorney General. Effective February 25, 2005.

Section 213.3311 Department of Homeland Security

DMGS00304 Policy Analyst to the Director, Office of International Affairs. Effective February 02, 2005.
DMGS00307 Press Officer to the Assistant Commissioner for Public Affairs. Effective February 2, 2005.
DMGS00310 Correspondence Assistant to the Executive Secretary. Effective February 02, 2005.
DMOT00274 Assistant Administrator, Legislative Affairs to the Assistant Secretary, Transportation Security Administration. Effective February 02, 2005.
DMGS00272 Special Assistant to the Chief of Staff. Effective February 03, 2005.
DMGS00309 Correspondence Assistant to the Executive Secretary. Effective February 03, 2005.
DMGS00306 Writer-Editor to the Executive Secretary. Effective February 04, 2005.
DMGS00312 Special Assistant (Speechwriter) to the Chief of Staff. Effective February 04, 2005.
DMGS00313 Writer-Editor (Speechwriter) to the Director of Speechwriting. Effective February 04, 2005.
DMGS00314 Director of Immigration Policy to the Assistant Secretary for Border and Transportation Security Policy. Effective February 08, 2005.
DMGS00308 Legislative Assistant to the Director of Legislative Affairs for Information Analysis and Infrastructure Protection. Effective February 9, 2005.
DMGS00318 Policy Coordinator to the Executive Secretary. Effective February 10, 2005.
DMGS00311 Special Assistant to the Commissioner. Effective February 14, 2005.
DMGS00316 Confidential Assistant to the Chief of Staff and Senior Policy Advisor. Effective February 14, 2005.
DMGS00317 Special Assistant to the Chief of Staff. Effective February 14, 2005.
DMGS00319 Press Assistant to the Director of Communications, Office of Domestic Preparedness. Effective February 14, 2005.
DMGS00305 Special Assistant to the Assistant Secretary, Immigration and Customs Enforcement. Effective February 15, 2005.
DMGS00320 Policy Analyst to the Privacy Officer. Effective February 15, 2005.
DMGS00321 Writer-Editor (Speechwriter) to the Director of Speechwriting. Effective February 15, 2005.
DMGS00324 Special Assistant to the Director, State and Local Affairs. Effective February 18, 2005.
DMGS00315 Confidential Assistant to the Secretary of the Department of Homeland Security. Effective February 23, 2005.
DMGS00325 Public Affairs Officer to the Assistant Secretary for Public Affairs. Effective February 23, 2005.
DMGS00327 Director of Communications to the Chief of Staff. Effective February 25, 2005.
DMGS00328 Staff Assistant to the Chief of Staff. Effective February 25, 2005.
DMGS00329 Senior Policy Advisor to the Assistant Secretary for Infrastructure Protection. Effective February 25, 2005.
DMGS00331 Special Assistant to the Chief of Staff. Effective February 25, 2005.
DMGS00323 Staff Assistant to the Under Secretary for Management. Effective February 28, 2005.

Section 213.3312 Department of the Interior

DIGS70002 Special Assistant to the Director, National Park Service. Effective February 03, 2005.
DIGS61031 Special Assistant—Advance to the Director—Scheduling and Advance. Effective February 04, 2005.
DIGS60531 Special Assistant to the Solicitor. Effective February 9, 2005.
DIGS05001 Special Assistant to the Director, Bureau of Land Management. Effective February 10, 2005.
DIGS70006 Confidential Assistant, Director, National Park Service. Effective February 14, 2005
DIGS79001 Special Assistant to the Director, External and Intergovernmental Affairs. Effective February 14, 2005.
DIGS61035 Special Assistant to the Director, Office of Surface Mining Reclamation and Enforcement. Effective February 15, 2005.
DIGS61030 Press Secretary to the Director, Office of Communications. Effective February 23, 2005.

Section 213.3313 Department of Agriculture

DAGS00744 Confidential Assistant to the Deputy Under Secretary for Rural Development. Effective February 02, 2005.
DAGS00759 Special Assistant to the Deputy Under Secretary for Rural Development. Effective February 02, 2005.
DAGS00734 Staff Assistant to the Associate Administrator, Farm

Service Agency. Effective February 03, 2005.
DAGS00742 Special Assistant to the Chief, Natural Resources Conservation Service. Effective February 03, 2005.
DAGS00754 Staff Assistant to the Associate Administrator, Farm Service Agency. Effective February 03, 2005.
DAGS00755 Confidential Assistant to the Associate Administrator, Farm Service Agency. Effective February 03, 2005.
DAGS00760 Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective February 04, 2005.
DAGS00761 Confidential Assistant to the Administrator, Food and Nutrition Service. Effective February 04, 2005.
DAGS00762 Confidential Assistant to the Administrator, Rural Housing Service. Effective February 04, 2005.
DAGS00763 Staff Assistant to the Under Secretary for Natural Resources and Environment. Effective February 04, 2005.
DAGS00764 Staff Assistant to the Deputy Under Secretary for Food Safety. Effective February 04, 2005.
DAGS00765 Staff Assistant to the Under Secretary for Research, Education and Economics. Effective February 04, 2005.
DAGS00611 Director to the Administrator, Food and Nutrition Service. Effective February 09, 2005.
DAGS00767 Confidential Assistant to the Administrator, Rural Housing Service. Effective February 09, 2005.
DAGS00766 Confidential Assistant to the Administrator, Rural Housing Service. Effective February 14, 2005.
DAGS00768 Special Assistant to the Administrator. Effective February 14, 2005.
DAGS00769 Confidential Assistant to the Deputy Administrator-Program Operations. Effective February 14, 2005.
DAGS00770 Special Assistant to the Administrator, Rural Housing Service. Effective February 14, 2005.
DAGS00771 Staff Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective February 14, 2005.
DAGS00731 Special Assistant to the Chief, Natural Research Conservation Service. Effective February 18, 2005.
DAGS00774 Confidential Assistant to the Secretary. Effective February 18, 2005.
DAGS00775 Special Assistant to the Chief Information Officer. Effective February 18, 2005.
DAGS00776 Staff Assistant to the Secretary. Effective February 18, 2005.
DAGS00757 Special Assistant to the Deputy Under Secretary, Research, Education and Economics. Effective February 25, 2005.
DAGS00773 Special Assistant to the Secretary. Effective February 25, 2005.

Section 213.3314 Department of Commerce

DCGS00252 Confidential Assistant to the Director, Office of Business Liaison. Effective February 15, 2005.
DCGS00592 Legislative Affairs Specialist to the Assistant Secretary and Commissioner of Patents and Trademark Office. Effective February 15, 2005.
DCGS00631 Policy Advisor to the Under Secretary, Oceans and Atmosphere (NOAA Administrator). Effective February 5, 2005.
DCGS60317 Confidential Assistant to the Assistant to the Secretary and Director, Office of Policy. Effective February 15, 2005.
DCGS60574 Protocol Officer to the Director, Office of Business Liaison. Effective February 15, 2005.
DCGS00267 Confidential Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective February 18, 2005.
DCGS00386 Confidential Assistant to the Director, Office of Legislative Affairs. Effective February 18, 2005.

Section 213.3315 Department of Labor

DLGS60045 Staff Assistant to the Assistant Secretary for Public Affairs. Effective February 01, 2005.
DLGS60190 Senior Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 01, 2005.
DLGS60278 Staff Assistant to the Chief Financial Officer. Effective February 04, 2005.
DLGS60178 Staff Assistant to the Executive Secretary. Effective February 8, 2005.
DLGS00166 Staff Assistant to the Assistant Secretary for Employment and Training. Effective February 08, 2005.
DLGS60144 Staff Assistant to the Director, 21st Century Office and Deputy Assistant Secretary for Intergovernmental Affairs. Effective February 08, 2005.
DLGS60231 Staff Assistant to the Director of Scheduling and Advance. Effective February 08, 2005.
DLGS60254 Senior Intergovernmental Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 08, 2005.
DLGS60230 Staff Assistant to the Director, 21st Century Office and Deputy Assistant Secretary for Intergovernmental Affairs. Effective February 14, 2005
DLGS60257 Intergovernmental Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 14, 2005.

Section 213.3316 Department of Health and Human Services

DHGS60001 Special Assistant for Special Projects to the Secretary, Health and Human Services. Effective February 14, 2005.
DHGS60003 Special Assistant to the Deputy Commissioner for Policy. Effective February 14, 2005.
DHGS60005 Confidential Assistant to the Assistant Secretary for Aging (Commissioner for Aging). Effective February 14, 2005.
DHGS60006 Confidential Assistant to the Director of Communications. Effective February 14, 2005.
DHGS60007 Special Assistant to the Associate Commissioner for External Relations. Effective February 14, 2005.
DHGS60512 Special Assistant to the Assistant Secretary for Children and Families. Effective February 14, 2005.
DHGS60513 Special Assistant to the Commissioner for Child Support Enforcement to the Director of Public Affairs. Effective February 14, 2005.
DHGS60526 Confidential Assistant to the Deputy Secretary, Health and Human Services. Effective February 14, 2005.
DHGS60527 Confidential Assistant (Scheduling) to the Director of Scheduling. Effective February 14, 2005.
DHGS60542 Special Assistant to the Administrator, Centers for Medicare and Medicaid Services. Effective February 14, 2005.
DHGS60627 Confidential Assistant to the Administrator, Substance Abuse and Mental Health Service. Effective February 14, 2005.
DHGS60017 Director of Scheduling to the Chief of Staff. Effective February 18, 2005.

Section 213.3317 Department of Education

DBGS00368 Confidential Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective February 18, 2005.
DBGS00369 Confidential Assistant to the Assistant Deputy Secretary for Innovation and Improvement. Effective February 18, 2005.
DBGS00370 Confidential Assistant to the Director, Office of Educational Technology. Effective February 18, 2005.
DBGS00371 Confidential Assistant to the Chief of Staff. Effective February 18, 2005.

DBGS00372 Confidential Assistant to the Assistant Secretary for Civil Rights. Effective February 18, 2005.
DBGS00374 Special Assistant to the Chief of Staff. Effective February 18, 2005.
DBGS00373 Confidential Assistant to the Assistant Secretary for Vocational and Adult Education. Effective February 23, 2005.
DBGS00375 Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective February 23, 2005.

Section 213.3318 Environmental Protection Agency

EPGS05032 Special Assistant (Advance Person) to the Deputy Associate Administrator. Effective February 04, 2005.
EPGS05035 Senior Advisor to the Deputy Administrator. Effective February 08, 2005.
EPGS05033 Policy Advisor to the Administrator. Effective February 14, 2005.
EPGS05034 Program Advisor to the Chief Financial Officer. Effective February 14, 2005.
EPGS05036 Program Advisor, Office of Public Affairs to the Deputy Chief of Staff (Operations). Effective February 15, 2005.
EPGS05028 Public Liaison Officer to the Deputy Chief of Staff (Operations). Effective February 23, 2005.
EPGS05026 Policy Writer to the Deputy Chief of Staff (Operations). Effective February 24, 2005.
EPGS05029 Special Assistant to the Assistant Administrator for Enforcement and Compliance Assurance. Effective February 25, 2005.

Section 213.3327 Department of Veterans Affairs

DVGS60031 Senior Advisor to the Deputy Secretary of Veterans Affairs. Effective February 18, 2005.

Section 213.3331 Department of Energy

DEGS00438 Special Assistant to the Principal Deputy Assistant Secretary for Fossil Energy. Effective February 04, 2005.
DEGS00439 Policy Advisor to the Principal Deputy Assistant Secretary for Fossil Energy. Effective February 4, 2005.
DEGS00440 Special Assistant to the Director, Office of Civilian Radioactive Waste Management. Effective February 04, 2005.
DEGS00441 Senior Advisor to the Assistant Secretary for Policy and International Affairs. Effective February 04, 2005.
DEGS00442 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 04, 2005.
DEGS00446 Special Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective February 04, 2005.
DEGS00447 Special Assistant to the Assistant Secretary of Energy (Environmental Management). Effective February 04, 2005.
DEGS00448 Special Assistant to the Assistant Secretary of Energy (Environmental Management). Effective February 04, 2005.
DEGS00449 Staff Assistant to the Director, Office of Communications and Outreach. Effective February 04, 2005.
DEGS00450 Special Assistant for Communications to the Director, Communications and Outreach. Effective February 04, 2005.
DEGS00443 Senior Policy Advisor to the Principal Deputy Assistant Secretary for Fossil Energy. Effective February 14, 2005.
DEGS00445 Technical Internet Advisor to the Associate Deputy Secretary of Energy. Effective February 14, 2005.
DEGS00451 Senior Policy Advisor to the Chief of Staff. Effective February 14, 2005.
DEGS00452 Special Assistant to the Assistant Secretary for Environment, Safety and Health. Effective February 14, 2005.
DEGS00454 Advance Representative to the Director, Office of Scheduling and Advance. Effective February 14, 2005.
DEGS00455 Special Assistant for Travel and Advance to the White House Liaison. Effective February 23, 2005.
DEGS00456 Special Assistant to the Assistant Secretary for Environment, Safety and Health. Effective February 25, 2005.
DEGS00457 Special Assistant to the Assistant Secretary for Environment, Safety and Health. Effective February 25, 2005.

Section 213.3332 Small Business Administration

SBGS00570 Special Assistant to the Associate Administrator for International Trade. Effective February 04, 2005.
SBGS00573 Special Assistant to the Administrator. Effective February 04, 2005.
SBGS00576 Deputy Associate Administrator to the Associate Administrator for Communications and Public Liaison. Effective February 04, 2005.
SBGS00574 Assistant Administrator for Field Operations to the Associate Administrator for Field Operations. Effective February 07, 2005.
SBGS00579 Special Assistant to the Associate Administrator for Field Operations. Effective February 14, 2005.
SBGS00580 Special Assistant to the Chief of Staff and Chief Operating Officer. Effective February 16, 2005.
SBGS00581 Press Secretary to the Associate Administrator for Communications and Public Liaison. Effective February 16, 2005.
SBGS00572 Regional Administrator (Region 2) to the Associate Administrator for Field Operations. Effective February 22, 2005.
SBGS00578 Regional Administrator (Region 1) to the Associate Administrator for Field Operations. Effective February 23, 2005.

Section 213.3337 General Services Administration

GSGS60103 Confidential Assistant to the Chief of Staff. Effective February 07, 2005.

Section 213.3342 Export-Import Bank

EBGS04722 Special Assistant to the Senior Vice President—Communications. Effective February 18, 2005.
EBGS04723 Special Assistant to the Senior Vice President—Congressional Affairs. Effective February 18, 2005.

Section 213.3343 Farm Credit Administration

FLOT00055 Legislative Affairs Officer to the Chairman, Farm Credit Administration Board. Effective February 01, 2005.
FLOT60013 Executive Assistant to the Member, Farm Credit Administration Board. Effective February 04, 2005.

Section 213.3346 Selective Service System

SSGS03363 Deputy Director to the Director, Selective Service System. Effective February 10, 2005.

Section 213.3348 National Aeronautics and Space Administration

NNGS00022 Program Specialist to the Director, Science Division. Effective February 02, 2005.
NNGS00024 Writer-Editor to the Assistant Administrator for Public Affairs. Effective February 7, 2005.

Section 213.3357 National Credit Union Administration

CUOT00030 Associate Director of External Affairs to the Chairman. Effective February 15, 2005.

Section 213.3360 Consumer Product Safety Commission

PSGS00070 Special Assistant (Legal) to the Chairman, Consumer Product Safety Commission. Effective February 03, 2005.
PSGS60008 Program Assistant to the Chairman, Consumer Product Safety Commission. Effective February 14, 2005.
PSGS60066 Supervisory Public Affairs Specialist to the Executive Director. Effective February 16, 2005.
PSGS60014 General Counsel to the Chairman, Consumer Product Safety Commission. Effective February 17, 2005.

Section 213.3384 Department of Housing and Urban Development

DUGS60211 Staff Assistant to the Director of Executive Scheduling. Effective February 14, 2005.
DUGS60160 Special Assistant to the Assistant Secretary for Policy Development and Research. Effective February 18, 2005.
DUGS60470 Staff Assistant to the General Counsel. Effective February 23, 2005.

Section 213.3388 President's Commission on White House Fellowships

WHGS0016 Deputy Director, President's Commission on White House Fellowships to the Director, President's Commission on White House Fellowships. Effective February 28, 2004.

Section 213.3391 Office of Personnel Management

PMGS0050 Special Assistant to the Director, Office of Congressional Relations. Effective February 18, 2005.
PMGS00051 Special Assistant to the Director, Office of Communications. Effective February 18, 2005.

Section 213.3394 Department of Transportation

DTGS60370 Senior Policy Advisor to the Administrator. Effective February 03, 2005.
DTGS60129 Counselor to the General Counsel. Effective February 04, 2005.
DTGS60055 Associate Director for Governmental Affairs to the Assistant Secretary for Governmental Affairs. Effective February 08, 2005.
DTGS60195 Special Assistant for Public Relations to the Administrator. Effective February 09, 2005.
DTGS60313 Director of External Affairs to the Administrator. Effective February 22, 2005.
DTGS60371 Deputy Assistant Secretary for Governmental Affairs. Effective February 25, 2005.

Section 213.3397 Federal Housing Finance Board

FBOT00011 Special Assistant to the Chairman. Effective February 02, 2005.
FBOT00010 Special Assistant to the Board Director. Effective February 25, 2005.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218

Office of Personnel Management.

Dan Blair,

Acting Director

[FR Doc. 05–5435 Filed 3–11–05; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1994; Computer Matching Programs; Office of Personnel Management/Social Security Administration

AGENCY: Office of Personnel Management (OPM).

ACTION: Publication of notice of computer matching to comply with Public Law 100–503, the Computer Matching and Privacy Act of 1988.

SUMMARY: OPM is publishing notice of its computer matching program with the Social Security Administration (SSA) to meet the reporting requirements of Pub. L. 100–503. The purpose of this match is for SSA to establish the conditions under which the SSA agrees to disclose tax return information to the Office of Personnel Management (OPM). The SSA records will be used in a matching program in which OPM will match SSA's tax return records with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the Federal Employees Retirement System (FERS), and certain annuitants receiving a discontinued service retirement benefit under the Civil Service Retirement System (CSRS).

DATES: The matching program will begin 40 days after the **Federal Register** notice has been published and the letters to Congress and OMB have been issued. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. The data exchange will begin at a date mutually agreed upon between OPM and SSA after February 2005, unless comments on the match are received that result in cancellation of the program. Subsequent matches will take place semi-annually on a recurring basis until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Marc Flaster, Chief, RIS Support Services Group, Office of Personnel Management, Room 4316, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: James Sparrow, (202) 606–1803.

SUPPLEMENTARY INFORMATION: The SSA will agree to provide OPM with the disclosure of tax return information. The SSA records will be used with OPM's records on disability retirees under age 60, disabled adult child survivors, certain retirees in receipt of a supplemental benefit under the FERS, and certain annuitant receiving a discontinued service retirement benefit under CSRS. The SSA components responsible for the disclosure are the Office of Income Security Programs. The responsible component for OPM is the Center for Retirement and Insurance Services. OPM, as the agency actually using the results of this matching activity in its programs, will publish the notice required by Title 5 United States Code (U.S.C.) 552a(e)(12) in the **Federal Register**.

Office of Personnel Management.

Dan G. Blair,

Acting Director.

Report of Computer Matching Program Between the Office of Personnel Management and Social Security Administration

A. Participating Agencies

OPM and SSA.

B. Purpose of the Matching Program

This computer matching agreement sets forth the responsibilities of the Social Security Administration (SSA) and the Office of Personnel Management (OPM) with respect to information disclosed pursuant to this agreement and is executed under the Privacy Act of 1974, 5 U.S.C. 552a, as amended, and the regulations and guidance promulgated thereunder.

C. Description of the Match and Records

SSA will disclose data from its MBR file (60–0090, Master Beneficiary Record, SSA/OEEAS) and MEF file (60–0059, Earning Recording and Self-Employment Income System, SSA/OEEAS), and manually extracted military wage information from SSA's ''1086'' microfilm file when required. OPM will provide SSA with a electronic finder file from the OPM System of Records published as OPM/Central–1 (Civil Service and Insurance Records),

on October 8, 1999 (64 FR 54930), as amended on May 3, 2000 (65 FR 2575). The systems of records involved have routine uses permitting the disclosures needed to conduct this match.

The systems of records are protected under the Privacy Act of 1974, as amended, and in accordance with Internal Revenue Manual 1.16.8, Physical Security Standards Handbook. Either OPM or SSA may make onsite inspection or make other provisions to ensure that adequate safeguards are being maintained by the other agency.

D. Privacy Safeguards and Security

Both SSA and OPM will safeguard information provided by the reciprocal agency as follows: Access to the records matched and to any records created by the match will be restricted to only those authorized employees and officials who need the records to perform their official duties in connection with the uses of the information authorized in the agreement. SSA and OPM will protect Federal Tax information in the same manner which IRS systems of records are protected under the Privacy Act of 1974, as amended, and in accordance with Internal Revenue Manual 1.16.8, Physical Security Standards Handbook. Either OPM or SSA may make onsite inspection or make other provisions to ensure that adequate safeguards are being maintained by the other agency.

E. Disposal of Records

Records causing closeout or suspend actions would also be annotated and returned to OPM for record keeping purposes. All records returned to OPM are considered ''response'' records and any not used in the update process must be purged by SSA immediately after all processing is completed.

[FR Doc. 05–5506 Filed 3–18–05; 8:45 am]

BILLING CODE 6325–38–P

POSTAL RATE COMMISSION

[Docket No. MC2004–3; Order No. 1433]

Negotiated Service Agreement

AGENCY: Postal Rate Commission.

ACTION: Notice and order concerning reconsideration and establishing procedures.

SUMMARY: This document informs the public that at the request of the United States Postal Service Governors, the Commission will reconsider its opinion and recommended decision approving a negotiated service agreement in docket number MC2004–3. The Postal Service has been allowed until April 15, 2005, to submit arguments in favor of reconsideration. The dates for further procedural steps will be determined after the Postal Service submission has been reviewed.

DATES: The Postal Service's memorandum and proposal is due April 15, 2005.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, general counsel, at 202–789–6818.

SUPPLEMENTARY INFORMATION:

Procedural History

Negotiated Service Agreement Proposed Rule, 68 FR 52546 (September 4, 2003).

Negotiated Service Agreement Final Rule, 69 FR 7574 (September 4, 2003).

Rate and Service Changes To Implement Functionally Equivalent Negotiated Service Agreement, 69 FR 39520 (June 25, 2004).

On December 17, 2004, the Commission issued its Opinion and Recommended Decision Approving Negotiated Service Agreement in Docket No. MC2004–3 (Bank One Negotiated Service Agreement). On March 7, 2005, the Postal Service informed the Commission of the Governors' direction [1] for the Postal Service to initiate proceedings on reconsideration consistent with the Governors' decision.[2] The Postal Service also proposed procedures and requested leave to file a memorandum on reconsideration.

In the Governors' decision, the Governors conclude that the changes recommended by the Commission to give effect to the negotiated service agreement warrant implementation. However, the Governors disagree with the Commission's determination to place an overall limit on the discounts available to Bank One during the course of the agreement. The Governors ask the Commission to reconsider the recommendation of an overall limit (stop-loss cap) in light of the Governors' views and based on the existing record. The Governors do not ask the Commission to reopen the record to receive additional testimony, but do expect that the Commission will solicit comments from participants in this matter.

If the Commission again recommends that the negotiated service agreement includes a stop-loss cap, the Governors request that the Commission clarify and explain further the comments in its Opinion and Recommended Decision, and in its separate Concurring Opinion, regarding the potential for uncapped negotiated service agreements that are functionally equivalent to the agreement with Capital One Services, Inc. approved in Docket No. MC2002–2.

The Governors also request that the Commission elaborate on the type and level of proof that the Commission might find persuasive in avoiding stop-loss caps in future baseline negotiated service agreement cases.

Finally, the Governors ask the Commission to discuss the role of settlement in uncontested cases involving functionally equivalent negotiated service agreements.

The Postal Service has proposed procedures to facilitate the Commission's reconsideration of its recommendations. The Postal Service proposes to present its views on the questions raised by the Governors in their decision in the form of a memorandum addressing the pertinent legal, economic, and practical issues. It also is prepared to propose an evidentiary approach that could serve as a standard for future negotiated service agreement proposals.

The Postal Service requests until April 15, 2005, to prepare its memorandum. It explains it needs this fairly lengthy period of time to prepare its submissions because it is simultaneously involved in preparation for the filing of an omnibus rate case. Participants as well as prospective negotiated agreement partners would then be allowed to comment on the Postal Service's views. The Postal Service suggests that the Commission next would address the Postal Service's and other participant's comments and proposals, and also would propose an approach to overcome its concerns that led to imposing a stop-loss cap in this case. Participants then would be allowed to comment on the Commission's views. Finally, the Commission would issue a further recommended decision including further explanations and guidance for future cases.

The Commission understands the need to promptly respond to the issues raised by the Governors upon reconsideration. Nonetheless, the Commission assumes that the Governors are aware of the multiple obligations of the Postal Service legal staff, and that if an omnibus rate case is filed this will impose heavy time pressure on

[1] Decision of the Governors of the United States Postal Service on the Opinion and Recommended Decision of the Postal Rate Commission Approving Negotiated Service Agreement with Bank One Corporation, Docket No. MC2004–3, February 16, 2005 (Governors' decision).

[2] United States Postal Service Motion for Leave to File Memorandum on Reconsideration and for Proposed Procedures, March 7, 2005.

participants most likely to seek to present thoughtful suggestions on negotiated service agreement policies to the Commission.

As a first step, the Commission grants the Postal Service's motion to file a memorandum addressing the pertinent legal, economic, and practical issues in regard to the questions raised by the Governors in their decision. The Postal Service also may include a proposal for an evidentiary approach that could serve as a standard for future negotiated service agreement proposals. The Postal Service shall file this material by April 15, 2005.

As the Postal Service must accommodate the time pressures involved with preparing for an omnibus rate case, participants in this proceeding for reconsideration also will face time pressures once the omnibus rate case is filed. For this reason, until the scope of the Postal Service comments and proposals can be evaluated it is premature to map out a procedural schedule for issuing an Opinion and Further Recommended Decision in this case.

The Commission will review and evaluate the scope and potential impact of the initial material submitted by the Postal Service before determining an appropriate procedural path to bring this docket to a conclusion, with due consideration to the scheduling difficulties all parties and the Commission face when an omnibus rate case is pending. After the Commission determines an appropriate procedural path, a procedural schedule will be established.

This notice and order initiates the reconsideration of the Commission's Opinion and Recommended Decision Approving Negotiated Service Agreement in Docket No. MC2004–3. The Secretary shall arrange for its publication in the **Federal Register**.

Ordering Paragraphs

It is ordered:

1. The Commission will reconsider its Opinion and Recommended Decision Approving Negotiated Service Agreement in Docket No. MC2004–3 and issue a further recommended decision.

2. United States Postal Service Motion for Leave to File Memorandum on Reconsideration and for Proposed Procedures, March 7, 2005, is granted consistent with the text of this order. The Postal Service shall file its memorandum and proposal by April 15, 2005.

3. The Secretary shall arrange for publication of this notice and order in the **Federal Register**.

Issued: March 16, 2005.

By the Commission.

Steven W. Williams,

Secretary.

[FR Doc. 05–5504 Filed 3–18–05; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No.26784; 812–12948]

Burnham Investors Trust, et al., Notice of Application

March 15, 2005.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: The applicants request an order that would permit (a) certain registered management investment companies and certain entities that are excluded from the definition of investment company pursuant to section 3(c)(1), 3(c)(7) or 3(c)(11) of the Act to invest uninvested cash and cash collateral in (i) affiliated money market funds and/or short-term bond funds or (ii) one or more affiliated entities that operate as cash management investment vehicles and that are excluded from the definition of investment company pursuant to section 3(c)(1) or 3(c)(7) of the Act, and (b) the registered investment companies and the affiliated entities to continue to engage in purchase and sale transactions involving portfolio securities in reliance on rule 17a–7 under the Act.

APPLICANTS: Burnham Investors Trust (the ''Investment Company'') and Burnham Asset Management Corporation (and any entity controlling, controlled by, or under common control with Burnham Asset Management Corporation, the ''Adviser'').

FILING DATES: The application was filed on March 27, 2003, and amended on March 14, 2005.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 11, 2005, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609; Applicants, 1325 Avenue of the Americas, 26th Floor, New York, NY, 10019.

FOR FURTHER INFORMATION CONTACT: Keith A. Gregory, Senior Counsel, at (202) 551–6815 or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Investment Company is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. Each series of the Investment Company has separate investment objectives and policies. The Adviser currently serves as the investment adviser to the Investment Company. The Adviser is a Delaware corporation and is registered under the Investment Advisers Act of 1940.[1] Funds that are not money market funds and Non-Registered Funds (the ''Participating Funds'') have or may be expected to have cash that has not been invested in portfolio securities (''Uninvested Cash''). Uninvested Cash may result

[1] Applicants request that any relief granted also apply to (a) any other registered management investment company and series thereof for which the Adviser currently is, or in the future may act as, investment adviser (together with all existing and future series of the Investment Company, the ''Funds'') and (b) any entity excluded form the definition of investment company pursuant to section 3(c)(1(, 3(c)(7) or 3(c)(11) of the Act, for which the Adviser currently is, or in the future may act as, investment adviser or trustee exercising investment discretion (''Non-Registered Funds''). All entities that currently intend to reply on the order have been named as applicants. Any other existing or future entity that relies on the order in the future will do so only in accordance with the terms and conditions of the application.

from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, strategic reserves, matured investments, proceeds from liquidation of investment securities, dividend payments or money from investors. Each Participating Fund that is a series of the Investment Company also may participate in a securities lending program (''Securities Lending Program'') under which it may lend its portfolio securities to registered broker-dealers or other institutional investors. The loans are secured by collateral, including cash collateral (''Cash Collateral'' and together with Uninvested Cash, ''Cash Balances''), equal at all times to at least the market value of the securities loaned. Currently, the Adviser can invest Cash Balances directly in money market instruments or other short-term debt obligations. Applicants state that Participating Funds will either be management investment companies registered under the Act (''Registered Participating Funds'') or trusts or other entities that are excluded from the definition of investment company pursuant to section 3(c)(1), 3(c)(7) or 3(c)(11) of the Act for which the Adviser acts as trustee or investment adviser (''Non-Registered Participating Funds'').

2. Applicants request an order to permit: (i) The Participating Funds to use their Cash Balances to purchase shares of one or more of the Funds that are money market funds or short-term bond funds (the ''Registered Central Funds'') or shares of one or more Non-Registered Funds that operate as cash management investment vehicles and that are excluded from the definition of investment company pursuant to section 3(c)(1) or 3(c)(7) of the Act (the ''Non-Registered Central Funds'') (the Registered Central Funds and the Non-Registered Central Funds, collectively, the ''Central Funds''); (ii) the Central Funds to sell their shares to and redeem such shares from the Participating Funds; (iii) the Participating Funds and the Central Funds to engage in interfund purchase and sale transactions in securities (''Interfund Transactions''); and (iv) the Adviser to effect the above transactions.

3. The investment by each Registered Participating Fund in shares of the Central Funds will be in accordance with that Registered Participating Fund's investment policies and restrictions as set forth in its registration statement. The Registered Central Funds are or will be taxable or tax-exempt money market funds that comply with rule 2a–7 under the Act or short-term bond funds that invest in fixed-income securities and maintain a dollar-weighted average portfolio maturity of three years or less. Each Non-Registered Central Fund will comply with rule 2a–7 under the Act.

Applicants' Legal Analysis

I. Investment of Cash Balances by the Participating Funds in the Central Funds

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act provides that no investment company may acquire securities of a registered investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies. Any entity that is excluded from the definition of investment company pursuant to section 3(c)(1) or 3(c)(7) of the Act is deemed to be an investment company for the purposes of the 3% limitation specified in sections 12(d)(1)(A) and (B) with respect to purchases by and sales to such company.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1) if and to the extent that such exemption is consistent with the public interest and the protection of investors. Applicants request relief under section 12(d)(1)(J) to permit the Participating Funds to use their Cash Balances to acquire shares of the Registered Central Funds in excess of the percentage limitations in section 12(d)(1)(A), provided however, that in all cases a Registered Participating Fund's aggregate investment of Uninvested Cash in shares of the Central Funds will not exceed the greater of 25% of the Registered Participating Fund's total assets or $10 million. Applicants also request relief to permit the Registered Central Funds to sell their securities to the Participating Funds in excess of the percentage limitations in section 12(d)(1)(B).

3. Applicants state that the proposed arrangement will not result in the abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that there is no threat of redemption to gain undue influence over the Central Funds due to the highly liquid nature of each Central Fund's portfolio. Applicants also state that the proposed arrangement will not result in inappropriate layering of fees. If a Central Fund offers more than one class of shares in which a Registered Participating Fund may invest, the Registered Participating Fund will invest its Cash Balances only in the class with the lowest expense ratio at the time of investment. Applicants also state that no sales load, redemption fee, asset-based sales charge or service fee will be charged in connection with the purchase and sale of shares of the Central Funds. Before approving any advisory contract under section 15 of the Act, the board of trustees of the Registered Participating Fund (''Board''), including a majority of trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), shall consider to what extent, if any, the advisory fees charged to the Registered Participating Fund by the Adviser should be reduced to account for the reduced services provided to the Registered Participating Fund as a result of Uninvested Cash being invested in the Central Funds. Applicants represent that no Central Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act.

B. Section 17(a) of the Act

1. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the investment company. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, any person 5% or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote by the other person, any person directly or indirectly controlling, controlled by, or under common control with the other person, and any investment adviser to the investment company. Because the Adviser serves or will serve as each Fund's investment adviser, and may serve as trustee of a Non-Registered Fund, the Funds and Non-Registered

Funds may be deemed to be under common control and thus affiliated persons of each other. In addition, if a Participating Fund purchases more than 5% of the voting securities of a Central Fund, the Central Fund and the Participating Fund may be affiliated persons of each other. As a result, section 17(a) would prohibit the sale of the shares of Central Funds to the Participating Funds, and the redemption of the shares by the Participating Funds.

2. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicants submit that their request for relief to permit the purchase and redemption of shares of the Central Funds by the Participating Funds satisfies the standards in sections 6(c) and 17(b) of the Act. Applicants note that shares of the Central Funds will be purchased and redeemed at their net asset value, the same consideration paid and received for these shares by any other shareholder. Applicants state that the Registered Participating Funds will retain their ability to invest Cash Balances directly in money market instruments as authorized by their respective investment objectives and policies if they can achieve a higher return or for any other reason. Applicants state that each of the Registered Central Funds has the right to discontinue selling shares to any of the Participating Funds if the Registered Central Fund's Board or the Adviser determines that such sale would adversely affect the Registered Central Fund's portfolio management and operations.

C. Section 17(d) of the Act and Rule 17d–1 Under the Act

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless the Commission has approved the joint arrangement. Applicants state that the Participating Funds and the Central Funds, by participating in the proposed transactions, and the Adviser, by managing the proposed transactions, could be deemed to be participating in a joint arrangement within the meaning of section 17(d) and rule 17d–1.

2. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the registered investment company's participation in the joint transaction is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants. Applicants state that the investment by the Participating Funds in shares of the Central Funds would be on the same basis and no different from or less advantageous than that of other participants. Applicants submit that the proposed transactions meet the standards for an order under rule 17d–1.

II. Interfund Transactions

1. Applicants state that the Participating Funds and Central Funds currently rely on rule 17a–7 under the Act to conduct Interfund Transactions. Rule 17a–7 under the Act provides an exemption from section 17(a) for a purchase or sale of certain securities between a registered investment company and an affiliated person (or an affiliated person of an affiliated person), provided that certain conditions are met, including that the affiliation between the registered investment company and the affiliated person (or an affiliated person of the affiliated person) must exist solely by reason of having a common investment adviser, common directors and/or common officers. Applicants state that the Participating Funds and Central Funds may not be able to rely on rule 17a–7 when purchasing or selling portfolio securities to each other, because some of the Participating Funds may own 5% or more of the outstanding voting securities of a Central Fund and, therefore, an affiliation would not exist solely by reason of such Participating Fund and such Central Fund having a common investment adviser, common directors and/or common officers.

2. Applicants request relief under sections 6(c) and 17(b) of the Act to permit the Interfund Transactions. The Interfund Transactions for which relief is requested are transactions between Non-Registered Central Funds and Registered Participating Funds or between Registered Central Funds and Non-Registered Participating Funds. Applicants submit that the requested relief satisfies the standards for relief in sections 6(c) and 17(b). Applicants state that the requirements set forth in rule 17a–(a) through (g) under the Act will be met. Applicants state that the additional affiliation created under sections 2(a)(3)(A) and (B) does not affect the other protections provided by rule 17a–7, including the integrity of the pricing mechanism employed and oversight by each Fund's Board.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Shares of the Central Funds sold to and redeemed by the Participating Funds will not be subject to a sales load, redemption fee, asset-based sales charge or service fee under a plan adopted in accordance with rule 12b–1 under the Act or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules).

2. Before the next meeting of the Board of a Registered Participating Fund that invests in the Central Fund is held for the purpose of voting on an advisory contract under section 15 of the Act, the Adviser will provide the Board with such information as the Board may request to evaluate the effect of the investment of Uninvested Cash in the Central Funds upon the direct and indirect compensation to the Adviser. Such information will include specific information regarding the approximate costs to the Adviser of, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Registered Participating Fund that can be expected to be invested in the Central Funds. In connection with approving any advisory contract for a Registered Participating Fund, the Registered Participating Fund's Board, including a majority of the Independent Trustees, shall consider to what extent, if any, the advisory fees charged to the Registered Participating Fund by the Adviser should be reduced to account for reduced services provided to the Registered Participating Fund by the Adviser as a result of the Uninvested Cash being invested in the Central Funds. The minute books of the Registered Participating Fund will record fully the Board's consideration in approving the advisory contact, including the considerations relating to fees referred to above.

3. Each Registered Participating Fund will invest Uninvested Cash in, and hold shares of, the Central Funds only

to the extent that the Registered Participating Fund's aggregate investment of Uninvested Cash in the Central Funds does not exceed the greater of 25% of the Registered Participating Fund's total assets or $10 million.

4. Investment by a Registered Participating Fund in shares of the Central Funds will be in accordance with the Registered Participating Fund's investment restrictions and will be consistent with the Registered Participating Fund's investment policies as set forth in its prospectus and statement of additional information.

5. Each Fund that may rely on the order shall be advised by the Adviser.

6. No Central Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act.

7. The Non-Registered Central Funds will comply with the requirements of sections 17(a), (d), and (e) and 18 of the Act as if the Non-Registered Central Funds were registered open-end investment companies. With respect to all redemption requests made by a Participating Fund, the Non-Registered Central Funds will comply with section 22(e) of the Act. The Adviser will adopt procedures designed to ensure that each Non-Registered Central Fund complies with sections 17(a), (d), and (e), 18 and 22(e) of the Act. The Adviser will also periodically review and update, as appropriate, the procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii), and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and its staff.

8. Each Non-Registered Central Fund will comply with rule 2a–7 under the Act. With respect to each such Non-Registered Central Fund, the Adviser will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and will take such other actions as are required to be taken under those procedures. A Registered Participating Fund may only purchase shares of a Non-Registered Central Fund if the Adviser determines on an ongoing basis that the Non-Registered Central Fund is in compliance with rule 2a–7. The Adviser will preserve for a period not less than six years from the date of determination, the first two years in an easily accessible place, a record of such determination and the basis upon which the determination was made. This record will be subject to examination by the Commission and its staff.

9. Each Participating Fund will purchase and redeem shares of any Non-Registered Central Fund as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders of the Non-Registered Central Fund. A separate account will be established in the shareholder records for each Non-Registered Central Fund for the account of each Participating Fund that invests in such Non-Registered Central Fund.

10. To engage in Interfund Transactions, the Funds and the Non-Registered Funds will comply with rule 17a–7 under the Act in all respects other than the requirement that the parties to the transaction be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers which are affiliated persons of each other, common officers, and/or common directors, solely because a Participating Fund and a Central Fund might become affiliated persons within the meaning of section 2(a)(3)(A) and (B) of the Act.

11. Before a Registered Participating Fund may participate in the Securities Lending Program, a majority of the Board (including a majority of the Independent Trustees) will approve the Registered Participating Fund's participation in the Securities Lending Program. No less frequently than annually, the Board also will evaluate, with respect to each Registered Participating Fund, any securities lending arrangement and its results and determine that any investment of Cash Collateral in the Central Funds is in the best interest of the Registered Participating Fund.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1213 Filed 3–18–05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51367; File No. SR–Amex–2005–027]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Relating to the Use of Certain Consolidated Tape Association Financial Status Indicator Fields and Related Disclosure Obligations

March 14, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934,[1] notice is hereby given that on February 25, 2005, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to utilize certain financial status indicator fields in the Consolidated Tape Association's (''CTA'') Consolidated Tape System (''CTS'') and the Consolidated Quotation System (''CQS'') Low Speed and High Speed Tapes to identify Amex listed companies that: (i) Are noncompliant with continued listing standards and/or (ii) are delinquent with respect to a required federal securities law periodic filing. The Amex also proposes to post a list of issuers subject to each indicator on its Web site. In addition, an indicator will be disseminated over the High Speed Tape with respect to an issuer that has filed or announced intent to file for reorganization relief under the bankruptcy laws (or an equivalent foreign law). Finally, the Amex proposes to amend sections 401 and 1009 of the Amex Company Guide to explicitly clarify that issuance of a press release is required when a listed company is notified that it is noncompliant with the applicable continued listing standards. The text of the proposed rule change is available on Amex's Web site (*http://www.amex.com*), the Amex's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

To provide greater transparency and disclosure to the investing community, the Amex is proposing to utilize certain of the financial status indicator fields in CTS and CQS [2] to identify listed companies that (i) are noncompliant with continued listing standards and/or (ii) are delinquent with respect to a required federal securities law periodic filing. Once applicable, the indicator(s) will be disseminated as part of CTS and CQS messages to the High Speed Tape and CTS messages to the Low Speed Tape whenever an impacted issuer's trading symbol is transmitted with a quotation or trade. In addition, an indicator will be disseminated over the High Speed Tape with respect to a listed company that has filed or announced intent to file for reorganization relief under the bankruptcy laws (or an equivalent foreign law).

It is anticipated that the Amex will begin utilizing the indicators during the second quarter of 2005. On the Low Speed Tape, the indicator ''.BC'' will be used to denote an issuer that is noncompliant and the indicator ''.LF'' will be used to denote an issuer that did not file a required periodic filing (*e.g.,* Form 10–K, Form 10–Q or equivalent) on a timely basis (including any applicable extension period).[3] Numerical notations corresponding to each indicator will be disseminated over the High Speed Tape. The applicable indicator(s) will be disseminated five days after a triggering event.[4] Impacted issuers will receive prior notification from Amex Listing Qualifications staff by telephone and in writing regarding dissemination of the indicator(s) with the issuer's trading symbol. The Amex will also post a list of issuers subject to each indicator on its website. It is anticipated that the Web site posting will begin by the end of the first quarter of 2005, prior to implementation of the CTA indicators. Dissemination of the particular indicators will cease under the following circumstances:

- ''.BC'' indicator—when and if the issuer regains compliance with the applicable continued listing standards;
- ''.LF'' indicator—when and if all requisite filings are made; and
- Bankruptcy indicator—when and if the issuer emerges from bankruptcy.

The Amex is also proposing to amend Sections 401 and 1009 of the Amex Company Guide to make explicit that issuance of a press release is required when a company receives staff notification that it is noncompliant. In this regard, listed companies are now required to file a Form 8–K pursuant to Item 3.01 when notified of noncompliance by the Amex and section 402 of the Company Guide provides that issuance of a press release is required with respect to any event requiring the filing of a Form 8–K. However, to ensure that there is no confusion on the part of listed companies, the Amex believes that it is appropriate to amend sections 401 and 1009 to explicitly clarify that listed companies are required to issue a press release, as well as file a Form 8–K, upon notice of noncompliance.

Neither the indicators nor the Company Guide revisions will replace or otherwise alter existing Amex or SEC requirements regarding required Form 8–K filings or disclosure obligations. An Amex issuer that is not in compliance with the applicable continued listing standards but receives an extension to continue its listing in conformance with an Exchange approved business plan is required to issue a press release in this regard, pursuant to section 1009(e) of the Company Guide. In addition, an issuer that receives a staff delisting notice is required to issue a press release pursuant to sections 401(g) and 1202(b) of the Company Guide. Moreover, the Amex will also continue to halt trading as appropriate in any issuer's securities if it appears that the issuer is unable to make or has not made adequate disclosure as mandated by Amex rules and the federal securities laws.[5]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6 of the Act [6] in general and furthers the objectives of section 6(b)(5) [7] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received by the Exchange on this proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[2] CTS and CQS, which are operated by the CTA, collect last-sale prices and current bid/ask quotations, respectively, with associated volumes for all exchange-listed equities. All trades and quotations in Amex-listed equities, regardless of the market center on which such equities are traded or quoted, are reported to CTS and CQS and disseminated on Tape B (also known as Network B).

[3] Filing of Form 12b–25 in accordance with Rule 12b–25 under the Act provides a 15-day extension for the filing of a Form 10–K and a five-day extension for the filing of a Form 10–Q. 17 CFR 240.12b–25.

[4] In the case of the ''.BC'' indicator, the triggering event would be receipt of written notice from the staff of the Amex Listing Qualifications Department advising that the issuer is below the applicable continued listing standards.

[5] *See* section 1002 and 1003 of the Company Guide and Article II, section 3 of the Amex Constitution.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml)*; or
- Send an e-mail to *rulecomments@sec.gov.* Please include File Number SR–Amex–2005–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–Amex–2005–027. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the Amex. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2005–027 and should be submitted on or before April 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1204 Filed 3–18–05; 8:45 am]

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[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51371; File No. SR–CBOE–2005–23]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Amend CBOE Rule 8.4 To Remove the Physical Trading Crowd Appointment Alternative for Remote Market-Makers and To Create an ''A+'' Tier Consisting of the Two Most Actively-Traded Products on the Exchange

March 15, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 15, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend CBOE Rule 8.4(d) to remove the Physical Trading Crowd (''PTC'') appointment alternative for Remote Market-Makers (''RMMs'') and to create an ''A+'' tier consisting of the two most actively-traded products on the Exchange. The text of the proposed rule change is available on the CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On March 14, 2005, the Commission approved rules governing the Exchange's RMM Program.[3] The RMM Program would allow members and member firms to elect status as an RMM, which would enable them to stream quotes from a location outside of the physical trading station for the subject class. The Exchange's original plans called for the 600 most actively-traded equity option classes to be part of the RMM Program, excluding options on exchange-traded funds. Recently, however, the Exchange has determined to include two of its most actively-traded products in the RMM Program (and, correspondingly, include them on the Hybrid 2.0 Platform), options on Standard & Poor's Depositary Receipts (''Spiders'') and options on the Nasdaq-100 Index Tracking Stock. The CBOE represents that the purpose of this proposal is to amend the RMM rules relating to appointments in order to accommodate the inclusion of these two products in the RMM Program.

Elimination of Physical Trading Crowd Appointment. CBOE Rule 8.4(d) governs the RMM appointment process and provides that an RMM may choose either a PTC or Virtual Trading Crowd (''VTC'') appointment. A PTC Appointment corresponds to the location of a physical trading station on the floor of the CBOE.[4] The Exchange proposes to eliminate the PTC appointment option and, as a result, RMMs would be required to have a VTC appointment. CBOE represents that, in its discussions with its members, member organizations, and other potential RMM candidates, it has become evident that there is little if any interest in the ability to have a PTC appointment. The CBOE further represents that a vast majority of potential RMMs have indicated that the ability to choose their own appointments is the attribute of the RMM Program they find most desirable. For this reason, CBOE has determined to eliminate from CBOE Rule 8.4(d) the PTC appointment option.

Creation of an ''A+'' Tier. The RMM rules incorporate the concept of ''tiers'' in two instances. First, the VTC

[3] *See* Securities Exchange Act Release No. 51366.

[4] An RMM that chooses a PTC appointment would have the right to quote electronically (and not in open outcry) in either 20 or 30 Hybrid 2.0 products traded in that specific trading station for each Exchange membership it leases or owns, respectively.

appointment process assigns appointment costs to products based on their locations in tiers that have been established based on trading volume. Second, proposed CBOE Rule 8.3A assigns Class Quoting Limits (''CQLs'') based on a product's trading volume.[5] The Exchange proposes to create a new tier, the ''A+'' tier consisting of two products: options on Spiders and options on the Nasdaq-100 Index Tracking Stock. The ''appointment cost'' for each ''A+'' tier product would be .60 (6/10ths of a membership) and the CQL would be 40.

The CBOE represents that there are two primary reasons supporting a higher appointment cost for ''A+'' tier products. First, these two products have trading volumes that substantially exceed the trading volumes of most other Hybrid or Hybrid 2.0 products. The whole ''tiering'' concept is premised on the fact that the more actively-traded products should cost more in terms of appointment costs. The addition of an ''A+'' tier is no different in that it operates on the same principle. Second, currently these products trade either by themselves or in a trading crowd with only one other product. In this regard, Spiders options are the only product traded in one trading station, which essentially creates an appointment cost of 1.0. Accordingly, the CBOE believes that assigning a higher appointment cost to these products is justified because they already have higher appointment costs than do other Hybrid 2.0 products.

2. Statutory Basis

CBOE believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[6] Specifically, CBOE believes the proposed rule change is consistent with the section 6(b)(5) of the Act[7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*; or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2005–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–CBOE–2005–23. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2005–23 and should be submitted on or before April 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1208 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

[5] For example, the 20% most actively-traded products have a CQL of 40 quoters. The tiers for CQLs correspond to the appointment cost tiers contained in CBOE Rule 8.4(d). Accordingly, the 20% most actively-traded products (*i.e.*, the A tier products) would have a CQL of 40 quoters and an appointment cost of .10. Tier A+ products would be excluded when determining the 20% most actively-traded products for Tier A and for CQL purposes. *See* proposed changes to CBOE Rules 8.4(d) and 8.3A, Interpretation and Policy .01(a), respectively.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51244A; File No. SR–CBOE–2003–30]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Order Granting Accelerated Approval to a Proposed Rule Change and Amendment Nos. 1, 2, 3, and 4 Thereto Relating to Position Limits and Exercise Limits

March 15, 2005.

Correction

In Part V of Release No. 34–51244, issued February 23, 2005,[1] the Commission is replacing the following sentence:

''*It is therefore ordered,* pursuant to section 19(b)(2) of the Act,[2] that the proposed rule change (SR–CBOE–2003–30), as amended, is hereby approved on

[1] *See* Securities Exchange Act Release No. 51244 (February 23, 2005), 70 FR 10010 (March 1, 2005).

[2] 15 U.S.C. 78s(b)(2).

an accelerated basis for a pilot period to expire on August 23, 2005.''

with:

''*It is therefore ordered,* pursuant to section 19(b)(2) of the Act,[3] that the proposed rule change (SR–CBOE–2003–30), as amended, is hereby approved on an accelerated basis, with the portion of the proposed rule change that relates to increases in position and exercise limits approved for a pilot period to expire on August 23, 2005.''

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1210 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51370; File No. SR–CBOE–2005–22]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Adopt an Inactivity Fee To Be Charged Against Remote Market-Makers That Fail To Commence Quoting in Their Appointed Classes

March 15, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 15, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to adopt an inactivity fee to be charged against Remote Market-Makers (''RMMs'') that fail to commence quoting in their appointed classes. The text of the proposed rule change is available on the CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, and at the Commission's Public Reference Room.

[3] 15 U.S.C. 78s(b)(2).

[4] 17 CFR 200.30(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange received approval of its RMM Program on March 14, 2005.[3] During the next several weeks, the Exchange will begin a solicitation process whereby members that are interested in becoming an RMM will submit to the Exchange their appointment requests.[4] As the Exchange does not have unlimited systems bandwidth capacity to support an unlimited number of members quoting electronically in each product, it was necessary to develop procedures by which electronic quoting appointments would be allocated to members in the instance where demand (*i.e.,* the number of members requesting an appointment) exceeds supply (*i.e.,* the actual number of appointments). CBOE Rule 8.3A describes these procedures. In order to prevent a member that obtains an electronic appointment in a product from not initiating quoting in that product, the Exchange proposes to adopt an inactivity fee that would apply in two instances, as described below.

Retaining Appointment Without Quoting

This aspect of the proposed inactivity fee is structured to apply only in those rare instances when an RMM receives an appointment, retains its appointment, but does not submit quotes in that product during any portion of the rollout of the RMM Program. If an RMM receives an appointment and does not commence quoting in that appointed product within thirty days after the termination of the rollout of the RMM Program, the RMM would be assessed a $1,000 inactivity fee and the Exchange would reallocate the product to the next member on the waiting list (in accordance with proposed CBOE Rule 8.3A.) The Exchange represents that the RMM Program rollout would terminate no sooner than July 15, 2005. The inactivity fee (and subsequent reallocation) would occur on a per product basis. For example, if during the requisite measurement period an RMM does not submit quotes in five products in which it requested and received an allocation, it would be assessed a $5,000 fee and the five products would be reallocated.

Relinquishing Appointment Without Quoting

The second instance in which the inactivity fee would apply occurs when an RMM receives an appointment in a product and subsequently relinquishes its appointment in that product (prior to termination of the RMM Program rollout) without having submitted any quotes during the requisite period. Using the example above in which an RMM requested and received an appointment in five classes, a $1,000 inactivity fee would be assessed for each product in which the RMM terminates its appointment prior to the end of the rollout of the RMM Program provided the RMM has not submitted any quotes prior to its relinquishing the appointment.

The CBOE believes that the imposition of an inactivity fee is necessary in order to prevent members from receiving appointments in products for which they have no ability to quote or no intention of quoting. Without the fee, members could obtain multiple appointments and choose not to quote. The CBOE believes that this would affect the overall viability of the RMM Program on two fronts. First, it would deprive the Exchange of transaction revenue and, second, it would prevent other members on the waiting list from quoting. The ability of one member to hoard appointments could severely affect the amount of liquidity offered by keeping other ready, willing, and able-to-quote members from quoting. In this regard, the CBOE believes that the $1,000 fee represents a conservative estimate of the amount of revenue the Exchange would lose when an RMM receives an appointment in a class but chooses not to submit quotes. An RMM very easily may avoid assessment of the fee simply by submitting quotes during any point of the rollout of the RMM Program.

The CBOE represents that members would have ample time to have their systems fully operational prior to the

[3] *See* Securities Exchange Act Release No. 51366.

[4] CBOE Rule 8.4(d) describes the appointment process for RMMs.

termination of the rollout of the RMM Program. In this regard, the Exchange anticipates notifying all RMMs of the products they have received as part of their appointment by approximately April 15, 2005. The Exchange anticipates that the RMM rollout will begin April 28, 2005. Even with respect to classes that rollout towards the end of the period, RMMs would still have no fewer than 30 days during which to quote before they are subject to being assessed an inactivity fee. In the event an RMM uses a leased membership to receive appointed products, the lessee (and not the lessor) would be assessed the fee. The Exchange believes it is reasonable to assess the fee upon the lessee in this instance because it is the party that requested the appointment, received the appointment, and failed to quote the appointment.

The Exchange provides for one exception to the inactivity fee. RMM organizations that relinquish appointments during the requisite period by virtue of the fact that they obtained an appointment in the identical product either as a Designated Primary Market-Maker (''DPM'') or Electronic DPM (''e-DPM'') would not be required to pay the inactivity fee. The Exchange believes it is reasonable to exempt an RMM from payment of the fee in this limited instance because it would be required to quote the product in its new status as DPM or e-DPM.

2. Statutory Basis

CBOE believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of section 6(b) of the Act.[5] Specifically, CBOE believes the proposed rule change is consistent with section 6(b)(4) of the Act[6] in that it provides for the equitable allocation of reasonable dues, fees, and other charges among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received comments.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2005–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–CBOE–2005–22. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2005–22 and should be submitted on or before April 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1211 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51368; File No. SR–NASD–2005–004]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto Relating to Annual Compliance Meetings

March 14, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 13, 2005, the National Association of Securities Dealers, Inc. (''NASD''), filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II, and III below, which items have been prepared by NASD. On March 1, 2005, NASD filed Amendment No. 1 to the proposed rule change.[3] On March 9, 2005, NASD filed Amendment No. 2 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the NASD further clarified that the scope of NASD Rules 3010(a), 3010(a)(3), and 3010(b)(1), specifically extends to registered representatives and registered principals, as well as other associated persons.

[4] In Amendment No. 2, the NASD filed a partial amendment to the proposed rule change to remove the underlining from the term ''applicable NASD Rules'' in NASD Rule 3010(a), as it is part of the existing rule text.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD proposes to amend NASD Rule 3010(a) to require that registered principals, in addition to registered representatives, attend an annual compliance meeting. NASD also is proposing a technical amendment to NASD Rule 3010(a) to clarify that each member is required to establish and maintain a system to supervise the activities of each registered representative, registered principal, and other associated persons. Below is the text of the revised rule change. Proposed new language is in *italics*; proposed deletions are in [brackets].

3010. Supervision

(a) Supervisory System

Each member shall establish and maintain a system to supervise the activities of each registered representative*, registered principal,* and *other* associated person that is reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable NASD Rules. Final responsibility for proper supervision shall rest with the member. A member's supervisory system shall provide, at a minimum, for the following:

(1) through (2) No Change.

(3) The designation as an office of supervisory jurisdiction (OSJ) of each location that meets the definition contained in paragraph (g) of this Rule. Each member shall also designate such other OSJs as it determines to be necessary in order to supervise its registered representatives*, registered principals,* and *other* associated persons in accordance with the standards set forth in this Rule, taking into consideration the following factors:

(A) Whether registered persons at the location engage in retail sales or other activities involving regular contact with public customers;

(B) Whether a substantial number of registered persons conduct securities activities at, or are otherwise supervised from, such location;

(C) Whether the location is geographically distant from another OSJ of the firm;

(D) Whether the member's registered persons are geographically dispersed; and

(E) Whether the securities activities at such location are diverse and/or complex.

(4) through (6) No Change.

(7) The participation of each registered representative *and registered principal,* either individually or collectively, no less than annually, in an interview or meeting conducted by persons designated by the member at which compliance matters relevant to the activities of the representative(s) *and principal(s)* are discussed. Such interview or meeting may occur in conjunction with the discussion of other matters and may be conducted at a central or regional location or at the representative's(') *or principal's(')* place of business.

(b) Written Procedures

(1) Each member shall establish, maintain, and enforce written procedures to supervise the types of business in which it engages and to supervise the activities of registered representatives*, registered principals,* and *other* associated persons that are reasonably designed to achieve compliance with applicable securities laws and regulations, and with the applicable Rules of *NASD* [this Association].

(2) through (4) No Change.

(c) through (g) No Change.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD proposes to amend NASD Rule 3010(a)(7) to require that registered principals, in addition to registered representatives, attend an annual compliance meeting. NASD Rule 3010(a)(7) currently requires the attendance of registered representatives at annual compliance meetings, but it does not require the attendance of registered principals. NASD believes that registered principals also should be required to attend such meetings given the supervisory and compliance-related functions that principals perform and that the primary purpose of these meetings is to discuss compliance issues and keep registered persons current on changing compliance requirements or changes in the firm. Accordingly, NASD proposes to amend NASD Rule 3010(a)(7) to require that all registered principals, in addition to registered representatives, attend an annual compliance meeting in accordance with the Rule.

Further, according to the NASD, although registered principals are considered associated persons and thus are included in the scope of NASD Rule 3010(a), registered principals are not specifically listed in NASD Rule 3010(a). Therefore, NASD proposes a technical amendment to NASD Rule 3010(a) to clarify that each member is required to establish and maintain a system to supervise the activities of each registered representative, registered principal, as well as other associated persons.

NASD represents that the proposal clarifies that this provision applies to registered representatives and registered principals, who are considered to be associated persons, as well as all other associated persons. To be consistent with this proposed amendment to NASD Rule 3010(a), NASD is proposing similar changes to NASD Rules 3010(a)(3) and 3010(b)(1) to clarify that the scope of these rules extends to registered representatives and registered principals, as well as other associated persons.[5] NASD is also proposing to replace a reference to ''Association'' with ''NASD'' in the text of NASD Rule 3010(b)(1) to reflect the fact that NASD no longer refers to itself using its full corporate name, ''Association,'' or ''the NASD.''

NASD will announce the effective date of the proposed rule change in an *NtM* to be published no later than 60 days following Commission approval. The effective date will be 30 days following publication of the *NtM* announcing Commission approval.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[6] in general and with section 15A(b)(6) of the Act,[7] in particular, which requires, among other things, that NASD rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD believes that the proposed rule change to NASD Rule 3010(a)(7) will increase the level of interaction between registered representatives and principals with respect to compliance issues and will assist firms in ensuring that all their registered persons remain current on changing compliance requirements and changes in the firms. NASD believes that the technical amendments to NASD Rules 3010(a), 3010(a)(3), and 3010(b)(1) will further clarify members' obligations with respect to their registered representatives and registered principals, as well as other associated persons.

[5] *See* Amendment No. 1, *supra* note 3.

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change; or

B. Institute proceedings to determine whether the proposed rule change, as amended, should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2005–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2005–004. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2005–004 and should be submitted on or before April 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1212 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51362; File No. SR–NSCC–2003–11]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Granting Approval of a Proposed Rule Change To Amend the Criteria Used To Place Members on Surveillance Status and To Eliminate Member and Applicant Financial Responsibility and Operational Capability Questionnaires

March 11, 2005.

I. Introduction

On May 27, 2003, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') and on June 17, 2003, September 15, 2003, December 20, 2004, and March 3, 2005,[1] amended proposed rule change File No. SR–NSCC–2003–11 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[2] Notice of the proposed rule change was published in the **Federal Register** on February 3, 2004.[3] No comment letters were received. For the reasons discussed below, the Commission is now granting approval of the proposed rule change.

II. Description

A. Risk Matrix

Under the current NSCC rules, management has the ability to place on surveillance status a member that is experiencing conditions which may have an adverse financial or operational impact on NSCC. Once placed on surveillance status, NSCC closely monitors the member's condition. The current criteria for placing members on surveillance status are broadly written and capture many NSCC members that pose minimal financial or operational risk to NSCC. This creates administrative burdens for NSCC staff who must more closely monitor these members who pose minimal risk.

To remedy this problem, NSCC has developed new criteria for placing members on surveillance. All full service firms for which NSCC guarantees their trades will be assigned a rating that is generated by entering financial data of the member into a risk assessment matrix (''Matrix''). Those members with a ''weak'' rating, which are deemed to pose a relatively higher degree of risk to NSCC, will be placed on an internal watch list and will be monitored more closely. Members placed on the watch list may be required to submit additional financial reports and data and/or make additional clearing fund deposits.

The Matrix is used by NSCC and its affiliated clearing agency, Fixed Income Clearing Corporation (''FICC''). Specifically, in order to run the Matrix, credit risk staff uses the financial data of each applicable NSCC member and the financial data of each applicable member of FICC. In this way, each applicable member of FICC and NSCC is rated against other applicable members of FICC and NSCC. Credit risk staff approaches its analysis of members pursuant to the new procedures in the following manner. First, as mentioned above, domestic broker-dealers and domestic banks are run through the Matrix and assigned a rating. Low-rated members are placed on the watch list. At this point, credit risk staff may downgrade a particular member's score based on various qualitative factors. (For example, one qualitative factor might be that the member in question received a

[8] 17 CFR 200.30–3(a)(12).

[1] In the December 20, 2004, and March 3, 2005, amendments, NSCC elaborated on how it will apply and monitor the matrix. The amendments did not modify the substance of the proposed rule change and therefore did not require republication of notice.

[2] 15 U.S.C. 78s(b)(1).

[3] Securities Exchange Act Release No. 49123 (January 23, 2004), 69 FR 5231.

qualified audit opinion on its annual audit.) In order to protect NSCC and its other members, it is important that credit risk staff maintain the discretion to downgrade a member's rating on the Matrix and thus subject the member to closer monitoring and possibly additional reporting and/or additional clearing fund requirements. All rated members, including those on the watch list, are monitored monthly or quarterly, depending upon the member's financial filing frequency, against basic minimum financial requirements and other parameters.

All broker-dealer members included on the watch list are monitored more closely. This means that they are also monitored for various parameter breaks which may include but are not limited to such things as a defined decline in excess net capital over a one month or three month period, a defined period loss, a defined aggregate indebtedness/net capital ratio, a defined net capital/aggregate debit items ratio, and a defined net capital/regulatory net capital ratio. All bank members included on the watch list are also monitored more closely for watch list parameter breaks which may include but are not limited to such things as a defined quarter loss, a defined decline in equity, a defined tier one leverage ratio, a defined tier one risk-based capital ratio, and a defined total risk-based capital ratio. Monitoring for the above more stringent parameter breaks is done only for those members placed on the watch list.

NSCC will continually evaluate the methodology and its effectiveness and will make such changes as it deems prudent and practicable within such time frame as is determined to be appropriate by NSCC. NSCC will update the Commission staff on its evaluations of the Matrix pursuant to a schedule developed by FICC, NSCC, and Commission staff.

B. Questionnaire

Currently, Addendums B, I, Q, and R (standards of financial responsibility and operational capability for settling, fund, insurance carrier, and third party administrator members and applicants, respectively) include questionnaires that members and applicants are currently required to complete and to return to NSCC. NSCC Rule 15 also provides that NSCC has the authority to examine and to require adequate assurance of the financial responsibility and operational capability of members and applicants. Because NSCC routinely receives information related to its members' and applicants' financial responsibility and operational capability and has the authority to request additional information as the need arises, NSCC is eliminating these questionnaires from its Rules and Procedures. Furthermore, NSCC has found the information contained in the questionnaires to be duplicative of the other information it routinely receives throughout the year.

NSCC has determined to rely on its ability under Rule 15, Section 2 to obtain pertinent information for members and applicants rather than require responses to specific questionnaires. NSCC will solicit such information in such form and within such timeframes as it may require from time to time.

III. Discussion

Section 17A(b)(3)(F) of the Act requires among other things that the rules of a clearing agency be designed to facilitate the safeguarding of securities and funds which are in its custody or control or for which it is responsible and in general will protect investors and the public interest.[4] The Commission finds that NSCC's proposed rule change is consistent with this requirement because it improves NSCC's member surveillance process which should better enable NSCC to safeguard the securities and funds which are in its custody or control or for which it is responsible.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (File No. SR–NSCC–2003–11) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–1209 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51369; File No. SR–PCX–2005–14]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the Pacific Exchange, Inc. Relating to Arbitration Fees

March 15, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2005, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in items I, II and III below, which items have been prepared by the Exchange. On February 23, 2005, the Exchange filed Amendment No. 1 to the proposed rule change. On March 8, 2005, the Exchange filed Amendment No. 2 to the proposed rule change. The PCX has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the PCX under section 19(b)(3)(A)(ii) of the Act,[3] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to amend the PCX Options and PCX Equities, Inc. (''PCXE'') arbitration rules to include an arbitration hearing venue surcharge applicable to OTP Holders, OTP Firms[4] and ETP Holders[5] (''Holders''). The text of the proposed rule change is available on the PCX Web site (*http://www.pacificex.com/legal/docs/prf/2005/SR–PCX–2005–14-amend2.pdf*), at the principal office of the PCX, and in the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] *See* PCX Rule 1(q)–(r).

[5] *See* PCXE Rule 1(n).

the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Purpose

The Exchange proposes to adopt new PCX Rule 12.31(*l*) and PCXE Rule 12.32(*l*) to include an arbitration hearing venue surcharge applicable to Holders. Under the proposed rules, the Director of Arbitration (''Director'') will make arrangements with an off-site venue for each arbitration hearing and the costs for such arrangement will be directly passed to the Holder(s) that are parties to the dispute (''Arbitrating Holders''). The Arbitrating Holder(s) will be liable for the entire amount of the arrangement for the arbitration hearing venue. For each associated person who is named, the surcharge shall be assessed against the Holder which employed the associated person at the time of the events which gave rise to the dispute, claim or controversy. In the event that multiple Arbitrating Holders or associated persons are parties to a dispute, the arbitrator(s) shall determine which Arbitrating Holders will be liable for the surcharge unless the surcharge is waived by the Director.

Currently, arbitration hearings at the PCX are held in conference rooms within the PCX corporate headquarters. These conference rooms are shared by various PCX departments and are located on the same floors as the departments, which include the Membership, Regulation, General Counsel, and Enforcement departments. Due to the sharing of space and close quarters in which the arbitration hearings are held, the parties to the dispute often do not have alternate locations to discuss matters with their counsel and/or discuss possible settlements or resolutions. Furthermore, the level of confidentiality and integrity of the Exchange may be in jeopardy with various unattended parties in the hallways of the PCX corporate headquarters. Therefore, the Exchange believes an off-site hearing venue, which would provide an appropriate and confidential environment for the arbitration parties, would be in the best interest of the arbitration parties as well as the Exchange.

Basis

The Exchange believes that the proposal is consistent with section 6(b)[6] of the Act, in general, and section 6(b)(4)[7] of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among the Exchange's Holders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii)[8] of the Act and subparagraph (f) of Rule 19b–4 thereunder,[9] because the proposed rule change establishes a charge applicable only to members of the Exchange. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f).

[10] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers that period to commence on March 8, 2005, the date on which the Exchange filed Amendment No. 2 to the proposed rule change. *See* 15 U.S.C. 78s(b)(3)(C).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–PCX–2005–14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File No. SR–PCX–2005–14. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–PCX–2005–14 and should be submitted on or before April 11, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1203 Filed 3–18–05; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 02/72–0634]

L Capital Partners SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that L Capital Partners SBIC, L.P., 10 East 53rd Street, 37th Floor, New York, New York 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2002)). L Capital Partners SBIC, L.P. proposes to provide preferred equity security financing to Proxy Aviation, LLC, 12850 Middlebrook Road, Germantown, MD 20874. The financing is contemplated to provide the company with the necessary working capital.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Jonathan Leitersdorf, an Associate of L Capital Partners SBIC, L.P. has Control over Proxy, is Chairman of the Board of Proxy and is the sole member of Proxy. Therefore, this transaction is considered a financing of an Associate requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Jamie Guzman-Fournier,

Acting Associate Administrator for Investment.

[FR Doc. 05–5509 Filed 3–18–05; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[License No. 03/73–0229]

Walker Investment Fund II SBIC, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Walker Investment Fund II SBIC, L.P., 3060 Washington Road, Suite 200, Glenwood, Maryland 21738, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2002)). Walker Investment Fund II SBIC, L.P. proposes to provide preferred equity security financing to Smarthinking, Inc. 1900 L Street, NW., Ste 301, Washington, DC 20036. The financing is contemplated to provide the company with the necessary working capital.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Walker Investment Fund II, LLLP, an Associate of Walker Investment Fund II SBIC, L.P. owns an interest in Smarthinking greater than 10 percent. Therefore, this transaction is considered a financing of an Associate requiring prior SBA approval.

Notice is hereby given that any interested person may submit written comments on the transaction, within 15 days of the date of this publication, to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Jaime Guzman-Fournier,

Acting Associate Administrator for Investment.

[FR Doc. 05–5510 Filed 3–18–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5028]

Bureau of Consular Affairs, Passport Services, Office of Field Operations, Field Coordination Division; Notice of Information Collection Under Emergency Review: Form DS–11, Application for a U.S. Passport, OMB Control Number 1405–0004

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Bureau of Consular Affairs, CA/PPT/FO/FC.

Title of Information Collection: Application for a U.S. Passport.

Frequency: On occasion.

Form Number: DS–11.

Respondents: Individuals or households.

Estimated Number of Respondents: 6,600,000 per year.

Average Hours per Response: 85 minutes.

Total Estimated Burden: 9,350,000 hours per year.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency approval of this collection was granted by OMB January 13, 2005. The approval is valid until June 30, 2005.

Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on (202) 395–4718.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Margaret A. Dickson, U.S. Department of State, Office of Field Operations, 2100 Pennsylvania Avenue, NW., 3rd Floor, Washington DC 20037, who may be reached on (202) 663–2460.

Dated: December 9, 2004.

Ann Barrett,

Deputy Assistant Secretary for Passport Services, Acting, Bureau of Consular Affairs, Department of State.

[FR Doc. 05–5587 Filed 3–18–05; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 5029]

Bureau of Consular Affairs, Passport Services, Office of Field Operations, Field Coordination Division; Notice of Information Collection Under Emergency Review: Form DS–82, Application for a U.S. Passport by Mail, OMB Control Number 1405–0020

AGENCY: Department of State.

ACTION: Notice of request for public comments and submission to OMB.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Bureau of Consular Affairs, CA/PPT/FO/FC.

Title of Information Collection: Application for a U.S. Passport By Mail.

Frequency: On occasion.

Form Number: DS–82.

Respondents: Individuals or households.

Estimated Number of Respondents: 2,900,000 per year.

Average Hours per Response: 40 minutes.

Total Estimated Burden: 1,933,333 hours per year.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency approval of this collection was granted by OMB January 13, 2005. The approval is valid until June 30, 2005.

Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on (202) 395–4718.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Margaret A. Dickson, U.S. Department of State, Office of Field Operations, 2100 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20037, who may be reached on (202) 663–2460.

Dated: December 9, 2004.

Ann Barrett,

Deputy Assistant Secretary for Passport Service, Acting, Bureau of Consular Affairs, Department of State.

[FR Doc. 05–5588 Filed 3–18–05; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 5030]

Bureau of Consular Affairs, Passport Services, Office of Field Operations, Field Coordination Division; Notice of Information Collection Under Emergency Review: Form DS–4085, Application for Additional Visa Pages, OMB Control Number 1405–0159

AGENCY: Department of State.

ACTION: Notice of request for public comments and submission to OMB.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Bureau of Consular Affairs, CA/PPT/FO/FC.

Title of Information Collection: Application for Additional Visa Pages.

Frequency: On occasion.

Form Number: DS–4085.

Respondents: Individuals or households.

Estimated Number of Respondents: 30,000 per year.

Average Hours per Response: 20 minutes.

Total Estimated Burden: 10,000 hours per year.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency review of this collection was granted by OMB January 13, 2005. The approval is valid until June 30, 2005.

Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on (202) 395–4718.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Margaret A. Dickson, U.S. Department of State, Office of Field Operations, 2100 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20037, who may be reached on (202) 663–2460.

Dated: December 9, 2004.

Ann Barrett,

Deputy Assistant Secretary for Passport Service, Acting, Bureau of Consular Affairs, Department of State.

[FR Doc. 05–5589 Filed 3–18–05; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 5031]

Bureau of Consular Affairs, Passport Services, Office of Field Operations, Field Coordination Division; Notice of Information Collection Under Emergency Review: Form DS–5504, U.S. Passport Re-Application Form, OMB Control Number 1405–0160

AGENCY: Department of State.

ACTION: Notice of request for public comments and of submission to OMB.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995.

Type of Request: Emergency Review.

Originating Office: Bureau of Consular Affairs, CA/PPT/FO/FC.

Title of Information Collection: U.S. Passport Re-Application Form.

Frequency: On occasion.

Form Number: DS–5504.

Respondents: Individuals or Households.

Estimated Number of Respondents: 50,000 per year.

Average Hours per Response: 30 minutes.

Total Estimated Burden: 25,000 hours per year.

The proposed information collection is published to obtain comments from the public and affected agencies. Emergency approval of this collection was granted by OMB January 13, 2005. The approval is valid until June 30, 2005.

Comments should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on (202) 395–4718.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until 60 days from the date that this notice is published in the **Federal Register**. The agency requests written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments are being solicited to permit the agency to:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.

• Enhance the quality, utility, and clarity of the information to be collected.

• Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER INFORMATION CONTACT: Public comments, or requests for additional information, regarding the collection listed in this notice should be directed to Margaret A. Dickson, U.S. Department of State, Office of Field Operations, 2100 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20037, who may be reached on (202) 663–2460.

Dated: December 9, 2004.

Ann Barrett,

Deputy Assistant Secretary for Passport Service, Acting, Bureau of Consular Affairs, Department of State.

[FR Doc. 05–5590 Filed 3–18–05; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 4968]

Advisory Committee for Study of Eastern Europe and the Independent States of the Former Soviet Union: Notice of Public Meeting

The Department of State announces that the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union (Title VIII) will convene on Thursday, April 14, 2005 beginning at 9:30 a.m. in Room 1105, U.S. Department of State, Harry S Truman Building, 2201 C Street, NW., Washington, DC.

The Advisory Committee will recommend grant recipients for the FY 2005 competition of the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union in connection with the ''Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, as amended.'' The agenda will include opening statements by the Chairman and members of the committee, and, within the committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain ''national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the Independent States of the Former Soviet Union,'' based on the guidelines contained in the call for applications published in the **Federal Register** on December 1, 2004. Following committee deliberation, interested members of the public may make oral statements concerning the Title VIII program in general.

This meeting will be open to the public, however attendance will be limited to the seating available. Entry into the Harry S Truman building is controlled and must be arranged in advance of the meeting. Those planning to attend should notify Susie Baker, INR/RES, U.S. Department of State, (202) 647–0243 by Monday, April 11, 2005, providing their Full Name, Date of Birth, Social Security Number, Country of Citizenship, and any requirements for special needs. All attendees must use the 2201 C Street, NW., entrance to the building. Visitors who arrive without prior notification and without photo identification will not be admitted.

Dated: March 14, 2005.

Kenneth E. Roberts,

Executive Director, Advisory Committee for Study of Eastern Europe and the Independent States of the Former Soviet Union, Department of State.

[FR Doc. 05–5507 Filed 3–18–05; 8:45 am]

BILLING CODE 4710–32–P

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting (Meeting No. 1558)

TIME AND DATE: 9 a.m. (e.s.t.), March 23, 2005, Greeneville High School Auditorium, 210 Tusculum Boulevard, Greeneville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on January 18, 2005.

New Business

C—Energy

C1. Recommendation for approval of $200 million in funding to cover anhydrous ammonia purchases over the next 5 years to support the operation of TVA's selective catalytic reduction equipment, to be allocated among three current blanket contracts with Cherokee Nitrogen, LaRoche Industries, and Terra Industries.

C2. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into contracts with Babcock & Brown Rail Funding LLC and Johnstown America Corporation for the lease of rail cars to deliver coal and/or

synthetic fuel to various TVA fossil plants.

C3. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into contracts with Rogers Group Inc. for limestone supply to Paradise and Shawnee Fossil Plants.

C4. Contract with Nol-Tec Systems to design, furnish, install, test, and commission hydrated lime injection systems for sulfur trioxide (SO_3) mitigation at various TVA fossil plants.

C5. Contract with General Electric Company for auxiliary power boards for various TVA hydro and fossil plants.

C6. Supplement to Contract No. 00038906 with Fujitsu Network Communications for supply of synchronous optical network components.

E—Real Property Transactions

E1. Modification of certain deed restrictions affecting approximately 0.1 acre of former TVA land on Cherokee Reservoir in Hamblen County, Tennessee, Tract No. XCK–104, S.1X, to allow an existing portion of a house, heat pump, and deck to remain on the property.

E2. Grant of a permanent easement to the State of Tennessee for an access road and utility lines affecting land on Tims Ford Reservoir in Moore County, Tennessee, Tract No. XTTMFR–45E.

E3. Grant of a permanent easement to the State of North Carolina for a highway improvement project affecting approximately 55 acres of land on Hiwassee Reservoir in Cherokee County, North Carolina, Tract No. XTFBR–32H.

Information Items

1. Approval of FY 2005 Winning Performance Team Incentive Plan Scorecards.

2. Approval of a grant of a permanent easement to the State of Tennessee for a highway and bridge improvement project affecting approximately 7.7 acres of land on Chickamauga Reservoir in Meigs County, Tennessee, Tract No. XTCR–202H.

3. Approval of membership and chair appointments to the third-term Regional Resource Stewardship Council.

4. Approval of the amendment of the Regional Resource Stewardship Council charter to require that, beginning with the 2006 membership appointments, at least six members are new to the Council.

5. Approval of Adams Street Partners, LLC, as a new investment manager for the TVA Retirement System and approval of the investment management agreement.

6. Approval of replacement power arrangements with Kerr-McGee Chemical LLC.

7. Approval to file condemnation cases to acquire easements, rights-of-way, and tree-removal rights for TVA power transmission line projects affecting the South Jackson-Cordova Tap to Gallaway Transmission Line in Fayette County, Tennessee, and the Johnsonville-Columbia Tap to South Waverly Transmission Line in Humphreys County, Tennessee.

8. Approval of Competitive Indexed Rate arrangements for North Georgia EMC service to Mohawk Industries.

9. Approval of the proposed Joint Reliability Coordination Agreement among and between TVA, Midwest Independent Transmission System Operator, Inc., and PJM Interconnection, LLC.

For more information: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: March 16, 2005.

Maureen H. Dunn,

General Counsel and Secretary.

[FR Doc. 05–5572 Filed 3–17–05; 10:38 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 33.75–1, Guidance Material for 14 CFR 33.75, Safety Analysis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 33.75–1, Guidance Material for 14 CFR 33.75, Safety Analysis. This AC sets forth acceptable methods of compliance with the safety analysis requirements of 14 CFR 33.75.

DATES: Advisory Circular 33.75–1 was issued by the Engine and Propeller Directorate, ANE–100, on March 4, 2005.

FOR FURTHER INFORMATION CONTACT: The Federal Aviation Administration, Attn: Ann Azevedo, ANE–104, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7117; fax: (781) 238–7199; e-mail: *Ann.Azevedo@faa.gov.*

We have filed in the docket all substantive comments received, and a report summarizing them. If you wish to review the docket in person, you may go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to contact the above individual directly, you can use the above telephone number e-mail address provided.

How to Obtain Copies: A paper copy of AC 33.75–1 may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The AC will also be available on the Internet at *http://www.faa.gov/*, select ''Regulations and Policies'' and the link titled ''Advisory Circulars.''

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

Issued in Burlington, Massachusetts, on March 4, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–5441 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2004–19933]

Physical Qualification of Drivers; Medical Examination and Certification; Exemption Application—National Cooperative Refinery Association and Jayhawk Pipeline, LLC

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA received an application from the National Cooperative Refinery Association (''NCRA'') and its affiliate Jayhawk Pipeline, LLC, for an exemption from the driver's physical qualification rule which requires drivers who operate commercial motor vehicles (CMVs) in interstate commerce to be medically examined and certified every 24 months. NCRA states an exemption is needed to extend the expiration of the qualification date up to eight days for 130 of its drivers who were qualified to operate a CMV on various dates in April

of 2004. If granted, an exemption would allow NCRA to schedule its drivers' medical examinations in April of 2006, after the expiration of their physical qualification certification.

DATES: Comments must be received by April 20, 2005.

ADDRESSES: You may submit comments identified by any of the following methods. Please identify your comments by the FMCSA Docket Number FMCSA–2004–19933.

- *Web Site: http://dms.dot.gov.* Follow instructions for submitting comments to the docket.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Management Facility, 400 Seventh Street, SW., Plaza level, Washington, DC 20590–0001.
- *Hand Delivery:* Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 am and 5 pm, Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Docket: For access to the Docket Management System (DMS) to read background documents or comments received, go to *http://dms.dot.gov* at any time or to the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Maggi Gunnels, (202) 366–4001, Division of Physical Qualifications, Office of Bus and Truck Standards and Operations, FMCSA, 400 Seventh Street, SW., Washington, DC 20590–0001; e-mail address: *maggi.gunnels@fmcsa.dot.gov*. Office hours are from 7:45 a.m. to 4:15 p.m., et, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1998 (63 FR 67600), FMCSA issued an interim final rule adding part 381 to the Federal Motor Carrier Safety Regulations (FMCSRs) and implementing section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, 112 Stat. 107). Section 4007 of TEA–21 amended 49 U.S.C. 31315 and 31136 concerning waivers and exemptions. On August 20, 2004, FMCSA issued a final rule adopting the interim regulations in part 381 as final (69 FR 51589).

The regulations (49 CFR part 381) established the procedures one must follow to request waivers and apply for exemptions from the FMCSRs, and the procedures that are used to process them. FMCSA must publish a notice in the **Federal Register** for each exemption requested, explain that the request has been filed, provide the public with an opportunity to inspect the safety analysis and any other relevant information known to the agency, and provide an opportunity to comment on the request. Prior to granting a request for exemption, FMCSA must publish a notice in the **Federal Register** identifying the person who will receive the exemption, the provisions from which the person will be exempt, the effective period, and the terms and conditions of the exemption. The terms and conditions established by FMCSA must ensure that the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulation.

NCRA's Request for an Exemption

The National Cooperative Refinery Association (NCRA) and its affiliate, Jayhawk Pipeline, LLC, have requested an exemption from the physical qualification of drivers provision at 49 CFR 391.45(b)(1). A copy of NCRA's application is in the docket referenced at the beginning of this notice. This rule requires that drivers must be medically examined and certified as physically qualified every 24 months. FMCSA is responsible for administering and enforcing the FMCSRs. NCRA complains that the medical examination rule is enforced as 24 months to the day in Kansas and Nebraska. It seeks an exemption to extend the expiration of the qualification date up to ''eight days'' for 130 of its drivers who were qualified to operate a CMV on April 5, 6, 8, 12, 13, and 14 of 2004. Such relief would allow NCRA to schedule and perform its drivers' medical examinations in April of 2006 after their physical qualification certification had expired. This means, for example, that an employee who was examined and certified on April 5, 2004, could be scheduled for his/her physical as late as April 13, 2006. NCRA states the nature of its business is less demanding during the first two weeks of each month, thus making it desirable to schedule and perform medical examinations during that particular time. NCRA opines that medical examinations could also be cancelled due to adverse weather, thereby resulting in medical cards expiring if there is not some flexibility provided in the expiration date.

NCRA uses the University of Kansas Medical Center (KU) to perform medical examinations. KU provides a mobile service that includes a medical team of doctors and nurses who are knowledgeable about DOT and OSHA requirements. Before KU was hired, NCRA drivers obtained medical examinations from the physician of their choice, usually in rural areas of Kansas, Nebraska, and Oklahoma. NCRA states using one medical team to perform the medical examinations has proven effective in eliminating potential violations.

NCRA points to § 396.17(c) relating to periodic inspections in support of its application. It suggests that if similar language were adopted in § 391.45(b)(1), NCRA would not need this exemption. Section 396.17(c) states, in part: A motor carrier shall not use a commercial motor vehicle unless each component identified in appendix G has passed an inspection in accordance with the terms of this section at least once during the preceding 12 months and documentation of such inspection is on the vehicle.

Lastly, NCRA claims it would suffer unnecessary economic hardship for a minor technical date issue if we do not grant its request.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment from all interested persons on this exemption application. All comments received before the close of business on the comment closing date shown in the **DATES** section above will be considered and will be available for examination in the docket. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent possible. However, FMCSA may make its decision at any time after the comment period closes. FMCSA also will continue to file in the public docket relevant information that becomes

available after the comment closing date. Interested persons should continue to examine the docket for new material.

Issued on: March 14, 2005.

Annette M. Sandberg,

Administrator.

[FR Doc. 05–5491 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2004–18961]

Union Pacific Railroad Company; Notice of Public Hearing and Extension of Comment Period

The Union Pacific Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the proposed discontinuance and removal of the traffic control system (TCS), on Track No. 1 between Control Point River, milepost 247.4, and Control Point Ft. Worth, milepost 250.0, on the Dallas Subdivision, Dallas/Ft. Worth area, near Ft. Worth, Texas. The proposed changes include removal of CP University Avenue, milepost 248.01, and conversion of the existing dispatcher controlled, power-operated switch to a radio-controlled, power-operated switch, operated by the Remote Control Locomotive (RCL) Operator. The proposed changes are in conjunction with the installation of a new TCS track between CP West Ft. Worth and CP River. This block signal application proceeding is identified as Docket No. FRA–2004–18961.

FRA has issued a public notice seeking comments of interested parties and has conducted its own field investigation in this matter. After examining the carrier's proposal, letters of protest, and the field report, FRA has determined that a public hearing is necessary before a final decision is made on this proposal. FRA is also extending the comment period to one week beyond the date of the public hearing. If information received at the public hearing warrants the need to extend the comment period further, a separate notice will be published indicating such extension.

Accordingly, a public hearing is hereby set for 9 a.m. on Wednesday, April 20, 2005, in Room 120 of the Texas-New Mexico Power Building, Tower II, 4100 International Plaza, Ft. Worth, Texas 76109. Interested parties are invited to present oral statements at the hearing. The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA. The hearing will be a non adversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

In addition, FRA is extending the comment period to April 28, 2005. All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2004–18961) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on March 15, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety, Standards and Program Development.

[FR Doc. 05–5490 Filed 3–18–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–170 (Sub–No. 2X); STB Docket No. AB–398 (Sub–No. 10X)]

Sunset Railway Company—Abandonment Exemption—in Kern County, CA; San Joaquin Valley Railroad Company—Discontinuance Exemption—in Kern County, CA

Sunset Railway Company (SRY) and San Joaquin Valley Railroad Company (SJVR) (collectively, petitioners) have jointly filed a notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments and Discontinuances of Service* for SRY to abandon, and SJVR to discontinue service over, a 0.20-mile line of railroad, known as the Sunset Subdivision near Levee, between milepost 19.80 and milepost 20.00, in Kern County, CA. The line traverses United States Postal Service Zip Code 93268.

SRY and SJVR have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to the governmental agencies) have been meet.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on April 20, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of

expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 31, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 11, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to applicants' representatives: Attorney for SRY, Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606; Attorneys for SJVR, Gary A. Laakso, Vice President Regulatory Counsel, Rail America, Inc., 5300 Broken Sound Blvd., NW., Second Floor, Boca Raton, FL 33487 and Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

SRV and SJVR have filed an environmental report which addresses the effects, if any of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 25, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. (Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.) Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), SRY shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by SRY's filing of a notice of consummation by March 21, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: March 14, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–5484 Filed 3–18–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices/Federal Consulting Group; Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Federal Consulting Group within the Department of the Treasury is soliciting comments concerning the American Customer Satisfaction Index (ACSI) E-Government Website Customer Satisfaction Survey.

DATES: Written comments should be received on or before May 20, 2005, to be assured of consideration.

ADDRESSES: Direct all written comments to the Federal Consulting Group, Attention: Ronald Oberbillig, 1700 G Street, NW., Washington, DC 20552, (202) 906–6863, *Ronald.Oberbillig@ots.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to the Federal Consulting Group, Attention: Ronald Oberbillig, 1700 G Street, NW., Washington, DC 20552, (202) 906–6863, *Ronald.Oberbillig@ots.treas.gov*.

SUPPLEMENTARY INFORMATION:

Title: American Customer Satisfaction Index (ACSI) E-Government Website Customer Satisfaction Survey.

OMB Number: 1505–0186.

Abstract: The proposed renewal of this information collection activity supports continued use of a proven methodology to measure and improve customer satisfaction with federal government agency websites. The Federal Consulting Group of the Department of the Treasury serves as the executive agent for this project and has partnered with ForeSee Results Inc. (the ''partnership'') to offer this assessment service to federal government agencies.

ForeSee Results is a leader in customer satisfaction and customer experience management on the web. It utilizes the methodology of the most respected, credible, and well-known measure of customer satisfaction in the country, the American Customer Satisfaction Index (ACSI). This methodology combines survey data and a patented econometric model to precisely measure the customer satisfaction of website users, identify specific areas for improvement, and determine the impact of those improvements on customer satisfaction and future customer behaviors.

The ACSI is the only cross-industry, cross-agency methodology for obtaining comparable measures of customer satisfaction with federal government programs and/or websites. Along with other economic objectives, the quality of goods and services is a part of measuring living standards. The ACSI's ultimate purpose is to help improve the quality of goods and services available to the American people, including those provided by the federal government.

The ACSI E-Government Website Customer Satisfaction Surveys will be completed subject to the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 522a). The agency information collection will be used solely for the purpose of the survey. The partnership will not be authorized to release any agency information upon completion of the survey without first obtaining permission from the Federal Consulting Group and the participating agency. In no case shall any new system of records containing privacy information be developed by the Federal Consulting Group, participating agencies, or the contractor collecting the data. In addition, participating federal agencies may only provide information sufficient to randomly select website visitors as potential survey respondents.

This survey asks no questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Proposed renewal of collection of information.

Type of Review: Renewal.

Affected Public: Individuals or households/business or other for-profit/not-for-profit institutions/farms/federal government/state, local or tribal government.

Estimated Number of Respondents:

Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1,200. *See* 49 CFR 1002.2(f)(25).

Usage by federal agencies of the ACSI Government Website Customer Satisfaction Survey is expected to vary as new agency websites are added or deleted. However, projected estimates for fiscal years 2007 through 2009 are as follows:

Fiscal Year 2007—200 Customer Satisfaction Surveys

Respondents: 1,300,000; annual responses: 1,300,000; average minutes per response: 3.0; burden hours: 65,000.

Fiscal Year 2008—250 Customer Satisfaction Surveys

Respondents: 1,650,000; annual responses: 1,650,000; average minutes per response: 3.0; burden hours: 82,500.

Fiscal Year 2009—300 Customer Satisfaction Surveys

Respondents: 1,950,000; annual responses: 1,950,000; average minutes per response: 3.0; burden hours: 97,500.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 4, 2005.

Ronald Oberbillig,

Project Manager, Federal Consulting Group.

[FR Doc. 05–5451 Filed 3–18–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 15, 2005.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before April 20, 2005 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1757.

Regulation Project Number: REG–105344–01 (Final).

Type of Review: Extension.

Title: REG–105344–01 (Final) Disclosure of Returns and Return Information by Other Agencies.

Description: In general, under the regulations, the IRS is permitted to authorize agencies with access to returns and return information under section 6103 of the Internal Revenue Code to re-disclose returns and return information based on a written request and with the Commissioner's approval, to any authorized recipient set forth in Code section 6103, subject to the same conditions and restrictions, and for the same purposes, as if the recipient had received the information from the IRS directly.

Respondents: Federal government, State, local or tribal government.

Estimated Number of Respondents: 11.

Estimated Burden Hours Respondent: 1 Hour.

Frequency of response: Other once.

Estimated Total Reporting Burden: 11 Hours.

OMB Number: 1545–1760.

Form Number: IRS Forms 1099–Q.

Type of Review: Revision.

Title: Payments From Qualified Education Programs (Under Sections 529 and 530).

Description: Form 1099–Q is used to report distributions from private and state qualified tuition programs as required under Internal Revenue Code sections 529 and 530.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 150.

Estimated Burden Hours Respondent: 230 Hours.

Frequency of response: Annually.

Estimated Total Reporting Burden: 34,500 Hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Christopher Davis,

Treasury PRA Assistant.

[FR Doc. 05–5480 Filed 3–18–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 2 Taxpayer Advocacy Panel (Including the States of Delaware, North Carolina, South Carolina, New Jersey, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 2 Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, April 19, 2005, from 1:30 p.m. to 3 p.m. e.t.

FOR FURTHER INFORMATION CONTACT: Inez E. De Jesus at 1–888–912–1227, or (954) 423–7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 2 Taxpayer Advocacy Panel will be held Tuesday, April 19, 2005 from 1:30 p.m. to 3 p.m. e.t. via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or (954) 423–7977, or write Inez E. De Jesus, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez E. De Jesus. Ms. De Jesus can be reached at 1–888–912–1227 or (954) 423–7977, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include the following: Various IRS issues.

Dated: March 16, 2005.

Martha Curry,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E5–1216 Filed 3–18–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on April 6–8, 2005 in room 819 at the Department of Veterans Affairs, 811 Vermont Avenue, NW., Washington, DC. Each session will convene at 8 a.m. and adjourn at 5 p.m. The entire meeting is open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War veterans' illnesses and updates on scientific research on Gulf War illnesses published since the last Committee meeting. Additionally there will be preliminary information on treatment research for Gulf War illnesses, research related to possible health effects of exposures during the Gulf War, and discussion of Committee business and activities.

Members of the public may submit written statements for the Committee's review to Ms. Preeti Hans, Designated Federal Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Any member of the public seeking additional information should contact Ms. Preeti Hans at (202) 254–0223.

Dated: March 11, 2005.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05–5442 Filed 3–18–05; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 70, No. 53
Monday, March 21, 2005

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 401

[USCG–2002–11288]

RIN 1625–AA38 (Formerly RIN 2115–AG30)

Rates for Pilotage on the Great Lakes

Correction

In rule document 05–4586 beginning on page 12082 in the issue of Thursday, March 10, 2005, make the following corrections:

1. On page 12090, in the third column, in paragraph (3), in the fourth line, ''accountant?s'' should read ''accountant's.''

2. On the same page, the table **SUMMARY OF EXPENSE ADJUSTMENTS** is corrected in part to read as follows:

	District one	District two	District three
SUMMARY OF EXPENSE ADJUSTMENTS			
* * * * * * *			
APA/Masters, Mates, & Pilots dues			(26,210) (6,600)
* * * * * * *			

[FR Doc. C5–4586 Filed 3–18–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
March 21, 2005

Book 2 of 3 Books
Pages 13575–13974

Part II

Department of Housing and Urban Development

Notice of HUD's Fiscal Year 2005 Notice of Funding Availability Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4950–N–01]

Notice of HUD's Fiscal Year 2005 Notice of Funding Availability Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of HUD's fiscal year (FY) 2005 Notice of Funding Availability (NOFA) policy requirements and general section to the FY2005 SuperNOFA for HUD's discretionary programs (notice).

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development (HUD), Office of the Secretary.

B. *Funding Opportunity Title:* Policy requirements applicable to all HUD Federal financial assistance programs issued through a NOFA during FY2005.

C. *Announcement Type:* Initial announcement of the general policy requirements that apply to all HUD federal financial assistance NOFAs for FY2005 issued simultaneously with or after the publication of this notice.

D. *Funding Opportunity Number:* FR 4950–N–01.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* A CFDA number is provided for each HUD federal financial assistance program. When using ''Apply Step 1'' on the *Grants.gov* Web site to download an application you will be asked for the CFDA number. Please refer to the program NOFA for the CFDA number assigned to the program(s) for which you wish to apply.

F. *Dates:* The key dates that apply to all HUD federal financial assistance made available through HUD's FY2005 NOFAs are found in each individual program NOFA and Appendix A to this General Section.

G. *Optional, Additional Overview Content Information:* Unless otherwise stated, HUD's general policy requirements set forth in this notice apply to all HUD federal financial assistance made available through HUD's FY2005 NOFAs. These policies cover those NOFAs issued through this SuperNOFA as well as those issued after publication of this SuperNOFA in the **Federal Register**.

Full Text of Announcement

I. Funding Opportunity Description

This notice provides information regarding HUD's FY2005 policy requirements applicable to all of HUD's Federal financial assistance programs announced through NOFAs published along with this notice and any subsequent NOFA published for FY2005. Each such NOFA will provide a description of the specific requirements for the program for which funding is made available and each will refer to applicable policies contained in this notice. Each program NOFA will also describe additional procedures and requirements that apply to the individual program NOFA, including a description of the eligible applicants, eligible activities, threshold requirements, factors for award, and any additional program requirement or limitation. To ensure that you are able to adequately address all of the application requirements for any program for which you intend to apply, please be sure you carefully read and respond to both this notice of HUD's NOFA policy requirements and the individual program NOFAs.

Authority. HUD's authority for making funding available under its FY2005 programs is identified in each program NOFA under the section entitled ''Funding Opportunity Description.''

II. Award Information

Funding Available. Each program NOFA will identify the estimated amount of funds available in FY2005, either as a result of the enactment of a HUD appropriations act or based upon available appropriations and any funds from previous years available for award in FY2005. The FY2005 *SuperNOFA* contains 53 funding opportunities composed of programs and program components totaling approximately $2.26 billion. As a service to our customers, Appendix A of this notice contains a chart of the estimated amount of funds being made available in HUD's SuperNOFA for FY2005. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding for the applicable program by those amounts. Note that additional NOFAs may be issued separately from the issuance of the FY2005 SuperNOFA.

III. Eligibility Information

A. Eligible Applicants

The individual program NOFAs describe the eligible applicants and eligible activities for each program.

B. Cost Sharing or Matching

The individual program NOFAs describe the applicable cost sharing, matching requirements, or leveraging requirements related to each program, if any.

C. Other Requirements and Procedures Applicable to All Programs

Except as may be modified in the individual program NOFAs in FY2005, the requirements, procedures, and principles listed below apply to all programs in FY2005 for which funding is announced via NOFA and published in the **Federal Register**. Please read the individual program NOFAs for additional requirements or information.

1. Statutory and Regulatory Requirements

To be eligible for funding under HUD NOFAs issued during FY2005, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which you seek funding. If you need copies of the program regulations, they are available from the NOFA Information Center or through HUD's Grants Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* See the individual program NOFAs for instructions on how HUD will respond to proposed activities that are ineligible.

2. Threshold Requirements

a. *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

b. *Dun and Bradstreet Data Universal Numbering System (DUNS) Number Requirement.* Any applicant seeking funding directly from HUD or other federal agencies must obtain a DUNS number and include the number in its Application for Federal Assistance submission. Failure to provide HUD a DUNS number will prevent you from obtaining an award, regardless of whether it is a new award or renewal of an existing award. Individuals who personally apply for Federal financial assistance, apart from any governmental, business, or nonprofit organization they may represent, are excluded from the requirement to obtain a DUNS number. This policy is pursuant to the Office of Management and Budget (OMB) Policy issued in the **Federal Register** on June 27, 2003 (68 FR 38402). HUD's regulation implementing the DUNS Number requirement for its programs was issued on an interim basis in the **Federal Register** on March 26, 2004 (69 FR 15671) and published as a final rule on November 9, 2004 (69 FR 65024). A copy of the OMB **Federal Register** notice and HUD's regulation implementing the DUNS number can be found on HUD's Web site at *http://www.hud.gov/offices/adm/grants/*

duns.cfm. Applications received electronically cannot be submitted without a DUNS number entry. For applicants that are provided a waiver to the requirement for electronic submission, failure to provide a DUNS number with the application submission will be treated as a technical deficiency to the application. If the DUNS number is not provided within the cure period (see Section V.B.4, ''Corrections to Deficient Applications''), the application will not be funded. Also, see Section IV.F, ''Other Submission Requirements,'' for additional information regarding the DUNS requirement. The Web site at *http://www.grants.gov/GetStarted* provides step-by-step instructions for obtaining a DUNS number as well as procedures for registering in the Central Contractor Registry and receiving credentials from the Grants.gov E-Authentication provider. The registration in the Central Contractor Registry and the E-Authentication credentials are not necessary for submitting a paper copy application to HUD; only the DUNS number is required. Central Contractor Registration is required for submittal of electronic grant applications through the Grants.gov portal. For FY2005 electronic submission is mandatory unless the applicant receives a waiver of the requirement. Procedures for obtaining a waiver are contained in Section IV, Application and Submission Information, of this General Section.

The Continuum of Care NOFA is the only program in the SuperNOFA that has retained the paper application process in 2005. Applicants for the Continuum of Care NOFA should follow the submission and timely receipt requirements in the Continuum of Care Program Section of the SuperNOFA.

c. *Compliance with Fair Housing and Civil Rights Laws.* (1) With the exception of federally recognized Indian tribes and their instrumentalities, all applicants must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), as applicable. If you are a federally recognized Indian tribe, you must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable. In addition to these requirements, there may be program-specific threshold requirements identified in the individual program NOFAs.

(2) If you, the applicant:

(a) Have been charged with an ongoing systemic violation of the Fair Housing Act; or

(b) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or

(c) Have received a letter of findings identifying ongoing systemic noncompliance under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or Section 109 of the Housing and Community Development Act of 1974, and the charge, lawsuit, or letter of findings referenced in subparagaph (a), (b), or (c) above has not been resolved to HUD's satisfaction before the application deadline, then you are ineligible and HUD will not rate and rank your application. HUD will determine if actions to resolve the charge, lawsuit, or letter of findings taken prior to the application deadline are sufficient to resolve the matter.

Examples of actions that would normally be considered sufficient to resolve the matter include, but are not limited to:

(i) A voluntary compliance agreement signed by all parties in response to a letter of findings;

(ii) A HUD-approved conciliation agreement signed by all parties;

(iii) A consent order or consent decree; or

(iv) An issuance of a judicial ruling or a HUD Administrative Law Judge's decision.

d. *Conducting Business in Accordance with Core Values and Ethical Standards.* Entities subject to 24 CFR parts 84 and 85 (most nonprofit organizations and state, local, and tribal governments or government agencies or instrumentalities that receive federal awards of financial assistance) are required to develop and maintain a written code of conduct (see 24 CFR 84.42 and 85.36(b)(3)). Consistent with regulations governing specific programs, your code of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees, or agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards. If awarded assistance under a HUD program NOFA announced in FY2005, you will be required, prior to entering into an agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. Failure to meet the requirement for a code of conduct will prohibit you from receiving an award of funds from HUD. If you submitted an application to HUD during FY2004 that included a code of conduct , and it has been identified by HUD on its Web site at *http://www.hud.gov/grants/index.cfm,* and if that information is still valid, you will not have to resubmit another copy. However, if your code of conduct is not listed as received on the HUD Web site, or if the information you submitted has changed (*e.g.*, the person who submitted the previous application is no longer your authorized organization representative, the organization has changed its legal name or merged with another organization, or the address of the organization has changed, etc.), you must submit your current code of conduct with your 2005 application for assistance.

e. *Delinquent Federal Debts.* Consistent with the purpose and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), no award of federal funds will be made to an applicant that has an outstanding delinquent federal debt unless (1) the delinquent account is paid in full, (2) a negotiated repayment schedule is established and the repayment schedule is not delinquent, or (3) other arrangements satisfactory to HUD are made prior to the deadline submission date.

f. *Pre-Award Accounting System Surveys.* HUD may arrange for a pre-award survey of the applicant's financial management system in cases where the recommended applicant has no prior federal support, HUD's program officials have reason to question whether the applicant's financial management system meets federal financial management standards, or the applicant is considered a high risk based upon past performance or financial management findings. HUD will not disburse funds to any applicant that does not have a financial management system that meets federal standards.

g. *Name Check Review.* Recommended applicants are subject to a name check review process. Name checks are intended to reveal matters that significantly reflect on the applicant's management and financial integrity, or if any key individual has been convicted or is presently facing criminal charges. If the name check reveals significant adverse findings that reflect on the business integrity or responsibility of the applicant or any key individual, HUD reserves the right to (1) deny funding or consider suspension or termination of an award immediately for cause, (2) require the removal of any key individual from association with management or implementation of the award, and (3) make appropriate provisions or revisions with respect to the method of

payment or financial reporting requirements.

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

i. *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of Section 319 of Public Law 101–121 (approved October 23, 1989) (31 U.S.C. 1352) (the Byrd Amendment), which prohibits recipients of federal contracts, grants or loans from using appropriated funds for lobbying the executive or legislative branches of the federal government in connection with a specific contract, grant, or loan. In addition, you must disclose, using Standard Form LLL, ''Disclosure of Lobbying Activities,'' any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law must comply with this requirement. You must submit the SF–LLL if you have used or intend to use federal funds for lobbying activities.

j. *Debarment and Suspension.* In accordance with 24 CFR part 24, no award of federal funds may be made to applicants that are presently debarred or suspended, or proposed to be debarred or suspended, from doing business with the federal government. This requirement applies to all lower-tier covered transactions and to all solicitations for lower-tier covered transactions. The prohibition includes the following:

(1) Having principals who, within the previous three years, have been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction, violation of federal or state anti-trust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

(2) Charges or indictments by a governmental entity (federal, state, or local) for commission of any of the above violations.

3. Other Threshold Requirements

The individual program NOFAs for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of ''eligibility'' requirements in the individual program NOFAs. If a program NOFA requires a certification of consistency with the Consolidated Plan and the applicant fails to provide a certification, and such failure is not cured as a technical deficiency, HUD will not fund the application. If HUD is provided a signed certification indicating consistency with the area's approved Consolidated Plan and HUD finds that the activities are not consistent with the Consolidated Plan, HUD will not fund the inconsistent activities or will deny funding the application if a majority of the activities are not consistent with the approved Consolidated Plan. The determination not to fund an activity or to deny funding may be determined by a number of factors including, the number of activities being proposed, the impact of the elimination of the activities on the proposal, or the percent of the budget allocated to the proposed activities.

4. Additional Nondiscrimination and Other Requirements

You, the applicant, and your subrecipients must comply with:

a. *Civil Rights Laws,* including the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*), the Age Discrimination Act of 1974 (42 U.S.C. 6101 *et seq.*), and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*).

b. *Affirmatively Furthering Fair Housing.* Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. If you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. Unless otherwise instructed in the individual program NOFA, your application must include specific steps to:

(1) Overcome the effects of impediments to fair housing choice that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the individual program NOFA rating factors that address affirmatively furthering fair housing. These requirements apply to all HUD programs announced via a NOFA, unless specifically excluded in the individual program NOFA.

c. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Certain programs to be issued during FY2005 require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection With Assisted Projects), and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low-income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons. Review the individual program NOFAs to determine if Section 3 applies to the program for which you are seeking funding.

d. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in HUD's direct contracting and in contracting opportunities generated by HUD financial assistance. Too often, these businesses still experience difficulty accessing information and successfully bidding on federal contracts. State, local, and tribal governments are required by 24 CFR 85.36(e) and nonprofit recipients of assistance (grantees and sub-grantees) by 24 CFR 84.44(b) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women's business enterprises, and labor surplus area firms are used whenever possible or as specified in the individual program NOFAs.

e. *Relocation.* The relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing government-wide regulation at 49 CFR part 24 cover any person who moves permanently from real property or moves personal property from real

property directly because of acquisition, rehabilitation, or demolition for an activity undertaken with HUD assistance. Some HUD program regulations also cover persons who are temporarily relocated. For example, 24 CFR 570.606(b)(2)(i)(D)(1), (2), and (3) provide guidance on temporary relocation for the Community Development Block Grants (CDBG) program. Applicants should review the regulations for the programs for which they are applying when planning their project.

f. *Executive Order 13166, ''Improving Access to Services for Persons With Limited English Proficiency (LEP).''* Executive Order 13166 seeks to improve access to federally assisted services, programs, and benefits for individuals with limited English proficiency. Applicants obtaining an award from HUD must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with LEP guidance published on December 19, 2003 (68 FR 70968). For assistance and information regarding your LEP obligation, go to *http://www.lep.gov.*

g. *Executive Order 13279, ''Equal Protection of the Laws for Faith-Based and Community Organizations.''* HUD is committed to full implementation of Executive Order 13279. The Executive Order established fundamental principles and policymaking criteria to guide federal agencies in formulating and developing policies that have implications for faith-based and community organizations to ensure the equal protection for these organizations in social services programs receiving federal financial assistance. Consistent with this order, HUD has undertaken a review of all policies and regulations that have implications for faith-based and community organizations and has established a policy priority to provide full and equal access to grassroots faith-based and other community-based organizations in HUD program implementation. On September 30, 2003 (68 FR 56396), HUD issued a final rule to remove barriers to the participation of faith-based organizations in eight HUD programs. On March 3, 2004 (69 FR 10126), HUD published a proposed rule clarifying that the requirements contained in the September 30, 2003, final rule regarding the equal participation of faith-based organizations in certain HUD programs also applied to the State Community Development Block Grant (State CDBG) Program. On July 9, 2004 (69 FR 41712), HUD issued a final rule that extended the provisions of the equal treatment of faith-based organizations to all HUD programs. Copies of the regulatory changes can be found at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

h. *Accessible Technology.* Section 508 of the Rehabilitation Act (Section 508) requires HUD and other federal departments and agencies to ensure, when developing, procuring, maintaining or using electronic and information technology (EIT), that the EIT allow, regardless of the type of medium of technology, persons with disabilities access to and use of information and data on a comparable basis as is made available to and used by persons without disabilities. Section 508's coverage includes, but is not limited to, computers (hardware, software, word-processing, e-mail, and web pages), facsimile machines, copiers, and telephones. Among other things, Section 508 requires that unless an undue burden would result to the federal department or agency, electronic and information technology allow individuals with disabilities who are employees or members of the public seeking information or services, to have access to and use of information and data that is comparable to that of employees and members of the public who are not disabled. Where an undue burden exists to the federal department or agency, alternative means may be used to allow a disabled individual use of the information and data. Section 508 does not require that information services be provided at any location other than a location at which the information services are generally provided. HUD encourages its funding recipients to adopt the goals and objectives of the Section 508 by ensuring, whenever EIT is used, procured, or developed, that persons with disabilities have access to and use of the information and data made available through the EIT on a comparable basis as is made available to and used by persons without disabilities. This does not affect recipients required compliance with Section 504 of the Rehabilitation Act and, where applicable, the American with Disabilities Act.

i. *Procurement of Recovered Materials.* State agencies and agencies of a political subdivision of a state that are using assistance under a HUD program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.

In accordance with Section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired in the preceding fiscal year exceeded $10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

j. Participation in HUD-Sponsored Program Evaluation. As a condition of the receipt of financial assistance under a HUD program NOFA, all successful applicants will be required to cooperate with all HUD staff or contractors performing HUD-funded research or evaluation studies.

k. *Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.''* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202 is a condition of receipt of assistance under a HUD program NOFA.

l. *Salary Limitation for Consultants.* FY2005 funds may not be used to pay or to provide reimbursement for payment of the salary of a consultant whether retained by the federal government or the grantee at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

m. *OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs.* Certain OMB Circulars also apply to HUD programs in this SuperNOFA. The policies, guidance, and requirements of OMB Circulars A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments), A–21 (Cost Principles for Education Institutions), A–122 (Cost Principles for Nonprofit Organizations), A–133 (Audits of States, Local Governments, and Non-Profit Organizations), and the regulations at 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments), may apply

to the award, acceptance, and use of assistance under the individual program NOFAs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of HUD's appropriations act for 2005, other federal statutes or regulations, or the provisions of this SuperNOFA notice. Compliance with additional OMB Circulars or government-wide regulations may be specified for a particular program in the Program Section of the Super NOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 20503, telephone (202) 395–3080 (this is not a toll-free number) or (800) 877–8339 (toll-free TTY Federal Information Relay Service) or from the Web site at *http://www.whitehouse.gov/omb/circulars/index.html.*

n. *Environmental Requirements.* If you become a recipient under one of HUD's programs that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, demolishing, leasing, repairing, or constructing property or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) HUD has completed an environmental review in accordance with 24 CFR part 50; or

(2) For programs subject to 24 CFR part 58, HUD has approved a recipient's Request for Release of Funds (Form HUD–7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the individual program NOFA for any program for which you are interested in applying to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Section 202 Supportive Housing for the Elderly program or Section 811 Supportive Housing for Persons with Disabilities program, please note the environmental review requirements for these programs.

o. *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA or future NOFAs published in FY2005, you are subject to 18 U.S.C. 208, the federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for programs in this SuperNOFA or NOFAs published in FY2005, you may not serve on a selection panel and you may not serve as a technical advisor to HUD. All individuals involved in rating and ranking HUD FY2005 NOFAs either published simultaneously with this notice or after the publication of this notice, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information, if applicable: how the selection or non-selection of any applicant under this FY2005 Super NOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208, or how the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding a FY2005 NOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at (202) 708–3815 (this is not a toll-free number).

p. *Drug-Free Workplace.* If you receive an award of funds from HUD, you are required to provide a drug-free workplace. Compliance with this requirement means that you will:

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

(2) Establish an ongoing drug-free awareness program to inform employees about:

(a) The dangers of drug abuse in the workplace;

(b) The applicant's policy of maintaining a drug-free workplace;

(c) Any available drug counseling, rehabilitation, or employee maintenance programs; and

(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3) Notify the federal agency in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Departmental Grants Management and Oversight, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 3156, Washington DC 20410–3000, along with the following information:

(a) The program title and award number for each HUD award covered;

(b) The HUD staff contact name, phone, and fax numbers; and

(c) A grantee contact name, phone, and fax numbers; and

(4) Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (1) and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:

(a) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

q. *Safeguarding Resident/Client Files.* In maintaining resident and client files, HUD funding recipients shall observe state and local laws concerning the disclosure of records that pertain to individuals. Further, recipients are required to adopt and take reasonable measures to ensure that resident and client files are safeguarded.

IV. Application and Submission Information

A. Addresses To Request Application Package

This section describes how you may obtain application forms, additional information about the HUD program NOFAs, and technical assistance. Copies of the published NOFAs and application forms for HUD programs announced through NOFA may be downloaded from the grants.gov Web site at *http://www.grants.gov/FIND* and choose from links provided under the topic ''Search Grant Opportunities'', which allows you to do a basic search or to browse by category or agency. If you have difficulty accessing the

information, you may receive customer support from Grants.gov by calling its help line at (800) 518–GRANTS or sending an e-mail to *support@grants.gov.* The operators will assist you in accessing the information. If you do not have Internet access and you need to obtain a copy of the NOFA, you can contact HUD's NOFA Information Center toll-free at (800) HUD–8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD–2209.

1. Application Kits

There are no application kits for HUD programs. All the information you need to apply will be in the NOFA and available at *http://www.grants.gov/Apply.* In response to concerns about the length of time it takes for the publication and dissemination of application kits, HUD has made an effort to improve the readability of its NOFAs and publish all required forms and formats for application submission in the **Federal Register**. The NOFAs and forms are available to be downloaded from *http://www.grants.gov/Apply,* click on Apply Step 1. Please pay attention to the submission requirements and format for submission specified in each program NOFA to ensure that you have submitted all required elements of your application.

The published **Federal Register** document is the official document that HUD uses to solicit applications. Therefore, if there is a discrepancy between any materials published by HUD in its **Federal Register** publications and other information provided in paper copy, electronic copy, or at *www.grants.gov,* the **Federal Register** publication prevails. Please be sure to review your application submission against the requirements in the **Federal Register** file of the program NOFA or NOFAs to which you are responding by application. The instructions incorporated into the application found on Grants.gov/Apply contain the PDF files of the **Federal Register** publication. By accessing the information from the Internet at *Grants.gov* you will not have to wait for copies of the NOFAs or forms to begin to prepare your application for funding. HUD is continuing to streamline programs and application submission requirements and encourages the applicant community to offer additional suggestions.

2. Guidebook and Further Information

A guidebook to HUD programs entitled, ''Connecting with Communities: A User's Guide to HUD Programs and the FY2005 NOFA Process,'' is available from the HUD NOFA Information Center and the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The guidebook provides a brief description of all HUD programs, identifies eligible applicants for the programs, and provides examples of how programs can work in combination to serve local community needs. You can also get a copy from the NOFA Information Center at (800) HUD–8929, or for the hearing impaired, (800) HUD–2209 (TTY) (these are toll-free numbers). The NOFA Information Center is open between the hours of 10 a.m. to 6:30 p.m. Eastern time, Monday through Friday, except on federal holidays.

3. For Technical Assistance

Before the application submission date, HUD staff will be available to provide you with general guidance and technical assistance about this notice or about individual program NOFAs. However, HUD staff is not permitted to assist in preparing your application. Following selection of applicants, but before announcement of awards are made, HUD staff is available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD. For technical support for downloading an application or submitting an application, please call Grants.gov Customer Support at (800) 518–GRANTS (this is a toll-free number) or e-mail *support@grants.gov.*

4. SuperNOFA Webcasts

HUD provides technical assistance and training on its programs made available through a notice of funding availability. The NOFA broadcasts are interactive and allow potential applicants to obtain a better understanding of the threshold, program, and application submission requirements for FY2005 funding. Participation in this training opportunity is free of charge and can be accessed via HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The SuperNOFA web cast schedule can also be found via HUD's Web site at *http://www.hud.gov/webcasts/index.cfm.*

B. Content and Form of Application Submission

Be sure to read and follow the application submission requirements published in each individual program NOFA to which you are responding by application.

1. Forms

Each program NOFA will identify all the required forms for submission. HUD's standard forms are identified below:

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Grant Application Detailed Budget Worksheet (HUD–424–CBW);

e. Disclosure of Lobbying Activities (SF–LLL);

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable;

h. Certification of Consistency with the Consolidated Plan (HUD–2991), if applicable;

i. Acknowledgment of Application Receipt (HUD–2993);

j. Client Comments and Suggestions (HUD 2994) (Optional);

k. Program Outcome Logic Model (HUD–96010);

l. Race and Ethnic Data Reporting Form (HUD–27061);

m. America's Affordable Communities Initiative (HUD–27300), if applicable; and

n. Facsimile Transmittal (HUD–96011).

Copies of these forms are included in Appendix B to this General Section. Any additional program form required to be submitted to meet specific program requirements is included with each program NOFA. The electronic version of each NOFA contains all forms required for submission.

2. Certifications and Assurances

The form SF–424–B, Assurances and Certifications, is no longer required as a separate submission. However, applicants are placed on notice that by signing the SF–424 cover page:

a. The governing body of the applicant's organization has duly authorized the application for federal assistance. In addition, by signing or electronically submitting the application, the Authorized Organization Representative (AOR) certifies that the applicant:

(1) Has the legal authority to apply for federal assistance and the institutional, managerial, and financial capacity (including funds to pay for any non-federal share of program costs) to plan, manage, and complete the program as described in the application; will provide HUD any additional information it may require; and

(2) Will administer the award in compliance with requirements identified and contained in the NOFA as applicable to the program for which funds are awarded and in accordance with requirements applicable to the program.

b. No appropriated federal funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress, in connection with this application for federal assistance or any award of funds resulting from the submission of this application for federal assistance or its extension, renewal, amendment, or modification. If funds other than federal appropriated funds have been or will be paid for influencing or attempting to influence the persons listed above, the applicant agrees to complete and submit Standard Form LLL, Disclosure Form to Report Lobbying, as part of its applications submission package. The applicant further agrees to and certifies that it will require all subawards at all tiers including subgrants and contracts to similarly certify and disclose accordingly.

c. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by a federally recognized Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage by item b. (also known as the Byrd Amendment). However, state-recognized Indian tribes and TDHEs established under state law are not excluded from the statute's coverage and therefore agree to, and must comply with item b. above.

By submitting an application, the applicant affirms its awareness of these certifications and assurances. Applicants are also affirming that these Certifications and Assurances are material representations of the facts upon which HUD will rely when making an award to the applicant. If it is later determined that the applicant knowingly made a false certification or assurance, the applicant may be subject to criminal prosecution, and HUD may terminate the award or pursue other available remedies.

C. Submission Dates and Times

Applications submitted through Grants.gov must be received by *Grants.gov* no later than 11:59:59 p.m. eastern time on the application submission date. Applicants receiving a waiver of the electronic submission requirement must submit their application to the United States Postal Service no later than 11:59:59 p.m. on the application submission date. Appendix A also provides a funding chart that identifies the programs in HUD's SuperNOFA along with the application submission dates.

D. Intergovernmental Review

Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' was issued to foster intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of federal financial assistance and direct federal development. HUD implementing regulations are published at 24 CFR part 52. The order allows each state to designate an entity to perform a state review function. The official listing of State Points of Contact (SPOC) for this review process can be found at *http://www.whitehouse.gov/omb/grants/spoc.html.* States not listed on the Web site have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact the SPOC to see if it is interested in reviewing your application prior to submission to HUD.

Please make sure that you allow ample time for this review process when developing and submitting your applications. If your state does not have a SPOC, you can submit your application directly to HUD using *Grants.gov* for electronic applications or, if you receive a waiver of the electronic application submission requirement, you can submit your application to HUD following the directions for the number of copies and locations for submission found in Appendix C of this General Section.

E. Funding Restrictions

The individual program NOFAs will describe any funding restrictions that apply to each program.

F. Other Submission Requirements

Application Submission and Receipt Procedures. This section provides the application submission and receipt instructions for HUD program applications. Please read the following instructions carefully and completely, as failure to comply with these procedures may disqualify your application.

1. *Electronic Delivery.* Beginning in FY2005, HUD requires applicants to submit their applications electronically through Grants.gov, unless a waiver is granted.

2. The following describes what to expect when you go to apply online using Grants.gov:

a. Get Started (*http://www.grants.gov/GetStarted*). Once on the site, you will find six ''Get Started'' step-by-step instructions that will enable you to apply for HUD funds. Applicants should read the Get Started steps carefully. The site also contains four checklists under the topic ''Registration Checklists'' to help you walk through the process. HUD recommends that you download the checklists and prepare the information requested before beginning the registration process. Reviewing information required and assembling it before beginning the registration process will save you time and make the process faster and smoother.

b. DUNS Requirement. All applicants applying for funding, including renewal funding, must have a Dun and Bradstreet Universal Data Numbering System (DUNS) number. The DUNS number must be included in the data entry field labeled ''Organizational Duns'' on the form SF–424. Instructions for obtaining a DUNS number can be found at either of the following Web sites: *http://www.hud.gov/offices/adm/grants/duns.cfm* or Step 3 at *http://www.grants.gov/GetStarted.*

c. Central Contractor Registry and Credential Provider Registration. In addition to having a DUNS number, applicants applying electronically through Grants.gov must register with the Federal Central Contractor Registry and with the credential provider for E-Authentication. The Grants.gov Web site at *www.grants.gov/GetStarted,* Step 3, provides instructions for registering in the Central Contractor Registry and, at Step 4, for registering with the credential provider. All applicants filing electronically must have a DUNS number before registering with the Central Contractor Registry (CCR) and receive credentials from the Grants.gov credential provider in order to apply online. Failure to register with the CCR and credential provider will result in your application being rejected by the Grants.gov portal.

The registration process is a separate process from submitting an application. Applicants are encouraged to register early. The registration process can take approximately two weeks to be completed. Therefore, registration should be done in sufficient time to ensure that it does not impair your ability to meet required submission deadlines. You will be able to submit your application online anytime after you receive your E–Authentication credentials.

d. Electronic Signature. Applications submitted through Grants.gov constitute electronically signed applications. The registration and E-Authentication

process establishes the Authorized Organization Representative (AOR). When you submit the application through Grants.gov, the name of your authorized organization representative on file will be inserted into the signature line of the application. Applicants must register the individual who is able to make legally binding commitments for the applicant organization as the Authorized Organization Representative (AOR).

3. Instructions on How To Submit an Electronic Application to HUD via *www.grants.gov/Apply*

a. *Applying using Grants.gov.* Grants.gov has a full set of instructions on how to complete a grant application on its website at *www.grants.gov/CompleteApplication.* Applicants are encouraged to read through the ''Complete Application Package'' website. The site contains a multimedia demonstration that guides you through the process of completing an application package. The training demonstration is also available in text. Grants.gov allows applicants to download the application package, instructions, and forms that are incorporated in the instructions, and work offline. In addition to forms that are part of the application instructions, there will be a series of electronic forms that are provided utilizing a PureEdge™ reader. The PureEdge™ Reader is available free for download from Step 2 of *www.grants.gov/Get Started.* The PureEdge™ Reader allows applicants to read the electronic files in a form format so that they will look like any other Standard or HUD form. The PureEdge™ forms have content-sensitive help. To use this feature, click on the icon that features an arrow with a question mark at the top of the page. This engages the content-sensitive help for each field on the electronic form. The PureEdge™ forms can be downloaded and saved on your hard drive, network drive(s), or CDs. Because of the size of the application, HUD recommends downloading the application to your computer hard drive.

The instructions include the General and Program sections of the **Federal Register** publication of the NOFA and any required form that has not been converted to a PureEdge™ form. Each program NOFA also includes a checklist. Please review the checklist in the program section to ensure that your application contains all the required materials.

MacIntosh users will need to use the Virtual PC emulator software, which allows PC software to run on MacIntosh platforms. More information on PureEdge™ Support for MacIntosh Users is available at *www.grants.gov/CompleteApplication#,* located under the topic Tips and Tools.

b. *Mandatory Fields on PureEdge™ Forms.* In the PureEdge™ forms you will find fields with a yellow background. These data fields are considered mandatory and must be completed.

c. *Completion of SF–424 Fields First.* The PureEdge™ forms are designed to fill in common data such as the applicant name and address, DUNS number, etc., on all PureEdge™ electronic forms. In order to trigger this function, the Standard Form 424 (SF–424) must be completed first. Once you complete the SF–424 the information will transfer to the other forms.

d. *Submission of Narrative Statements, Third Party Letters, and Certifications.* In addition to forms, many of the NOFAs require the submission of other documentation such as third party letters, certifications, or program narrative statements. This section discusses how you should submit this additional information electronically as part of your application:

(1) *Narrative Statements to the Factors for Award.* If you are required to submit narrative statements, you should submit them as an electronic file in Microsoft Word (version 9 or earlier) or in Portable Document Format (PDF) that is compatible with Adobe™ Reader version 6.0 or earlier. Each response to a Factor for Award should be developed as a separate file labeled with the appropriate factor name, *e.g.,* Factor 1 Capacity, and submitted as part of your electronic application. Documents that you possess in electronic format, *e.g.,* narratives you have written, or graphic images (such as Computer Aided Design (CAD)) files from an architect), should be attached using the ''Attachments'' form included in the application package you downloaded from Grants.gov. In order to reduce the size of your attachments, all or several files can be compressed using a zip utility. The zipped file can then be attached as described above.

(2) *Third Party Letters, Certifications Requiring Signatures, and Other Documentation.* The following two options apply to applicants required to submit documentation from organizations providing matching or leveraging funds; documentation of 501(c)(3) status or incorporation papers; documents that support the need for the program; memoranda of understanding (MOUs); or documentation to support your organization's claims regarding work that has been done to remove regulatory barriers to affordable housing:

(a) *Scanning Documents To Create Electronic Files.* Third party documentation can be scanned and saved as separate electronic files. Electronic files must be labeled so that the reader will know what the file contains. All scanned files should be placed together in a zipped folder and attached to the application package following the directions in paragraph d.(1), above; or

(b) *Faxing Required Documentation.* Applicants that do not have scanning equipment available may submit the required documentation to HUD via facsimile (fax). The fax method may be used only to submit attachments that are part of your electronic application. HUD will not accept entire applications via fax. Applications submitted entirely via fax will be disqualified. Facsimiles submitted in response to a NOFA must use the form HUD–96011 cover page downloaded as with the application found on Grants.gov. Facsimiles received that do not meet the facsimile requirements contained in this General Section will not be accepted for review.

To submit documents using the facsimile method, applicants must use form HUD–96011, Facsimile Transmittal, which is a cover page for the faxed materials. The form HUD–96011 is an electronic form and is part of the downloaded application. Each downloaded application contains an embedded unique identifier that will be used to assist HUD in associating an item transmitted by facsimile to its electronic application submission. If you have downloaded an application package from *Grants.gov,* be sure to save it to your system, complete the SF–424, and then provide copies of the facsimile transmittal cover page to all parties that need to use it to submit information pertaining to your application. Do not download the same application package from *Grants.gov* more than once. Each time the package is downloaded, the forms are given a unique ID number. To ensure that all the forms in your package contain the same unique ID number, after downloading your application complete the SF–424 save the forms to your hard drive, and use the saved forms to create your application. If you have to provide a copy of the form HUD–96011 to another party that will be responsible for faxing an item as part of your application, make a copy of the facsimile transmittal cover page from your downloaded application and provide that copy to the third party for use with the fax transmission. Please instruct other parties to use the HUD form you have

provided when submitting information related to your application using the facsimile method. Applicants must fax their information, using the HUD–96011 facsimile transmittal cover page, to the following fax number: (800) HUD–1010. Each document must be faxed as a separate submission to avoid fax transmission problems. When faxing several documents, applicants must use the Form HUD–96011 as the cover for each document (*e.g.,* Letter of Matching or Leveraging funds, Memorandum of Understanding, Certification of Consistency with the Consolidated Plan, etc.).

Your facsimile machine should provide you with a record of whether your transmission was received by HUD. If you get a negative response or a transmission error, you should resubmit the document until you confirm that HUD has received your transmission. HUD will not acknowledge that a facsimile was received successfully. HUD will electronically receive the facsimile, read it with an optical character reader, and attach it to the application submitted through Grants.gov. The facsimile transmissions may be sent at any time before the application submission date. All faxed materials must be received no later than 11:59:59 p.m. eastern time on the application submission date. HUD will store the information and attach it to the electronic application when HUD receives it from Grants.gov.

(c) *Submissions Using Other File Formats.* If you are required to submit files in other formats such as CAD files of architectural drawings and blueprints, or pictures, you should attach these as electronic files in PDF format that is compatible with Adobe™ Reader version 6.0 or earlier. The files should be part of the zipped folder that is attached and submitted with your application transmission.

e. *Customer Support.* The grants.gov Web site provides customer support via (800) 518–GRANTS (this is a toll-free number) or through email at *support@grants.gov.* The customer support center is open from 7 a.m. to 9 p.m. eastern time, Monday through Friday, except federal holidays, to address grants.gov technology issues. For technical assistance to program related questions, contact the number listed in Section VII Agency Contact in the program NOFA you are applying for.

4. Waiver of Electronic Submission Requirement

During FY2005, HUD will accept electronic applications only, and they must be submitted through the Grants.gov portal, unless the applicant has received a waiver from the Department. As already noted, the Continuum of Care NOFA is the only program excepted from this electronic submission requirement. Applications to the Continuum of Care may be submitted by hard copy, as discussed below. HUD regulations at 24 CFR 5.110 permit waivers of regulatory requirements to be granted for cause. If you are unable to submit your application electronically, you may request a waiver from this requirement. If you are seeking funding under several HUD programs, you must submit a separate waiver request for each program from which you are seeking funding. Your waiver request must be in writing and state the basis for the request and explain why electronic submission is not possible. The basis for waivers for cause may include but are not limited to (a) lack of available Internet access in the geographic location in which the applicant's business office is located or (b) physical disability of the applicant that prevents the applicant from accessing or responding to the application electronically.

The waiver request should also include an email or name and mailing address where responses can be directed. You must submit waiver requests to the appropriate assistant secretary responsible for the program from which you are seeking funding. Waiver requests will be accepted beginning on the date of publication of the NOFA and no later than 30 days prior to the application submission date. HUD will not consider a waiver request that does not conform to the above requirement. A list of HUD assistant secretaries with waiver authority, and their related programs, can be found in Appendix C of this General Section. To avoid a delay in the process, waiver requests should be sent by United States Postal Service Express Mail. You, the applicant, should retain a receipt for the mailing showing the date submitted to the Postal Service. HUD will acknowledge receipt of the waiver request by e-mail, if an e-mail address is provided, or by United States Postal Service Express Mail or other available means. HUD will not make determinations or respond to waiver requests via the telephone. Each waiver request will be reviewed and a determination made. HUD will inform the applicant, whether or not the waiver has been granted. In the event a waiver is granted, the submission date for mailed applications will be the same as the electronic application submission receipt date. Applicants receiving a waiver will be expected to follow the submission instructions immediately following.

a. *Submission Instructions for Applicants Receiving a Waiver of Electronic Submission.* Applicants receiving a waiver of the electronic submission requirements must submit their complete applications in paper copy as follows:

(1) *Submission Using the United States Postal Service.* Beginning in FY2005, HUD *will no longer accept hand deliveries of applications.* Applicants who receive a waiver and are therefore allowed to submit paper applications must submit them via the United States Postal Service using either Express Mail or regular mailing services.

(2) *Submission Requirements for Specified Number of Copies of Paper Applications to HUD Headquarters and Field Offices.*

(a) When the program NOFA requires that an original and a specified number of copies be submitted to HUD Headquarters and field offices, and HUD receives at least one complete application at either location, HUD will utilize the complete application for its review purposes, provided it meets the deadline date and timely submission requirements.

(b) Where the program NOFA requires that an application be submitted to only one HUD location, the paper copy application will be considered late if:

(i) HUD does not receive the application at the office designated for receipt of the application; or

(ii) HUD does not receive the application in accordance with the requirements for timely submission.

(c) When the program NOFA requires that applications be submitted to more than one HUD office (Headquarters or field), and each application is unique to the designated location, HUD will consider the application late if:

(i) HUD does not receiving the application at each office designated for receipt of the application as indicated in the program NOFA; or

(ii) HUD does not receive the application in accordance with the requirements for timely submission.

(d) When submitting a paper copy application, please be sure to submit the required number of copies to the locations specified in the program NOFA. For some programs, failure to submit the required number of copies will disqualify your application. Please be sure to include on the submittal envelope the title of the Program (and Component Name if applicable to the Program) under which you are seeking funding.

5. Timely Receipt Requirements and Proof of Timely Submission

a. *Electronic Submission.* All applications must be received by Grants.gov by 11:59:59 p.m. eastern time on the application submission date established for each program NOFA.

Proof of timely submission is automatically recorded by Grants.gov. An electronic time stamp is generated within the system when the application has been successfully received. The applicant will receive an acknowledgement of receipt and a tracking number from Grants.gov with the successful transmission of its application. Applicants should print this receipt and save it, along with facsimile receipts for information provided by facsimile, as proof of timely submission. When HUD successfully retrieves the application from Grants.gov, HUD will provide an electronic acknowledgment of receipt to the e- mail address provided on the SF–424. Your time of submission will be the date and time that Grants.gov receives your application submittal and the date HUD receives those portions of your application submitted by facsimile. All facsimile transmissions must be received by the application submission date and time.

Applications received by Grants.gov after the established submission deadline for the program will be considered late and will not be considered for funding by HUD. Similarly, applications will be considered late if information submitted by facsimile as part of the application has not received by HUD by the established submission deadline. Please take into account the transmission time required for submitting your application via the Internet and the time required to fax any related documents. HUD suggests that applicants submit their applications during the operating hours of the Grants.gov Support Desk so that if there are questions concerning transmission, operators will be available to assist you through the process. Submitting your application during the Support Desk hours will also ensure that you have sufficient time for the application to complete its transmission prior to the application deadline.

Applicants using dial-up connections should be aware that transmission takes extra time before Grants.gov receives it. Grants.gov will provide either an error or a successfully received transmission message. The Grants.gov Support Desk reports that some applicants abort the transmission because they think that nothing is occurring during the transmission process. Please be patient and give the system time to process the application. Uploading and transmitting a large file, particularly electronic forms with associated eXtensible mark-up language (XML) schema, will take considerable time to process and be received by Grants.gov.

b. *Applications Receiving Waivers To Submit a Paper Copy Application.* Applicants granted a waiver to the electronic submission requirement must use the United States Postal Service (USPS) to submit their applications to HUD. Applicants must take their application to a post office to get a receipt of mailing that provides the date and time the package was submitted to the USPS. USPS rules now require that large packages must be brought to a postal facility for mailing. In many areas, the USPS has made a practice of returning to the sender, large packages that have been dropped in a mail collection box. Paper copy applications submitted to the USPS by the submission date and time and received by HUD no later than 15 days after the established submission date will receive funding consideration. If the USPS does not have a receipt with a digital time stamp, HUD will accept a receipt showing USPS Form 3817, Certificate of Mailing with a dated postmark. The proof of submission receipt provided by the Postal Service must show receipt no later than the application submission deadline. Applicants whose applications are determined to be late, who cannot furnish HUD with a receipt from the USPS that verifies the package was submitted to the USPS prior to the submission due date and time will not receive funding consideration. Applicants may use any type of mail service provided by the USPS to have their application package delivered to HUD in time to meet the submission requirements.

c. Late applications, whether received electronically or in hard copy, will not receive funding consideration. HUD will not be responsible for directing or forwarding applications to the appropriate location. Applicants should pay close attention to these submission and timely receipt instructions, as they can make a difference in whether HUD will accept your application for funding consideration.

d. HUD will not accept fax transmissions from applicants who receive a waiver to submit a paper copy application. Paper applications must be complete and submitted in their entirety, via the USPS. Applicants need to pay attention to providing the required number of copies to the appropriate HUD office(s).

6. Continuum of Care Application Submission

For FY2005, Continuum of Care applications will continue to be received in paper format. Please see the Continuum of Care program section of the SuperNOFA for application submission and timely receipt requirements that apply only to the Continuum of Care applications.

V. Application Review Information

A. Criteria

1. Factors for Award Used To Evaluate and Rate Applications

For each program NOFA, the points awarded for the rating factors total 100. Depending upon the program for which you, the applicant, are seeking funding, the funding opportunity may provide up to four bonus points as provided below:

a. *RC/EZ/EC–II.* HUD FY2005 NOFAs provide for the award of two bonus points for eligible activities/projects that the applicant proposes to locate in federally designated empowerment zones (EZs), renewal communities (RCs), or enterprise communities designated by the United States Department of Agriculture (USDA) in round II (EC–IIs) that are intended to serve the residents of these areas and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan. For ease of reference in this notice, all of the federally designated areas are collectively referred to as ''RC/EZ/EC–IIs'' and residents of any of these federally designated areas as ''RC/EZ/EC–II residents.'' The individual funding announcements will indicate if the bonus points are available under the program. This notice contains a certification that must be completed for the applicant to be considered for RC/EZ/EC–II bonus points. A list of RC/EZ/EC–IIs can be obtained from HUD's grants Web page at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* Applicants can determine if their program or project activities are located in one of these designated areas by using the locator on HUD's Web site at *http://www.hud.gov/crlocator.*

b. *Brownfields Showcase Communities.* In the Brownfields Economic Development Initiative (BEDI) competition, two bonus points are available for federally designated Brownfields Showcase Communities. (Please see the FY2005 BEDI program NOFA for additional information.) The designation of Brownfields Showcase Communities is a federal agency initiative sponsored by 20 federal agencies, including HUD. A list of the

federally designated Brownfields Showcase Communities is available at *http://www.epa.gov/swerosps/bf/html-doc/showfact.htm.*

c. *The Five Standard Rating Factors for FY2005.* HUD has established the following five standard factors for awarding funds under the majority of its FY2005 program NOFAs. Additional details about the five rating factors and the maximum points for each factor are provided in the program NOFAs. For a specific funding opportunity, HUD may modify these factors to take into account explicit program needs or statutory or regulatory limitations. You, the applicant, should carefully read the factors for award as described in the program NOFA to which you are responding. The standard factors for award, except as modified in the program NOFAs, are listed below.

Factor 1: Capacity of the Applicant and Relevant Organizational Staff.

Factor 2: Need/Extent of the Problem.

Factor 3: Soundness of Approach.

Factor 4: Leveraging Resources.

Factor 5: Achieving Results and Program Evaluation.

The Continuum of Care Homeless Assistance programs have only two factors that receive points: Need and Continuum of Care.

B. Reviews and Selection Process

1. HUD's Strategic Goals To Implement HUD's Strategic Framework and Demonstrate Results

HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and annual goals and objectives, as well as the quality of the applicant's proposed evaluation and monitoring plans. HUD's strategic framework establishes the following goals and objectives for the department:

a. *Increase Homeownership Opportunities.*

(1) Expand national homeownership opportunities.

(2) Increase minority homeownership.

(3) Make the home-buying process less complicated and less expensive.

(4) Fight practices that permit predatory lending.

(5) Help HUD-assisted renters become homeowners.

(6) Keep existing homeowners from losing their homes.

b. *Promote Decent Affordable Housing.*

(1) Expand access to affordable rental housing.

(2) Improve the physical quality and management accountability of public and assisted housing.

(3) Increase housing opportunities for the elderly and persons with disabilities.

(4) Help HUD-assisted renters make progress toward self-sufficiency.

c. *Strengthen Communities.*

(1) Provide capital and resources to improve economic conditions in distressed communities.

(2) Help organizations access the resources they need to make their communities more livable.

(3) End chronic homelessness.

(4) Mitigate housing conditions that threaten health.

d. *Ensure Equal Opportunity in Housing.*

(1) Resolve discrimination complaints on a timely basis.

(2) Promote public awareness of fair housing laws.

(3) Improve housing accessibility for persons with disabilities.

e. *Embrace High Standards of Ethics, Management, and Accountability.*

(1) Rebuild HUD's human capital and further diversify its workforce.

(2) Improve HUD's management and its internal controls and systems, as well as resolve audit issues.

(3) Improve accountability, service delivery, and customer service of HUD and its partners.

(4) Ensure program compliance.

f. *Promote Participation of Grassroots Faith-Based and Other Community-Based Organizations.*

(1) Reduce regulatory barriers to participation by grassroots faith-based and other community-based organizations.

(2) Conduct outreach to inform potential partners of HUD opportunities.

(3) Expand technical assistance resources deployed to grassroots faith-based and other community-based organizations.

(4) Encourage partnerships between grassroots faith-based and other community-based organizations and HUD's traditional grantees.

You can find out about HUD's Strategic Plan FY2003–FY2008, and 2002–2005 Annual Performance Plans at *http://www.hud.gov/offices/cfo/reports/cforept.cfm.*

2. Policy Priorities

HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and achieving its goals for FY2005 and beyond, when the majority of funding recipients will be reporting programmatic results and achievements. Applicants that include work activities that specifically address one or more of these policy priorities will receive higher rating scores than applicants that do not address these HUD priorities. Each NOFA issued in FY2005 will specify which priorities relate to a particular program and how many points will be awarded for addressing those priorities.

a. *Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Persons with Limited English Proficiency.* Too often, these individuals and families are shut out of the housing market through no fault of their own. Often developers of housing, housing counseling agencies, and other organizations engaged in the housing industry must work aggressively to open up the realm of homeownership and rental opportunities to low- and moderate-income persons, persons with disabilities, the elderly, minorities, and persons with limited English proficiency. Many of these families are anxious to have homes of their own, but are not aware of the programs and assistance that are available. Applicants are encouraged to address the housing, housing counseling, and other related supportive service needs of these individuals and coordinate their proposed activities with funding available through HUD's affordable housing programs and home loan programs.

Proposed activities support strategic goals a, b, and d.

b. *Improving Our Nation's Communities.* HUD wants to improve the quality of life for those living in distressed communities. Applicants are encouraged to include activities that:

(1) Bring private capital into distressed communities;

(a) Finance business investments to grow new businesses;

(b) Maintain and expand existing businesses;

(c) Create a pool of funds for new small and minority-owned businesses; and

(d) Create decent jobs for low-income persons.

(2) Improve the environmental health and safety of families living in public and privately owned housing by including activities that:

(a) Coordinate lead hazard reduction programs with weatherization activities funded by state and local governments and the federal government; and

(b) Reduce or eliminate health related hazards in the home caused by toxic agents such as molds and other

allergens, carbon monoxide, and other hazardous agents and conditions.

(3) Make communities more livable by:

(a) Providing public and social services; and

(b) Improving infrastructure and community facilities.

Activities support strategic goals b, c, and d.

c. *Encouraging Accessible Design Features.* As described in Section III.C.2.c, applicants must comply with applicable civil rights laws including the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. These laws and the regulations implementing them provide for nondiscrimination based on disability and require housing and other facilities to incorporate certain features intended to provide for their use and enjoyment by persons with disabilities. HUD is encouraging applicants to add accessible design features beyond those required under civil rights laws and regulations. These features would eliminate many other barriers limiting the access of persons with disabilities to housing and other facilities. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the NOFA Information Center at (800) HUD–8929 or (800) HUD–2209 (TTY) (these are toll-free numbers) and also from the Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW., Washington, DC 20410–2000, at (202) 755–5404 or toll-free at (800) 877–8339 (TTY) (these are toll-free numbers).

Accessible design features are intended to promote visitability and incorporate features of universal design as described below.

(1) *Visitability in New Construction and Substantial Rehabilitation.* Applicants are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means that there is at least one entrance at grade (no steps), approached by an accessible route, such as a sidewalk, and that the entrance door and all interior passage doors are at least 2 feet, 10 inches wide, allowing 32 inches of clear passage space. A visitable home also serves persons without disabilities, such as a mother pushing a stroller or a person delivering a large appliance. More information about visitability is available at *www.concretechange.org.*

Activities support strategic goals b, c, and d.

(2) *Universal Design.* Applicants are encouraged to incorporate universal design in the construction or rehabilitation of housing, retail establishments, and community facilities funded with HUD assistance. Universal design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost to the user. Universal design benefits people of all ages and abilities. In addition to any applicable required accessibility feature under Section 504 of the Rehabilitation Act of 1973 or the design and construction requirements of the Fair Housing Act, the Department encourages applicants to incorporate the principles of universal design when developing housing, community facilities, and electronic communication mechanisms or when communicating with community residents at public meetings or events.

HUD believes that by creating housing that is accessible to all, it can increase the supply of affordable housing for all, regardless of ability or age. Likewise, creating places where people work, train, and interact that are useable and open to all residents increases opportunities for economic and personal self-sufficiency. More information on Universal Design is available from the Center for Universal Design at *www.design.ncsu.edu:8120/cud/* or the Resource Center on Accessible Housing and Universal Design at *http://www.abledata.com/abledata.cfm?pageid=113573&top=16029&sectionid=19326.*

Activities support strategic goals a, b, c, and d.

d. *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation.*

(1) HUD encourages nonprofit organizations, including grassroots faith-based and other community-based organizations, to participate in the vast array of programs for which funding is available through HUD's programs. HUD also encourages States, units of local government, universities, colleges, and other organizations to partner with grassroots organizations (*e.g.*, civic organizations, faith communities, and grassroots faith-based and other community-based organizations) that have not been effectively utilized. These grassroots organizations have a strong history of providing vital community services, such as assisting the homeless and preventing homelessness, counseling individuals and families on fair housing rights, providing elderly housing opportunities, developing first-time homeownership programs, increasing homeownership and rental housing opportunities in neighborhoods of choice, developing affordable and accessible housing in neighborhoods across the country, creating economic development programs, and supporting the residents of public housing facilities. HUD seeks to make its programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhoods. Additionally, HUD encourages applicants to include these grassroots faith-based and other community-based organizations in their workplans. Applicants, their partners, and participants must review the individual FY2005 HUD program announcements to determine whether they are eligible to apply for funding directly or whether they must establish a working relationship with an eligible applicant in order to participate in a HUD funding opportunity. Grassroots faith-based and other community-based organizations, and applicants that currently or propose to partner, fund, subgrant, or subcontract with grassroots organizations (including grassroots faith-based or other community-based nonprofit organizations eligible under applicable program regulations) in conducting their work programs will receive higher rating points as specified in the individual FY2005 HUD program announcements.

(2) Definitions of Grassroots Organizations.

(a) HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community in which it provides services; and,

(i) Has a social services budget of $300,000 or less, or

(ii) Has six or fewer full-time equivalent employees.

(b) Local affiliates of national organizations are not considered ''grassroots.'' Local affiliates of national organizations are encouraged, however, to partner with grassroots organizations, but must demonstrate that they are currently working with a grassroots organization (*e.g.*, having a grassroots faith-based or other community-based organization provide volunteers).

(c) The cap provided in paragraph (2)(a)(i) above includes only that portion of an organization's budget allocated to

providing social services. It does not include other portions of the budget, such as salaries and expenses, not directly expended in the provision of social services.

Activities support strategic goal f.

e. *Participation of Minority-Serving Institutions (MSIs) in HUD Programs.* Pursuant to Executive Orders 13256, ''President's Board of Advisors on Historically Black Colleges and Universities,'' 13230, ''President's Advisory Commission on Educational Excellence for Hispanic Americans,'' 13216, ''Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs,'' and 13270, ''Tribal Colleges and Universities,'' HUD is strongly committed to broadening the participation of MSIs in its programs. HUD is interested in increasing the participation of MSIs in order to advance the development of human potential, strengthen the nation's capacity to provide high quality education, and increase opportunities for MSIs to participate and benefit from federal financial assistance programs. HUD encourages all applicants and recipients to include meaningful participation of MSIs in their work programs. A listing of MSIs can be found on the Department of Education Web site at *http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html* or HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

Activities support strategic goals c and d.

f. *Ending Chronic Homelessness.* President Bush has set a national goal to end chronic homelessness. Secretary Alphonso Jackson has embraced this goal and has pledged that HUD's grant programs will be used to support the President's goal and better meet the needs of chronically homeless individuals. A person experiencing chronic homelessness is defined as an unaccompanied individual with a disabling condition who has been continuously homeless for a year or more or has experienced four or more episodes of homelessness over the last three years. A disabling condition is defined as a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. Applicants are encouraged to target assistance to chronically homeless persons by undertaking activities that will result in:

(1) Creation of affordable housing units, supportive housing and group homes;

(2) Establishment of a set-aside of units of affordable housing for the chronically homeless;

(3) Establishment of substance abuse treatment programs targeted to the homeless population;

(4) Establishment of job training programs that will provide opportunities for economic self-sufficiency;

(5) Establishment of counseling programs that assist homeless persons in finding housing, managing finances, managing anger, and building interpersonal relationships;

(6) Provision of supportive services, such as health care assistance that will permit homeless individuals to become productive members of society; and

(7) Provision of service coordinators or one-stop assistance centers that will ensure that chronically homeless persons have access to a variety of social services.

Applicants that are developing programs to meet the goals set in this policy priority should be mindful of the requirements of the regulations implementing Section 504 of the Rehabilitation Act, in particular, 24 CFR 8.4(b)(1)(iv), 8.4(c)(1), and 8.4(d).

Activities support strategic goals b and c.

g. *Removal of Regulatory Barriers to Affordable Housing.* On March 22, 2004, HUD published a final notice (69 FR 13450) announcing its intention to establish the Removal of Regulatory Barriers to Affordable Housing policy priority in the majority of its FY2004 NOFAs. In that notice, HUD advised that applicants would be required to respond to a series of evaluative questions in order to receive the rating points associated with this priority. On April 21, 2004 (69 FR 21663), HUD published a correction to Question 5 in Part A of the questionnaire. In the April 21, 2004 notice, HUD also responded to questions that arose after the publication of the March 22, 2004 notice. In FY2005, HUD is continuing to make this a policy priority. Through this initiative, HUD is seeking input into how it can work more effectively with the public and private sectors to remove regulatory barriers to affordable housing. The published notices address how HUD will evaluate the effectiveness of State and local government efforts to remove regulatory barriers to affordable housing.

Increasing the affordability of rental and homeownership housing continues to be a high priority of the Department. Over the last 15 years, there has been increased recognition that unnecessary, duplicative, excessive, or discriminatory public processes often significantly increase the cost of housing development and rehabilitation. Often referred to as ''regulatory barriers to affordable housing,'' many public statutes, ordinances, regulatory requirements, or processes and procedures significantly impede the development or availability of affordable housing without providing a commensurate or demonstrable health or safety benefit. ''Affordable housing'' is decent, quality housing that low-, moderate-, and middle-income families can afford to buy or rent without spending more than 30 percent of their income; spending more than 30 percent of income on shelter may require families to sacrifice other necessities of life.

Addressing these barriers to housing affordability is a necessary component of any overall national housing policy. However, addressing such barriers must be viewed as a complement, not a substitute, for other efforts to meet affordable housing needs. For many families, federal, state, and local subsidies are fundamental tools for meeting these affordable needs. In many instances, however, other sometimes well-intentioned public policies work at cross-purposes with subsidy programs by imposing significant constraints. From zoning that keeps out affordable housing, especially multifamily housing, to other regulations and requirements that unnecessarily raise the costs of construction, the need to address this issue is clear. For example, affordable rehabilitation is often constrained by outmoded building codes that require excessive renovation. Barrier removal will not only make it easier to find and get approval for affordable housing sites but it will also allow available subsidies to go further in meeting these needs. For housing for moderate-income families often referred to as ''work force'' housing, barrier removal can be the most essential component of meeting housing needs.

Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. To obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants must complete form HUD–27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' Copies of HUD's notices published on this issue, can be found on HUD's Web site at *http://www.hud.gov/offices/adm/*

grants/fundsavail.cfm. Local jurisdictions and counties with land use and building regulatory authority applying for funding, as well as housing authorities, nonprofit organizations, and other qualified applicants applying for funds for projects located in these jurisdictions, are invited to answer the 20 questions under Part A. An applicant that scores at least five in column 2 will receive 1 point in the NOFA evaluation. An applicant that scores 10 or more in column 2 will receive 2 points in the NOFA evaluation.

State agencies or departments applying for funding, as well as housing authorities, nonprofit organizations, and other qualified applicants applying for funds for projects located in unincorporated areas or areas not otherwise covered in Part A are invited to answer the 15 questions under Part B. Under Part B an applicant that scores at least four in Column 2 will receive one point in the NOFA evaluation. Under Part B an applicant that scores eight or greater will receive a total of two points in the respective evaluation. Applicants that will be providing services in multiple jurisdictions may choose to address the questions in either Part A or Part B for that jurisdiction in which the preponderance of services will be performed if an award is made. In no case will an applicant receive more than two points for barrier removal activities under this policy priority. An applicant that is an Indian tribe or TDHE may choose to complete either Part A or Part B based upon a determination by the tribe or TDHE as to whether the tribe's or the TDHE's association with the local jurisdiction or the state would be the more advantageous for its application.

Note: Upon completion of all NOFA evaluations, grant selections, and awards, it is HUD's intent to add relevant data obtained from this evaluative factor to the database on state and local regulatory reform actions maintained at the Regulatory Barrier Clearinghouse Web site at *http://www.huduser.org/rbc/* used by states, localities, and housing providers to identify regulatory barriers and learn of exemplary local efforts at regulatory reform.

Form HUD–27300 can be found in the appendix to this General Section. A limited number of questions on form HUD–27300 expressly request the applicant to provide brief documentation with its response. Other questions require that, for each affirmative statement made, the applicant supply a reference, Internet address, or brief statement indicating where the back-up information may be found and a point of contact, including a telephone number or e-mail address. Applicants are encouraged to read HUD's three notices to obtain an understanding of this policy priority and how it can affect their score. Applicants that do not provide the Internet addresses, references, or documentation will not get the policy priority points.

Activities support strategic goals a and b.

h. *Participation in Energy Star.* The Department of Housing and Urban Development has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA), and the Department of Energy (DOE) have signed a partnership to promote energy efficiency in HUD's affordable housing programs, including public housing, HUD insured housing, and housing financed through HUD formula and competitive programs. The purpose of the Energy Star partnership is to promote energy-efficient affordable housing stock while protecting the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to purchase and use products that display the Energy Star label. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star materials and practices, as well as buildings constructed to Energy Star standards, to both homebuyers and renters.

Applicants are encouraged to undertake program activities that include developing Energy Star promotional and information materials, providing outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, utilizing Energy Star-designated products in the construction or rehabilitation of housing units, and replacing worn products or facilities such as light bulbs, water heaters, furnaces, etc., with Energy Star products to reduce operating costs. Communities and developers are encouraged to promote the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star see *http://www.energystar.gov* or call (888) 782–7937, or 8 (888) 588–9920 (TTY).

Activities support Strategic Goals 1 and 2.

3. Threshold Compliance

Only applications that meet all of the threshold requirements will be eligible to receive an award of funds from HUD.

4. Corrections to Deficient Applications

After the application submission date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants.

Examples of curable (correctable) technical deficiencies include inconsistencies in the funding request, failure to submit the proper certifications, and failure to submit an application that contains a signature by an official able to make a legally biding commitment on behalf of the applicant. In the case of an applicant that received a waiver, the technical deficiency may include failure to submit an application that contains an original signature. If HUD finds a curable deficiency in the application, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the submission date falls on a Saturday, Sunday, or federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. In order to meet statutory deadlines for the obligation of funds or for timely completion of the review process, program NOFAs may reduce the number of days for submitting a response to a HUD clarification or correction to a technical deficiency. Please be sure to carefully read each program NOFA for any additional information and instructions. An applicant's response to a HUD notification of a curable deficiency should be submitted directly to HUD in accordance with the instructions provided in the notification.

5. Rating Panels

To review and rate applications, HUD may establish panels that may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other federal agencies. Persons brought into HUD to review applications are subject to conflict of interest provisions. In addition, reviewers using HUD Information Technology (IT) systems may be subject to an IT security check.

6. Rating

HUD will evaluate and rate all applications for funding that meet the threshold requirements. HUD will consider the factors described below when rating your application(s).

a. *Past Performance.* In evaluating applications for funding, HUD will take into account applicants' past performance in managing funds, including, but not limited to, the ability to account for funds appropriately; timely use of funds received either from HUD or other federal, state, or local programs; meeting performance targets for completion of activities and receipt of promised matching or leveraged funds; and number of persons to be served or targeted for assistance. HUD may consider information available from HUD's records, the name check review, public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or hotline or other complaints that have been proven to have merit.

b. *Deducting Points for Poor Performance.* In evaluating past performance, HUD may elect to deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the individual program NOFAs.

7. Ranking

HUD will rank applicants within each program or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care NOFA. HUD will rank applicants only against those applying for the same program funding.

Where there are set-asides within a program competition, you, the applicant, will compete against only those applicants in the same set-aside competition.

C. Anticipated Announcement and Award Dates

The individual program NOFAs will provide the applicable information regarding this subject.

VI. Award Administration Information

A. Award Notices

1. Negotiation

After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that a selected applicant participate in negotiations to determine the specific terms of the funding agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In such an instance, HUD may offer an award and proceed with negotiations with the next highest-ranking applicant.

2. Adjustments to Funding

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

b. HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this notice; or is duplicative of other funded programs or activities from prior year awards or other selected applicants. Only the eligible portions of your application (excluding duplicative portions) may be funded.

c. If funds remain after funding the highest-ranking applications, HUD may fund all or part of the next highest-ranking application in a given program. If you, the applicant, turn down an award offer, HUD will make an offer of funding to the next highest-ranking application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current fiscal year for other competitions within the program area or held over for future competitions.

e. Individual program NOFAs may have other requirements, so please review the program NOFA carefully.

3. Funding Errors

In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of a program NOFA, HUD may select that applicant when sufficient funds become available.

4. Performance and Compliance Actions of Funding Recipients

HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

5. Debriefing

For a period of at least 120 days, beginning 30 days after the awards for assistance are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. A debriefing request must be made in writing or by email by the authorized official whose signature appears on the SF–424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled ''Agency Contact(s)'' in the individual program NOFA under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

B. Administrative and National Policy Requirements

See Section III.C. of this notice regarding related requirements.

C. Reporting

The individual program NOFAs will identify applicable reporting requirements related to each program, including racial and ethnic data collection requirements based upon the OMB standards for federal data on race and ethnicity, dated August 13, 2002. Applicants are also required to submit a completed form HUD–96010 Logic Model indicating results achieved against the proposed output goal(s) and proposed outcome(s) stated in your approved application and agreed to by HUD. The submission of the Logic Model and required information should be in accord with the reporting time frames identified for providing reports to HUD in each program NOFA.

VII. Agency Contact(s)

The individual program NOFAs will identify the applicable agency contacts related to each program. Questions regarding this notice should be directed to Dorthera (Rita) Yorkshire or Eric Gauff, in HUD's Office of Departmental Grants Management, at (202) 708–0667 (this is not a toll-free number). Persons with speech or hearing impairments may contact Ms. Yorkshire or Mr. Gauff using the toll-free Federal Relay Service

at (800) 877–8339. Questions regarding specific program requirements should be directed to the agency contacts identified in each program NOFA.

VIII. Other Information

A. Grants.gov and Pub. L. 106–107 Streamlining Activities

The Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) directs each federal agency to develop and implement a plan that, among other things, streamlines and simplifies the application, administrative, and reporting procedures for federal financial assistance programs administered by the agency. This law also requires the Director of OMB to direct, coordinate, and assist federal agencies in establishing (1) a common application and reporting system and (2) an interagency process for addressing ways to streamline and simplify federal financial assistance application and administrative procedures and reporting requirements for program applicants.

HUD is working with the 26 federal grant-making agencies to implement President George W. Bush's grants.gov ''FIND and APPLY'' initiative. This initiative is an effort by federal agencies to develop a common electronic application and reporting system for federal financial assistance. This system will provide ''one-stop shopping'' for funding opportunities for all federal programs. The system is being implemented in response to public and governmental concerns that it is difficult for organizations to know all the funding available from the federal government and how to apply for funding. It also is an effort by the federal government to develop common application requirements, further streamlining the application process to make it easier for you, our customers, to apply for funding.

The first segment of the Grants.gov initiative focuses on allowing the public to easily FIND competitive funding opportunities and then APPLY via Grants.gov. HUD posted all of its funding opportunities on *www.grants.gov/Find* in FY2004 and intends to do the same in FY2005. In FY2004, HUD posted two fully electronic grant applications on Grants.gov Find and Apply. In FY2005, HUD is posting all but the Continuum of Care NOFA on Grants.gov for electronic application submission through *www.grants.gov/Apply.* It is HUD's intent to post the Continuum of Care as a fully electronic application for submission on *www.grants.gov/Apply* in FY2006.

In addition, Grants.gov is working with the federal agencies to begin the process of accepting mandatory and formula grant program plans and application submissions online via Grants.gov in 2005–2006. Applicants for HUD's formula and competitive programs are urged to become familiar with the Grants.gov site, registration procedures, and electronic submissions so that as the site is expanded, you will be registered and familiar with the find and apply functionality.

B. HUD–IRS Memorandum of Agreement

HUD and the Internal Revenue Service have entered into a Memorandum of Agreement to provide information to HUD grantees serving low-income, disabled, and elderly persons, as well as persons with limited English proficiency, on the availability of low-income tax credits; the earned income tax credit; individual development accounts; child tax credits, and the IRS Voluntary Income Tax Assistance program. HUD is making available on its website information on these IRS asset-building resources. We encourage you to visit the site and disseminate this information to low-income residents in your community and other organizations that serve low-income residents, so that eligible individuals can take advantage of these resources.

C. Paperwork Reduction Act Statement

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

D. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made for this notice in accordance with HUD regulations at 24 CFR part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection between 8 a.m. and 5 p.m. eastern time, Monday through Friday, except federal holidays, in the Office of the General Counsel, Regulations Division, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

E. Executive Orders and Congressional Intent

1. Executive Order 13132, Federalism

Executive Order 13132 prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the relevant requirements of Section 6 of the executive order are met. This notice does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the executive order.

2. Sense of Congress

The Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004), includes a Sense of Congress resolution, which states that, to the greatest extent practicable, all equipment and products purchased with funds made available in the Consolidated Appropriations Act, 2005, should be American-made.

F. Public Access, Documentation, and Disclosure

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified at 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published a notice that also provides information on the implementation of Section 102 (57 FR 1942). The documentation, public access, and disclosure requirements of Section 102 apply to assistance awarded under individual NOFAs published as part of HUD's SuperNOFA or thereafter, as described below.

1. Documentation, Public Access and Disclosure Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to its FY2005 NOFAs published in the FY2005 SuperNOFA or NOFAs published thereafter are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be

made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 15).

2. Form HUD–2880

HUD will also make available to the public for five years all applicant disclosure reports (form HUD–2880) submitted in connection with an FY2005 NOFA. Update reports (also reported on form HUD–2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations (24 CFR part 5).

3. Publication of Recipients of HUD Funding

HUD's regulations at 24 CFR part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all funding decisions made by the Department to provide:

a. Assistance subject to Section 102(a) of the HUD Reform Act; and

b. Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) noncompetitive basis, but that is not provided on the basis of a competition.

G. Section 103 of the HUD Reform Act

HUD's regulations implementing Section 103 of the HUD Reform Act, codified at 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are prohibited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics-related questions should contact the HUD Ethics Law Division at (202) 708–3815 (this is not a toll-free number). The toll-free TTY number for persons with speech or hearing impairments is (800) 877–8339. HUD employees who have specific program questions should contact the appropriate field office counsel or Headquarters counsel for the program to which the question pertains.

H. The FY2005 HUD NOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its NOFA process. The FY2005 NOFAs have been revised based upon comments received during the FY2004 funding process. The changes also reflect HUD's efforts to move to electronic government consistent with federal government-wide practices. In FY2004, as part of the Public Law 106–107 streamlining efforts and the interagency eGrants Initiative, HUD began making considerable changes to the format and presentation of its funding notices, which have been enhanced further for FY2005. HUD is continually striving to ensure effective communication with HUD program funding recipients and potential funding recipients. HUD has been posting pertinent documents related to these efforts on its Web site. HUD encourages you to visit the Department's Web site on an ongoing basis to keep abreast of the latest developments. HUD's website address for information on this initiative is *http://www.hud.gov/offices/adm/grants/egrants/egrants.cfm.* Information on grant streamlining activities can be found at *http://www.hud.gov/offices/adm/grants/pl–106107/pl106–107.cfm.* HUD continues to welcome comments and feedback from applicants and other members of the public on how HUD may further improve its competitive funding process.

The programs for which funding is available in the FY2005 SuperNOFA are published simultaneously with this policy notice and follow this section and its appendices.

Dated: March 4, 2005.

Roy A. Bernardi,

Deputy Secretary.

BILLING CODE 4210–32–P

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Community Development $351.74 million		
Community Development Technical Assistance (CD-TA) Programs:	**$30.12 million**	
HOME TA CFDA No.: 14.239 OMB Approval No.: 2506-0166	$ 7.22 million	Wednesday, June 1, 2005
CHDO (HOME) TA CFDA No.: 14.239 OMB Approval No.: 2506-0166	$ 7.44 million	Wednesday, June 1, 2005
McKinney-Vento Homeless Assistance Programs TA CFDA No.: 14.235 OMB Approval No.: 2506-0166	$ 9 million	Wednesday, June 1, 2005
HOPWA TA CFDA No.: 14.241 OMB Approval No.: 2506-0133	$ 2 million	Wednesday, June 1, 2005
CDBG TA State Grants CFDA No.: 14.228 OMB Approval No.: 2506-0166 Entitlement Grants CFDA No.: 14.218 OMB Approval No.: 2506-0077 Small Cities CFDA No.: 14.219 OMB Approval No.: 2506-0020 Insular Areas CFDA No.: 14.225 OMB Approval No.: 2506-0077 Section 108 CFDA No.: 14.248 OMB Approval No.: 2506-0161	$ 1.39 million	Wednesday, June 1, 2005
Youthbuild TA CFDA No.: 14.243 OMB Approval No.: 2506-0142	$ 3.07 million	Wednesday, June 1, 2005

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Indian Community Development Block Grant Program	**$64.42 million**	
Indian Community Development Block Grant Program (ICDBG) CFDA No.: 14.862 OMB Approval No.: 2577-0191	$64.42 million	Thursday, June 2, 2005
University and College Programs:	**$ 33.6 million**	
Historically Black Colleges and Universities Program (HBCU) CFDA No.: 14.520 OMB Approval No.: 2528-0235	$13.2 million	Wednesday, May 25, 2005
Hispanic-Serving Institutions Assisting Communities Program (HSIAC) CFDA No.: 14.514 OMB Approval No.: 2528-0198	$ 6.6 million	Monday, June 13, 2005
Alaska Native/Native Hawaiian Institution Assisting Communities Program (AN/NHIAC) CFDA No.: 14.515 OMB Approval No.: 2528-0206	$ 4.2 million	Thursday, June 16, 2005
Tribal Colleges and Universities Program (TCUP) CFDA No.: 14.519 OMB Approval No.: 2528-0215	$ 3 million	Thursday, June 16, 2005
Community Outreach Partnerships Centers (COPC) CFDA No.: 14.511 OMB Approval No.: 2528-0180	$ 6.6 million	Thursday, June 23, 2005
Student Research and Study Programs:	**$ 3.65 million**	
Early Doctoral Student Research Grant Program CFDA No.: 14.517 OMB Approval No.: 2528-0216	$150,000	Wednesday, May 18, 2005
Doctoral Dissertation Research Grant Program CFDA No.: 14.516 OMB Approval No.: 2528-0213	$400,000	Wednesday, May 18, 2005
Community Development Work Study Program CFDA No.: 14.512 OMB Approval No.: 2528-0175	$ 3.2 million	Wednesday, May 18, 2005

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Fair Housing Initiatives Programs:	**$ 18.04 million**	
Fair Housing - Private Enforcement Initiative (PEI) CFDA No.: 14.408 OMB Approval No.: 2529-0033	$ 13 million	Monday, May 23, 2005
Fair Housing Education and Outreach Initiative (EOI) EOI - Minority Serving Institutions Component EOI - Asian Americans Pacific Islander Fair Housing Awareness Component EOI - Disability Component EOI - General Component CFDA No.: 14.408 OMB Approval No.: 2529-0033	$ 3.94 million $400,000 $400,000 $800,000 $2,340,000	Monday, May 23, 2005
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.408 OMB Approval No.: 2529-0033	$ 1.1 million	Monday, May 23, 2005
Housing Counseling Programs:	**$ 38.91 million**	
Housing Counseling Local Housing Counseling Agencies (LHCA) National and Regional Intermediaries Housing Counseling - State Housing Finance Agencies (SHFA) Housing Counseling Supplemental Funding Colonias Predatory Lending Section 8 Homeownership Voucher Program Counseling HECM Counseling CFDA.: 14.169 OMB Approval No.: 2502-0261	 $12.92 million $17.2 million $2.0 million $394,000 $2.7 million $1.7 million $2.0 million	Monday, June 6, 2005

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Healthy Homes and Lead Hazard Control Programs:	**$163 million**	
Lead-Based Paint Hazard Control Grant Program CFDA No.: 14.900 OMB Approval No.: 2539-0015	$93.6 million	Tuesday, June 7, 2005
Healthy Homes Technical Studies CFDA No.: 14.906 OMB Approval No.: 2539-0015	$2 million	Wednesday, June 8, 2005
Lead-Technical Studies CFDA No.: 14.902 OMB Approval No.: 2539-0015	$3 million	Wednesday, June 8, 2005
Lead Outreach Grant Program CFDA No.: 14.904 OMB Approval No.: 2539-0015	$2 million	Tuesday, June 14, 2005
Lead Hazard Reduction Demonstration Grant Program CFDA No.: 14.905 OMB Approval No.: 2539-0015	$49.4 million	Tuesday, June 14, 2005
Healthy Homes Demonstration Program CFDA No.: 14.901 OMB Approval No.: 2539-0015	$5 million	Wednesday, June 15, 2005
Operation Lead Elimination Action Program (LEAP) CFDA No.: 14.903 OMB Approval No.: 2539-0015	$8 million	Thursday, June 9, 2005

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Economic Development and Empowerment Programs $ 255.15 million		
Economic Development Programs:	**$174.08 million**	
Brownfields Economic Development Initiative CFDA No.: 14.246 OMB Approval No.: 2506-0153	$ 24.4 million	Friday, June 17, 2005
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	$56.4 million	Tuesday, June 21, 2005
Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators CFDA No.: 14.871 OMB Approval No.: 2577-0178	$45.6 million	Friday, May 20, 2005
Rural Housing & Economic Development (RHED) CFDA #: 14.250 OMB Approval Number: 2506-0169	$23.8 million	Tuesday, May 17, 2005
Public Housing Neighborhood Networks Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$23.88 million	Friday, June 3, 2005
Public Housing Resident Opportunity and Self-Sufficiency (ROSS)	**$81.07 million**	
Resident Services Delivery Models- Elderly/Persons with Disabilities CFDA No.: 14.870 OMB Approval No.: 2577-0229	$16.27 million	Wednesday, July 6, 2005
Resident Services Delivery Models-Family CFDA No.: 14.870 OMB Approval No.: 2577-0229	$22.95 million	Monday, July 25, 2005
Homeownership Supportive Services Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$18.9 million	Thursday, May 26, 2005
Public Housing Family Self-Sufficiency Program CFDA No.: 14.870 OMB Approval No.: 2577-0229	$22.95 million	Monday, June 20, 2005

Appendix A
HUD 2005 SuperNOFA Funding Chart

Program Name	Funding Available (Approximate)	Application Submission Date. (All applications must be submitted and received by Grants.gov no later than 11:59:59 P.M. Eastern Time on the application submission date. See submission details in the General Section)
Targeted Housing and Homeless Assistance Programs $1.651 billion		
Housing Opportunities for Person with AIDS (HOPWA) CFDA No.: 14.241 OMB Approval No.: 2506-0133	$37 million	Friday, May 27, 2005
Housing for People who are Homeless and Addicted to Alcohol CFDA No.: 14.235 OMB Approval No.: Pending	$10 million	Thursday, May 19, 2005
Assisted-Living Conversion Program for Eligible Multifamily Projects CFDA No.: 14.314 OMB Approval No.: 2502-0542	$ 35 million	Wednesday, June 22, 2005
Service Coordinators in Multifamily Housing CFDA No.: 14.191 OMB Approval No.: 2502-0447	$ 10 million	Friday, June 24, 2005
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	$ 462.9 million	Tuesday, May 31, 2005
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	$ 95.8 million	Tuesday, May 24, 2005
Continuum of Care Homeless Assistance Programs	**$1 billion**	
Supportive Housing Program (SHP) CFDA No.: 14.235 OMB Approval No.: Pending		Friday, June 10, 2005
Shelter Plus Care (S+C) CFDA No.: 14.238 OMB Approval No.: Pending		Friday, June 10, 2005
Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals CFDA No.: 14.249 OMB Approval No.: Pending		Friday, June 10, 2005

Appendix B
Standard Forms

The Standard Forms (SF), HUD standard forms, certifications, and assurances are:

- SF-424 Application for Federal Assistance;
- SF-424 Sup Survey on Ensuring Equal Opportunity for Applicants;
- Form HUD 424 CB Grant Application Detailed Budget;
- Form HUD-424 CBW Grant Application Detailed Budget Worksheet;
- SF-LLL Disclosure of Lobbying Activities;
- Form HUD-2880 Applicant/Recipient Disclosure/Update Report;
- Form HUD-2990 Certification of Consistency with RC/EZ/EC Strategic Plan if applicable;
- Form HUD-2991 Certification of Consistency with the Consolidated Plan if applicable;
- Form HUD-2993 Acknowledgment of Application Receipt;
- Form HUD-2994 Client Comments and Suggestions (Optional);
- Form HUD-96010 Program Outcome Logic Model
- Form HUD-27061 Race and Ethnic Data Reporting Form; and
- Form HUD 27300 America's Affordable Communities Initiative
- Form HUD 96011 Third Party Documentation Facsimile Transmittal

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	State use only (if applicable).	13	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Select the type from the following list: • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration	18	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

APPLICATION FOR FEDERAL ASSISTANCE Version 7/03

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: Application ☐ **Construction** ☒ **Non-Construction**	Pre-application ☐ **Construction** ☐ **Non-Construction**	**3. DATE RECEIVED BY STATE**	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	**Organizational Unit:** Department:
Organizational DUNS:	Division:
Address: Street:	**Name and telephone number of person to be contacted on matters involving this application (give area code)** Prefix: First Name:
City:	Middle Name
County:	Last Name
State: Zip Code	Suffix:
Country:	Email:
6. EMPLOYER IDENTIFICATION NUMBER *(EIN):* ☐☐-☐☐☐☐☐☐☐	Phone Number (give area code) Fax Number (give area code)
8. TYPE OF APPLICATION: ☐ **New** ☐ **Continuation** ☐ **Revision** If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) ☐ ☐ Other (specify)	**7. TYPE OF APPLICANT:** (See back of form for Application Types) Other (specify) **9. NAME OF FEDERAL AGENCY:**
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐-☐☐☐ TITLE (Name of Program):	**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:**
12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*	
13. PROPOSED PROJECT Start Date: Ending Date:	**14. CONGRESSIONAL DISTRICTS OF:** a. Applicant b. Project
15. ESTIMATED FUNDING:	**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**
a. Federal $ .00	a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:
b. Applicant $ .00	
c. State $ .00	
d. Local $ .00	b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
e. Other $ .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
f. Program Income $ .00	**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**
g. TOTAL $ .00	☐ Yes If "Yes" attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix	First Name	Middle Name
Last Name		Suffix
b. Title		c. Telephone Number (give area code)
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

OMB NO. 1890-0014 EXP. 1/31/2006

Purpose: The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Grant Name: _____ **CFDA Number:** _____

1. Does the applicant have 501(c)(3) status?

☐ Yes ☐ No

2. How many full-time equivalent employees does the applicant have? *(Check only one box).*

☐ 3 or Fewer ☐ 15-50
☐ 4-5 ☐ 51-100
☐ 6-14 ☐ over 100

3. What is the size of the applicant's annual budget? *(Check only one box.)*

☐ Less Than $150,000
☐ $150,000 - $299,999
☐ $300,000 - $499,999
☐ $500,000 - $999,999
☐ $1,000,000 - $4,999,999
☐ $5,000,000 or more

4. Is the applicant a faith-based/religious organization?

☐ Yes ☐ No

5. Is the applicant a non-religious community-based organization?

☐ Yes ☐ No

6. Is the applicant an intermediary that will manage the grant on behalf of other organizations?

☐ Yes ☐ No

7. Has the applicant ever received a government grant or contract (Federal, State, or local)?

☐ Yes ☐ No

8. Is the applicant a local affiliate of a national organization?

☐ Yes ☐ No

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

2. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

3. Annual budget means the amount of money your organization spends each year on all of its activities.

4. Self-identify.

5. An organization is considered a community-based organization if its headquarters/service location shares the same zip code as the clients you serve.

6. An "intermediary" is an organization that enables a group of small organizations to receive and manage government funds by administering the grant on their behalf.

7. Self-explanatory.

8. Self-explanatory.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Housing and Urban Development, Office of Departmental Grants Management and Oversight, Room 3156, Washington, D.C. 20410.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to the address above.

OMB No. 1890-0014 Exp. 1/31/2006
SF 424 Supplement

Grant Applications
Detailed Budget

U.S. Department of Housing and Urban Development

OMB Approval No. 2501-0017
(expires 03/31/2005)

	Functional Categories [Year 1:__] [Year 2:__] [Year 3:__] [All Years:__]								
Name of Project/Activity:	**Column 1**	**Column 2**	**Column 3**	**Column 4**	**Column 5**	**Column 6**	**Column 7**	**Column 8**	**Column 9**
	HUD Share	Applicant Match	Other HUD Funds	Other Fed Share	State Share	Local/Tribal Share	Other	Program Income	Total
a. Personnel (Direct Labor)	$	$	$	$	$	$	$	$	$ 0.00
b. Fringe Benefits									0.00
c. Travel									0.00
d. Equipment (only items > $5,000 depreciated value)									0.00
e. Supplies (only items < $5,000 depreciated Value)									0.00
f. Contractual									0.00
g. Construction									0.00
1. Administration and legal expenses									0.00
2. Land, structures, rights-of way, appraisals, etc.									0.00
3. Relocation expenses and payments									0.00
4. Architectural and engineering fees									0.00
5. Other architectural and engineering fees									0.00
6. Project inspection fees									0.00
7. Site work									0.00
8. Demolition and removal									0.00
9. Construction									0.00
10. Equipment									0.00
11. Contingencies									0.00
12. Miscellaneous									0.00
h. Other (Direct Costs)									0.00
i. Subtotal of Direct Costs									0.00
j. Indirect Costs (% Approved Indirect Cost Rate:___%)									
Grand Total (Year:___):									0.00
Grand Total (All Years):									

form **HUD-424-CB** (1/2004)

Public reporting Burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB Control Number.

General Instructions

This form is designed so that an application can be made for any of HUD's grant programs. **Separate sheets must be used for each proposed program year and for a summary of all years.**

Check applicable program year **or all years** box at top of page to indicate which applies.

On the final sheet enter the Grand Total for all years in the applicable box at the bottom of the page. In preparing the budget, adhere to any existing HUD requirements which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, HUD may require budgets to be shown separately by function or activity. Your budget information should show the entire cost of your proposed program of activities per year. If you are not using funds in any of the line item categories, you should leave the item blank. Pages may be duplicated to show budget data for individual programs, projects or activities.

NOTE: Not all budget categories on this form are eligible for funding under all programs. Please see eligible activities under the specific program for which you are seeking funding.

Budget Categories

The budget categories identifies how your program funds will be allocated by type of use, e.g., funds going for salaries, travel, contracts, etc. Each of these line items should be broken out under each applicable column.

Lines a-f.--Show the totals of Lines a to f in each column.

Lines g. Show construction related expenses in the appropriate categories below.

Line g.1.--Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government.

Line g.2.--Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line g.3.--Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line g.4.--Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line g.5.--Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line g.6.--Enter estimated engineering inspection costs.

Line g.7.--Enter the estimated site preparation and restoration which are not included in the basic construction contract.

Line g.8.--Enter the estimated costs related to demolition activities.

Line g.9.--Enter estimated costs of the construction contract.

Line g.10.--Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line g.11.--Enter any estimated contingency costs.

Line g.12.--Enter estimated miscellaneous costs.

Line h.--Enter any other direct costs not already addressed above.

Line i.--Calculate the totals of all applicable columns to determine the Subtotal of Direct Costs.

Line j.--Indicate the approved Indirect Cost Rate (if any) and calculate the indirect cost in accordance with the terms of your approved indirect cost rate and enter the resulting amount.

Grand Total (Year:__)--Enter the sum of lines i. and j. under column 9 for each year, **and enter the applicable year, in the blank, for each sheet completed.**

Grand Total (All Years)--Enter the sum of **all the, "Grand Total (Year:__)" amounts from each sheet completed, under column 9, for all proposed years.**

For each budget category (personnel, fringe benefits, travel, etc) you should identify the amount of funding you plan on using in your grant program. You should complete each column as follows:

Column 1 - Identify the amount of funds that you will need from the HUD grant program for which you are seeking funding.

Column 2 - Identify any matching funds that you are required to include in your proposed program in order to be eligible for assistance.

Column 3 - Identify any other HUD funds that you will be adding to this program either through your formula or competitive grant programs.

Column 4 - Identify any other Federal funds that you will be adding to this program either through your formula or competitive grant programs.

Column 5 - Identify any State funds that you will be adding to this program.

Column 6 - Identify any Local or Tribal Government funds that you will be adding to this program.

Column 7 - Identify any additional funds not previously identified in Columns 1 - 6, that you intend to use for your proposed program.

Column 8 - Identify any program income that you expect to generate under this program.

Column 9 - Add columns 1 - 8 across and place the total in Column 9.

Save Data

OMB Approval No. 2501-0017

Grant Application Detailed Budget Worksheet

(Exp. 03/31/2005)

Name and Address of Applicant:

Category — **Detailed Description of Budget (for full grant period)**

1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Position or Individual											
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Direct Labor Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2. Fringe Benefits	Rate (%)	Base	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Fringe Benefits Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3. Travel

3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Trans - Local Private Vehicle			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Transportation - Airfare			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3c. Transportation - Other	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Transportation - Other			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3d. Per Diem or Subsistence (indicate location)	**Days**	**Rate per Day**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Per Diem or Subsistence			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Travel Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4. Equipment (Only items over $5,000 Depreciated value)	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
Total Equipment Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

5. Supplies and Materials (Items under $5,000 Depreciated Value)

5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Consumable Supplies			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5b. Non-Consumable Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Non-Consumable Materials			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Supplies and Materials Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6. Consultants (Type)	**Days**	**Rate per Day**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Consultants Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7. Contracts and Sub-Grantees (List individually)	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Subcontracts Cost			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

Detailed Description of Budget

8. Construction Costs

8a. Administrative and legal expenses	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Administrative and legal expenses			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8b. Land, structures, rights-of way, appraisal, etc	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Land, structures, rights-of way, ...			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8c. Relocation expenses and payments	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Relocation expenses and payments			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8d. Architectural and engineering fees	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Architectural and engineering fees			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8e. Other architectural and engineering fees	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Other architectural and engineering fees			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

8f. Project inspection fees	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Project inspection fees			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8g. Site work	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Site work			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8h. Demolition and removal	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Demolition and removal			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8i. Construction	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Construction			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8j. Equipment	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
			0.00								
Subtotal - Equipment			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8k. Contingencies	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Contingencies			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8l. Miscellaneous	**Quantity**	**Unit Cost**	**Estimated Cost**	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
			0.00								
			0.00								
			0.00								
Subtotal - Miscellaneous			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Construction Costs			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

Grant Application Detailed Budget Worksheet

9. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Item											
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Other Direct Costs			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Subtotal of Direct Costs			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

10. Indirect Costs	Rate	Base	Estimated Cost	HUD Share	Applicant Match	Other HUD Funds	Other Federal Share	State Share	Local/Tribal Share	Other	Program Income
Type											
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
			0.00								
Total Indirect Costs			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Estimated Costs			0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

form **HUD-424-CBW** (2/2003)

OMB Approval No. 2501-0017

Grant Application Detailed Budget Worksheet

(Exp. 03/31/2005)

Detailed Description of Budget			
Analysis of Total Estimated Costs		Estimated Cost	Percent of Total
1	Personnel (Direct Labor)	0.00	0.00%
2	Fringe Benefits	0.00	0.00%
3	Travel	0.00	0.00%
4	Equipment	0.00	0.00%
5	Supplies and Materials	0.00	0.00%
6	Consultants	0.00	0.00%
7	Contracts and Sub-Grantees	0.00	0.00%
8	Construction	0.00	0.00%
9	Other Direct Costs	0.00	0.00%
10	Indirect Costs	0.00	0.00%
	Total:	0.00	100.00%
	HUD Share:	0.00	100.00%
	Match (Expressed as a percentage of the Federal Share):	0.00	0.00%

form **HUD-424-CBW** (2/2003)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	**2. Status of Federal Action:**	**3. Report Type:**
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _

4. Name and Address of Reporting Entity:	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:**
☐ **Prime** ☐ **Subawardee** Tier _____, *if known*: **Congressional District**, *if known*: 4c	**Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL (Rev. 7-97)

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 08/31/2006)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☐ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☐ **Yes** ☐ **No.**

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature:	Date: (mm/dd/yyyy)
X	

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Freedom of Information Act (5 U.S.C. §552) and HUD's implementing regulations at 24 CFR Part 15. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:

(1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;

(2) You are updating a prior report as discussed below; or

(3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. Update reports (filed by "Recipients" of HUD Assistance): General. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.

All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

The following information must be provided:

1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
2. State the type of other government assistance (e.g., loan, grant, loan insurance).
3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification of Consistency with the RC/EZ/EC-IIs Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the strategic plan of a federally-designated empowerment zone (EZs), renewal community (RCs), or enterprise community (ECs); designated by the United States Department of Agriculture (USDA) in round II (EC-IIs).

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of RC/EZ/EC _____

I further certify that the proposed activities/projects will be located within theRC/EZ/EC-IIs or strategic planning communities that are intended to serve the RC/EZ/EC-IIs strategic planning community residents, or renewal community. (2 points)

Name of the Official Authorized to Certify the RC/EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

Client Comments and Suggestions

U.S. Department of Housing and Urban Development

You are our Client! Your comments and suggestions, please!

The Department of Housing and Urban Development in preparing this Notice of Funding Availability and application forms, has tried to produce a more user friendly, customer driven funding process. Please let us have your comments and recommendations for improvements to this document. You may leave this form attached to your application, or feel free to detach the form and return it to:

The Department of Housing and Urban Development
Office of Departmental Grants Management and Oversight
Room 3156
451 7th Street, SW
Washington, DC 20410

Please Provide Comments on HUD's Efforts:

The NOFA (insert title) _____

is: (please check one)

(a) ☐ is clear and easily understandable

(b) ☐ better than before, but still needs improvement (please specify)

(c) other (please specify)

The application form (insert title) _____

is: (please check one)

(a) ☐ is acceptable given the volume of information required by statute and the volume of information required for accountability in selecting and funding projects.

(b) ☐ is simpler and more user-friendly than before, but still needs work (please specify).

(c) other comments (please specify)

Name & Organization (Optional):

Are additional pages attached? ☐ Yes ☐ No

Previous versions obsolete

form **HUD-2994** (03/2003)

Logic Model

U.S. Department of Housing and Urban Development
Office of Departmental Grants Management and Oversight

OMB Approval No. 2535-0114
(exp. 12/31/2006)

Program Name: _____

Component Name: _____

Strategic Goals	Policy Priorities	Problem, Need, Situation	Service or Activity	Benchmarks		Outcomes		Measurement Reporting Tools	Evaluation Process
				Output Goal	Output Result	Achievement Outcome Goals	End Results		
1		2	3	4	5	6	7	8	9
Policy		Planning		Intervention		Impact		Accountability	
				Short Term				a. b. c. d. e.	
				Intermediate Term				a. b. c. d. e.	
				Long Term				a. b. c. d. e.	

form **HUD-96010** (2/2005)

Logic Model Instructions U.S. Department of Housing And Urban Development Office of Departmental Grants Management and Oversight

OMB Approval No. 2535-0114 (exp. 12/31/2006)

The public reporting burden for this collection of information for the Logic Model is estimated to average 18 hours per response for applicants, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information and preparing the application package for submission to HUD. HUD may not conduct, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Reports Management Officer, Paperwork Reduction Project, in the Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, DC 20410-3600. When providing comments, please refer to OMB Approval No. 2535-0114.

The information submitted in response to the Notice of Funding Availability for the Logic Model is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, approved December 15, 1989, 42 U.S.C. 3545).

Instructions:

Responses to rating factor five should be in this format. Your response should be in bullet format rather than narrative. Please read each NOFA carefully to ensure the performance measures requested for this factor are reflected on the logic model form.

Program Name: The HUD funding program under which you are applying. If you are applying for a component of a program please include the Program Name as well as the Component Name.

Component Name: The HUD funding program under which you are applying.

Column 1: ***HUD's Strategic Goals***: Indicate in this column **the number** of the goal(s) that your proposed service or activity is designed to achieve. HUD's strategic goals are:

1. Increase homeownership opportunities.
2. Promote decent affordable housing.
3. Strengthen communities.
4. Ensure equal opportunity in housing.
5. Embrace high standards of ethics, management, and accountability.
6. Promote participation of grass-roots faith-based and other community-based organizations.

Policy Priority: Indicate in this column **the number** of the HUD Policy Priority(ies), if any, your proposed service or activity promotes. Applicants are encouraged to undertake specific activities that will assist the Department in implementing its Policy Priorities. HUD's Policy Priorities are:

1. Provide Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency.
2. Improving our Nation's Communities.
3. Encouraging Accessible Design Features.
4. Providing Full and Equal Access to Grass-Roots Faith-Based and Other Community-Based Organization in HUD Program Implementation.
5. Participation of Minority-Serving Institutions in HUD Programs
6. Ending Chronic Homelessness
7. Removal of Barriers to Affordable Housing
8. Participation in Energy Star

Column 2: **Problem, Need, or Situation**: Provide a general statement of need that provides the rationale for the proposed service or activity.

Column 3: **Service or Activity:** Identify the activities or services that you are undertaking in your work plan, which are crucial to the success of your program. Not every activity or service yields a direct outcome.

Column 4 and Column 5: **Benchmarks:** These columns ask you to identify benchmarks that will be used in measuring the progress of your services or activities. Column 4 asks for specific interim or final products (called outputs) that you establish for your program's services or activities. Column 5 should identify the results associated with the product or output. These may be numerical measures characterizing the results of a program activity, service or intervention and are used to measure performance. These outputs should lead to targets for achievement of outcomes. Results should be represented by both the actual # and % of the goal achieved.

Column 4: **Benchmarks/Output Goal:** Set quantifiable output goals, including timeframes. These should be products or interim products, which will allow you and HUD to monitor and assess your progress in achieving your program workplan.

Column 5: **Benchmark/ Output Result:** Report actual result of your benchmarks. The actual result could be number of housing units developed or rehabilitated, jobs created, or number of persons assisted. Outputs may be short, intermediate or long-term. ***(Do not fill out this section with the application)***

Column 6 and Column 7: **Outcomes:** Column 6 and Column 7 ask you to report on your expected and actual outcomes – the ultimate impact you hope to achieve. Column 6 asks you to identify outcomes in terms of the impact on the community, people's lives, changes in economic or social status, etc. Column 7 asks for the actual result of the outcome measure listed in Column 6, which should be updated as applicable.

Column 6: **Outcomes/ Goals:** Identify the outcomes that resulted in broader impacts for individuals, families/households, and/or the community. For example, the program may seek to improve the environmental conditions in a neighborhood, increase affordable housing, increase the assets of a low-income family, or improve self-sufficiency.

Proxy Outcome(s): Often direct measurement of the intended outcome is difficult or even impossible -- to measure. In these cases, applicants/grantees should use a proxy or surrogate measure that corresponds with the desired outcome. For example, improving quality of life in a neighborhood could be measured by a proxy indicator such as increases in home prices or decreases in crime. Training programs could be measured by the participant's increased wages or reading skills. The person receiving the service must meet eligibility requirements of the program.

Column 7: **Outcomes/Actual Result:** Identify specific achievements of outcomes listed in Column 6. ***(Do not fill out this section with the application)***

Column 8: **Measurement Reporting Tools:** (a) List the tools used to track output or outcome information (e.g., survey instrument; attendance log; case report; pre-post test; waiting list; etc); (b) Identify the place where data is maintained, e.g. central database; individual case records; specialized access database, tax assessor database; local precinct; other; (c) Identify the location, e.g. on-site; subcontractor; other; (d) Indicate how often data is required to be collected, who will collect it and how often data is reported to HUD; and (e) Describe methods for retrieving data, e.g. data from case records is retrieved manually, data is maintained in an automated database. This tool will be available for HUD review and monitoring and should be used in submitting reporting information.

Column 9: **Evaluation Process:** Identify the methodology you will periodically use to assess your success in meeting your benchmark output goals and output results, outcomes associated to the achievement of the purposes of the program, as well as the impact that the work has made on the individuals assisted, the community, and the strategic goals of the Department. If you are not meeting the goals and results projected for your performance period, the evaluation process should be used as a tool to ensure that you can adjust schedules, timing, or business practices to ensure that goals are met within your performance period.

Race and Ethnic Data Reporting Form

U.S. Department of Housing and Urban Development
Office of Administration

OMB Approval No. 2535-0113
(exp. 10/31/2006)

Program Title:

Grantee/Recipient Name:

Grantee Reporting Organization:

Reporting Period From (mm/dd/yyyy): _____ **To** (mm/dd/yyyy): _____

Racial Categories	Total Number of Race Responses	Total Number of Hispanic or Latino Responses
American Indian or Alaska Native		
Asian		
Black or African American		
Native Hawaiian or Other Pacific Islander		
White		
American Indian or Alaska Native *and* White		
Asian *and* White		
Black or African American *and* White		
American Indian or Alaska Native *and* Black or African American		
* Other multiple race combinations greater than one percent: [Per the form instructions, write in a description using the box on the right]		
Balance of individuals reporting more than one race		
Total:	0	0

* If the aggregate count of any reported multiple race combination that is not listed above exceeds 1% of the total population being reported, you should separately indicate the combination. See detailed instructions under "Other multiple race combinations."

Public reporting burden for this collection is estimated to average 1.15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the information collection instrument. HUD may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

form **HUD-27061** (10/2003)

Instructions for the Race and Ethnic Data Reporting form (HUD-27061)

A. General Instructions:

This form is intended to be used by two categories of respondents: (1) applicants requesting funding from the Department of Housing and Urban Development (HUD); and (2) organizations who receive HUD Federal financial assistance that are required to report race and ethnic information.

In compliance with OMB direction to revise the standards for collection of racial data, HUD has revised its standards as depicted on this form. The revised standards are designed to acknowledge the growing diversity of the U.S. population. Using the revised standards, HUD offers organizations that are responding to HUD data requests for racial information, the option of selecting one or more of nine racial categories to identify the racial demographics of the individuals and/or the communities they serve, or are proposing to serve. HUD's collection of racial data treats ethnicity as a separate category from race and has changed the terminology for certain racial and ethnic groups from the way it has been requested in the past using two distinct ethnic categories. The revised definitions of ethnicity and race have been standardized across the Federal government and are provided below.

1. The two ethnic categories as revised by the Office of Management and Budget (OMB) are defined below.

Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or "Latino."

Not Hispanic or Latino. A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

2. The five racial categories as revised by the Office of Management and Budget are defined below:

American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black" or "African American."

Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White. A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

Note: The information required to be reported may be collected and submitted to HUD via the use of this form or by other means, such as summary reports or via electronic reporting mechanisms. The primary goal to be achieved is the provision of the summary racial and ethic data of the population(s) proposed to be served or that is being served by your organization in a consistent manner across all HUD programs.

B. Specific Instructions for Completing the Form:

Organizations using this form should collect the individual responses from the community of individuals you intend to serve or those that you are serving, as applicable. After the individual collections are gathered, you should report (via this form or by the use of other means such as electronic reports that provide the summary data required by this form) the aggregate totals of the racial and ethnic data that you collect via the applicable categories as described below:

Total Number of Racial Responses: Under this column you should indicate the total number of responses collected in the blocks next to the applicable categories.

Total Number of Hispanic or Latino Responses: Under this column you should indicate the total number of responses collected in the blocks next to the applicable racial categories (e.g., you would enter the total number of Asian respondents that indicated they are Hispanic or Latino). When collecting this information from beneficiaries of the Federal financial assistance all respondents should be required to indicate their ethnic category, which requires either a "yes" or "no" response.

Other Multiple Race Combinations: Next to this racial category, indicate all racial categories (if any) identified by respondents that do not fit one of the five single race categories or four double race combinations above, and which have a total count that exceeds one percent of the total population being reported. You must identify each such racial combination, including the actual count, the percentage of the total population (in parenthesis), and the actual Hispanic or Latino count.

For example, if you obtain data that indicates that the total population being served is 200 and includes 10 Native Hawaiian or Other Pacific Islander *and* White and 12 Native Hawaiian or Other Pacific Islander *and* Asian, and those numbers (of Native Hawaiian or Other Pacific Islander *and* White and Native Hawaiian or Other Pacific Islander *and* Asian) each equates to more than one percent of the total population being served, and 2 of the Native Hawaiian or Other Pacific Islander *and* White indicate they belong to the Hispanic/Latino ethic category and 3 of the Native Hawaiian or Other Pacific Islander *and* Asian indicate they belong to the Hispanic/Latino ethnic category, you should complete the form as follows:

Racial Categories	Total Number of Race Responses	Total Number of Hispanic or Latino Responses
* Other multiple race combinations: [Per the form instruction, write in a description using the box on the right]	Native Hawaiian or Other Pacific Islander AND White 10 (5%)	2
	Native Hawaiian or Other Pacific Islander AND Asian 12 (6%)	3

How the percentage should be applied will vary by program depending on whether the program is required to provide data on the total community, or on the beneficiaries/individuals that are being served or that are proposed to be served.

Balance of individuals reporting more than one race: This block is intended to capture the balance of any racial categories that are not included in the list of nine above, and are not included under **"Other multiple race combinations greater than on percent."** Indicate the total number of all racial categories reported that do not fit the nine racial categories above, and do not equate to one percent of the total population being reported. Be sure to also indicate the total number of all related Hispanic or Latino responses.

Total: On the last row of the form you should indicate the aggregate totals of all the information you have gathered including the total of all racial categories and the total of all the Hispanic or Latino categories.

America's Affordable Communities Initiative	U.S. Department of Housing and Urban Development	OMB approval no. 2510-0013 (exp. 03/31/2007)

Public reporting burden for this collection of information is estimated to average 3 hours. This includes the time for collecting, reviewing, and reporting the data. The information will be used for encourage applicants to pursue and promote efforts to remove regulatory barriers to affordable housing. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Questionnaire for HUD's Initiative on Removal of Regulatory Barriers

Part A. Local Jurisdictions. Counties Exercising Land Use and Building Regulatory Authority and Other Applicants Applying for Projects Located in such Jurisdictions or Counties [Collectively, Jurisdiction]

	1	2
1. Does your jurisdiction's comprehensive plan (or in the case of a tribe or TDHE, a local Indian Housing Plan) include a "housing element? A local comprehensive plan means the adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical plan for the public development of land and water. If your jurisdiction does not have a local comprehensive plan with a "housing element," please enter no. If no, skip to question # 4.	☐ No	☐ Yes
2. If your jurisdiction has a comprehensive plan with a housing element, does the plan provide estimates of current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate and middle income families, for at least the next five years?	☐ No	☐ Yes
3. Does your zoning ordinance and map, development and subdivision regulations or other land use controls conform to the jurisdiction's comprehensive plan regarding housing needs by providing: a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped "as of right" in these categories, that can permit the building of affordable housing addressing the needs identified in the plan? (For purposes of this notice, "as-of-right," as applied to zoning, means uses and development standards that are determined in advance and specifically authorized by the zoning ordinance. The ordinance is largely self-enforcing because little or no discretion occurs in its administration.). If the jurisdiction has chosen not to have either zoning, or other development controls that have varying standards based upon districts or zones, the applicant may also enter yes.	☐ No	☐ Yes
4. Does your jurisdiction's zoning ordinance set minimum building size requirements that exceed the local housing or health code or is otherwise not based upon explicit health standards?	☐ Yes	☐ No

5. If your jurisdiction has development impact fees, are the fees specified and calculated under local or state statutory criteria? If no, skip to question #7. Alternatively, if your jurisdiction does not have impact fees, you may enter yes.	☐ No	☐ Yes
6. If yes to question #5, does the statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (nexus), and a method for fee calculation?	☐ No	☐ Yes
7. If your jurisdiction has impact or other significant fees, does the jurisdiction provide waivers of these fees for affordable housing?	☐ No	☐ Yes
8. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: "*Smart Codes in Your Community: A Guide to Building Rehabilitation Codes*" (www.huduser.org/publications/destech/smartcodes.html)	☐ No	☐ Yes
9. Does your jurisdiction use a recent version (i.e. published within the last 5 years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification. In the case of a tribe or TDHE, has a recent version of one of the model building codes as described above been adopted or, alternatively, has the tribe or TDHE adopted a building code that is substantially equivalent to one or more of the recognized model building codes? Alternatively, if a significant technical amendment has been made to the above model codes, can the jurisdiction supply supporting data that the amendments do not negatively impact affordability.	☐ No	☐ Yes
10. Does your jurisdiction's zoning ordinance or land use regulations permit manufactured (HUD-Code) housing "as of right" in all residential districts and zoning classifications in which similar site-built housing is permitted, subject to design, density, building size, foundation requirements, and other similar requirements applicable to other housing that will be deemed realty, irrespective of the method of production?	☐ No	☐ Yes

11. Within the past five years, has a jurisdiction official (i.e., chief executive, mayor, county chairman, city manager, administrator, or a tribally recognized official, etc.), the local legislative body, or planning commission, directly, or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or hearings, or has the jurisdiction established a formal ongoing process, to review the rules, regulations, development standards, and processes of the jurisdiction to assess their impact on the supply of affordable housing?	☐ No	☐ Yes
12. Within the past five years, has the jurisdiction initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the jurisdiction's "HUD Consolidated Plan?" If yes, attach a brief list of these major regulatory reforms.	☐ No	☐ Yes
13. Within the past five years has your jurisdiction modified infrastructure standards and/or authorized the use of new infrastructure technologies (*e.g.* water, sewer, street width) to significantly reduce the cost of housing?	☐ No	☐ Yes
14. Does your jurisdiction give "as-of-right" density bonuses sufficient to offset the cost of building below market units as an incentive for any market rate residential development that includes a portion of affordable housing? (As applied to density bonuses, "as of right" means a density bonus granted for a fixed percentage or number of additional market rate dwelling units in exchange for the provision of a fixed number or percentage of affordable dwelling units and without the use of discretion in determining the number of additional market rate units.)	☐ No	☐ Yes
15. Has your jurisdiction established a single, consolidated permit application process for housing development that includes building, zoning, engineering, environmental, and related permits? Alternatively, does your jurisdiction conduct concurrent, not sequential, reviews for all required permits and approvals?	☐ No	☐ Yes
16. Does your jurisdiction provide for expedited or "fast track" permitting and approvals for all affordable housing projects in your community?	☐ No	☐ Yes
17. Has your jurisdiction established time limits for government review and approval or disapproval of development permits in which failure to act, after the application is deemed complete, by the government within the designated time period, results in automatic approval?	☐ No	☐ Yes
18. Does your jurisdiction allow "accessory apartments" either as: a) a special exception or conditional use in all single-family residential zones or, b) "as of right" in a majority of residential districts otherwise zoned for single-family housing?	☐ No	☐ Yes
19. Does your jurisdiction have an explicit policy that adjusts or waives existing parking requirements for all affordable housing developments?	☐ No	☐ Yes
20. Does your jurisdiction require affordable housing projects to undergo public review or special hearings when the project is otherwise in full compliance with the zoning ordinance and other development regulations?	☐ Yes	☐ No
Total Points:		

Part B. State Agencies and Departments or Other Applicants for Projects Located in Unincorporated Areas or Areas Otherwise Not Covered in Part A

		1	2
1	Does your state, either in its planning and zoning enabling legislation or in any other legislation, require localities regulating development have a comprehensive plan with a "housing element?" If no, skip to question # 4	☐ No	☐ Yes
2.	Does you state require that a local jurisdiction's comprehensive plan estimate current and anticipated housing needs, taking into account the anticipated growth of the region, for existing and future residents, including low, moderate, and middle income families, for at least the next five years?	☐ No	☐ Yes
3.	Does your state's zoning enabling legislation require that a local jurisdiction's zoning ordinance have a) sufficient land use and density categories (multifamily housing, duplexes, small lot homes and other similar elements); and, b) sufficient land zoned or mapped in these categories, that can permit the building of affordable housing that addresses the needs identified in the comprehensive plan?	☐ No	☐ Yes
4.	Does your state have an agency or office that includes a specific mission to determine whether local governments have policies or procedures that are raising costs or otherwise discouraging affordable housing?	☐ No	☐ Yes
5.	Does your state have a legal or administrative requirement that local governments undertake periodic self-evaluation of regulations and processes to assess their impact upon housing affordability address these barriers to affordability?	☐ No	☐ Yes
6.	Does your state have a technical assistance or education program for local jurisdictions that includes assisting them in identifying regulatory barriers and in recommending strategies to local governments for their removal?	☐ No	☐ Yes
7.	Does your state have specific enabling legislation for local impact fees? If no skip to question #9.	☐ No	☐ Yes
8.	If yes to the question #7, does the state statute provide criteria that sets standards for the allowable type of capital investments that have a direct relationship between the fee and the development (*nexus*) and a method for fee calculation?	☐ No	☐ Yes
9.	Does your state provide significant financial assistance to local governments for housing, community development and/or transportation that includes funding prioritization or linking funding on the basis of local regulatory barrier removal activities?	☐ No	☐ Yes

10. Does your state have a mandatory state-wide building code that a) does not permit local technical amendments and b) uses a recent version (i.e. published within the last five years or, if no recent version has been published, the last version published) of one of the nationally recognized model building codes (i.e. the International Code Council (ICC), the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCI), the International Conference of Building Officials (ICBO), the National Fire Protection Association (NFPA)) without significant technical amendment or modification? Alternatively, if the state has made significant technical amendment to the model code, can the state supply supporting data that the amendments do not negatively impact affordability?	☐ No	☐ Yes
11. Has your jurisdiction adopted specific building code language regarding housing rehabilitation that encourages such rehabilitation through gradated regulatory requirements applicable as different levels of work are performed in existing buildings? Such code language increases regulatory requirements (the additional improvements required as a matter of regulatory policy) in proportion to the extent of rehabilitation that an owner/developer chooses to do on a voluntary basis. For further information see HUD publication: "*Smart Codes in Your Community: A Guide to Building Rehabilitation Codes*" (www.huduser.org/publications/destech/smartcodes.html)	☐ No	☐ Yes
12. Within the past five years has your state made any changes to its own processes or requirements to streamline or consolidate the state's own approval processes involving permits for water or wastewater, environmental review, or other State-administered permits or programs involving housing development. If yes, briefly list these changes.	☐ No	☐ Yes
13. Within the past five years, has your state (i.e., Governor, legislature, planning department) directly or in partnership with major private or public stakeholders, convened or funded comprehensive studies, commissions, or panels to review state or local rules, regulations, development standards, and processes to assess their impact on the supply of affordable housing?	☐ No	☐ Yes
14. Within the past five years, has the state initiated major regulatory reforms either as a result of the above study or as a result of information identified in the barrier component of the states' "Consolidated Plan submitted to HUD?" If yes, briefly list these major regulatory reforms.	☐ No	☐ Yes
15. Has the state undertaken any other actions regarding local jurisdiction's regulation of housing development including permitting, land use, building or subdivision regulations, or other related administrative procedures? If yes, briefly list these actions.	☐ No	☐ Yes
Total Points:		

Third Party Documentation Facsimile Transmittal

U. S. Department of Housing and Urban Development
Office of Department Grants Management and Oversight

OMB Approval No. 2535-0118 (exp. 04/30/2005)

Public reporting burden for this collection of information is estimated to average 6 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
This form is used for third party applicants as required for applications submissions and other materials that are not normally available as electronic files, e.g. leverage letters, documentation from books, reports or other such items. This information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Instructions

IMPORTANT NOTE: If you have completed the SF 424 Request for Federal Assistance form, data fields will be pre-populated within this form.

Item	Entry
1. a-d Applicant Information	a. Enter legal name of applicant, name of primary organization unit (including division, if applicable), which will undertake the assistance activity. b. Enter the complete address, Street, City, County, State and Zip Code. c. Enter the country, i.e. USA. d. Enter the DUNS number (received from DUN and Bradstreet).
2. a-c. Catalog of Federal Domestic Assistance number and title of the program and program component.	a. Enter the Catalog of Federal Domestic Assistance number of the program you are apply for federal assistance. b. Enter the title of the program which assistance is requested. c. Enter program component under which assistance is requested. If there are no sub categories within a program you may leave ***"program component"*** blank. (For example: CFDA: 14.123)
3. a-b. Facsimile Contact Information	**a.** Enter the name of the Department and/or **b.** Division in which this facsimile is being transmitted.
4. Name and telephone number	Enter name, email and telephone number *(remember to include area code)* of person to be contacted on matters involving the transmitting fax.
5. Email	Enter email address of person to contacted regarding facsimile.
6. b-d What are you transmitting/number of pages?	**a.** What are you transmitting? Check the appropriate box indicating what type of document you are transmitting, **b.** certification, **c.** document, **d.** letter, or **e.** other. For example, if you are transmitting a Memorandum of Understanding (MOU) this would be considered a document so you would check ☐ ***document.***. *Please note: for each document you are transmitting a separate cover page is needed.*
7. How many pages are being faxed?	Indicate how many pages including the cover are being faxed.

Third Party Documentation Facsimile Transmittal

U. S. Department of Housing and Urban Development
Office of Department Grants Management and Oversight

OMB Approval No. 2535-0118 (exp. 04/30/2005)

1. Applicant Information		3. Facsimile Contact Information	
a. Legal Name:		a. Department:	
		b. Division	
b. Address:		4. Name and telephone number of person to be contacted on matters involving this facsimile.	
Street:			
City:	County:	Prefix:	First Name:
State:	Zip Code	Middle Initial:	Last Name:
c. Country		5. Email:	
d. DUNS Number:			
2. a. Catalog of Federal Domestic Assistance Number: CFDA No. ___ ___.___ ___ ___		Phone number (include area code)	Fax number (include area code)
b. Title (Name of Program)		6. What is your transmittal? (Check one box per fax)	
c. Program Component		b. Certification ☐	c. Document ☐ / d. Match/Leverage Letter ☐ / e. Other ☐
		7. How many pages (including cover) are being faxed?	

Appendix C
Assistant Secretaries With Waiver Authority

Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
Carolyn Y. Peoples Assistant Secretary for the Office of Fair Housing and Equal Opportunity (FHEO) Send Requests for waivers to the following address: Department of Housing and Urban Development Attn: Carolyn Y. Peoples, Assistant Secretary for the Office of Fair Housing and Equal Opportunity (FHEO) 451 Seventh St, SW, Room 5100 Washington, DC 20410 Telephone (202) 708-4252	**Fair Housing Initiatives Programs (FHIP):** HUD Headquarters Robert C. Weaver Federal Building Office of Fair Housing and Equal Opportunity FHIP NOFA 2005 [Specify the Initiative/Component to which you are applying] 451 Seventh St, SW, Room 5224 Washington, D.C. 20410	Original and 3 copies
John C. Weicher Assistant Secretary for the Office of Housing/Federal Housing Commissioner (FHA) Send Requests for waivers to the following address: Department of Housing and Urban Development Attn: John C. Weicher, Assistant Secretary for the Office of Housing/Federal Housing Commissioner (FHA) 451 Seventh St, SW, Room 9100 Washington, DC 20410 Telephone (202) 708-2601	1. **Assisted Living Conversion for Multifamily Projects (ALCP)** Submit hard copy applications to the appropriate HUD Multifamily (MF) Hub office identified in the Appendix of the program NOFA.	Original and 4 copies
	2. **Service Coordinators in Multifamily Housing** Submit hard copy applications to the appropriate HUD Multifamily (MF) Hub office identified in the Appendix of the program NOFA.	Original and 2 copies
	3. **Section 202 Supportive Housing for the Elderly** Submit hard copy applications to the appropriate HUD Multifamily (MF) Hub office identified in the Appendix of the program NOFA.	Original and 4 copies
	4. **Section 811 Supportive Housing for Persons with Disabilities:** Submit hard copy applications to the appropriate HUD Multifamily (MF) Hub office identified in the Appendix of the program NOFA.	Original and 4 copies

Appendix C
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	5. Housing Counseling: **a. Local Housing Counseling Agencies (LHCAs):** Submit hard copy applications to the appropriate Homeownership Center (HOC) identified in Section VII. of the program NOFA. **b. State Housing Finance Agencies (SHFAs):** Submit hard copy applications to the appropriate Homeownership Center (HOC) identified in Section VII. of the program NOFA. **c. National and Regional Intermediaries:** Submit hard copy applications to HUD Headquarters. HUD Headquarters Robert C. Weaver Federal Building Program Support Division, Room 9274 451 Seventh St., SW Washington, DC 20410	Original and 2 copies
Nelson R. Bregon General Deputy Assistant Secretary, Office of Community Planning and Development (CPD) Send Requests for waivers to the following address: Department of Housing and Urban Development Attn: Nelson R. Bregon, General Deputy Assistant Secretary for the Office of Community Planning and Development (CPD) 451 Seventh St, SW, Room 7100 Washington, DC 20410 Telephone (202) 708-2690	**1. Brownfields Economic Development Initiative (BEDI):** HUD Headquarters Robert C. Weaver Federal Building Attn: BEDI 451 Seventh St, SW, Room 7251 Washington, DC 20410 Submit hard copy applications to HUD Headquarters plus one copy to the appropriate HUD field office (CPD Division). HUD field offices are listed on the internet at http://www.hud.gov/offices/cpd/about/staff/fodirectors/index.cfm	Original and 4 copies

Appendix C
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Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
	2. <u>Community Development - Technical Assistance Programs (CD-TA)</u>: HUD Headquarters Robert C. Weaver Federal Building Attn: CD-TA 451 Seventh St, SW, Room 7251 Washington, DC 20410 For National TA, submit hard copy applications to HUD Headquarters (HQ). For Local TA, submit one hard copy to HUD HQ and one to the HUD field office to which you are applying.	Original and 1 copy.
	3. <u>Housing Opportunities for Persons with AIDS (HOPWA)</u>: HUD Headquarters Robert C. Weaver Federal Building Attn: HOPWA 451 Seventh St., SW, Room 7251 Washington, DC 20410 Submit original and one hard copy application to HUD HQ and one copy to the CPD Division of the state or area office that serves the area in which activities are proposed. For multi-state efforts, submit the copy to the field office that serves your main office.	Original and 2 copies.
	4. <u>Rural Housing and Economic Development</u>: HUD Headquarters Robert C. Weaver Federal Building Attn: Office of Rural Housing and Economic Development 451 Seventh St, SW, Room 7251 Washington D.C. 20410-7000 Include your name, mailing address, telephone number, and fax number.	Original and 2 copies.
	5. <u>Youthbuild</u>: HUD Headquarters Robert C. Weaver Federal Building Attn: Youthbuild Program 451 Seventh St., SW, Room 7251 Washington, DC 20410	Original and 2 copies

Appendix C
Assistant Secretaries With Waiver Authority

Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
	6. Housing for People Who Are Homeless and Addicted to Alcohol HUD Headquarters Robert C. Weaver Federal Building Attn: Homeless and Addicted to Alcohol 451 Seventh St, SW, Room 7251 Washington, DC 20410	Original and 2 copies
Dennis C. Shea Assistant Secretary for the Office of Policy Development and Research (PD&R) Send requests for waivers to the following address: Department of Housing and Urban Development Attn: Dennis C. Shea, Assistant Secretary for the Office of Policy Development and Research (PD&R) 451 Seventh St, SW, Room 8100 Washington, DC 20410 Telephone (202) 708-1600	**1. Alaska Native and Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC):** University Partnerships Clearinghouse c/o Danya International, Inc, Inc Attn: AN/NHIAC NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.
	2. Community Outreach Partnership Centers (COPC): University Partnerships Clearinghouse c/o Danya International, Inc, Inc Attn: AN/NHIAC NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.
	3. Hispanic Serving Institutions Assisting Communities (HSIAC): University Partnerships Clearinghouse c/o Danya International, Inc Attn: AN/NHIAC NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.

Appendix C
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Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
	4. Historically Black Colleges and Universities (HBCU): University Partnerships Clearinghouse c/o Danya International, Inc Attn: AN/NHIAC NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.
	5. Tribal Colleges and Universities Program (TCUP): University Partnerships Clearinghouse c/o Danya International, Inc Attn: AN/NHIAC NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.
	6. Doctoral Dissertation Research Grant (DDRG) and Early Doctoral Student Research Grant (EDSRG): University Partnerships Clearinghouse c/o Danya International, Inc Attn: DDRG or EDSRG NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.
	7. Community Development Work Study Program (CDWSP): University Partnerships Clearinghouse c/o Danya International, Inc Attn: CDWSP NOFA 8737 Colesville Rd, Suite 1200 Silver Spring, MD 20910 Be sure to include a complete return address on your application package.	Original and 3 copies and one disk using M.S. Word 6.0 or higher.

Appendix C
Assistant Secretaries With Waiver Authority

Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
Michael Liu Assistant Secretary for the Office of Public and Indian Housing (PIH) Send requests for waivers to the following address: Department of Housing and Urban Development Attn: Michael Liu, Assistant Secretary for the Office of Public and Indian Housing (PIH) 451 Seventh St, SW, Room 4100 Washington, DC 20410 Telephone (202) 708-0950	**1. Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG):** Submit hard copy applications to the appropriate Area Office of Native American Programs (ONAP) for your jurisdiction. See Section IV.F. of the ICDBG program NOFA for area ONAP addresses and additional information.	Original and 2 copies
	2. Housing Choice Voucher Family Self Sufficiency Program Coordinators: Submit original and one copy to the GMC and one copy to your local HUD field office (PIH). HUD Grants Management Center (GMC) Mail Stop: Housing Choice Voucher Family Self-Sufficiency Program Coordinators 501 School Street, SW, 8th floor Washington, DC 20024	Original and 2 copies
	3. Public Housing Neighborhood Networks: Submit original and one copy to the GMC and one copy to your local HUD field office (PIH). HUD Grants Management Center (GMC) Mail Stop: Neighborhood Networks 501 School Street, SW, 8th floor Washington, DC 2002	Original and 2 copies
	4. Public Housing Family Self Sufficiency: Submit original and one copy to the GMC and one copy to your local HUD field office (PIH). HUD Grants Management Center (GMC) Mail Stop: Public Housing Family Self-Sufficiency Program 501 School Street, SW, 8th floor Washington, DC 20024	Original and 2 copies

Appendix C
Assistant Secretaries With Waiver Authority

Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
	5. Resident Opportunities and Self Sufficiency (ROSS): **a. Resident Service Delivery Models-Elderly/Disabled (RSDM):** **b. Service Delivery Models-Family:** **c. Homeownership Supportive Services:** All applicants submit an original and one copy to the GMC. HUD Grants Management Center (GMC) Mail Stop: [Insert name of funding category] 501 School Street, SW, 8th floor Washington, DC 20024 Additionally, Tribes and TDHEs submit one hard copy to the Denver Program Office of Native American Programs. U.S. Department of HUD, Denver Program Office of Native American Programs (DPONAP) 1670 Broadway, 23rd floor Denver, CO, 80202-4801 All other applicants submit one copy to your local HUD field office (PIH).	Original and 2 copies
Joseph F. Smith Deputy Director, Office of Healthy Homes and Lead Hazard Control (OHHLHC) Send requests for waivers to the following address: Department of Housing and Urban Development Attn: Joseph F. Smith, Deputy Director for the Office of Healthy Homes and Lead Hazard Control (OHHLHC) 451 Seventh St, SW, Room P3206 Washington, DC 20410 Telephone (202) 708-0310	**1. Healthy Homes Technical Studies Program:** Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies
	2. Healthy Homes Demonstration Program: Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies

Appendix C
Assistant Secretaries With Waiver Authority

Assistant Secretaries for HUD Programs	If Assistant Secretary Grants Your Waiver Request, Send Your Applications to the Following Program Locations	Number of Copies to Submit
	3. Lead Based Paint Hazard Control Grant Program: Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies
	4. Lead Hazard Reduction Demonstration Grant Program: Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies
	5. Lead Outreach Program: Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies
	6. Lead Tech Studies Program: Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies
	7. Operation Lead Elimination Action Program (LEAP): Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control Attn: Healthy Homes Tech Studies Program 451 Seventh St, SW, Room P3206 Washington, DC 20410	Original and 3 copies

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD-TA)

HOME
CHDO (HOME)
McKinney-Vento Homeless Assistance
HOPWA TA
CDBG TA
Youthbuild TA

Billing Code 4210-32-C

Community Development Technical Assistance Overview Information

A. Federal Agency Name. Department of Housing and Urban Development, Office of Community Planning and Development.

B. Funding Opportunity Title. Community Development Technical Assistance (CD–TA).

C. Announcement Type. Initial Announcement.

D. Funding Opportunity Number. The Federal Register number for this NOFA is FR–4950–N–03. The OMB approval number for this program is 2506–0166 for HOME Investment Partnerships Program (HOME), HOME Investment Partnerships Program for Community Housing Development Organizations [CHDO (HOME)], McKinney-Vento Homeless Assistance (Homeless), and Community Development Block Grants (CDBG), 2506–0133 for Housing Opportunities for Persons With AIDS (HOPWA), and 2506–0142 for Youthbuild.

E. Catalog of Federal Domestic Assistance (CFDA) Numbers. The HOME and CHDO (HOME) CFDA number is 14.239; Homeless is 14.235; HOPWA is 14.241; CDBG Entitlement Grants is 14.218; CDBG for Small Cities Program is 14.219; CDBG for States is 14.228; CDBG for Insular Areas is 14.225; CDBG—Section 108 is 14.248; Youthbuild is 14.243.

F. Dates. The application submission date is June 1, 2005.

G. Additional Overview and Content Information. Applicants interested in providing technical assistance to entities participating in HUD's community development programs should carefully review the General Section of the SuperNOFA and the information listed in this CD–TA NOFA. Funds are available to provide technical assistance for six separate program areas: HOME, CHDO (HOME), Homeless, HOPWA, CDBG, and Youthbuild. Applicants may apply for one, two, three, four, five, or all six CD–TA program areas. The application submission information is contained in this CD–TA NOFA at Section IV.B. Approximately $30.1 million is available. No cost sharing is required. Grants will be administered under cooperative agreements with significant HUD involvement (*see* Section II.C of this NOFA).

Full Text of Announcement

I. Funding Opportunity Description

A. CD–TA Purpose

The purpose of the CD–TA program is to provide assistance to achieve the highest level of performance and results for six separate community development program areas: (1) HOME; (2) CHDO (HOME); (3) Homeless; (4) HOPWA; (5) CDBG; and (6) Youthbuild. Information about the six community development programs and their missions, goals, and activities can be found on the HUD Web site at *http://www.hud.gov.*

B. Description of National TA and Local TA

There are two types of technical assistance (TA) funding available in this NOFA: National TA and Local TA.

National TA activities are those that address, at a nationwide level, one or more of the CD–TA program activities and/or priorities identified in Section III.C of this NOFA. National TA activities may include the development of written products, development of on-line materials, development of training courses, delivery of training courses previously approved by HUD, organization and delivery of workshops and conferences, and delivery of direct TA as part of a national program. Applicants for National TA must also be willing to work in any HUD field office area, although work in the field office areas is likely to be a negligible portion of National TA activities. National TA activities are administered by a Government Technical Representative (GTR) and Government Technical Monitor (GTM) at HUD Headquarters.

Local TA activities also must address the CD–TA program activities and/or priorities identified in this NOFA, however the Local TA is targeted to the specific needs of the HUD community development program recipients in the field office area in which the TA is proposed. Local TA activities are limited to the development of need assessments, direct TA to HUD community development program recipients, organization and delivery of workshops and conferences, and customization and delivery of previously HUD-approved trainings. Local TA will be administered by a GTR and GTM in the respective HUD field office.

C. Authority

HOME TA is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92. CHDO (HOME) TA is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12773); 24 CFR part 92. For the McKinney-Vento Act Homeless Assistance Programs TA, the Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.;* 24 CFR 583.140; Emergency Shelter Grants, Section 8 Moderate Rehabilitation Single Room Occupancy Program, and Shelter Plus Care TA are authorized by the FY2005 HUD Appropriations Act. HOPWA TA is authorized under the FY2005 HUD Appropriations Act. CDBG TA is authorized under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320); 24 CFR 570.402. Youthbuild TA is authorized under Title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992 (42 U.S.C. 12899); 24 CFR part 585.

II. Award Information

A. Available Funds

Approximately $30,120,000 is available for the CD–TA program. Additional funds may become available as a result of recapturing unused funds. This chart shows how the funds are divided among National TA and Local TA activities:

Program	National TA	Local TA
HOME	$2,216,000	$5,000,000
CHDO (HOME)	2,440,000	5,000,000
Homeless	6,000,000	3,000,000
HOPWA	2,000,000	0
CDBG	1,388,800	0
Youthbuild	3,075,200	0

The Local TA funds are divided among HUD's field office jurisdictions for the HOME, CHDO (HOME), and Homeless programs. No Local TA funds are available for HOPWA, CDBG, or Youthbuild.

The chart below shows the amounts available in dollars for Local TA by CD–TA program:

Local TA area	HOME	CHDO (HOME)	Homeless
Alabama	$100,000	$75,000	$40,000
Alaska	40,000	30,000	30,000
Arkansas	40,000	30,000	40,000
California—Northern and Arizona, Nevada	300,000	300,000	300,000
California—Southern	300,000	400,000	275,000

Local TA area	HOME	CHDO (HOME)	Homeless
Caribbean	50,000	75,000	40,000
Colorado and Montana, North Dakota, South Dakota, Utah, Wyoming	170,000	170,000	60,000
Connecticut	60,000	55,000	40,000
District of Columbia area	60,000	50,000	50,000
Florida—Southern	60,000	60,000	50,000
Florida—Northern	150,000	100,000	70,000
Georgia	125,000	75,000	50,000
Hawaii	70,000	0	40,000
Illinois	275,000	125,000	145,000
Indiana	90,000	50,000	25,000
Kansas and Missouri—Western	60,000	75,000	50,000
Missouri—Eastern	45,000	55,000	40,000
Kentucky	100,000	150,000	40,000
Louisiana	75,000	50,000	40,000
Maryland, except District of Columbia area	60,000	50,000	40,000
Massachusetts, Maine, New Hampshire, Rhode Island, Vermont	300,000	250,000	200,000
Michigan	200,000	225,000	138,000
Minnesota	75,000	140,000	52,000
Mississippi	70,000	125,000	50,000
Nebraska and Iowa	40,000	40,000	40,000
New Jersey	50,000	25,000	25,000
New Mexico	120,000	225,000	50,000
New York—Downstate	410,000	482,000	250,000
New York—Upstate	80,000	60,000	35,000
North Carolina	105,000	150,000	40,000
Ohio	215,000	116,000	125,000
Oklahoma	40,000	40,000	40,000
Oregon and Idaho	100,000	130,000	30,000
Pennsylvania—Eastern and Delaware	75,000	75,000	50,000
Pennsylvania—Western and West Virginia	145,000	158,000	57,000
South Carolina	55,000	34,000	40,000
Tennessee	125,000	150,000	40,000
Texas—Northern	250,000	250,000	88,000
Texas—Southern	60,000	20,000	40,000
Virginia, except District of Columbia area	80,000	80,000	40,000
Washington	50,000	50,000	50,000
Wisconsin	125,000	200,000	55,000

B. Performance Period

Awards will be for a period of up to 36 months. HUD, however, reserves the right to withdraw funds from a specific TA provider if HUD determines that the urgency of need for the assistance is greater in other field office jurisdictions or the need for assistance is not commensurate with the award.

C. Terms of Award

HUD will enter into a cooperative agreement with selected applicants for the performance period. Because CD–TA awards are made as cooperative agreements, implementation entails significant HUD involvement. Significant HUD involvement is required in all aspects of TA planning, delivery, and follow-up.

In addition to the requirements listed in the General Section of the SuperNOFA, selected applicants are subject to the following requirements:

1. Demand-Response System

All CD–TA awardees must operate within the structure of the demand-response system. Under the demand-response system, TA providers are required to:

a. When requested by a GTR, market the availability of their services to existing and potential recipients within the jurisdictions in which the assistance will be delivered;

b. Respond to requests for assistance from the GTR;

c. When requested by a GTR, conduct a needs assessment to identify the type and nature of the assistance needed by the recipient of the assistance;

d. Obtain the local HUD field office's approval before responding to direct requests for technical assistance from HOME Participating Jurisdictions (PJs), Community Housing Development Organizations (CHDOs), and McKinney-Vento Act Homeless Assistance, HOPWA, and CDBG grantees; and

e. For CHDO (HOME) TA providers, secure a letter from a PJ stating that a CHDO, or prospective CHDO to be assisted by the provider, is a recipient or intended recipient of HOME funds and indicating, at its option, subject areas of assistance that are most important to the PJ.

2. Training

When conducting training sessions as part of its CD–TA activities, CD–TA providers are required to:

a. Design the course materials as ''step-in'' packages so that HUD or other CD–TA providers may independently conduct the course on their own;

b. Make the course materials available to the GTR in sufficient time for review (minimum of three weeks) and receive concurrence from the GTR on the content and quality prior to delivery;

c. Provide all course materials in an electronic format that will permit wide distribution among TA providers, field offices, and HUD grantees;

d. Arrange for joint delivery of the training with HUD participation when requested by the GTR;

e. Deliver HUD-approved training courses that have been designed and developed by others on a ''step-in'' basis when requested; and

f. Send trainers to approved ''train-the-trainers'' sessions. The costs associated with attending these required sessions are eligible under the cooperative agreement.

3. Field Office Involvement Under National TA Awards

When National TA providers are undertaking activities in field office jurisdictions, the National TA providers must work cooperatively with HUD field offices. Providers must notify the applicable HUD field office of the planned activities; consider the views or recommendations of that office, if any; follow those recommendations, to the degree practicable; and report to the applicable field office on the accomplishments of the assistance.

III. Eligibility Information

A. Eligible Applicants

The eligible applicants for each of the six CD–TA programs are listed in the chart below. In accordance with the President's faith-based initiative, HUD welcomes the participation of eligible faith-based and other community organizations in the CD–TA programs.

Program	Eligible applicants
HOME	A for-profit or nonprofit professional and technical services company or firm that has demonstrated knowledge of the HOME program and the capacity to provide technical assistance services; A HOME Participating Jurisdiction (PJ); A public purpose organization, established pursuant to state or local legislation, responsible to the chief elected officer of a PJ; An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program; or A national or regional nonprofit organization that has membership comprised predominately of entities or officials of entities of PJs or PJs' agencies or established organizations.
CHDO (HOME)	A public or private nonprofit intermediary organization that customarily provides services, in more than one community, related to the provision of decent housing that is affordable to low-income and moderate-income persons or related to the revitalization of deteriorating neighborhoods; has demonstrated experience in providing a range of assistance (such as financing, technical assistance, construction and property management assistance) to CHDOs or similar organizations that engage in community revitalization; and has demonstrated the ability to provide technical assistance and training for community-based developers of affordable housing. **Note:** Any organization funded to assist CHDOs under CD–TA may not undertake CHDO set-aside activities itself within its service area while under cooperative agreement with HUD.
Homeless	A state; A unit of general local government; A public housing authority; or A public or private nonprofit or for-profit organization, including educational institutions and area-wide planning organizations.
HOPWA	A for-profit or nonprofit organization; A state; or A unit of general local government.
CDBG	A state; A unit of general local government; A national or regional nonprofit organization that has membership comprised predominately of entities or officials of entities of CDBG recipients; A for-profit or nonprofit professional and technical services company or firm that has demonstrated knowledge of the CDBG program and the capacity to provide technical assistance services; or A public or private nonprofit or for-profit organization, including educational institutions and area-wide planning organizations.
Youthbuild	A public or private nonprofit agency that has significant prior experience in the operation of projects similar to the Youthbuild program and that has the capacity to provide effective technical assistance.

Applicants must also meet the threshold requirements of the General Section of the SuperNOFA, including the Civil Rights threshold in section III (C).

A consortium of organizations may apply for one or more CD–TA programs, but one organization must be designated as the applicant.

Applicants may propose assistance using in-house staff, sub-contractors, sub-recipients, and local organizations with the requisite experience and capabilities. Where appropriate, applicants should make use of TA providers located in the field office jurisdiction receiving services. This draws upon local expertise and persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed TA services.

B. Cost Sharing or Matching

None.

C. Other

1. Eligible Activities and Priorities

Funds may be used to provide TA to prospective applicants, applicants, grantees, and project sponsors of the HOME, CHDO (HOME), Homeless, HOPWA, CDBG, and Youthbuild programs. The TA activities may include but are not limited to written information such as papers, manuals, guides, and brochures; assistance to individual communities; needs assessments; and training. The priority TA areas for each of the six program areas are:

a. HOME TA. By statute, HUD may provide HOME program technical assistance to meet specified objectives. From these objectives, HUD has identified four HOME program technical assistance priorities. These priorities that result in measurable performance outputs and outcomes are:

(1) Improve the ability of PJs to design and implement housing programs that reflect sound underwriting, management, and fiscal controls; demonstrate measurable outcomes in the use of public funds; and provide accurate and timely reporting of HOME program accomplishments.

(2) Encourage public-private partnerships that yield an increase in the amount of private dollars leveraged for HOME-assisted projects and result in an increase in the commitment and production of HOME-assisted units.

(3) Assist PJs in developing strategies that ameliorate the affordability gap between rapidly increasing housing costs and the less rapid growth in incomes among low-income households, especially among underserved populations (*e.g.*, residents of the Colonias, homeless persons, and persons with disabilities).

(4) Assist PJs in developing strategies that increase and help sustain homeownership opportunities for low-income households—particularly low-income, minority households—and directly result in the commitment and completion of HOME-assisted units.

Some examples of measurable performance outputs and outcomes are given in Rating Factor 4.

b. CHDO (HOME) TA. (1) By statute, HUD may provide HOME program technical assistance to meet specified objectives. From these objectives, HUD has identified three CHDO-specific technical assistance priorities. These priorities that result in measurable performance outputs and outcomes are:

(a) Assist new CHDOs and potential CHDOs in developing the organizational capacity to own, develop, and sponsor HOME-assisted projects. A new CHDO is defined as a nonprofit organization that within three years of the publication of this NOFA was determined by a PJ to qualify as a CHDO. A potential CHDO is defined as a nonprofit organization that is expected by the PJ to qualify as a CHDO and is expected to enter into a written agreement with that PJ to own, develop, or sponsor HOME-assisted housing within 24 months of the PJ determining the organization qualifies as a CHDO. HUD welcomes the participation of otherwise eligible faith-based and community organizations.

(b) Improve the HOME program production and performance of existing CHDOs in the areas of:

(i) Program design and management, including underwriting, project financing, property management, and compliance; and

(ii) Organizational management and capacity, including fiscal controls, board development, contract administration, and compliance systems.

(c) Provide organizational support, technical assistance, and training to community groups for the establishment of community land trusts, as defined in section 233(f) of the Cranston-Gonzales National Affordable Housing Act.

(2) Additional CHDO (HOME) eligible activities are:

(a) Under the ''Pass-Through'' provision, CD–TA providers may propose to fund various operating expenses for eligible CHDOs that own, develop, or sponsor HOME-assisted housing. Such operating expenses may include reasonable and necessary costs for the operation of the CHDO including salaries, wages, and other employee compensation and benefits; employee education, training and travel; rent; utilities; communication costs; taxes; insurance; equipment, materials, and supplies.

(b) CD–TA providers must establish written criteria for selection of CHDOs receiving pass-through funds. PJs must designate the organizations as CHDOs; and, generally, the organizations should not have been in existence more than three years.

CD–TA providers must enter into an agreement with the CHDO that the agreement and pass-through funding may be terminated at the discretion of HUD if no written legally binding agreement to provide assistance for a specific housing project (for acquisition, rehabilitation, new construction, or tenant-based rental assistance) has been made by the PJ with the CHDO within 24 months of initially receiving pass-through funding. The pass-through amount, when combined with other capacity building and operating support available through the HOME program, cannot exceed the greater of 50 percent of the CHDO's operating budget for the year in which it receives funds, or $50,000 annually.

c. Homeless TA. Homeless TA funds are available to provide McKinney-Vento Homeless Assistance Act-funded grantees, project sponsors, and potential recipients with skills and knowledge needed to develop and operate projects and activities. TA activities are focused on these priorities that result in measurable performance outputs and outcomes:

(1) Facilitate the exchange of information between community organizations to develop and implement a community-wide discharge plan for individuals exiting publicly-funded institutions (*e.g.*, criminal justice system, foster care system, mental health system) so that these individuals do not become homeless.

(2) Improve the ability of eligible applicants to develop and operate permanent housing projects for chronically homeless persons.

(3) Develop materials on effective grant administration for grantees and sponsors.

(4) Improve the ability of eligible grantees and sponsors in reaching out to chronically homeless persons.

(5) Improve the ability of grantees and sponsors in coordinating services available through mainstream resources with housing units available for homeless persons.

(6) Facilitate the formation of metropolitan, regional, and statewide Homeless Management Information Systems (HMIS) and improve the ability of communities to prepare data for their Annual Homeless Assessment Reports.

(7) Develop materials on effective grant management for Emergency Shelter Grants recipients, including guidance on IDIS implementation.

(A person experiencing chronic homelessness is defined as an unaccompanied individual with a disabling condition who has been continuously homeless for a year or more or has experienced four or more sustained episodes of homelessness over the last three years.)

d. HOPWA TA. HOPWA funds are available for technical assistance, training, and oversight activities which can be used to provide grantees, project sponsors, and potential recipients with the skills and knowledge to effectively develop, operate, and support HOPWA-eligible project activities that result in measurable performance outputs and outcomes. TA activities are focused on these priorities:

(1) Improve the ability of grantees to develop comprehensive housing strategies, through collaborative public and private partnerships, that coordinate the use of mainstream resources and promote the long-term sustainability of HOPWA-assisted rental housing programs.

(2) Identify and train grantees and project sponsors on successful examples of how local or regional employment and re-entry discharge planning programs and efforts can complement the overall delivery and effectiveness of housing and supportive services which result in greater client self-sufficiency and independence.

(3) Develop materials and training for grantees and project sponsors (a) on implementing and achieving long-term performance outcome measures that promote housing stability, reduce the risk of homelessness, and improve access to care; and (b) on implementing sound fiscal and financial management practices, including oversight of project sponsor activities.

(4) Develop materials that promote the utilization and coordination of Homeless Management Information Systems in the provision of HOPWA-assisted housing and supportive services for homeless and chronically homeless persons and persons at-risk of homelessness who are served under this program.

(5) Provide direct TA for local HOPWA programs in coordination with

HUD field office oversight and approval of TA and training efforts to support those HOPWA-funded projects. It is estimated that up to 40 percent of HOPWA TA funds will be made available for this purpose.

e. CDBG TA. HUD may provide CDBG program technical assistance to meet specified objectives, in particular the facilitating of skills and knowledge in planning, developing, and administering activities under the CDBG program for recipients and other entities that may need but do not possess such skill and knowledge, including measuring programs and activities under the CDBG program. Technical assistance funds will support local and state grantees' efforts in these areas as well as support for efforts to streamline the Consolidated Plan, program management, and analytical support of information for performance measurement. TA activities that result in measurable performance outputs and outcomes are focused on the following priorities:

(1) Assist grantees' efforts to streamline the Consolidated Plan, making it more results-oriented and useful to communities in assessing their own progress toward addressing the problems of low-income areas in their communities.

(2) Improve CDBG recipient understanding of performance measurement from a national programmatic perspective.

(3) Improve recipient knowledge and skills to develop and implement local CDBG performance measurement systems.

(4) Assist recipients' development of local CDBG performance measurement systems focused on outcomes.

(5) Develop model, local protocols that ensure accurate, required program recordkeeping and performance data by recipients, sub-recipients and sub-grantees.

(6) Develop materials on effective grant administration for grantees, sub-recipients, and sub-grantees.

(7) Improve CDBG and Section 108 program knowledge through program-specific recipient training.

f. Youthbuild TA. Youthbuild TA funds are available to provide appropriate training, information, and technical assistance to federally funded Youthbuild programs and to assist HUD in the management, supervision, and coordination of such Youthbuild programs. TA activities that result in measurable performance outputs and outcomes are focused on the following priorities:

(1) Improve the management and implementation of Youthbuild programs by providing on-site and telephone assistance, preparing appropriate instruction materials, and conducting training workshops on key aspects of the Youthbuild program.

(2) Improve Youthbuild program applications by providing assistance to eligible applicants in the preparation of their grant applications, giving priority to community-based organizations in the provision of this assistance.

(3) Strengthen Youthbuild program design by facilitating peer-to-peer assistance for Youthbuild grantee staff and disseminating best program practices that are identified through training workshops, peer-to-peer assistance, and on-site TA.

(4) Assist HUD in the management, supervision, and coordination of Youthbuild programs by preparing handbooks or printed materials to provide guidance to Youthbuild grantees and by collecting and analyzing performance evaluation data from Youthbuild grantees.

2. DUNS Requirement

Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. Applicants need to obtain a DUNS number to receive an award from HUD.

3. Other Eligibility Requirements

All applicants requesting funding from programs under this NOFA must be in compliance with the applicable threshold requirements found in the General Section of the SuperNOFA. Applicants that do not meet these requirements will be ineligible for funding.

4. False Statements

An applicant's false statement in an application is grounds for denial or termination of an award and grounds for possible punishment as provided in 18 U.S.C. 1001.

5. Environmental Review

Most activities under the CD–TA program are categorically excluded and not subject to environmental review under 24 CFR 50.19(b)(9) or (13), but in the case of CHDO (HOME) TA eligible activities, a proposal for payment of rent as part of CHDO operational costs will be subject to environmental review by HUD under 24 CFR part 50. If an applicant proposes to assist CHDO operating expenses that include rent, the application constitutes an assurance that the applicant and CHDO will assist HUD to comply with 24 CFR part 50; will supply HUD with all available and relevant information to perform an environmental review for the proposed property to be rented; will carry out mitigating measures required by HUD or select an alternate property; and will not lease or rent, construct, rehabilitate, convert or repair the property, or commit or expend HUD or non-HUD funds for these activities on the property to be rented, until HUD has completed an environmental review to the extent required by 24 CFR part 50. The results of the environmental review may require that the proposed property be rejected.

IV. Application and Submission Information

A. Addresses To Request Application Package

Electronic applications are to be submitted through Grants.gov/Apply. Applicants receiving a waiver of the electronic submission requirement should see the General Section, Appendix C for the address where to submit paper applications. The General Section provides instructions on steps required to receive a waiver and Appendix C provides the address for submitting the waiver request. Paper applications are not accepted without the applicant having received a waiver to the electronic submission requirement.

B. Content and Form of Application Submission

Applicants must submit a completed application for each National TA and Local TA area and program for which they are applying. For example, an applicant for National TA for HOME and for Local TA in three field office jurisdictions would submit four separate and distinct applications.

A completed application consists of an application submitted by an authorized official of the organization and containing all relevant sections of the application, as shown in the checklist below in Section IV.B.4.

1. Number of Copies

This section only applies to applicants that have received a waiver of the electronic submission requirement. Applicants for National TA must submit two copies of their application to HUD Headquarters. Applicants for Local TA must submit one copy of their application to HUD Headquarters and must also send one copy of their application to the HUD field office in which their organization is applying. See Section VII.C of this NOFA for information on field office addresses. Applicants for National TA must submit two copies of the application to: HUD Headquarters;

Robert C. Weaver Federal Building; 451 Seventh Street, SW., room 7218; Washington, DC 20410; Attention: CD–TA.

2. Page Limitation

Narratives addressing Factors 1–5 are limited to no more than 25 typed pages. That is, reviewers will not review more than 25 pages for all five factors combined, except that the page limit does not include the Form HUD–96010, Logic Model.

3. Prohibition on Materials Not Required

Materials other than what is requested in this NOFA are prohibited. Reviewers will not consider resumes, charts, letters, or any other documents attached to the application.

4. Checklist for Application Submission

Applicants submitting electronic copies should follow the procedures in the General Section and the application submission as posted on Grants.gov. The following checklist is provided to ensure that you have submitted the submission of all the required elements. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD–96011, Facsimile Transmittal. For applicants receiving a waiver of the electronic submission, the paper submission must be in the order provided below. All applicants should enter the applicant name, DUNS number, and page numbers on the narrative pages of the application.

—SF–424, Application for Federal Assistance (from General Section of SuperNOFA)
—An Application Cover Page indicating in bold (a) the type of TA proposed in the application whether HOME National, HOME Local, CHDO National, CHDO Local, Homeless National, Homeless Local, HOPWA National, CDBG National, or Youthbuild National; (b) the amount of funds requested in the application; and (c) for Local TA, the jurisdiction proposed in the application.
—A one-page Summary describing (a) each major component of the proposed TA approach; (b) the proposed cost of each major component; and (c) whether the component is integrally related to another component in order to be successful.
—Narrative addressing Factor 1
—Narrative addressing Factor 2
—Narrative addressing Factor 3
—Narrative addressing Factor 4
—Narrative addressing Factor 5
—HUD–96010, Logic Model
—HUD–424–CB, Grant Application Detailed Budget Form (from General Section of SuperNOFA)
—HUD–424–CBW, Detailed Budget Worksheet for Non-Construction Projects (from General Section of SuperNOFA)
—If applying for CHDO (HOME) TA, statement as to whether the organization proposes to pass through funds to new CHDOs.
—If applying for the CHDO (HOME) TA, a certification as to whether the organization qualifies as a primarily single-state provider under section 233(e) of the Cranston-Gonzales Affordable Housing Act.
—SF–LLL, Disclosure of Lobbying Activities (from General Section of SuperNOFA)
—HUD–2880, Applicant/Recipient Disclosure/Update Report (from General Section of SuperNOFA)
—SF–424, Supplement, Survey on Equal Opportunity for Applicants
—HUD–96011, Facsimile Transmittal (for electronic applications)

C. Submission Dates and Times

Please see Section F of the Overview Information and the General Section for submission dates and timely submission requirements.

D. Intergovernmental Review

Intergovernmental review is not applicable to CD–TA applications.

E. Funding Restrictions

An organization may not provide assistance to itself. An organization may not provide assistance to another organization with which it contracts or sub-awards funds to carry out activities under the TA award.

Funding from HOME and from CHDO (HOME) TA to any single eligible organization (excluding funds for organizational support and housing education ''passed through'' to CHDOs), whether as an applicant or sub-recipient is limited to not more than 20 percent of the operating budget of the recipient organization for any one-year period of each cooperative agreement. In addition, funding under either HOME or CHDO (HOME) TA to any single organization is limited to 20 percent of the $17,856,000 made available for HOME and CHDO (HOME) TA in FY2005.

Not less than 40 percent of the approximately $7,440,000 for CHDO (HOME) shall be made available for eligible TA providers that have worked primarily in one state. HUD will consider an applicant as a primarily single state TA provider if it can document that more than 50 percent of its past activities in working with CHDOs or similar nonprofit and other organizations (on the production of affordable housing, revitalization of deteriorating neighborhoods, and /or the delivery of technical assistance to these groups) was confined to the geographic limits of a single state.

No fee or profit may be paid to any recipient or sub-recipient of an award under this CD–TA NOFA.

F. Other Submission Requirements

The General Section of the SuperNOFA describes application submission procedures and how applicants may obtain proof of timely submission.

V. Application Review Information

A. Criteria

The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an application to be considered for funding is 75 with a minimum of 20 points on Factor 5. The CD–TA program is not subject to bonus points, as described in the General Section of the SuperNOFA.

Points are assigned on five factors. When addressing Factors 1–4, applicants should discuss the specific TA activities that will be carried out during the term of the cooperative agreement. Applicants should provide relevant examples to support the proposal, where appropriate. Applicants should also be specific when describing the communities, populations, and organizations that they propose to serve and the specific outcomes expected as a result of the TA.

Factor 5 relates to the capacity of the applicant and its relevant organizational experience. Rating of the ''applicant'' or the ''applicant's organization and staff'' includes in-house staff and any sub-contractors and sub-recipients which are firmly committed to the project. In responding to Factor 5, applicants should specify the experience, knowledge, skills, and abilities of the applicant's organization and staff, and any persons and organizations firmly committed to the project.

1. Rating Factor 1: Need/Extent of the Problem (10 Points)

a. For National TA applications: Sound and extensive understanding of need for TA in relation to the eligible activities and priorities listed in Section III C of this NOFA as demonstrated by objective information and/or data, such as information from HOME Snapshots, current census data, the American Housing Survey, or other relevant data sources.

b. For Local TA applications: Sound and extensive understanding of high priority needs for TA in the jurisdiction as demonstrated by objective information and/or data, such as information from HOME Snapshots, current census data, the American Housing Survey, or other relevant data sources.

In rating this factor, HUD will evaluate the extent to which the application demonstrates an understanding of the specific needs for TA and supports the description of need with reliable, program-specific, quantitative information. Applicants for HOME should, at a minimum, draw on HOME Snapshot information to demonstrate PJs' needs, in an area or nationwide, for additional training and capacity building. See *http://www.hud.gov/offices/cpd/affordablehousing/programs/home/snapshot/index.cfm.*

2. Rating Factor 2: Soundness of Approach (40 Points)

a. (25 points) For National TA applications: A sound approach for addressing the need for eligible TA activities in relation to the priorities listed in Section III C of this NOFA that will result in positive outcomes.

For Local TA applications: A sound approach for addressing high priority needs for TA in the jurisdiction that will result in positive outcomes.

In rating this factor, HUD will evaluate the extent to which the application presents and supports a detailed, feasible, practical approach for addressing TA needs (Local TA applications) or CD–TA program priorities (National TA applications), including techniques, timeframes, goals, and intended beneficiaries, and the likelihood that these activities will result in positive outcomes.

b. (10 points) A feasible work plan for designing, organizing, managing, and carrying out the proposed TA activities under the demand-response system.

In rating this factor, HUD will evaluate the applicant's understanding of the demand-response system and the extent to which the application demonstrates the efficiency of proposed activities.

c. (5 points) An effective assistance program to specific disadvantaged communities, populations, and/or organizations which previously have been underserved and have the potential to participate in the CD–TA program.

In rating this factor, HUD will evaluate the extent to which the applicant has identified specific disadvantaged or previously underserved communities, populations, and organizations and has developed an effective strategy for engaging their participation in the HOME, CHDO (HOME), Homeless, HOPWA, CDBG, or Youthbuild program, as applicable.

3. Rating Factor 3: Leveraging Resources (10 Points)

An efficient practical method to transfer manuals, guides, assessment forms, other work products, models, and lessons learned in its CD–TA activities to other CD–TA grantees and/or HOME, CHDO (HOME), Homeless, HOPWA, CDBG, or Youthbuild program beneficiaries.

In rating this factor, HUD will evaluate the extent to which the application demonstrates a cost-effective means of sharing resources developed under the CD–TA activities with a wide audience, including sharing information with other TA providers in the CD–TA program.

4. Rating Factor 4: Achieving Results and Program Evaluation (10 Points)

a. (5 points) An effective, quantifiable evaluation plan for measuring performance using the Logic Model with specific outcome measures and benchmarks, including—for HOME applicants—performance improvements as measured by the HOME Snapshot indicators.

In rating this factor, HUD will evaluate the extent to which the application has an evaluation plan that includes outcomes and is specific, measurable, and appropriate in relation to the activities proposed.

b. (5 points) Successful past performance in administering HUD CD–TA programs or, for applicants new to HUD's CD–TA Programs, successful past performance in providing TA in other community development programs. Applicants should include, as applicable, increases in CPD or community development program accomplishments as a result of TA (*e.g.*, number of homeless people or persons with HIV/AIDS receiving housing and services, efficiency or effectiveness of administration of CPD or community development programs, number of affordable housing units, HOME Snapshot indicators, timeliness of use of CPD or community development program funds).

In rating this factor, HUD will evaluate the extent to which the application demonstrates successful past performance that was timely and resulted in positive outcomes in the delivery of community development TA. HUD will also consider past performance of current CD–TA providers, including financial and other information in HUD's files.

5. Rating Factor 5: Capacity of the Applicant and Relevant Organizational Experience (30 Points) (Minimum for Funding Eligibility—20 Points)

a. (10 points) Recent and successful experience of the applicant's organization in providing TA in eligible activities and to eligible entities for the HOME, CHDO (HOME), Homeless, HOPWA, CDBG, or Youthbuild CD–TA programs, as applicable.

In rating this factor, HUD will consider the extent to which the application demonstrates successful experience within the last four years of providing TA related to the applicable CD–TA program.

b. (10 points) Depth of experience in managing multiple TA tasks, to multiple entities, and in more than one geographic area.

In rating this factor, HUD will consider the extent to which the application demonstrates ability to manage TA assignments effectively.

c. (10 points) Knowledgeable key personnel skilled in providing TA in one or more of the eligible activities for HOME, CHDO (HOME), Homeless, HOPWA, CDBG, and/or Youthbuild programs, as applicable; a sufficient number of staff or ability to procure qualified experts or professionals with the knowledge, skills, and abilities to deliver the proposed level of TA in the proposed service area in a timely and effective fashion; and an ability to provide CD–TA in a geographic area larger than a single city or county.

In rating this factor, HUD will consider the extent to which the application demonstrates the organization has an adequate number of key staff or ability to procure individuals with the knowledge of effective TA approaches and knowledge of HOME, CHDO (HOME), Homeless, HOPWA, CDBG, or Youthbuild program, as applicable.

B. Review and Selection Process

1. Review Types

Two types of reviews will be conducted. First, HUD will review each application to determine whether it meets threshold eligibility requirements. Second, HUD will review and assign scores to applications using the Factors for Award noted in Section V.A.

2. Rank Order

Once rating scores are assigned, rated applications submitted for each National TA program and for each Local TA program will be listed in rank order.

Applications within the fundable range (score of 75+ points with 20+ points for Factor 1) may then be funded in rank order under the CD–TA program and service area for which they applied.

3. Threshold Eligibility Requirements

All applicants requesting CD–TA must be in compliance with the applicable threshold requirements found in the General Section of the SuperNOFA and the eligibility requirements listed in Section III of this NOFA in order to be reviewed, scored, and ranked. Applications that do not meet these requirements and applications that were received after the submission deadline (see Section IV.F of the General Section of the SuperNOFA) will be considered ineligible for funding and will be disqualified.

4. Award Adjustment

In addition to the funding adjustment authority provided for in the General Section of the SuperNOFA, HUD reserves the right to adjust funding amounts for each CD–TA selectee. The amounts listed in the charts in Section II.A are provided to assist applicants to develop Local TA or National TA budgets and do not represent the exact amounts to be awarded. Once TA applicants are selected for award, HUD will determine the total amount to be awarded to any selected applicant based upon the size and needs of each of the selected applicant's service areas, the funds available for that area and CD–TA program, the number of other CD–TA applicants selected in that area or CD–TA program, and the scope of the TA to be provided.

Additionally, HUD may reduce the amount of funds allocated for field office jurisdictions to fund National CD–TA providers and other CD–TA providers for activities that cannot be fully budgeted for or estimated by HUD Headquarters or field offices at the time this NOFA was published. HUD may also require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than proposed in order to supplement or strengthen the CD–TA network in terms of the size of the area covered and types and scope of TA proposed.

If funds remain after all selections have been made, the remaining funds may be distributed among field offices for Local TA and/or used for National TA, or made available for other CD–TA program competitions.

VI. Award Administration Information

A. Award Notices

Successful applicants will receive notification from HUD in writing. Such notification is not an authorization to begin performance. Unsuccessful applicants will also receive notification from HUD in writing.

After selection, HUD requires that all selected applicants participate in negotiations to determine the specific terms of the cooperative agreement, including the budget. Costs may be denied or modified if HUD determines that they are not allowable, allocable, and/or reasonable. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant.

After selection for funding but prior to executing the cooperative agreement, the selected applicant must develop in consultation with the GTR, a Technical Assistance Delivery Plan (TADP) for each National TA award. The TADP must be approved by the GTR and delineate the tasks for each CD–TA program the applicant will undertake during the performance period. For Local TA awards and generally for National TA awards, prior to undertaking individual tasks, the selected applicant must develop in consultation with the GTR a Work Plan for specific activities. The TADP and the Work Plans must specify the location of the proposed CD–TA activities, the amount of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA activities, and the methodology to be used for measuring the success of the CD–TA. A detailed time schedule for delivery of the activities, budget summary, budget-by-task, and staffing plan must be included in the TADP and Work Plans.

B. Administrative and National Policy Requirements

After selection for funding but prior to award, applicants must submit financial and administrative information to comply with applicable requirements. These requirements are found in 24 CFR part 84 for all organizations except states and local governments whose requirements are found in 24 CFR Part 85. Cost principles requirements are found at OMB Circular A–122 for nonprofit organizations, OMB Circular A–21 for institutions of higher education, OMB Circular A–87 for states and local governments, and at 48 CFR 31.2 for commercial organizations. Applicants must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that the applicant's financial management system meets prescribed standards for fund control and accountability.

The requirements to Affirmatively Further Fair Housing do not apply.

C. Reporting

CD–TA awardees will be required to report to the GTR on, at a minimum, a quarterly basis unless otherwise specified in the cooperative agreement. As part of the required report to HUD, grant recipients must include a completed Logic Model (HUD 96010), which identifies output and outcome achievements.

VII. Agency Contacts

A. For Assistance

Applicants may contact HUD Headquarters at 202–708–3176, or they may contact the HUD field office serving their area shown in section VII.C. Persons with hearing and speech challenges may access the above numbers via TTY (text telephone) by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number). Information may also be obtained through the HUD website on the Internet at *http://www.hud.gov.*

B. List of Field Office Addresses

Applicants that receive a waiver of the electronic application submission requirements and need to submit copies of their application to HUD field offices should consult the following website for a listing of the HUD field office addresses to send Local TA applications: *http://www.hud.gov/offices/cpd/about/staff/fodirectors/index.cfm.*

At the site, the map allows the user to click on an area to obtain the field office address and other contact information.

VIII. Other Information

A. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control numbers 2506–0166 and 2506–0133. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and

a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 60 hours for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. HUD Reform Act

The provisions of the HUD Reform Act of 1989 that apply to the CD–TA program are explained in the General Section of the SuperNOFA.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Billing Code 4210-32-C

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of the Assistant Secretary for Public and Indian Housing, Office of Native American Programs.

B. *Funding Opportunity Title:* Community Development Block Grant (ICDBG) Program for Indian Tribes and Alaska Native Villages.

C. *Announcement Type:* Initial Announcement.

D. *Funding Opportunity Number:* The Federal Register number for this NOFA is FR–4950–N–16. The OMB approval number for this program is 2577–0191.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* The Catalog of Federal Assistance (CFDA) Number for the Indian Community Development Block Grant Program is 14.862.

F. *Dates:* Application Deadline: The application submission date is June 2, 2005.

G. *Optional, Additional Overview Content Information:*

1. Applicants for funding should carefully review the requirements identified in this Program NOFA and the General Section. Unless otherwise stated in this Program NOFA, the requirements of the General Section apply.

2. The total approximate amount of funding available for the ICDBG Program for FY2005 is $68,427,300, less $4,000,000 retained to fund Imminent Threat Grants, for a total of $64,427,300. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA.

3. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. Specific information on eligibility is located in Section III.A. of this NOFA.

Full Text of Announcement

I. Funding Opportunity Description

A. General

Title I of the Housing and Community Development Act of 1974, which authorizes Community Development Block Grants, requires that grants for Indian tribes be awarded on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR part 1003. Applicants within an Area ONAP's geographic jurisdiction compete only against each other for that Area ONAP's allocation of funds.

B. Authority

The authority for this program is Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the program regulations in 24 CFR part 1003.

C. Program Description

The purpose of the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG) is the development of viable Indian and Alaska Native communities, including the creation of decent housing, suitable living environments, and economic opportunities primarily for persons with low- and moderate-incomes as defined in 24 CFR 1003.4. The Office of Native American Programs (ONAP) in HUD's Office of Public and Indian Housing administers the program.

All Federally recognized Indian Tribes and Alaska Native Villages are eligible to participate in the ICDBG Program. Tribal organizations, as described in 24 CFR 1003.5, are also eligible applicants. Only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR part 1003. An application may include more than one project, but it cannot exceed the grant ceilings listed in Section IV. Projects funded by the ICDBG Program must meet the primary objective, defined at 24 CFR 1003.2, to principally benefit low- and moderate-income persons. Consistent with this objective, not less than 70 percent of the expenditures of each single purpose grant shall be for activities which meet the regulatory criteria at 24 CFR 1003.208 for:

1. Area Benefit Activities
2. Limited Clientele Activities
3. Housing Activities
4. Job Creation or Retention Activities

ICDBG funds may be used to improve housing stock, provide community facilities, improve infrastructure, and expand job opportunities by supporting the economic development of the communities, especially by nonprofit tribal organizations or local development corporations.

ICDBG single-purpose grants are distributed as annual competitive grants, in response to this NOFA. Additional information on eligible activities can be found in Section III.

ICDBG imminent threat grants are intended to alleviate or remove threats to health or safety that require an immediate solution as described at 24 CFR part 1003, subpart E. The problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In accordance with the provisions of 24 CFR part 1003, subpart E, we have retained $4,000,000 of the FY 2005 appropriation to meet the funding needs of imminent threat requests submitted to any of the Area ONAPs. The grant ceiling for imminent threat requests for FY 2004 is $425,000. This ceiling has been established pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for imminent threat funds by the deadline established in this NOFA. The deadline applies only to applications submitted for assistance under 24 CFR part 1003, subpart D, single purpose grants. Imminent threat requests may be submitted at any time after NOFA publication, and if the following criteria are met, the request may be funded until the amount set aside for this purpose is expended:

1. Independent verification from a third party (*i.e.*, Indian Health Service, Bureau of Indian Affairs) of the existence, immediacy and urgency of the threat must be provided;

2. The threat must not be recurring in nature, *i.e.*, it must represent a unique and unusual circumstance that has been clearly identified by the tribe or village;

3. The threat must affect or impact an entire service area and not solely an individual family or household.

4. It must be established that funds are not available from other local, state, or Federal sources to address the problem. The tribe or village must verify that Federal or local agencies that would normally provide assistance for such improvements have no funds available by providing a written statement to that effect. The tribe or village must also verify in the form of a tribal council resolution (or equivalent) that it has no available funds, including Indian Housing Block Grant Funds, for this purpose.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 24 CFR 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. Contact your Area ONAP office for more information on imminent threat.

D. Definitions Used in This NOFA

1. *Adopt.* To approve by formal tribal resolution.

2. *Assure.* As an applicant, you must state your compliance, or in the case of future actions, your intent to comply with a specific NOFA requirement.

3. *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement. Documentation should clearly and concisely support your response to the rating factor.

4. *Entity Other than Tribe.* A distinction is made between the requirements for point award under Rating Factor 3 if a tribe or an entity other than the tribe will assume maintenance and related responsibilities for projects other than economic development and land acquisition to support new housing. Entities other than the tribe must have the following characteristics:

(a) Must be legally distinct from the tribal government; (b) their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; (c) claims against such entities cannot be made against the tribal government; and (d) must have governing boards, boards of directors, or groups or individuals similar in function and responsibility to such boards which are separate from the tribe's general council, tribal council, or business council, as applicable.

5. *Homeownership Assistance Programs.* Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: (a) Subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; (b) finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; (c) acquire guarantees for mortgage financing obtained by low- and moderate-income homebuyers from private lenders (except that ICDBG funds may not be used to guarantee such mortgage financing directly, and grantees may not provide such guarantees directly); (d) provide up to 50 percent of any down payment required from a low- and moderate-income homebuyer; or (e) pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

6. *Leveraged Resources.* Leveraged resources are resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Leveraged resources include, but are not limited to: Tribal trust funds; loans from individuals or organizations; business investments; private foundations; state or federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

7. *Microenterprise Programs.* Tribes may apply for assistance to operate programs to fund the development, expansion, and stabilization of microenterprises. Microenterprises are defined as commercial entities with five or fewer employees, including the owner. Microenterprise program activities may entail the following assistance to eligible businesses: (a) Providing credit, including, but not limited to, grants, loans, loan guarantees, and other forms of financial support for the establishment, stabilization, and expansion of microenterprises; (b) providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and (c) providing general support, including, but not limited to, peer support programs, counseling, child care, transportation, and other similar services to owners of microenterprises and persons developing microenterprises.

8. *Operations and Maintenance (O&M) for Public Facilities and Improvements.* While various items of cost will vary in importance and significance depending on the type of facility proposed, there are items of expense related to the operation of the physical plant which must be addressed in a O&M plan (tribe assumes responsibility) or in a letter of commitment (entity other than tribe will assume these responsibilities). These items include daily or other periodic maintenance activities; repairs such as replacing broken windows; capital improvements or replacement reserves for repairs such as replacing the roof; fire and liability insurance (may not be applicable to most types of infrastructure projects such as water and sewer lines); and security (may not be applicable to many types of infrastructure projects such as roads). (Please note that while it is possible that the service provider may, in its agreement with a tribe, commit itself to cover certain or all facility O&M costs, as defined, these O&M costs do not include the program service provision costs related to the delivery of services (social, health, recreational, educational or other) which may be provided in a facility).

9. *Outcomes.* The ultimate impact you hope to achieve with the proposed project. Outcomes should be quantifiable measures or indicators and identified in terms of the change in the community, people's lives, changes in economic status, etc. Common outcomes could include increases in percent of housing units in standard condition, homeownership rates, or employment rates.

10. *Outputs.* Outputs are the direct products of a program's activities. They are usually measured in terms of the volume of work accomplished, such as the number of low-income households served, number of units constructed or rehabilitated, linear feet of curbs and gutters installed, or number of jobs created or retained. Outputs should be clear enough to allow HUD to monitor and assess your proposed project's progress if funded.

11. *Project Cost.* The total cost to implement the project. Project costs may be covered by both ICDBG and non-ICDBG funds and resources.

12. *Standard Housing/Standard Condition.* Housing that meets the housing quality standards (HQS) adopted by the applicant. The HQS adopted by the applicant must be at least as stringent as the Section 8 HQS contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Housing Choice Voucher Program) unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 HQS infeasible. You may submit, before the application submission deadline, a request for the approval of standards less stringent than Section 8 HQS. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for (a) a safe house, in physically sound condition with all systems performing their intended design functions; (b) a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and (c) an adequate space and privacy for all intended household members.

13. *Tribe.* **Please note:** when used in this NOFA the word ''tribe'' means an Indian tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos, Alaska Native Villages, Alaska Native Claims Settlement Act (ANCSA) Village Corporations, and ANCSA Regional Corporations.

II. Award Information

A. Available Funds

The FY2005 appropriation for the ICDBG Program is $68,427,300, less $4,000,000 retained to fund Imminent Threat Grants, for a total of $64,427,300. Funds that are carried over from previous fiscal years or are recaptured may also be used for grant awards under this NOFA.

B. Allocations to Area ONAPs

The requirements for allocating funds to Area ONAPs responsible for program administration are found at 24 CFR 1003.101. Following these requirements, based on an appropriation of $68,427,300 less $4,000,000 for Imminent Threat grants, the allocations for FY2005 are approximately as follows:

Eastern/Woodland	$7,293,860
Southern Plains	13,839,761
Northern Plains	9,175,317
Southwest	24,075,045
Northwest	3,235,327
Alaska	6,807,990
Total	64,427,300

C. Compliance with Regulations, Guidelines, and Requirements

Applicants awarded a grant under this NOFA are required to comply with the regulations, guidelines, and requirements with respect to the acceptance and use of Federal funds for this Federally-assisted program. Also, the grantee, by accepting the grant, provides assurance with respect to the grant that:

1. It possesses the legal authority to apply for the grant and execute the proposed program.

2. The governing body has duly authorized the filing of the application, including all understandings and assurances contained in the application and has directed and authorized the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. It will comply with HUD general administration requirements in 24 CFR Part 95.

4. It will comply with the requirements of Title II of Public Law 90–284 (25 U.S.C. 1301), the Indian Civil Rights Act. Federally recognized Indian tribes and their instrumentalities are subject to: The requirements of Title II of the Civil Rights Act of 1964, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973.

5. It will comply with the Indian preference provisions required in 24 CFR 1003.510.

6. It will establish written safeguards to prevent employees from using positions funded under the ICDBG programs for a purpose that is, or gives the appearance of being, motivated by private gain for themselves, their immediate family, or business associates. Employees are not otherwise limited from benefiting from program activities for which they are otherwise eligible.

7. It will give HUD and the Comptroller General access and right to examine all books, records, papers, or documents related to the grant for a period of not less than three years after program completion or until resolution of any final audit findings.

8. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.

9. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, implementing regulations at 49 CFR part 24 and the requirements of 24 CFR 1003.602.

10. The chief executive officer or other official of the applicant approved by HUD:

a. Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of the Act apply to the applicant's proposed program pursuant to 24 CFR 1003.605.

b. Is authorized and consents on behalf of the applicant and him/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.

Note: Applicants for whom HUD has approved a claim of incapacity to accept the responsibilities of the Federal government for purposes of complying with the environmental review requirements of 24 CFR part 58 pursuant to 24 CFR 1003.605 are not subject to the provision of paragraph 10.

11. It will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 and the regulations in 24 CFR part 135 (Economic Opportunities for Low and Very Low Income Persons) to the maximum extent consistent with, but not in derogation of, compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

12. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub. L. 102–522).

13. It will provide a drug-free workplace required by 24 CFR part 24, subpart F.

14. It will comply with 24 CFR, part 4, subpart A, showing full disclosure of all benefits of the project as collected by Form HUD–2880, Applicant/Recipient Disclosure Report.

15. Prior to submission of its application to HUD, the grantee has met the citizen participation requirements which includes following traditional means of member involvement, as required in 24 CFR 1003.604.

16. It will administer and enforce the labor standards requirements prescribed in 24 CFR 1003.603.

17. The project has been developed so that not less than 70 percent of the funds received under this grant will be used for activities that benefit low- and moderate-income persons.

18. The grantee agrees to comply with Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.'' Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202 is a condition of receipt of assistance under this NOFA.

D. Period of Performance

The period of performance for any grant awarded under this NOFA must be included in the Implementation Schedule, HUD–4125 and approved by HUD.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes. To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization), as required by 24 CFR 1003.5, by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 1003.5(b) on behalf of eligible tribes when one or more eligible tribe(s) authorize the organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act. The Bureau of Indian Affairs (BIA) or the Indian Health Service, as appropriate, must make a determination of such eligibility. This determination must be provided to the Area ONAP by the application submission date.

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

Applicants from within Alaska: Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG

application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 1003.5, a tribal organization that submits an application for activities in the jurisdiction of one or more eligible tribes or villages must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the ANCSA Village Corporation, and the ANCSA Regional Corporation.

On December 5, 2003 (68 FR 68180), the BIA published a **Federal Register** notice entitled, ''Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs.'' This notice provides a listing of Indian Tribal Entities in Alaska found to be Indian Tribes as the term is defined and used in 25 CFR part 83. Additionally, pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska Area ONAP prior to the application submission date. (*See* 24 CFR 1003.5 for a complete description of eligible applicants.)

B. Cost Sharing or Matching

Cost sharing or matching is not required under this grant; however, applicants who leverage this grant with other funds receive points. *See* Section V, (A)(3) Rating Factor 4.

C. Other

1. HUD Requirements

Applicants for single purpose grants must comply with the HUD Threshold Requirements listed in the General Section, Section III, C. 2. in order to receive an award of funds.

2. Program and Project Specific Requirements

a. Low- and Moderate-Income Status for Rehabilitation Projects. All households that receive grant assistance under a housing rehabilitation project must be of low- and moderate-income status.

b. Housing Rehabilitation Cost Limits. Grant funds spent on rehabilitation per unit must fall within the following limits for each Area ONAP jurisdiction:

Eastern/Woodlands: $35,000
Southern Plains: $30,000
Northern Plains: $45,000
Southwest: $40,000
Northwest $40,000
Alaska: $55,000

c. Commitment to Housing for Land Acquisition To Support New Housing Projects. For land acquisition to support new housing projects, your application must include evidence of a financial commitment and an ability to construct at least 25 percent of the housing units to be built on the land proposed for acquisition. This evidence must consist of one (or more) of the following: a firm or conditional commitment to construct (or to finance the construction of) the units; documentation that an approvable application for the construction of these units has been submitted to a funding source or entity; or, documentation that these units are specifically identified in the Indian Housing Plan (IHP), (one-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and Table 2, Financial Resources, Part II) submitted by or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (also known as the Native American Housing Block Grant (NAHBG) resources. If the IHP for the IHBG (also known as NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that the IHP will specifically reference the proposed project. The IHP submission must be within three years from when the land is acquired and ready for development.

d. Health Care Facilities. If you propose a facility that would provide health care services funded by the Indian Health Service (IHS), you must assure that the facility meets all applicable IHS facility requirements. We recognize that tribes that are contracting services from the IHS may establish other facility standards. These tribes must assure that these standards at least compare to nationally accepted minimum standards.

3. Program Related Threshold Requirements

a. Outstanding ICDBG Obligation. According to 24 CFR 1003.301(a), an applicant who has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule will be disqualified from the competition.

b. Compliance with Fair Housing and Civil Rights Laws. Applicants and subrecipients that are not federally recognized Indian tribes or their instrumentalities are subject to the Civil Rights Threshold requirements found in the General Section. Federally recognized Indian tribes and their instrumentalities are subject to: the requirements of Title II of the Civil Rights Act of 1964, known as the Indian Civil Rights Act; Section 109 prohibitions against discrimination based on age, sex, religion and disability; the Age Discrimination Act of 1975; and Section 504 of the Rehabilitation Act of 1973. To be eligible to apply, there must be no outstanding violations of these civil rights provisions at the time of application.

4. Project Specific Threshold Requirements

Applicants must meet all parts of the project specific threshold applicable to the proposed project. The thresholds are:

a. Housing Rehabilitation Project Thresholds. In accordance with 24 CFR 1003.302(a), for housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. You must submit with the application evidence the policies and standards have been adopted in accordance with tribal law or practice. You must also provide an assurance that project funds will be used to rehabilitate HUD-assisted houses only when the homebuyer's payments are current or the homebuyer is current in a repayment agreement except in emergency situation. The ONAP Administrator on a case-by-case basis may approve exceptions to this requirement.

b. Land Acquisition To Support New Housing Project Thresholds. No project specific thresholds.

c. New Housing Construction Project Thresholds. (1) In accordance with 24 CFR 1003.302 (b), new housing construction can only be implemented when necessary through a Community Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(2) In accordance with 24 CFR 1003.302, you must submit a current (in effect) tribal resolution adopting and identifying construction standards.

(3) In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(a) All households to be assisted under a new housing construction project must be of low- or moderate-income status;

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

(c) No other sources including an IHBG (also known as NAHBG) can meet the needs of the household(s) to be served; and

(d) Rehabilitation of the unit occupied by the household(s) to be assisted is not economically feasible, or the household(s) to be housed currently is in an overcrowded house (more than one household per house), or the household to be assisted has no current residence.

d. Homeownership Assistance Project Thresholds. No project specific thresholds.

e. Public Facilities and Improvements Project Thresholds. No project specific thresholds.

f. Economic Development Project Thresholds. In accordance with 24 CFR 1003.302, for economic development assistance projects, you must provide a financial analysis. The financial analysis must demonstrate that the project is financially feasible and the project has a reasonable chance of success. The analysis must also demonstrate the public benefit resulting from the ICDBG assistance. The more funds you request, the greater public benefit you must demonstrate. The analysis must also establish that to the extent practicable, reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds; any grant amount provided will not substantially reduce the amount of non-federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and that grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources.

g. Microenterprise Program Thresholds. No project specific threshold.

5. Public Service Projects

Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public service activities, you may not receive a single purpose grant solely to fund public service activities. Your application, however, may contain a public service component for up to 15 percent of the total grant. This component may be unrelated to the other project(s) included in your application. If your application does not receive full funding, we will reduce the public service allocation proportionately so that it comprises no more than 15 percent of the total grant award. In making such reductions, the feasibility of the proposed project will be taken into consideration. If a proportionate reduction of the public service allocation renders such a project infeasible, the project will not be funded. A complete description of Public Service Projects is located at 24 CFR 1003.201.

6. Restrictions on Eligible Activities

Activities that are eligible for ICDBG funding are identified at 24 CFR part 1003, subpart C. Please note that although this subpart has not yet been revised to include the restrictions on activity eligibility that were added to Section 105 of the CDBG statute by Section 588 of the Quality Housing and Work Responsibility Act of 1998, these restrictions apply. Specifically, ICDBG funds may not be used to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from one area to another, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs. Rating Factors 2 and 3 included under Section V. specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction (in certain circumstances as described in Rating Factors 2 and 3 in Section V.), housing rehabilitation, land acquisition to support new housing, homeownership assistance, public facilities and improvements, economic development, and microenterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. During the past few years, many tribes have experienced high incidences of mold growth in tribal homes and buildings. Renovation of affected buildings is eligible under housing rehabilitation or public facility improvement projects. For a complete description of eligible activities, please refer to 24 CFR part 1003, subpart C.

a. Acquisition of Property: This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Public Facilities and Improvements, or Economic Development depending on the purpose of the land acquisition to support new construction.

b. Assistance to Institutions of Higher Learning: If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

c. Assistance to Community Based Development Organizations (CBDOs): Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development, or energy conservation.

d. Clearance, Demolition: These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements, Economic Development, or Land to Support New Housing. Section 1003.201 (d) states ''Demolition of HUD-assisted housing units may be undertaken only with the prior approval of HUD.''

e. Code Enforcement: This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202.

f. Comprehensive Planning: This activity is eligible, and can be proposed, as part of any otherwise eligible project to the extent allowed by the 20 percent cap on the grant for planning/administration.

g. Energy Efficiency: Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

h. Lead Based Paint Abatement and Evaluation: These activities can be proposed under Housing Rehabilitation.

i. Non-Federal Share: ICDBG funds can be used as a match for any non-ICDBG funding to the extent allowed by such funding and the activity is eligible under 24 CFR part 1003, subpart C.

j. Privately and Publicly Owned Commercial or Industrial Buildings (real property improvements): These activities can be proposed under Economic Development. Privately owned commercial rehabilitation is subject to the requirements at 24 CFR 1003.202.

k. Privately Owned Utilities: Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

l. Removal of Architectural Barriers: This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. In addition, accommodation should be made for persons with all varieties of disabilities to enable them to benefit from these activities. This activity can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of structure where the barrier will be removed.

7. Application Screening

The Area ONAP will screen applications for single purpose grants. The Area ONAP will reject an application that fails this screening and will return the application unrated. The Area ONAP will accept your application if it meets all the criteria listed below as items a through f.

a. Your application is received or submitted in accordance with the requirements set forth under Application and Submission Procedures in Section IV of this Program NOFA;

b. You are eligible;

c. The proposed project is eligible;

d. Your application contains substantially all the components specified in Section IV. B. of this Program NOFA;

e. Your application shows that at least 70 percent of the grant funds are to be used for activities that benefit low- and moderate-income persons, in accordance with the requirements of 24 CFR 1003.208. For screening purposes only, HUD will use the 2000 census data if the data you submitted does not meet this screening requirement; and

f. Your application is for an amount that does not exceed the grant ceilings listed in Section IV. E.2.

IV. Application and Submission Information

A. Addresses to Request Application Package

The FY 2005 application is now available from *www.Grants.gov.* Applicants are required to submit an electronic application unless they receive a waiver to the requirement. Please see the General Section for information on electronic application submission, procedures for requesting a waiver, and timely submission and receipt requirements.

All information required to complete and return a valid application is included in the General Section and this program section. Appendices A and B in this program section include information and a list of forms required for application. Before preparing an application, applicants should carefully review the program description, ineligible activities, program and threshold requirements, and the General Section. Applicants should also review each rating factor listed in Section V, Application Review Information before writing a narrative response. Applicants should include all requested information, according to the instructions found in the NOFA and where applicable, in the General Section.

Copies of the General Section and ICDBG program section (including appendices) may be downloaded from the grants.gov website at *http://www.grants.gov/Apply,* or you may call HUD's NOFA Information Center at 800–HUD–8929 or for the hearing impaired, call 800–HUD–2209. If you experience any problems with downloading the General Section or the ICDBG program section, call the Grants.gov help desk at 800–518–GRANTS.

B. Content and Form of Application Submission

1. Application Information

To expedite the review of your application and ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, please indicate on the first page of each project submission, the type of project(s) being proposed: Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities and Improvements. This will help to ensure that the appropriate project specific thresholds and rating subfactors will be applied. Narrative statements submitted to support your application should be individually labeled to reflect the item the narrative is responding to, *e.g.* Factor 1, Capacity; Factor 2, Need; etc. Any narratives and scanned documents must be submitted as a zip file, single attachment to the electronic application. Additional information regarding electronic submissions can be found in the General Section,

If you are not submitting an electronic application and have received a waiver, please use separate tabs for each rating factor and rating subfactor. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the Program NOFA. It is recommended that you limit your narrative explanations to 200 words or less and provide the necessary data such as a market analysis, a pro forma, housing survey data, etc., that support the response. Include all relevant material to a response under the same tab. Only include documentation that will clearly and concisely support your response to the rating criteria.

HUD suggests that you do a preliminary rating for your project, providing a score according to the point system in Section V. This will show you how reviewers might score your project. Also, it will show you where the strengths and weaknesses of the application are located. This will help you determine where improvements can be made to your application prior to its submission.

The published **Federal Register** document is the official document that HUD uses to evaluate applications. Therefore, if there is a discrepancy between any materials published by HUD in hard copy or on *www.grants.gov,* or on any HUD Web site, and the **Federal Register** publication of the SuperNOFA, the information published in the SuperNOFA **Federal Register** publication (including any corrections published in the **Federal Register**) prevails.

2. Content of Application, Forms, and Assurances

The applicant must respond in narrative form to all five of the rating factors listed in Section V.A.3. of this Program NOFA. In addition, the applicant must submit all of the forms required in this section, along with other data listed below.

a. Demographic data. You may submit data that are unpublished and not generally available in order to meet the requirements of this section. Your application must contain a statement that the following criteria have been met:

(1) Generally available published data are substantially inaccurate or incomplete;

(2) Data that you submit have been collected systematically and are statistically reliable;

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

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

b. Publication of Community Development Statement. You must prepare and publish or post the community development statement portion of your application according to the citizen participation requirements of 24 CFR 1003.604. For publication and posting purposes, you may post or publish all narrative portions of the Statement if you include a statement that indicates that the entire Community Development Statement is available for public viewing and include the location, dates, and time it will be available for review.

c. Application Submission. Your application must contain the items listed below.

(1) Application for Federal Assistance (SF–424);

(2) SF–424 SUPP, Supplement Survey on Ensuring Equal Opportunity for Applicants;

(3) Applicant/Recipient Disclosure/ Update Report (HUD–2880);

(4) Acknowledgement of Application Receipt (HUD–2993). This form will be required only for applicants who have received a waiver of the electronic submission requirements and are submitting their paper copy application.

If the application has been submitted by a tribal organization as defined in 24 CFR 1003.5(b), on behalf of an Indian tribe, you must submit concurring resolutions from the Indian tribe stating that the tribal organization is applying on the tribe's behalf. Applicants must submit the resolution by either scanning it and attaching it as a file to your electronic application submission, or sending it via facsimile transmittal.

The other required items are as follows:

(5) Community Development Statement that includes:

(a) Components that address the general threshold requirement and the relevant project specific thresholds and rating factors;

(b) A schedule for implementing the project (Form HUD–4125, Implementation Schedule); and

(c) Cost information for each separate project, including specific activity costs, administration, planning, technical assistance, and total HUD share (Form HUD–4123, Cost Summary).

(6) A map showing project location, if appropriate;

(7) If the proposed project will result in displacement or temporary relocation, a statement that identifies:

(a) The number of persons (families, individuals, businesses, and nonprofit organizations) occupying the property on the date of the submission of the application (or date of initial site control, if later);

(b) The number to be displaced or temporarily relocated;

(c) The estimated cost of relocation payments and other services;

(d) The source of funds for relocation; and

(e) The organization that will carry out the relocation activities;

(8) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(9) If applicable, the demographic data statement described in Section IV.B.2.a. and Section V.A.3., Rating Factor 2 of this Program NOFA. The data accompanying the statement must identify the total number of persons benefiting from the project and the total number of low- and moderate-income persons benefiting from the project. To be considered, supporting documentation must include all of the following: a sample copy of a completed survey form; an explanation of the methods used to collect the data, and a listing of incomes by household.

(10) Optional submissions are:

(a) Client Comments and Suggestions (HUD–2994);

(b) Logic Model, HUD–96010;

A checklist identifying these forms is located in Appendix B.

3. Planning and Administrative Costs

Applicants must report project planning and administration costs on Form HUD–4123, Cost Summary. Planning and administrative costs cannot exceed 20 percent of the grant. The following criteria applies to planning and administrative costs:

a. Planning and administrative activities may only be funded in conjunction with a physical development activity.

b. If you are submitting an application for more than one project, costs must be broken down by project. Submit one Form HUD–4123 for each proposed project in addition to a consolidated Form HUD–4123 that includes costs for all proposed projects.

c. Do not include project costs (*i.e.* architectural/engineering, environmental, technical assistance, staff/overhead costs) directly related to project.

C. Submission Dates and Times

1. Application Submission Deadline

The application submission deadline is June 2, 2005. Applications submitted through *www.Grants.gov/Apply* must be received by Grants.gov no later than 11:59:59 Eastern time on the application submission date. If you have requested a waiver of the electronic submission requirements in the General Section, and are submitting a paper copy of your application, your completed application (one original and two copies) must be submitted to the United States Postal Service no later than 11:59:59 PM on the application submission date and be received by the designated Area Office of Native American Programs (ONAP) on or within 15 days of the application submission deadline. HUD will not accept any applications sent by e-mail or on a diskette, CD, or by facsimile. Please carefully follow the instructions in Section IV F. of the General Section for detailed information regarding application submission, delivery, and timely receipt requirements.

D. Intergovernmental Review

Executive Order 12372, Intergovernmental Review of Federal Programs, was issued to foster intergovernmental partnership and strengthen federalism by relying on state and local processes for the coordination and review of federal financial assistance and direct federal development. HUD implementing regulations are published in 24 CFR part 52. The Order allows each state to designate and entity to perform a state review function. The official listing of State Points of Contact (SPOC) for this review process can be found at *http://www.whitehouse.gov/omb/grants/spoc.html*. Please note that Indian tribes are not subject to the intergovernmental review process.

E. Funding Restrictions

1. Ineligible Activities

In general, any activity that is not authorized under the provisions of 24 CFR 1003.201–1003.206 is ineligible to be assisted with ICDBG grant funds. The regulations at 24 CFR 1003.207 govern ineligible activities and should be referred to for details. The following guidance is provided in determining the eligibility of other activities frequently associated with ICDBG projects.

a. Government Office Space. Buildings, or portions thereof, used *predominantly* for the general conduct of government cannot be assisted with ICDBG funds. Those buildings include, but are not limited to, local government office buildings, courthouses, and other headquarters of government where the governing body meets regularly. Buildings that contain both governmental and non-governmental services can be assisted as long as the ICDBG funds are used only for the non-governmental sections. Examples of ineligible buildings are a building to house the community development division or a tribal administration building. Your Area ONAP office should be consulted for projects of this nature.

b. General Government Expenses. Except as authorized in the regulations or under OMB Circular A–87, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance with ICDBG funds.

c. Maintenance and Operation Expenses. In general, any expenses associated with repairing, operating, or maintaining public facilities and services are not eligible for assistance. Specific exceptions to this general rule are operating and maintenance expenses associated with public service activities [24 CFR 1003.201(e)], office space for

program staff employed in carrying out the ICDBG program [24 CFR 1003.206(a)(4)], and interim assistance [24 CFR 1003.201(f)]. For example, where a public service is being assisted with CDBG funds, the cost of operating and maintaining that portion of the facility in which the service is located is eligible as part of the public service. Examples of ineligible operating and maintenance expenses are routine and non-routine maintenance and repair of streets, parks, playgrounds, water and sewer facilities, neighborhood facilities, senior centers, centers for persons with disabilities, parking facilities, and similar public facilities and, payment of salaries for staff, utility costs, and similar expenses necessary for the operation of public works and facilities.

d. New Housing Construction. The construction of new permanent residential structures and any program to subsidize or finance such new construction is ineligible unless carried out by a Community-Based Development Organization (CBDO) pursuant to 24 CFR 1003.204(a).

e. Furnishings and Personal Property. In general, the purchase of equipment, fixtures, motor vehicles, furnishings, or other personal property not an integral structural fixture is ineligible. Exceptions include when such purchases are necessary for use in grant administration (24 CFR 1003.206); necessary and appropriate for use in a project carried out by a CBDO (24 CFR 1003.204); used in providing a public service (24 CFR 1003.201(e)); or used as fire fighting equipment (24 CFR 1003.201(c)(1)(ii). However, ICDBG funds may be used to pay depreciation or use allowances (in accordance with OMB Circular A–87 or A–122 as applicable).

f. Construction Tools and Equipment. The purchase of construction tools and equipment is generally ineligible. However, compensation for the use of such tools and equipment through leasing, depreciation, or use allowances pursuant to OMB Circulars A–87 and A–122, as applicable, for an otherwise eligible activity is an eligible use of ICDBG funds. Exceptions include construction tools and equipment purchased for use as part of a solid waste facility (24 CFR 1003.201(c)(1)(ii)) and construction tools only (not equipment) purchased for use in a housing rehabilitation project being administered by the recipient using the force account construction method (24 CFR 1003.202(b)(8)).

g. Income Payments. In general, assistance shall not be used for income payments for housing or any other purpose. Income payments mean a series of subsistence-type grant payments made to an individual/family for items such as food, clothing, housing (rent/mortgage) or utilities, but excludes emergency payments made over a period of up to three months to the provider of such items or services on behalf of an individual/family. Examples of ineligible income payments include the payments for income maintenance and housing allowances.

2. Grant Ceilings: The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY2005 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern Woodlands.	ALL	$500,000
Southern Plains.	ALL	800,000
Northern Plains.	ALL	900,000
Southwest ...	50,001+	5,500,000
	10,501–50,000.	2,750,000
	7,501–10,500.	2,200,000
	6,001–7,500	1,100,000
	1,501–6,000	825,000
	0–1,500	605,000
Northwest	ALL	500,000
Alaska	ALL	500,000

For the Southwest Area ONAP jurisdiction, the population used to determine ceiling amounts is the Native American population that resides on a reservation or rancheria. Please contact that office before submitting your application if you are unsure of the population level to use to determine the ceiling amount for your tribe or if you believe that the level used for previous years needs to be revised or corrected. The Southwest ONAP must approve any corrections or revisions to Native American population data before you submit your application.

F. Other Submission Requirements

1. Mailing and Receipt Procedures

Specific information regarding mailing and receipt procedures for FY 2005 is located in the General Section, Section IV, F.

2. Addresses for Submitting Applications

HUD will only accept mailed applications if a waiver of the electronic delivery process has been approved by HUD. Information regarding electronic submission and waivers from the electronic submission requirement is located in the General Section. If a waiver of the electronic submission requirement is granted, submit the original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list identifying each Area ONAP jurisdiction is provided below.

If you are applying from this geographic location and a waiver from the electronic submission requirements has been granted, then . . .	Send your application to this area ONAP: (Persons with hearing and/or speech challenges may access the telephone numbers listed on this page via TTY (text telephone) by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number)
All States East of the Mississippi River, Plus Iowa and Minnesota.	Eastern/Woodlands Office of Native American Programs, Grants Management Division, 77 West Jackson Blvd., Room 2400, Chicago, IL 60604–3507, Telephone: (312) 886–4532, Ext. 2815 or 800–735–3239.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 301 N.W. 6th Street, Suite 200, Oklahoma City, OK 73102, Telephone: (405) 609–8520.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, UMB Plaza, 1670 Broadway, 23rd Floor, Denver, CO 80202–4801, Telephone: (303) 672–5465 or 888–814–2945.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, One North Central Avenue, Suite 600, Phoenix, AZ 85004–2361, Telephone: (602) 379–7220.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, 625 Silver Ave., SW Suite #300, Albuquerque, NM 87102–3185, Telephone: (505) 346–6923.

If you are applying from this geographic location and a waiver from the electronic submission requirements has been granted, then . . .	Send your application to this area ONAP: (Persons with hearing and/or speech challenges may access the telephone numbers listed on this page via TTY (text telephone) by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number)
Idaho, Oregon, Washington	Northwest Office of Native American Programs, Grants Management Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104–1000, Telephone: (206) 220–5270.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 3000 C. Street, Suite 401, Anchorage, AK 99503, (907) 677–9800.

V. Application Review Information

A. Criteria

1. RC/EZ/EC–II: Bonus points described in the General Section for projects located in RC/EZ/EC–II will not be awarded under this Program NOFA.

2. Rating Factors to Evaluate and Rate Applications: The factors for rating and ranking applications and the points for each factor are provided below. A maximum of 100 points may be awarded under Rating Factors 1 through 5. To be considered for funding, your application must receive a minimum of 15 points under rating factor 1 and an application score of 70 out of the possible total of 100, the maximum any project can receive. The following summarizes the points assigned to each rating factor and each rating subfactor and lists which rating subfactors apply to which project types. Please use this table to ensure you are addressing the appropriate rating subfactor for your project.

Rating factor	Rating sub-factor	Points	Project type
1	Total	30	Minimum of 15 Points Required.
	(1)(a)	10	All Project Types.
	(1)(b)	5 or 7*	All Project Types.
	(1)(c)	3 or 8*	All Project Types.
	(1)(d)	2 or 5*	All Project Types.
	(2)(a)	2 or 0*	All Project Types.
	(2)(b)	2 or 0*	All Project Types.
	(2)(c)	2 or 0*	All Project Types.
	(2)(d)	2 or 0*	All Project Types.
	(2)(e)	2 or 0*	All Project Types.
2	Total	20	
	1	5	All Project Types.
	(2)(a)	*15*	*Public Facilities and Improvements and Economic Development Projects.*
	(2)(b)	*15*	*New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects.*
	(2)(c)	*15*	*Microenterprise Programs.*
3	Total	35	
	(1)	14	All Project Types.
	(2)	5	All Project Types.
	(3)	1	By Project Type.
	(4)(a)	15	Public Facilities and Improvements.
	(4)(b)	*15*	*New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.*
	(4)(c)	15	Economic Development Projects.
	(4)(d)	15	Microenterprise Programs.
	(4)(e)	15	Land Acquisition to Support New Housing.
4	Total	10	All Project Types.
5	Total	5	All Project Types.
Total		*100*	*Minimum of 70 Points Required.*

* The first number listed indicates the maximum number of points available to current ICDBG grantees under this subfactor. The second number indicates the maximum number of points available to new applicants.

Rating Factor 1: Capacity of the Applicant (30 Points)

This Factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in accordance with your implementation schedule. If applicable, past performance in administering previous ICDBG grants will be taken into consideration. You must address the existence or availability of these resources for the specific type of activity for which you are applying. You must receive a minimum of 15 points under this Factor for your proposed activity to be eligible for funding. HUD will not rate any projects further that do not receive a minimum of 15 points under this factor. Please note: If your application is funded, you will be required to submit an annual status and evaluation report which will describe the status of completed activities and any remaining work to be done (see Section VI.C. Reporting). The

implementation schedule and/or the Logic Model, Form HUD 96010, you submit for this Factor will also be measured against actual progress if you are funded.

(1) *(20 points for current ICDBG grantees) (30 points for new applicants) Managerial, Technical, and Administrative Capability.*

Your application must include documentation demonstrating that you possess or can obtain managerial, technical, and/or administrative capability necessary to carry out the proposed project. Your application must address who will administer the project and how you plan to handle the technical aspects of executing the project in accordance with your implementation schedule. Typical documents that may be submitted include, but are not limited to, resumes of proposed staff, written summaries of qualifications and past experience, job descriptions, organizational charts and staffing plans, and references or letters of endorsement from others who have worked with the proposed staff.

(a) *(10 points). Managerial and Technical Staff.*

The extent to which your application provides documentation and describes the roles/responsibilities and the knowledge/experience of your overall proposed project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects in accordance with the implementation schedule for which funding is being requested. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake eligible program activities. In rating this Factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating Factor.

(10 Points). The applicant has provided documentation and adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested. Staff experience as described in the application is recent (within 5 years), relevant (pertains to the specific activities being proposed) and successful (has produced specific accomplishments).

(5 Points). The applicant has provided documentation and adequately describes the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing and implementing projects for which funding is being requested. However, one of the following applies: staff experience as described in the application is not recent (not within 5 years), is not relevant (does not pertain to the specific activities being proposed), or is not successful (did not produce specific accomplishments).

(0 Points). The applicant has not provided any documentation or adequately described the roles/responsibilities and the knowledge/experience of its overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning, managing, and implementing projects for which funding is being requested or more than one of the following applies: staff experience as described in the application is not recent (not within 5 years), is not relevant (does not pertain to the specific activity being proposed), or is not successful (did not produce specific accomplishments).

(b) *(5 points for current ICDBG grantees) (7 points for new applicants) Project Implementation Plan and Program Evaluation.*

The extent to which your project implementation plan identifies the specific tasks and timelines that you and your partner contractors and/or sub grantees will undertake to complete your proposed project on time and within budget. The Project Implementation Schedule, Form HUD–4125, may serve as this required schedule, provided that it is sufficiently detailed to demonstrate that you have clearly thought out your project implementation. The extent to which your project identifies, measures, and evaluates the specific benchmarks, outputs, outcomes, and/or goals of your project that enhance community viability. The Logic Model, Form HUD–96010, may serve as the format to address this information or you may provide a different format that provides the same information.

(5 points for current ICDBG grantees) (7 points for new applicants). The applicant submitted a project implementation plan that clearly specifies project tasks and timelines. The documentation identifies the steps in place to make adjustments to the work plan if tasks are not completed within established time frames. The applicant submitted clear project benchmarks, outputs, outcomes, and/or targets and identified objectively quantifiable program measures and/or evaluation process.

(3 points for current ICDBG grantees) (4 points for new applicants). The applicant submitted a project implementation plan that specifies project tasks and timelines. The applicant submitted project benchmarks, outputs, outcomes, and/or targets for each; however, did not clearly identify objectively quantifiable program measures and/or the evaluation process.

(0 points for current ICDBG grantees or new applicants). The applicant submitted a project implementation schedule that does not address all project tasks and timelines associated with the project. Project benchmarks, outputs, outcomes, and/or goals were not submitted, or if submitted, did not address either the quantifiable program measures and/or the evaluation process.

(c) *(3 points for current ICDBG grantees) (8 points for new applicants) Financial Management.*

This subfactor evaluates the extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. You must also describe how you will apply your financial management systems to the specific project for which you are applying. The application must include a tribal resolution or other written document signed by the appropriate entity according to tribal practices that adopts your financial management and/or internal control policies and procedures. The application will also be rated on the seriousness/significance of the findings related to your financial management system identified in your current audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your Independent Public Accountant that is dated within the past 12 months stating that your financial management system complies with all applicable regulatory requirements. If you are not required to have an audit, you will automatically receive points for this portion of the subfactor if you provide the other information required by this subfactor. For purposes of this subfactor, a current audit is one which has been submitted to the Federal Audit Clearinghouse within 9 months of the end of the

applicant's last fiscal year, or 30 days after receipt of the audit report from the auditor, whichever comes first.

(3 points for current ICDBG grantees) (8 points for new applicants). The applicant clearly described how it will apply its financial management systems to the proposed project. A tribal resolution or other written document signed by the appropriate entity according to tribal practices adopting financial management or internal control policies and procedures were included with the application. The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements.

(2 points for current ICDBG grantees) (4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its financial management systems to the proposed project, or it did not submit a tribal resolution or other written document adopting financial management or internal control policies and procedures. For purposes of this subfactor, a current audit is one which has been submitted to the Federal Audit Clearinghouse within 9 months of the end of the applicant's last fiscal year, or 30 days after receipt of the audit report from the auditor, whichever comes first.

(1 point for current ICDBG grantees) (2 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its financial management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its financial management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its financial management systems to the proposed project, and it did not submit a tribal resolution or other written document adopting financial management or internal control policies and procedures.

(0 points for current ICDBG grantees or new applicants). The applicant's current audit included serious or significant findings related to its financial management systems or if there is no current audit, the applicant did not submit a letter from its IPA stating its financial management systems comply with all regulatory requirements. No tribal resolution or other written document adopting financial management or internal control policies and procedures were submitted with the application, and the applicant did not describe how it would apply its financial management systems to the proposed project.

(d) *(2 points for current ICDBG grantees) (5 points for new applicants)* Procurement and Contract Management.

This subfactor evaluates the extent to which your application describes how your procurement and contract management policies and procedures will facilitate effective procurement and contract control over your proposed project and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. You must also describe how you will apply your procurement and contract management systems to the specific project for which you are applying. The application must include a tribal resolution or other written document signed by the appropriate entity according to tribal practices that adopts your procurement and contract management policies and procedures. The application will also be rated on the seriousness of the findings related to procurement and contract management identified in your current financial audit. If you are required to have an audit but do not have a current audit, you must submit a letter from your Independent Public Accountant stating that your procurement and contract management system complies with all applicable regulatory requirements. If you are not required to have an audit, you will automatically receive points for this portion of the subfactor if you provide the other information required by this subfactor.

(2 points for current ICDBG grantees) (5 points for new applicants). The applicant clearly described how its procurement and contract management policies and procedures will facilitate effective procurement and contract control over the proposed project, and meet the requirements of 24 CFR part 85 and 24 CFR part 1003. A tribal resolution or other written document signed by the appropriate entity according to tribal practices adopting procurement and contract management policies and procedures were included with the application. The applicant's current audit does not contain any serious or significant findings related to its procurement and contract management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its procurement and contract management system complies with all applicable regulatory requirements.

(1 point for current ICDBG grantees) (4 points for new applicants). The applicant's current audit does not contain any serious or significant findings related to its procurement or contract management system, or if there is no current audit, the applicant submitted a letter from its Independent Public Accountant stating that its procurement and contract management system complies with all applicable regulatory requirements. The applicant did not describe how it would apply its procurement and contract management systems to the proposed project, or it did not submit a tribal resolution or other written document adopting procurement and contract management policies and procedures.

(0 points for current ICDBG grantees or new applicants). The applicant's current audit included serious or significant findings related to its procurement and contract management systems or if there is no current audit, the applicant did not submit a letter from its IPA stating its procurement and contract management systems comply with all regulatory requirements. No tribal resolution or other written document adopting procurement or contract management policies and procedures were submitted with the application, and the applicant did not describe how it would apply its procurement and contract management systems to the proposed project.

(2) *(10 points for current ICDBG grantees) (0 points for new applicants)* Past Performance.

HUD will evaluate your experience in producing timely products and reports in any previous grant programs undertaken with HUD funds for the following performance measures. HUD reserves the right to take into account your past performance in meeting performance and reporting goals on any previous HUD awards. Applicants are not required to respond to the subfactors related to past performance. HUD will rely on information on file.

(a) *(2 points for current ICDBG grantees) (0 points for new applicants).* You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program.

(2 points). The applicant has made satisfactory progress in meeting the timeframes established in the implementation schedule, or was behind schedule but the applicant has

an approved revised implementation schedule that was submitted prior to application deadline.

(0 points). The applicant has not made satisfactory progress meeting timeframes in the most recently approved implementation schedule.

(b) *(2 points for current ICDBG grantees) (0 points for new applicants).*

(2 points). The applicant has submitted both the Annual Status and Evaluation Reports and Federal Cash Transaction Reports for ICDBG programs in a timely manner.

(1 point). The applicant has submitted either the Federal Cash Transaction Reports or the Annual Status and Evaluation Reports for ICDBG programs in a timely manner.

(0 points). The applicant has not submitted either of the required reports in a timely manner.

(c) *(2 points for current ICDBG grantees) (0 points for new applicants).* You have submitted close-out documents to HUD in a timely manner. Close-out documents are required for the ICDBG Program within 90 days of the date it is determined that the criteria for close-out at 24 CFR 1003.508 have been met.

(2 points). The applicant submitted close-out documents to HUD in accordance with the timeframe and criteria at § 1003.508.

(0 points). The applicant has not submitted close-out documents to HUD as required by § 1003.508.

(d) *(2 points for current ICDBG grantees) (0 points for new applicants).* You have submitted annual audits in a timely fashion in accordance with the ICDBG requirements and OMB Circular A–133 and its compliance supplements.

(2 points). The applicant has submitted annual audits in accordance with ICDBG requirements and OMB Circular A–133 and its compliance supplements, or if the applicant has not been required to submit an audit, it will receive 2 points.

(0 points). The applicant has not submitted annual audits in accordance with ICDBG requirements and OMB Circular A–133 and its compliance supplements.

(e) *(2 points for current ICDBG grantees) (0 points for new applicants).* You have resolved in a timely manner ICDBG monitoring findings and controlled audit findings or there are no findings in current reports.

(2 points). The applicant resolved open ICDBG monitoring findings and controlled audit findings in a timely manner. If there were no open audit or ICDBG monitoring findings (current grantees only), the applicant will receive 2 points.

(0 points). The applicant has not resolved open ICDBG monitoring findings and controlled audit findings in a timely manner.

Rating Factor 2: Need/Extent of the Problem (20 points)

This factor addresses the extent to which there is a need for the proposed project to address a documented problem among the intended beneficiaries.

(1) *(up to 5 points).* Your application includes quantitative documentation demonstrating that the proposed project meets an essential community development need by providing outcomes that are critical to the viability of the community.

(2) *(15 points).* Your project benefits the neediest segment of the population, in accordance with the Program's primary objective defined at 24 CFR 1003.2. The criteria for this sub-factor vary according to the type of project for which you are applying. Please note that you may submit data that are unpublished and not generally available in order to meet the requirements of this section. However, to do so, you must submit a demographic data statement along with supporting documentation as described in Section IV.B.2.a. For documenting persons employed by the project, you do not need to submit a demographic data statement and corresponding documentation. However, you do need to submit information that describes the nature of the jobs created or retained. Such information includes but is not limited to proposed job descriptions, salaries and the number of full-time equivalent positions. If you believe jobs will be retained as a result of the ICDBG project, include information that show clearly and objectively, that jobs will be lost without the ICDBG project. Jobs that are retained only for the period of the grant will not count under this rating factor.

(a) *Public Facilities and Improvements and Economic Development Projects.* The proposed activities benefit the neediest segment of the population, as identified below. For economic development projects, you may consider beneficiaries of the project as persons served by the project and/or persons employed by the project, and jobs created or retained by the project.

(15 points). 85 percent or more of the beneficiaries are low- or moderate-income.

(10 points). At least 75 percent but less than 85 percent of the beneficiaries are low- or moderate-income.

(5 points). At least 55 percent but less than 75 percent of the beneficiaries are low- or moderate-income.

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

(b) New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects. The need for the proposed project is determined by utilizing data from the tribe's 2005 IHBG formula information. The ratio is based on the dollars allocated to a tribe under the IHBG Program for Need divided by the sum of the number of AIAN households in the following categories:

—Annual income less than 30 percent of median income;
—Annual income between 30 percent and 50 percent of median income;
—Annual income between 50 percent and 80 percent of median income;
—Overcrowded or without kitchen or plumbing;
—Housing cost burden greater than 50 percent of annual income;
—Housing shortage (Number of low-income AIAN households less total number of NAHASDA and Formula Current Assisted Stock).

This ratio is computed for each tribe and contained in Appendix A.

(*15 points*). The dollar amount for the Indian tribe is $354–$675 or the tribe's total FY2005 IHBG amount was $100,000 or less and Appendix A of this NOFA indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

(*10 points*). The dollar amount for the Indian tribe is $67–$1,200.

(*5 points*). The dollar amount for the Indian tribe is $1,201–$1,999.

(*0 points*). The dollar amount for the Indian tribe is $2,000 or higher, or Appendix A indicates that the Indian tribe has no AIAN households experiencing income or housing problems.

(c) *Microenterprise Programs.*

A microenterprise is a business that has five or fewer employees, one or more of whom owns the enterprise. The owner(s) of the microenterprise must be low- or moderate-income and the majority of the jobs created or retained will be for low- or moderate-income persons. To evaluate need, the nature of the jobs created or retained will be evaluated. The owners of the microenterprises are low- and moderate-income *and:*

(*15 points*). All employees are low- or moderate-income.

(*10 points*). At least 75 percent but less than 100 percent of the employees are low- or moderate-income.

(*5 points*). At least 50 percent but less than 75 percent of the employees are low- or moderate-income.

(*0 points*). Less than 50 percent of the employees are low- and moderate-income.

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the quality and anticipated effectiveness of your proposed project's outcomes in enhancing community viability and in meeting the needs you have identified in Rating Factor 2 and the commitment to sustain your proposed project. The populations that were described in demographics that documented need should be the same populations that will receive the primary benefit of the proposed project.

(1) (*14 points*). Description of and Rationale for Proposed Project.

(*14 points*). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. The proposed project is described in detail and indicates why you believe the proposed project will be most effective in addressing the identified need. The proposed outcomes for the project clearly describe how the community's viability will be enhanced, including selection of measures listed in Rating Factor 5. The application includes a description of the size, type and location of the project and a rationale for project design. The application must also include anticipated cost savings due to innovative program design or construction methods. For land acquisition to support new housing projects, you must establish that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project.

(*9 points*). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described in detail and indicates why you believe the project will be most effective in addressing the identified need. Proposed outcomes that will enhance the community's viability are included. The application includes a description of the size, type and location of the project as well as a rationale for project design. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from this project. The application does not include anticipated cost savings due to innovative program design and/or construction methods.

(*5 points*). The proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The project is described and indicates why you believe the project will be most effective in addressing the identified need. Proposed outcomes are included but do not describe how the project will enhance community viability. The application includes a description of the size, type, and location of the project. For land acquisition to support new housing projects, the applicant has established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application does not include anticipated cost savings due to innovative program design and/or construction methods.

(*0 points*). The proposed project is not a viable and cost effective approach to address the needs outlined under Rating Factor 2 of the application. The proposed project is not described in detail with an indication of why the applicant believes the project will be most effective in addressing the identified need. Proposed outcomes describing how the project will enhance community viability are not included. For land acquisition to support new housing projects, the applicant has not established that there is a reasonable ratio between the number of net usable acres to be acquired and the number of low- and moderate-income households to benefit from the project. The application does not include anticipated cost savings due to innovative program design and/or construction methods.

(2) (*5 points*). Budget and Cost Estimates.

The quality, thoroughness, and reasonableness of the proposed project budget are documented. Cost estimates must be broken down by line item for each proposed activity, including planning and administration costs, and documented. You must submit documentation listing the qualifications of the person who prepared the cost estimate.

(3) (*1 point*). HUD Policy Priorities.

Your application addresses the goals for ''Improving Our Nation's Communities'', or ''Energy Star'', two of HUD's 2005 Policy Priorities, as described in Section V. B. 2 of the General Section. You must describe which of these two Policy Priorities you select and describe how your activity will meet the applicable goals.

(4) (*15 points*). *Commitment to Sustain Activities.*

Your application demonstrates your commitment to your community's viability by sustaining your proposed activities. The information provided is sufficient to determine that the project will proceed effectively.

The criteria for this sub-factor vary according to the type of project for which you are applying.

(a) Public Facilities and Improvement Projects.

(15 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, a tribal resolution is included in the application that adopts the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, the operation and maintenance plan is included in the application and addresses maintenance, repairs, insurance, security, and replacement reserves and includes a cost breakdown for annual expenses. If an entity other than the tribe commits to pay for operation and maintenance for the public facilities, a letter of commitment from the entity is included in the application that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume as well as necessary funds to provide for these responsibilities. Submission of the operation and maintenance plan is not required when an entity other then the tribe assumes operation and maintenance responsibilities. For public facility buildings only, a tribal resolution or letter of commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. In addition, letters of commitment from service providers are included which address both operating expenses and space needs.

(10 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, a tribal resolution is included in the application that adopts the operation and maintenance plan and commits the necessary funds to provide for these responsibilities. In addition, the operation and maintenance plan is included in the application and addresses most of the following items (maintenance, repairs, insurance, security, and replacement reserves) but does not include a satisfactory cost breakdown for annual expenses. If an entity other than the tribe commits to pay for operation and maintenance for the public facilities and maintenance, a letter of commitment from the entity is included in the application that identifies the maintenance responsibilities and, if applicable,

responsibilities for operations the entity will assume but no information committing the necessary funds to provide for these responsibilities is included. Submission of the operation and maintenance plan is not required when an entity other than the tribe assumes operation and maintenance responsibilities. For community buildings only, a tribal resolution or letter of commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. In addition, letters of commitment from service providers are included which address both operating expenses and space needs. Information provided is sufficient to determine that the project will proceed effectively.

(5 points). If a tribe assumes operation and maintenance responsibilities for the public facilities and improvements, a tribal resolution is included in the application that adopts the operation and maintenance plan and commits the necessary funds to provide for these responsibilities, or the operation and maintenance plan is included in the application and addresses most of the following items (maintenance, repairs, insurance, security, and replacement reserves). If an entity other than the tribe commits to pay for operation and maintenance for the public facilities and maintenance, the maintenance provider is identified and, if applicable, responsibilities for operations the entity will assume, but no letter of commitment is included. For public facility buildings only, no tribal resolution or letter of commitment is included in the application that identifies the source of and commits the necessary operating funds for any recreation, social or other services to be provided. However, letters of commitment to provide services are included but they do not address operating expenses and space needs. Information provided is sufficient to determine that the project will proceed effectively

(0 points). None of the above criteria is met.

(b) *New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.*

(15 points). The ongoing maintenance responsibilities are clearly identified for the tribe and/or the participants, as applicable. Any participant maintenance responsibilities are included on a statement to be signed by the participant as a condition of receiving grant assistance and the statement to be used is included in the application. If the tribe or another entity is assuming maintenance responsibilities, then the applicant must submit either a tribal resolution or letter of commitment to that effect.

(10 points). Maintenance responsibilities are identified, but lacking in detail, and the above statement (if applicable) to be signed by the participant, or the tribal resolution or letter of commitment regarding maintenance responsibilities is submitted.

(5 points). Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist, or there is no tribal resolution or letter of commitment or statement signed by the participant.

(0 points). None of the above criteria is met.

(c) *Economic Development Projects.*

You must include information or documentation which addresses or provides all of the following in the application: a description of the organizational system and capacity of the entity that will operate the business; documents which show that formal provisions exist for separation of government functions from business operating decisions, an operating plan for the project, and the feasibility and market analysis of the proposed business activity and the financial viability of the project.

Appropriate documents to include in the application to address these items include:

(i) Articles of incorporation, by-laws, resumes of key management positions and board members for the entity who will operate the business.

(ii) Business operating plan.

(iii) Market study no more than two years old and which has been conducted by an independent entity.

(iv) Feasibility study no more than two years old which indicates how the proposed business will capture a fair share of the market, and which has been conducted by an independent entity.

(v) Detailed cost summary for the development of the project.

(vi) Five year operating or cash flow financial projections.

(vii) For the expansion of an existing business, copies of financial statements for the most recent three years (or the life of the business, if less than three years).

The submitted documentation will be evaluated to determine the project's financial chance for success. The following information must be addressed to meet this requirement:

(i) Does the business plan seem thorough and the organization structure have quality control and responsibilities built in?

(ii) Does the business plan or market analysis indicate that a substantial market share is likely within five years?

(iii) Do the costs appear to be reasonable given projected income and information about inputs?

(iv) Does the business plan or cash flow analysis indicate that cash flow will be positive within the first year?

(v) Is the financial statement clean with no indications of concern by the auditor?

(15 points). All above documents applicable to the proposed project are included in your application and provide evidence that the project's chance for financial success is excellent.

(8 points). All or most of the above documents applicable to the proposed project are included and provide evidence that the project's chance for financial success is reasonable.

(0 points). Neither of the above criteria is met.

(d) *Microenterprise Programs.*

You must include the following information or documentation in the application that addresses or provides a description of how your microenterprise program will operate. Appropriate information to include in the application to address program operations includes:

(i) Program description. A description of your microenterprise program including the types of assistance offered to microenterprise applicants and the types of entities eligible to apply for such assistance.

(ii) Processes for selecting applicants. A description of your processes for analyzing microenterprise applicants' business plans, market studies and financial feasibility. For credit programs, you must describe your process for determining the loan terms (*i.e.* interest rate, maximum loan amount, duration, loan servicing provisions) to be offered to individual microenterprise applicants.

(15 points). All of the above information or documentation applicable to the proposed project are thoroughly addressed in the application and the chances for success are excellent.

(8 points). All or most of the above information or documentation applicable to the proposed project are addressed in the application and the chances for success are reasonable.

(0 points.) Neither of the above criteria is met.

(e) *Land Acquisition Projects to Support New Housing.*

Submissions must include the results of a preliminary investigation

conducted by a qualified independent entity demonstrating that the proposed site has suitable soil conditions for housing and related infrastructure, potable drinking water is accessible for a reasonable cost, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

(15 points).) The submissions include all of the above-mentioned items and all necessary infrastructure is in place.

(8 points). The submissions demonstrate that the proposed site(s) is/are suitable for housing but that not all necessary infrastructure is in place. A detailed description of resources to be used and a detailed implementation schedule for development of all necessary infrastructure demonstrates that such infrastructure, as needed for proposed housing development, will be developed in time for such development, but no later than two years after site purchase.

(0 points). Neither of the above criteria is met.

Rating Factor 4: Leveraging Resources (10 Points)

HUD believes that ICDBG funds can be used more effectively to benefit a larger number of Native American and Alaska Native persons and communities if projects are developed that use tribal resources and resources from other entities in conjunction with ICDBG funds. To encourage this, we will award points based on the percentage of non-ICDBG resources provided relative to project costs as follows:

Non-ICDBG resources to project costs	Points
Less than 5 percent	0
At least 5 percent but less than 10 percent	2
At least 10 percent but less than 15 percent	4
At least 15 percent but less than 20 percent	6
At least 20 percent but less than 25 percent	8
25 percent or more	10

Contributions which could be considered as leveraged resources for point award include, but are not limited to: Tribal trust funds; loans from individuals or organizations; private foundations; businesses; state or federal loans or guarantees; other grants including IHBG (also known as NAHBG) funds; donated goods and services needed for the project; land needed for the project; and, direct administrative costs. With the exception of land acquisition, funds that have been expended on the project prior to application submission will not be counted as leverage. Applicants are reminded that environmental review requirements under 24 CFR part 58 apply to the commitment or use of both ICDBG and non-ICDBG funds in a leveraged project. See Section VI.B.a. for information related to this requirement.

Contributions that will not be considered include, but are not limited to: Indirect administrative costs as identified in OMB Circular A–87, attachment A, section F; contributions of resources to pay for anticipated operations and maintenance costs of the proposed project; and, in the cases of expansions to existing facilities, the value of the existing facility.

To be considered for point award, letters of firm or projected commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe, which will be providing a contribution to the project, must accompany the application. The documentation must be received by HUD in the paper application package (if you have received a waiver of the electronic submission requirement) or for electronically submitted applications, the documentation must be scanned and submitted as part of the application documents or sent by facsimile transmittal. Applicants should follow the requirements for facsimile transmittal requirements in the General Section. All documents submitted must be received by the application submission dates and meet the timely receipt requirements to receive funding consideration.

To demonstrate the commitment of tribal resources, the application must contain a council resolution or legal equivalent that identifies and commits the tribal resources to the project, subject to approval of the ICDBG assistance. In the case of IHBG (also known as NAHBG) funds, whether the tribe or a TDHE administers them, an approved IHP must identify and commit the IHBG (also known as NAHBG) resources to the project. If the tribe/TDHE intends to include the leveraged commitment in a future IHP, the application must contain a council resolution or legal equivalent that identifies and commits the IHBG (also known as NAHBG) resources to the project subject to the same requirements as above.

To demonstrate the commitment of public agency, foundation, or other private party resources, a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the contribution may be subject, must be submitted with the application. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource and method for valuation, and the purpose of that resource within the proposed project. An official of the organization legally authorized to make commitments on behalf of the organization must sign the commitment.

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application submission deadline. For such projected resources, your application must include a statement from the contributing entity that describes why the firm commitment cannot be made at the current time and affirms that your tribe and the proposed project meets eligibility criteria for receiving the resource. In addition, a date by which the funding decisions will be made must be included. This date cannot be more than six months from the anticipated date of grant approval by HUD. Should HUD not receive notification of the firm commitment within 6 months of the date of grant approval, HUD will recapture the grant funds approved and will use them in accordance with the requirement of 24 CFR 1003.102.

In addition to the above requirements, for all contributions of goods, services and land, you must demonstrate that the donated items are necessary to the actual development of the project and include comparable costs that support the donation. Land valuation must be established using one of the following methods and the documentation must be contained in the application: A site specific appraisal no more than two years old; an appraisal of a nearby comparable site also no more than two years old; a reasonable extrapolation of land value based on current area realtor value guides; or, a reasonable extrapolation of land value based on recent sales of similar properties in the same area.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

This factor addresses the extent to which your project planning and proposed implementation reflect a coordinated, community-based process of identifying and addressing needs including assisting beneficiaries and the program to achieve self-sufficiency/sustainability. Please note that the Logic Model, HUD Form 96010, is not required for Rating Factor 5 under the ICDBG Program. However, applicants may use this form to address program evaluation requirements under Rating

Factor 1.(1).(b) of this Program NOFA, and measurable outputs and outcomes in Section (2) of this factor.

(1) (*2 points*). The application addresses the extent to which you have coordinated your proposed ICDBG activities with other organizations and/or tribal departments that are not providing direct financial support to your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. For example, your project is consistent with and, to the extent possible, identified in the IHP (One-Year Financial Resources Narrative; Table 2, Financial Resources, Part I., Line 1E; and, Table 2, Financial Resources, Part II) submitted by you or on your behalf for the IHBG (also known as NAHBG) Program. If the IHP for the IHBG (also known as NAHBG) program year that coincides with the implementation of the ICDBG proposed project has not been submitted, you must provide an assurance that when submitted, the IHP will specifically reference the proposed project.

(2) *(3 points).* Your proposed project will have measurable outputs and outcomes that will enhance community viability.

Outputs must include, where applicable:

- Number of houses rehabilitated;
- Number of jobs created or obtained;
- Square feet for any public facility;
- Number of education or job training opportunities provided;
- Number of homeownership units constructed or financed;
- Number of businesses assisted (including number of minority/Native American);
- Number of families proposed to be assisted with a drug-elimination program, or with a program to reduce or eliminate health related hazards.

Outcomes must include, where appropriate:

- Reduction in the number of families living in substandard housing;
- Increased income resulting from employment generated by project;
- Increased quality of life due to services provided by the public facility;
- Increased economic self-sufficiency of recipients of program beneficiaries;
- Increase in homeownership rates;
- Reduction of drug-related crime or health related hazards.

B. Reviews and Selection Process

1. Application Selection Process

You must meet all of the applicable threshold requirements listed in Section III.C.3. and 4. Your application must meet all screening for acceptance requirements and all identified applicant and project specific thresholds. HUD will review each application and assign points in accordance with the selection factors described in this section.

2. Threshold Compliance

The Area ONAP will review each application that passes the screening process to ensure that each applicant and each proposed project meets the applicant threshold requirements set forth in 24 CFR 1003.301(a) and the project specific threshold requirements set forth in 24 CFR 1003.302 and IIIV.C.3 and 4 of this Program NOFA.

3. Past Performance

An applicant's past performance is evaluated under Rating Factor 1, Capacity of the Applicant. Applicants are encouraged to address all performance-related criteria prior to submission of an application. An applicant must score a minimum of 15 points under Rating Factor 1 in order to meet the minimum point requirements outlined below in this Program NOFA.

4. Rating Panels

The Area ONAP office for your jurisdiction, as listed in Section IV.F.2., will rate applications. Rating panels may be used only for the summary review, after the application is rated, as discussed in Section V.B.5. below.

5. Rating

The Area ONAP will review and rate each project that meets the acceptance criteria and threshold requirements. After the applications are rated, a summary review of all applications will be conducted to ensure consistency in the application rating. The summary review will be performed by either the Grants Management Director (or designee) or by a panel composed of up to three staff members.

The total points for all rating factors are 100. A maximum of 100 points may be awarded under Rating Factors 1 through 5.

6. Minimum Points

To be considered for funding, your application must receive a minimum of 15 points under Rating Factor 1 and an application score of 70 out of the possible total of 100.

7. Ranking

All projects will be ranked against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. Projects will be selected for funding based on the final ranking to the extent that funds are available. The Area ONAP will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, the Area ONAP may approve a grant amount less than the amount requested. In doing so, the Area ONAP may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, the amount of funds required to achieve project objectives, and the reasonableness of the project costs. If the Area ONAP determines that there are not enough funds available to fund a project as proposed by the applicant, it may decline to fund that project and may fund the next highest-ranking project or projects for which adequate funds are available. The Area ONAP may select, in rank order, additional projects for funding if one of the higher-ranking projects is not funded or if additional funds become available.

8. Tiebreakers

When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the Area ONAP will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the Area ONAP will use the following factors in the order listed to resolve the tie:

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

(b) The applicant with the fewest active ICDBGs.

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

9. Technical Deficiencies and Pre-award Requirements

a. *Technical Deficiencies:* If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before HUD can make a grant award. After the application submission deadline, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and

ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. Examples of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application signed by an authorized official. In each case, HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be received within 14 calendar days of the date of receipt of the HUD notification. (If the submission date falls on a Saturday, Sunday, or federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or federal holiday). If the technical deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding.

b. *Pre-award Requirements.* Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Such documentation may include additional specifications on the scope, magnitude, timing or method of implementing the project; or information to verify the commitment of other resources required to complete, operate, or maintain the proposed project. HUD will notify applicants of any pre-award requirements by fax or by USPS, return receipt required. Responses to pre-award requirements must be received by the Area ONAP within 30 calendar days of receipt of the HUD notification. No extensions will be provided. If you do not respond within the prescribed period or your response is insufficient, the Area ONAP will determine that you have not met the requirements and will withdraw the grant offer. You may not substitute new projects for those originally proposed in your application and any new information will not affect your project's rating and ranking. The Area ONAP will award, in accordance with the provisions of this Program NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

10. Error and Appeals

Judgments made within the provisions of this Program NOFA and the program regulations (24 CFR part 1003) are not subject to claims of error. You may bring arithmetic errors in the rating and ranking of applications to the attention of the Area ONAPs within 30 days of being informed of your score. Please see Section VI.A.3 of the General Section for further information regarding errors.

11. Performance and Compliance Actions of Funding Recipients

HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

VI. Award Administration Information

A. Anticipated Announcement and Award Dates

Awards are expected to be announced by October 31, 2005. Once a Congressional Release date has been obtained, a grant award letter, a grant agreement, and other forms and certifications will be mailed to the recipient for signature and return to the Area ONAP.

As soon as rating and ranking are completed and it has been determined that the applicant has complied with any pre-award requirements (see Section V.B.9.b. of this Program NOFA), the grant will be awarded. The grant agreement, which is signed by HUD and the recipient, establishes the conditions by which both the Area ONAP and the recipient must abide during the life of the grant. All grants are conditioned upon the completion of all environmental obligations and approval of release of funds by the Area ONAP in accordance with the requirements of 24 CFR part 58. HUD may impose other grant conditions if additional actions or approvals are required before the use of funds.

B. Administrative and National Policy Requirements

1. Statutory and Regulatory Requirements

a. *Environmental Requirements.* As required by 24 CFR 1003.605, ICDBG grantees must perform environmental reviews of ICDBG activities in accordance with 24 CFR part 58 (as amended 9/29/03). Grantees and other participants in the development process may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification submitted by the grantee. The expenditure or commitment of ICDBG or nonfederal funds for such activities prior to HUD approval may result in the denial of assistance for the project or activities under consideration.

b. *Indian Preference.* HUD has determined that the ICDBG program is subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). The provisions and requirements for implementing this section are in 24 CFR 1003.510.

c. *Anti-discrimination Provisions.* Under the authority of Section 107(e)(2) of the CDBG statute, HUD waived the requirement that recipients comply with the anti-discrimination provisions in Section 109 of the CDBG statute with respect to race, color, and national origin. You must comply with the other prohibitions against discrimination in Section 109 (HUD's regulations for Section 109 are in 24 CFR part 6) and with the Indian Civil Rights Act.

d. *Conflict of Interest.* In addition to the conflict of interest requirements with respect to procurement transactions found in 24 CFR 85.36 and 84.42, as applicable, the provisions of 24 CFR 1003.606 apply to such activities as the provision of assistance by the recipient or sub-recipients to businesses, individuals, and other private entities under eligible activities that authorize such assistance.

e. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Section 3 requirements apply to the ICDBG Program, but as stated in 24 CFR 135.3(c), the procedures and requirements of 24 CFR part 135 apply to the maximum extent consistent with, but not in derogation of, compliance with Indian Preference.

2. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs

The policies, guidance and requirements of OMB Circular A–87, Cost Principles Applicable to Grants, Contracts and other Agreements with State and Local Governments; and OMB Circular A–122, Cost Principles for Nonprofit Organizations; and OMB Circular A–133, Audits of State and Local Governments, and Nonprofit Organizations; and the regulations at 24 CFR part 85, Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments apply to the award, acceptance, and use of assistance under the ICDBG program and to the remedies for noncompliance, except when inconsistent with the provisions of the Consolidated Appropriations Act, 2005 (Pub. L. 108–447; approved December 8, 2004) or the ICDBG program regulations at 24 CFR part 1003. Copies of the OMB Circulars may be obtained from EOP publications. Room 22000, New

Executive Office Building, Washington, DC 20503, telephone (202) 395–3080 (this is not a toll-free number) or (800) 877–8339 (TTY Federal Information Relay Service). Information may also be obtained from the OMB website at *http://www.whitehouse.gov/omb/circulars/index.html.*

C. Reporting

1. Post Award Reporting Requirements

a. *Quarterly Financial Reports.* Grant recipients must submit quarterly to the Area ONAP a SF–272, Federal Cash Transaction Report. The report accounts for funds received and disbursed by the recipient.

b. *Annual Status and Evaluation Report.* Recipients are required to submit this report in narrative form annually. The report is due 45 days after the end of the Federal fiscal year and at the time of grant close-out. The report must include:

(1) The narrative report must address the progress made in completing approved activities and include a list of work remaining, along with a revised implementation schedule if necessary. This should include progress on any outputs or outcomes specified in Rating Factor 5 and incorporated into the final award document;

(2) A breakdown of funds spent on each major project activity or category; and

(3) If the project has been completed, an evaluation of the effectiveness of the project in meeting the community development needs of the grantee, as well as the final outputs and outcomes.

c. *Minority Business Enterprise Report.* Recipients must submit this report on contract and subcontract activity during the first half of the fiscal year by April 10 and, by October 10 for the second half of the fiscal year.

d. *A close-out report must be submitted by the recipient within 90 days of completion of grant activities.* The report consists of the final Financial Status Report (forms SF 269 or 269A), the final Status and Evaluation Report including outposts and outcomes agreed upon in the final award document relating to Rating Factor 5 and the Close-Out Agreement.

More information regarding these requirements may be found at 24 CFR 1003.506 and 1003.508.

VII. Agency Contact(s)

A. General Questions

You should direct general program questions to the Area ONAP serving your area or to Barbara Gallegos, at 602–379–7215. Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8339 (the Federal Information Relay Service TTY). Other than the ''800'' numbers, these numbers are not toll-free. You should direct questions concerning downloading the electronic application, registering with *Grants.gov,* or other questions regarding the electronic application to the *Grants.gov* support desk at 800–518–GRANTS. You may also send an e-mail to *Support@Grants.gov.*

B. Technical Assistance

Before the application submission deadline, HUD staff will be available to provide you with general guidance and technical assistance about the requirements in the General Section and this Program NOFA. However, HUD staff is not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award.

VIII. Other Information

A. NOFA Training

Training for potential applicants on the requirements of the General Section and this Program NOFA will be provided by HUD via broadcast and webcast. Information on the training can be found in the General Section. The training schedule can be found on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

B. Paperwork Reduction Act Statement

The information collection requirements in this NOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0191. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond, to a collection of information unless the collection displays a valid OMB control number. Public reporting burden for the collection of information is estimated to average 43 hours per annum for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix A: Data to Determine Need for Factor 2 (for applicants for New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Assistance Projects). For applicants submitting applications for New Housing Construction, Housing Rehabilitation, Land Acquisition to Support New Housing, and Homeownership Acquisition Projects: The need for the proposed project for Factor 2 is determined by utilizing data from the tribe's 2005 IHBG formula information. The data is contained in Appendix A. Should you disagree with this information, please consult the IHBG formula customer service center at (800) 410–8808 for the process for challenging IHBG formula data. Persons with hearing and/or speech challenges should call 1–800–505–5908 (TTY).

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Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

*N/A = No income or housing problems

Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
ALASKA	Afognak	$1,101	ALASKA	Cantwell	$819
ALASKA	Ahtna, Incorporated	$1,175	ALASKA	Chalkyitsik	$1,226
ALASKA	Akhiok	$1,021	ALASKA	Chanega	$1,250
ALASKA	Akiachak	$1,126	ALASKA	Cheesh-Na	$955
ALASKA	Akiak	$1,261	ALASKA	Chefornak	$1,353
ALASKA	Akutan	$916	ALASKA	Chevak	$1,194
ALASKA	Alakanuk	$1,136	ALASKA	Chickaloon	$756
ALASKA	Alatna	$1,228	ALASKA	Chignik	$1,293
ALASKA	Aleknagik	$988	ALASKA	Chignik Lagoon	$2,083
ALASKA	Aleut Corporation	$12,500	ALASKA	Chignik Lake	$1,206
ALASKA	Algaaciq (St. Mary's)	$1,450	ALASKA	Chilkat	$731
ALASKA	Allakaket	$1,184	ALASKA	Chilkoot	$794
ALASKA	Ambler	$1,112	ALASKA	Chitina	$1,156
ALASKA	Anaktuvuk Pass	$1,406	ALASKA	Chuatbaluk	$1,069
ALASKA	Andreafski	$1,010	ALASKA	Chugach Alaska Corp.	$912
ALASKA	Angoon	$815	ALASKA	Chuloonawick	N/A
ALASKA	Aniak	$1,121	ALASKA	Circle	$1,106
ALASKA	Annette Island (Metlakakla)	$832	ALASKA	Clark's Point	$1,174
ALASKA	Anvik	$1,104	ALASKA	Cook Inlet Alaska Native Regional Corporation	$830
ALASKA	Arctic Slope Regional Corp.	N/A	ALASKA	Council	N/A
ALASKA	Arctic Village	$1,289	ALASKA	Craig	$890
ALASKA	Atka	$1,060	ALASKA	Crooked Creek	$1,168
ALASKA	Atmautluak	$1,246	ALASKA	Curyung (Dillingham)	$1,189
ALASKA	Atqasuk (Atkasook)	$1,824	ALASKA	Deering	$1,237
ALASKA	Baranof Island Regional Corporation	$808	ALASKA	Dot Lake	$926
ALASKA	Barrow	$1,415	ALASKA	Douglas	$684
ALASKA	Beaver	$1,102	ALASKA	Doyon Native Regional Corporation	$1,010
ALASKA	Belkofski	N/A	ALASKA	Eagle	$986
ALASKA	Bering Straits Regional Corp.	N/A	ALASKA	Eek	$1,300
ALASKA	Bill Moore's Slough	N/A	ALASKA	Egegik	$944
ALASKA	Birch Creek	$1,410	ALASKA	Eklutna	$854
ALASKA	Brevig Mission	$1,332	ALASKA	Ekuk	N/A
ALASKA	Bristol Bay Native Corp.	N/A	ALASKA	Ekwok	$1,155
ALASKA	Buckland	$1,140	ALASKA	Elim	$1,156
ALASKA	Calista Corporation	N/A	ALASKA	Emmonak	$1,075

Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

*N/A = No income or housing problems

Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
ALASKA	Evansville (Bettles Field)	$1,108	ALASKA	Klawock	$799
ALASKA	Eyak	$993	ALASKA	Kluti Kaah (Copper Center)	$890
ALASKA	False Pass	$1,330	ALASKA	Knik	$918
ALASKA	Fort Yukon	$1,056	ALASKA	Kobuk	$1,229
ALASKA	Gakona	$809	ALASKA	Kokhanok	$1,068
ALASKA	Galena	$1,251	ALASKA	Koliganek	$1,192
ALASKA	Gambell	$1,239	ALASKA	Kongiganak	$1,183
ALASKA	Georgetown	N/A	ALASKA	Koniag, Inc.	$1,226
ALASKA	Golovin (Chinik)	$1,271	ALASKA	Kotlik	$1,128
ALASKA	Goodnews Bay	$1,073	ALASKA	Kotzebue	$1,225
ALASKA	Grayling	$1,074	ALASKA	Koyuk	$1,215
ALASKA	Gulkana	$868	ALASKA	Koyukuk	$1,124
ALASKA	Hamilton	N/A	ALASKA	Kwethluk	$1,155
ALASKA	Healy Lake	$1,505	ALASKA	Kwigillingok	$1,220
ALASKA	Holy Cross	$1,089	ALASKA	Kwinhagak (Quinhagak)	$1,065
ALASKA	Hoonah	$887	ALASKA	Larsen Bay	$1,201
ALASKA	Hooper Bay	$1,163	ALASKA	Lesnoi (Woody Island)	$1,066
ALASKA	Hughes	$1,121	ALASKA	Levelock	$1,127
ALASKA	Huslia	$1,112	ALASKA	Lime	$1,192
ALASKA	Hydaburg	$838	ALASKA	Lower Kalskag	$1,125
ALASKA	Igiugig	$1,284	ALASKA	Manley Hot Springs	$1,193
ALASKA	Iliamna	$1,353	ALASKA	Manokotak	$1,131
ALASKA	Inalik (Diomede)	$1,267	ALASKA	Marshall	$1,160
ALASKA	Ivanoff Bay	$6,250	ALASKA	Mary's Igloo	N/A
ALASKA	Kaguyak	$25,000	ALASKA	McGrath	$1,144
ALASKA	Kake	$1,039	ALASKA	Mekoryuk	$924
ALASKA	Kaktovik	$1,632	ALASKA	Mentasta	$1,027
ALASKA	Kalskag	$1,231	ALASKA	Minto	$1,107
ALASKA	Kaltag	$1,045	ALASKA	Mountain Village (Asa'Carsarmiut)	$1,022
ALASKA	Kanatak	$1,129	ALASKA	Naknek	$1,009
ALASKA	Karluk	$1,486	ALASKA	NANA Corporation	N/A
ALASKA	Kasigluk	$1,167	ALASKA	Nanwelek (English Bay)	$983
ALASKA	Kassan	$853	ALASKA	Napaimute	N/A
ALASKA	Kenaitze	$822	ALASKA	Napakiak	$1,072
ALASKA	Ketchikan	$833	ALASKA	Napaskiak	$1,101
ALASKA	Kiana	$1,179	ALASKA	Nelson Lagoon	$900
ALASKA	King Cove	$1,219	ALASKA	Nenana	$1,047

Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

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Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
ALASKA	King Island	$1,143	ALASKA	New Stuyahok	$1,152
ALASKA	King Salmon Tribe	N/A	ALASKA	Newhalen	$1,095
ALASKA	Kipnuk	$1,104	ALASKA	Newtok	$1,146
ALASKA	Kivalina	$1,235	ALASKA	Nightmute	$999
ALASKA	Nikolai	$1,071	ALASKA	Scammon Bay	$1,268
ALASKA	Nikolski	$1,563	ALASKA	Selawik	$1,172
ALASKA	Ninilchik	$840	ALASKA	Seldovia	$812
ALASKA	Noatuk	$1,432	ALASKA	Shageluk	$1,055
ALASKA	Nome	$1,177	ALASKA	Shaktoolik	$1,028
ALASKA	Nondalton	$1,145	ALASKA	Sheldon's Point	$1,186
ALASKA	Noorvik	$1,158	ALASKA	Shishmaref	$1,271
ALASKA	Northway	$1,052	ALASKA	Shoonaq' Tribe of Kodiak	$895
ALASKA	Nuiqsut	$1,389	ALASKA	Shungnak	$1,240
ALASKA	Nulato	$1,038	ALASKA	Skagway	$737
ALASKA	Nunapitchuk	$1,053	ALASKA	Sleetmute	$1,118
ALASKA	Ohogamiut	N/A	ALASKA	Solomon	N/A
ALASKA	Old Harbor	$1,177	ALASKA	South Naknek	$942
ALASKA	Orutsararmuit (Bethel)	$1,167	ALASKA	Stebbins	$1,186
ALASKA	Oscarville	$1,192	ALASKA	Stevens	$1,091
ALASKA	Ouzinkie	$1,059	ALASKA	Stoney River	$1,071
ALASKA	Paimiut	N/A	ALASKA	Takotna	$1,167
ALASKA	Pauloff Harbor Village	N/A	ALASKA	Tanacross	$991
ALASKA	Pedro Bay	$1,042	ALASKA	Tanana	$1,147
ALASKA	Perryville	$1,337	ALASKA	Tatitlek	$855
ALASKA	Petersburg	$779	ALASKA	Tazlina	$1,101
ALASKA	Pilot Point	$999	ALASKA	Telida	N/A
ALASKA	Pilot Station	$1,046	ALASKA	Teller	$1,230
ALASKA	Pitka's Point	$1,174	ALASKA	Tetlin	$1,155
ALASKA	Platinum	$916	ALASKA	Tlingit Haida Central Council	$851
ALASKA	Point Hope	$1,653	ALASKA	Togiak	$1,161
ALASKA	Point Lay	$1,473	ALASKA	Toksook Bay	$1,124
ALASKA	Port Graham	$1,091	ALASKA	Tuluksak	$1,051
ALASKA	Port Heiden	$856	ALASKA	Tuntutuliak	$1,154
ALASKA	Port Lions	$980	ALASKA	Tununak	$1,013
ALASKA	Portage Creek	N/A	ALASKA	Twin Hills	$983
ALASKA	Qagan Tayagungin (Sand Point)	$1,125	ALASKA	Tyonek	$836
ALASKA	Qawalangin (Unalaska)	$1,657	ALASKA	Ugashik	$1,177
ALASKA	Rampart	$1,281	ALASKA	Umkumiute	N/A
ALASKA	Red Devil	$1,084	ALASKA	Unalakleet	$1,129

Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

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Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
ALASKA	Ruby	$1,273	ALASKA	Unga	$12,500
ALASKA	Russian Mission (Yukon)	$850	ALASKA	Venetie	$1,016
ALASKA	Saint George	$1,289	ALASKA	Wainwright	$1,393
ALASKA	Saint Michael	$1,316	ALASKA	Wales	$1,270
ALASKA	Saint Paul	$1,256	ALASKA	White Mountain	$1,131
ALASKA	Salamatoff	$839	ALASKA	Wrangell	$632
ALASKA	Savoonga	$1,225	ALASKA	Yakutat	$922
ALASKA	Saxman	$965			
CHICAGO	Aroostook Band of Micmac	$503	CHICAGO	Oneida Nation of New York	$541
CHICAGO	Bad River Band	$521	CHICAGO	Oneida Tribe	$512
CHICAGO	Bay Mills Indian Community	$612	CHICAGO	Onondaga Nation	$708
CHICAGO	Boise Forte Band of Minnesota Chippewa	$561	CHICAGO	Passamaquody Indian Tribe	$494
CHICAGO	Catawba Indian Tribe	$421	CHICAGO	Penobscot Tribe	$528
CHICAGO	Cayuga Nation	$618	CHICAGO	Pleasant Point	$524
CHICAGO	Coharie State Tribe	$446	CHICAGO	Poarch Band of Creek Indians	$430
CHICAGO	Eastern Cherokee	$468	CHICAGO	Pokagon Band of Potawatomi	$529
CHICAGO	Fond Du Lac Band of Minnesota	$575	CHICAGO	Red Cliff Band of Lake Superior Chippe	$510
CHICAGO	Forest County Potawatami	$1,200	CHICAGO	Red Lake Band of Chippewa	$577
CHICAGO	Grand Portage Band of Minnesota	$575	CHICAGO	Sac & Fox Tribe	$465
CHICAGO	Grand Traverse Band	$510	CHICAGO	Saginaw Chippewa	$1,486
CHICAGO	Haliwa-Saponi State Tribe	$475	CHICAGO	Saint Croix Chippewa	$685
CHICAGO	Hannahville Community	$612	CHICAGO	Sault Ste. Marie Tribe	$481
CHICAGO	Ho-Chunk Nation	$508	CHICAGO	Seminole Tribe	$581
CHICAGO	Houlton Band of Maliseets	$544	CHICAGO	Seneca Nation of New York	$648
CHICAGO	Huron Band of Potawatomi	$475	CHICAGO	Shakopee Sioux	$696
CHICAGO	Keweenaw Bay Indian Community	$643	CHICAGO	Sokagoan Chippewa Tribe	$747
CHICAGO	Lac Courte Oreilles	$573	CHICAGO	St. Regis Mohawk Tribe	$587
CHICAGO	Lac Du Flambeau Band	$549	CHICAGO	Stockbridge-Munsee Tribe	$550
CHICAGO	Lac Vieux Desert Band	$739	CHICAGO	Tonawanda Band of Senecas	$530
CHICAGO	Leech Lake Band of Minnesota Chippewa	$554	CHICAGO	Tuscarora Nation	$472
CHICAGO	Little River Band of Ottawa	$496	CHICAGO	Upper Sioux Indian Community	$612
CHICAGO	Little Traverse Bay Band	$507	CHICAGO	Waccamaw Siouan State Tribe	$461
CHICAGO	Lower Sioux	$980	CHICAGO	Wampanoag Tribe	$816
CHICAGO	Lumbee State Tribe	$463	CHICAGO	White Earth Band of Minnesota Chippewa	$488

Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

*N/A = No income or housing problems

Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
CHICAGO	Match-e-be-nash-she-wish Band of Potta	$473			
CHICAGO	Menominee Indian Tribe	$600	DENVER	Blackfeet Tribe	$558
CHICAGO	Miccosukee Tribe	N/A	DENVER	Cheyenne River Sioux	$595
CHICAGO	Mille Lacs Band of Minnesota Chippewa	$570	DENVER	Crow Creek Sioux	$553
CHICAGO	Mississippi Choctaw Tribe	$505	DENVER	Crow Tribe	$587
CHICAGO	MOWA Band of Choctaw Indians	$507	DENVER	Flandreau Santee Sioux	$1,081
CHICAGO	Narragansett Tribe	$563			
DENVER	Fort Belknap Indian Community	$648	OKLAHOMA	Choctaw Nation	$402
DENVER	Fort Peck Assiniboine and Sioux	$538	OKLAHOMA	Citizen Band Potawatomi Tribe	$416
DENVER	Ft. Berthold Affiliated Tribes	$568	OKLAHOMA	Comanche Tribe	$447
DENVER	Goshute Reservation	$595	OKLAHOMA	Coushatta Tribe	$3,333
DENVER	Lower Brule Sioux	$637	OKLAHOMA	Delaware Tribe	$432
DENVER	Northern Arapahoe	$522	OKLAHOMA	Delaware Tribe of Indians (Eastern)	$437
DENVER	Northern Cheyenne	$627	OKLAHOMA	Eastern Shawnee Tribe	$611
DENVER	NW Band of Shoshone Nation	$535	OKLAHOMA	Fort Sill Apache Tribe	$427
DENVER	Oglala Sioux of Pine Ridge Reservation	$616	OKLAHOMA	Iowa Tribe of Kansas and Nebraska	$453
DENVER	Omaha Tribe	$635	OKLAHOMA	Iowa Tribe of Oklahoma	$401
DENVER	Ponca Tribe of Nebraska	$491	OKLAHOMA	Jena Band of Choctaw	$394
DENVER	Rocky Boy Chippewa-Cree	$601	OKLAHOMA	Kaw Tribe	$390
DENVER	Rosebud Sioux	$644	OKLAHOMA	Kialegee Tribal Town	$388
DENVER	Salish and Kootenai Tribes	$479	OKLAHOMA	Kickapoo Tribe	$436
DENVER	Santee Sioux Tribe	$572	OKLAHOMA	Kickapoo Tribe of Oklahoma	$389
DENVER	Shoshone Tribe of the Wind River Reser	$558	OKLAHOMA	Kiowa Tribe	$414
DENVER	Sisseton-Wahpeton Sioux	$603	OKLAHOMA	Loyal Shawnee	$398
DENVER	Skull Valley Band of Goshute	N/A	OKLAHOMA	Miami Tribe	$383
DENVER	Southern Ute Tribe	$505	OKLAHOMA	Modoc Tribe	$3,125
DENVER	Spirit Lake Sioux Tribe	$594	OKLAHOMA	Muskogee (Creek) Nation	$387
DENVER	Standing Rock Sioux	$595	OKLAHOMA	Osage Tribe	$354
DENVER	Turtle Mountain Band of Chippewa	$635	OKLAHOMA	Otoe-Missouria Tribe	$382
DENVER	Uintah & Ouray Ute Indian	$501	OKLAHOMA	Ottawa Tribe	$379
DENVER	Utah Paiute Tribe	$581	OKLAHOMA	Pawnee Tribe	$421
DENVER	Ute Mountain Tribe	$507	OKLAHOMA	Peoria Tribe	$520
DENVER	Winnebago Tribe	$582	OKLAHOMA	Ponca Tribe	$385
DENVER	Yankton Sioux	$560	OKLAHOMA	Prairie Band of Potawatomi	$624

Appendix A
for use in Rating Factor 2

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*N/A = No income or housing problems

Office	Tribe	Need $/ Income + Conditions 2005
OKLAHOMA	Absentee-Shawnee	$560
OKLAHOMA	Alabama-Coushatta	$442
OKLAHOMA	Alabama-Quassarte Tribal Town	$387
OKLAHOMA	Apache Tribe	$464
OKLAHOMA	Caddo Tribe	$409
OKLAHOMA	Cherokee Nation	$405
OKLAHOMA	Cheyenne-Arapaho Tribes	$433
OKLAHOMA	Chickasaw	$398
OKLAHOMA	Chitimacha Tribe	$532
OKLAHOMA	Wichita Tribe	$507
OKLAHOMA	Wyandotte	$418
PHOENIX	Acoma Pueblo	$595
PHOENIX	Agua Caliente Band of Cahuilla	$612
PHOENIX	Ak-Chin	$462
PHOENIX	Alturas Rancheria	N/A
PHOENIX	Auburn Rancheria	$671
PHOENIX	Augustine Band of Cahuilla	N/A
PHOENIX	Barona Group of Capitan Grande	$1,699
PHOENIX	Berry Creek Rancheria	$634
PHOENIX	Big Lagoon Rancheria	$714
PHOENIX	Big Pine Band	$652
PHOENIX	Big Sandy Rancheria	$640
PHOENIX	Big Valley Rancheria	$678
PHOENIX	Blue Lake Rancheria	$1,389
PHOENIX	Bridgeport Paiute Indian Colony	$862
PHOENIX	Buena Vista Rancheria	$3,571
PHOENIX	Cabazon Band	N/A
PHOENIX	Cahuilla Band	$710
PHOENIX	California Valley	N/A
PHOENIX	Campo Band	$697
PHOENIX	Cedarville Rancheria	$862
PHOENIX	Chemehuevi	$561
PHOENIX	Chicken Ranch Rancheria	N/A
PHOENIX	Chico Rancheria	$615
PHOENIX	Cloverdale Rancheria	$666
OKLAHOMA	Quapaw Tribe	$356
OKLAHOMA	Sac and Fox of Missouri	$3,125
OKLAHOMA	Sac and Fox Tribe	$416
OKLAHOMA	Seminole Nation	$390
OKLAHOMA	Seneca-Cayuga	$369
OKLAHOMA	Texas Band of Kickapoo Indians	$418
OKLAHOMA	Thlopthlocco Tribal Town	$391
OKLAHOMA	Tonkawa Tribe	$507
OKLAHOMA	Tunica-Biloxi Tribe	$465
OKLAHOMA	United Keetoowah	$399
PHOENIX	Ely Shoshone	$647
PHOENIX	Enterprise Rancheria	$613
PHOENIX	Ewiiaapaayp Band of Kumeyaay	N/A
PHOENIX	Fallon Paiute-Shoshone	$558
PHOENIX	Fort Bidwell	$1,250
PHOENIX	Fort Independence	$1,087
PHOENIX	Fort McDermitt Paiute and Shoshone	$533
PHOENIX	Fort McDowell Yavapai Nation	$571
PHOENIX	Fort Mojave Tribe	$624
PHOENIX	Gila River	$608
PHOENIX	Graton Rancheria	$833
PHOENIX	Greenville Rancheria	$572
PHOENIX	Grindstone Rancheria	$633
PHOENIX	Guidiville Rancheria	$631
PHOENIX	Havasupai	$954
PHOENIX	Hoopa Valley	$674
PHOENIX	Hopi	$597
PHOENIX	Hopland Rancheria	$627
PHOENIX	Hualapai	$720
PHOENIX	Inaja Band	N/A
PHOENIX	Ione Band of Miwok Indians	$665
PHOENIX	Isleta Pueblo	$402
PHOENIX	Jackson Rancheria	N/A
PHOENIX	Jamul Indian Village	N/A
PHOENIX	Jemez Pueblo	$506
PHOENIX	Jicarilla Reservation	$542
PHOENIX	Kaibab Band of Paiute	$488

Appendix A
for use in Rating Factor 2

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Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
PHOENIX	Cochiti Pueblo	$460	PHOENIX	Karuk	$644
PHOENIX	Cocopah Tribe	$499	PHOENIX	La Jolla Band	$718
PHOENIX	Cold Springs Rancheria	$659	PHOENIX	La Posta Band	$833
PHOENIX	Colorado River Indian Tribes	$698	PHOENIX	Laguna Pueblo	$485
PHOENIX	Colusa Rancheria	$521	PHOENIX	Las Vegas Colony	$725
PHOENIX	Cortina Rancheria	$632	PHOENIX	Laytonville Rancheria	$849
PHOENIX	Coyote Valley Band	$673	PHOENIX	Lone Pine Paiute-Shoshone	$642
PHOENIX	Death Valley Timba-Sha	$553	PHOENIX	Los Coyotes Band of Cahuilla	$573
PHOENIX	Dry Creek Rancheria	$668	PHOENIX	Lovelock Colony	$600
PHOENIX	Duck Valley Shoshone-Paiute	$492	PHOENIX	Lower Lake Rancheria	$1,471
PHOENIX	Duckwater Shoshone	$553	PHOENIX	Lytton Rancheria of California	$665
PHOENIX	Elk Valley Rancheria	$431			
PHOENIX	Manchester Point Arena	$666	PHOENIX	San Ildefonso Pueblo	$418
PHOENIX	Manzanita Band	$1,471	PHOENIX	San Juan Pueblo	$546
PHOENIX	Mesa Grande Band	$693	PHOENIX	San Juan So Paiute Tribe	$570
PHOENIX	Mescalero Reservation	$550	PHOENIX	San Manuel Band	$1,724
PHOENIX	Middletown Rancheria	$682	PHOENIX	San Pasqual Band	$646
PHOENIX	Moapa Band of Paiute	$683	PHOENIX	San Rosa Band of Cahuilla	$862
PHOENIX	Mooretown Rancheria	$619	PHOENIX	Sandia Pueblo	$441
PHOENIX	Morongo Band of Cahuilla	$1,614	PHOENIX	Santa Ana Pueblo	$485
PHOENIX	Nambe Pueblo	$532	PHOENIX	Santa Clara Pueblo	$457
PHOENIX	Navajo Nation	$588	PHOENIX	Santa Rosa Rancheria	$719
PHOENIX	North Fork Rancheria	$645	PHOENIX	Santa Ynez Band of Chumash	$1,250
PHOENIX	Paiute-Shoshone of Bishop Colony	$522	PHOENIX	Santa Ysabel Reservation	$517
PHOENIX	Pala Bank	$615	PHOENIX	Santo Domingo Pueblo	$493
PHOENIX	Pascua Yaqui Tribe	$616	PHOENIX	Scotts Valley (Pomo)	$676
PHOENIX	Paskenta Band of Nomlaki Indian	$575	PHOENIX	Sherwood Valley Rancheria	$690
PHOENIX	Pauma Band	$615	PHOENIX	Shingle Springs Rancheria	$833
PHOENIX	Pechanga Band	$607	PHOENIX	Smith River Rancheria	$618
PHOENIX	Picayune Rancheria	$642	PHOENIX	Soboba Band	$954
PHOENIX	Picuris Pueblo	$485	PHOENIX	Stewarts Point Rancheria	$667
PHOENIX	Pinoleville Rancheria	$652	PHOENIX	Sulphur Bank Rancheria	$676
PHOENIX	Pit River Tribe	$625	PHOENIX	Summit Lake Paiute Tribe	N/A
PHOENIX	Pojoaque Pueblo	$423	PHOENIX	Susanville Rancheria	$572
PHOENIX	Potter Valley Rancheria	$649	PHOENIX	Sycuan Band	$2,381
PHOENIX	Pyramid Lake Paiute	$514	PHOENIX	Table Bluff Rancheria	$616
PHOENIX	Quartz Valley Reservation	$681	PHOENIX	Table Mountain Rancheria	N/A
PHOENIX	Quechan Tribe	$614	PHOENIX	Taos Pueblo	$494

Appendix A
for use in Rating Factor 2

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Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
PHOENIX	Ramona Band	N/A	PHOENIX	Te-Moak	$591
PHOENIX	Redding Rancheria	$623	PHOENIX	Tesuque Pueblo	$441
PHOENIX	Redwood Valley Rancheria	$647	PHOENIX	Tohono O'Odham Nation	$616
PHOENIX	Reno-Sparks Colony	$454	PHOENIX	Tonto Apache of Arizona	$478
PHOENIX	Resighini Rancheria	N/A	PHOENIX	Torres-Martinez Band of Cahuilla	$585
PHOENIX	Rincon Reservation	$649	PHOENIX	Tule River Indian Tribe	$859
PHOENIX	Robinson Rancheria	$705	PHOENIX	Tulomne Rancheria	$603
PHOENIX	Rohnerville Rancheria	$640	PHOENIX	Twenty Nine Palms Band	N/A
PHOENIX	Round Valley Reservation	$654	PHOENIX	Upper Lake Rancheria	$671
PHOENIX	Rumsey Rancheria	$1,042	PHOENIX	Utu Utu Gwaiti Paiute	$577
PHOENIX	Salt River Plma-Maricopa	$581	PHOENIX	Viejas Group of Capitan Grande	$730
PHOENIX	San Carlos Apache	$603	PHOENIX	Walker River Paiute Tribe	$596
PHOENIX	San Felipe Pueblo	$527	PHOENIX	Washoe Tribe	$609
PHOENIX	Apache)	$601	SEATTLE	Lummi Tribe	$607
PHOENIX	Winnemucca Colony	$1,111	SEATTLE	Makah Indian Tribe	$606
PHOENIX	Yavapai-Apache (Camp Verde)	$717	SEATTLE	Muckleshoot Indian Tribe	$618
PHOENIX	Yavapai-Prescott	$3,125	SEATTLE	Nez Perce Tribe	$520
PHOENIX	Yerington Paiute Tribe	$517	SEATTLE	Nisqually Indian Community	$674
PHOENIX	Yomba Shoshone Tribe	$694	SEATTLE	Nooksack Tribe	$615
PHOENIX	Ysleta Del Sur	$483	SEATTLE	Port Gamble Indian Community	$619
PHOENIX	Yurok Tribe	$638	SEATTLE	Puyallup Tribe	$622
PHOENIX	Zia Pueblo	$514	SEATTLE	Quileute Tribe	$668
PHOENIX	Zuni Tribe	$549	SEATTLE	Quinault Tribe	$623
			SEATTLE	Samish Nation	$597
SEATTLE	Burns-Paiute Colony	$538	SEATTLE	Sauk-Suiattle Indian Tribe	$652
SEATTLE	Chehalis Confederated Tribes	$732	SEATTLE	Shoalwater Bay Tribe	$615
SEATTLE	Coeur D'Alene Tribe	$606	SEATTLE	Siletz Confederated Tribes	$594
SEATTLE	Colville Confederated Tribes	$551	SEATTLE	Skokomish Indian Tribe	$638
SEATTLE	Coos Bay Confederated Tribes	$582	SEATTLE	Snoqualmie	$596
SEATTLE	Coquille Indian Tribe	$600	SEATTLE	Spokane Tribe	$506
SEATTLE	Cow Creek Tribes	$576	SEATTLE	Squaxin Island Tribe	$650
SEATTLE	Cowlitz Tribe	$571	SEATTLE	Stillaguamish Tribe	$597
SEATTLE	Fort Hall Shoshone-Bannock	$525	SEATTLE	Suquamish Tribal Council	$636
SEATTLE	Grand Ronde Confederated Tribe	$593	SEATTLE	Swinomish Indians	$791
SEATTLE	Hoh Indian Tribe	$681	SEATTLE	Tulalip Tribes	$723
SEATTLE	Jamestown S'Klallam Tribe	$602	SEATTLE	Umatilla Confederated Tribes	$703
SEATTLE	Kalispel Indian Community	$587	SEATTLE	Upper Skagit Tribe	$653

Appendix A
for use in Rating Factor 2

(IHBG Need Dollars Relative to Low Income Households and Housing Conditions, based on FY 2005 IHBG formula)

*N/A = No income or housing problems

Office	Tribe	Need $/ Income + Conditions 2005	Office	Tribe	Need $/ Income + Conditions 2005
SEATTLE	Klamath Indian Tribe	$554	SEATTLE	Warm Springs Confederated Tribes	$679
SEATTLE	Kootenai Tribe	$3,125	SEATTLE	Yakima Indian Nation	$703
SEATTLE	Lower Elwha Tribal Community	$630			

Appendix B: Forms.

The following forms are required for your ICDBG application.

2005 ICDBG APPLICATION CHECKLIST

1. ____ Application for Federal Assistance (SF-424).

2. ____ Applicant/Recipient Disclosure/Update Report (HUD-2880).

3. ____ Acknowledgment of Application Receipt (HUD-2993).

4. ____ Client Comments and Suggestions (HUD-2994), optional.

5. ____ If applicable, concurring resolutions from the Tribe(s) if the application is prepared by a "Tribal Organization" for one or more eligible applicants.

6. ____ Community Development Statement that includes:

6a ____ Components addressing relevant threshold requirements and rating factors.

6b ____ Cost information by project, including specific activity costs, administration, planning, and technical assistance (if any), other dollars to be included in the project, and total HUD share. (Use of HUD-4123, Cost Summary, is required).

6c ____ A schedule for implementing the project. (Use of HUD-4125, Implementation Schedule, is required).

7. ____ If applicable, a map showing project location.

8. ____ If applicable, displacement or temporary relocation information.

9. ____ If applicable, evidence of public disclosure (24 CFR 1003.606, Conflict of Interest).

10. ____ If applicable, survey and demographic data statement (see sample in Appendix B).

11. ____ Logic Model, HUD 96010 (optional for use with Factor 1 and Factor 5).

12. _____ Survey on Ensuring Equal Opportunity for Applicants, SF-424 Supplement

1. Application for Federal Assistance (SF-424). IMPORTANT: Previous versions of 424 and HUD-424 are obsolete. Please use the SF-424 form included in this application package and fill in all the required information.

   - The Catalog of Federal Domestic Assistance (CFDA) number for the ICDBG Program is 14.862.

- In Section 16, check the box 16b-No.

2. Applicant/Recipient Disclosure/Update Report (HUD-2880). This form is required and must be completed and submitted by all applicants to comply with Section 102 of the HUD Reform Act of 1989 (Public Law 101-235). Please note the following:

   - If the amount of assistance requested from HUD, states, and units of general local governments for the project in your application is less than $200,000 (in total), you are only required to complete Part I, (1) and (2) of the form. References in the instructions to the form to HUD housing projects do not apply to ICDBG funded housing activities; therefore, the applicant should check "no" under Section 1 (2).

   - If the $200,000 threshold is met or exceeded, Part II must list all other Federal, state or local funds requested (or to be provided to the project) regardless of amount.

   - References in the instructions to the form to HUD housing projects do not apply to ICDBG funded housing activities. Therefore, the applicant should check the "No" box under Part I (2) and sign where indicated.

   - Interested parties (as defined in the instructions to the form) must only be listed in Part III if their monetary interest in the project will exceed $50,000 or 10 percent of the assistance requested, whichever is less. However, these dollar or percentage thresholds do not apply to consultants who have assisted in the preparation of the application. They must be listed no matter what the dollar amount of their contract with the applicant.

   - For Part V--Report on Sources and Uses of Funds--please note that if information on sources and uses of all funds has been provided elsewhere in the application (such as on Form HUD 4123, Cost Summary), it is not necessary to repeat the information in Part V. However, you must note on Form 2880, where the information is located in the application.

3. Acknowledgment of Application Receipt (HUD-2993). Applicants complete the top section of the form. Area ONAPs complete the bottom section. All applicants must submit this form to HUD.

4. Client Comments and Suggestions (HUD-2994). Complete this form should you have comments and recommendations for improvements to the Program NOFA document. It is optional to complete this HUD form.

5. If applicable, concurring resolutions from the Indian Tribe(s) if a "Tribal Organization" prepares the application for one or more eligible applicants. Such resolutions are required from an otherwise eligible applicant if a tribal organization applies on its behalf. See 24 CFR 1003.5(b) of the Program regulations for additional information.

6. Community Development Statement

6a. Components that address the relevant threshold requirements and rating factors. This section of your application should include information necessary to address any general thresholds, project specific thresholds established for the type of project for which your Tribe has applied, and rating factors. Be specific to address all aspects of each relevant criterion and thresholds. It is important that these items be addressed as completely as possible since you may not submit additional information to address them once the application is submitted. If there are any questions regarding what project specific thresholds apply or under what rating factors your project will be rated, please contact the Area ONAP that serves your community for clarification prior to the submission of the application. Please refer to Section IV.E.3 and 4 of the Program NOFA for a description of the program and project specific thresholds. No required or optional form applies.

6b. Cost information by project. This is a very straightforward requirement. The use of form HUD-4123, Cost Summary, is required. Please make sure that the detailed cost estimates provided in the application component that provides the description of the project are accurately reflected in the cost summary.

An estimate of indirect costs may be included on the cost summary, but only if the indirect cost negotiation agreement is submitted with the application. Please note, since the cost of an OMB Circular A-133 audit is an indirect cost item, if an amount is entered on the cost summary for indirect cost, a separate amount for audit should not be included. As is indicated above, the total of administrative costs (direct and indirect) and planning costs cannot exceed 20 percent of the total grant award. Also as indicated, the amount provided for technical assistance activities cannot exceed ten percent of the grant award.

6c. A schedule for implementing the project. This application component should demonstrate that the project can be completed in a timely manner. The use of form HUD-4125, Implementation Schedule, is required. In completing this form please note that a project is defined as the item proposed for funding, e.g., the construction of a community building. In addition, for each project (except planning and technical assistance), there will be at least three component activities: Preparation and completion of an environmental review: construction (or rehabilitation) activities; and, project administration. Each of these component activities will have milestones that will be projected and tracked. If funds have been requested for technical assistance or a planning project, these activities should be treated as separate projects.

7. If applicable, submit a map showing project location. For most types of projects, a map that identifies the location of the proposed project and its service area will aid in the review of your application. Please remember that certain of the individuals involved in the review of your application may have no personal knowledge of your community and a map with this information will assist them in their review.

8. If applicable, submit displacement or temporary relocation information. If the proposed project will result in displacement or temporary relocation, a statement that identifies (a)

the number of persons (families, individuals, businesses and nonprofit organizations) occupying the property on the date of the submission; (b) the number to be displaced or temporarily relocated; (c) the estimated cost of relocation payments and other services; (d) the source of funds for relocation; and (e) the organization that will carry out the relocation activities must be included. Please note that ICDBG funds may be used to pay for eligible costs related to temporary relocation or displacement (see § 1003.602 for a description of grantee responsibilities).

9. If applicable, evidence of public disclosure. This is a required application component for housing rehabilitation or new housing construction if the proposed recipient of such assistance was a covered person as defined in 24 CFR 1003.606(c). See 24 CFR 1003.606(e) for requirements.

10. If applicable, submit a survey and demographic data statement. The primary objective of the ICDBG Program is that not less than 70 percent of the funds of each single purpose grant must be used for activities that benefit low- and moderate-income persons.

One way to meet this objective is to demonstrate that at least 51 percent of the persons who will benefit from the proposed project are of low- or moderate-income status (for other ways, see discussion below). HUD will use the best available demographic data to determine compliance with the 51 percent requirement. Applicants can rely on published data or conduct their own survey if they believe that generally published data is substantially inaccurate or incomplete. Sometimes (see below) the applicant has no choice but to submit a survey. If this is the case, you must state in your application that the survey and demographic data is true and correct to the best of your knowledge. To do this, you may submit a signed copy of the sample Survey and Demographic Data Statement attached below or you may submit an equivalent statement. The Area ONAP that serves your community has available low- and moderate-income limits by household size for your area. Contact that office for a copy of this information.

Identified below are common situations when you may want to use published data or when you might want to generate your own data. If you believe that your project does not fit one of these situations, please contact the Area ONAP that serves your community.

- Use of Published Data. You may want to use already published data when the benefits accrued to your community from your project are area-wide. Area-wide activities are those such as a community center that would serve the entire village or reservation. Census Bureau data has been used by some applicants to determine the percentage of low- and moderate-income persons by geographic area. The Area ONAP that serves your community may be able to provide this information for your area.

- Applicant Generated Data. There are circumstances under which an applicant MUST prepare and submit demographic data to meet the low- and moderate- income person benefit requirement. These cases include:

- For activities with area-wide benefits, if the service area is one that is listed as having less than 51 percent low-and moderate-income persons, but the applicant feels that the published data is inaccurate; other demographic data can be submitted for review. If the reliability of this information can be verified, HUD will use it. In addition, there will often be situations in which census data is not available for the service area of an area-wide benefit activity.

- For activities benefiting a small, discrete area of the community (such as a water/sewer extension), information must be provided to establish that at least 51 percent of the persons to be served are of low- or moderate-income status.

- For housing rehabilitation projects: All single-family units to be rehabilitated must be occupied by low- or moderate-income households.

- For new housing construction projects: All proposed beneficiary households must be of low- or moderate-income status.

HUD will review and accept demographic data provided by an applicant, if it is determined that the generally available, published data are substantially inaccurate or incomplete; the data provided has been collected systematically; and, to the greatest extent feasible, the data is independently verifiable. If HUD does not accept the data provided, the best available data will be used.

There are two special cases where the 70 percent objective can be demonstrated in alternative ways than listed above. The first case involves Economic Development Projects. The 51 percent low- or moderate-income benefit requirement can be demonstrated in one of two ways:

- By determining how many of the total number of jobs being created or retained will be available to or are held by low-and moderate-income persons. Availability is determined by the type and degree of skills required to qualify for the jobs created, as well as actions to be taken to insure that low-and moderate-income persons receive first consideration for the jobs.

- If the purpose of the project were to provide goods or services to an area in which at least 51 percent resident households are of low- or moderate-income status, the income characteristics of the service area would have to be documented as indicated above.

The second case involves groups presumed to be principally of low- or moderate- income status. Certain groups are presumed by HUD to be composed principally but not entirely of low- or moderate-income persons [see §1003.208(b)(1)(i)]. These groups are abused children, battered spouses, the elderly, handicapped persons, homeless persons, illiterate persons, and migrant farm workers. Proposed projects that would exclusively serve one of these groups automatically demonstrate the 51 percent low- or moderate-income benefit requirement.

Please note that the presumption of benefit will not affect point award under the "Need/Extent of the Problem" rating factor for public facilities and improvements and economic development. The award of points under these factors will be based on the provision in the application of beneficiary income information by household size.

11. Logic Model, HUD 96010 (optional for use to respond to Factor 1). References in instructions of the form to Rating Factor 5 are not applicable. Instead, this form may be used to address Rating Factor 1(b), Project Implementation Plan and Program Evaluation, and Rating Factor 5, Comprehensiveness and Coordination.

12. Survey on Ensuring Equal Opportunity for Applicants, SF-424 Supplement. If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

SAMPLE SURVEY AND DEMOGRAPHIC DATA STATEMENT

Applicant: _____

Project:* _____

The following demographic data is submitted for purposes of evaluating our application to the Indian Community Development Block Grant Program. By submitting this information with our application, we state we are in compliance with all of the following:

- ❖ Generally available, published data are substantially inaccurate or incomplete.
- ❖ Data provided have been collected systematically and are statistically reliable.
- ❖ Data provided are, to the greatest extent feasible, independently verifiable and data differentiate between reservation and BIA service area populations, when applicable.

In accordance with Section IV.B. of the Program NOFA, we have also submitted the following:

- ❖ Total number of persons benefiting from your proposed project.

(Include both native and non-native persons served)

- ❖ Number of persons benefiting who are low- and moderate-income.
- ❖ A sample copy of a completed survey form (see attachment).
- ❖ An explanation of the methods used to collect the data (see attachment).
- ❖ A listing of incomes by household (see attachment).

_____ _____

(President) (Chairperson) (Title-Other) (Secretary) (Clerk)

* A separate survey and demographic data statement (or its equivalent) must be submitted for each project that includes applicant generated data unless the service area is the same for each of the different projects. In such instances, a separate statement need not be submitted.

Cost Summary

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 8/31/2006)

See Instructions and Public Reporting Statement on back.

1. Name of Applicant (as shown in Item 5, Standard Form 424)	2. Application/Grant Number (to be assigned by HUD upon submission)

3. ☐ **Original** (check here if this is the first submission to HUD)	☐ **Revision** (check here if submitted with implementation schedule as part of pre-award requirements)	☐ **Amendment** (check here if submitted after HUD approval of grant)	Date (mm/dd/yyyy)

4. **Project Name & Project Category** (see instructions on back) a	**ICDBG** Amount Requested for each activity b	**Program Funds** (in thousands of $) **Other** Other Source Amount for each activity c	**Other** Source of Other Funds for each activity d
	$	$	
5. Administration a. General Management and Oversight			
b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.			
c. Audit: Enter estimated cost of Program share of A-133 audits.			
Administration Total *	0.00	0.00	
6. Planning The Project description must address the proposed use of these funds.			
7. Technical Assistance Enter total amount of ICDBG funds requested for technical assistance. **			
8. Sub Total Enter totals of columns b. and c.	$ 0.00	$ 0.00	
9. Grand Total Enter sum of column b. plus column c.			$ 0.00

* The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

** No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item, a separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of l990. The information requested does not lend itself to confidentiality.

Instructions for Item 4.
Project Name and Project Type

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.
Examples of categories and/or components including examples of eligible activities are listed below.

Housing

Rehabilitation Component
- Rehabilitation
- Demolition

Land to Support New Housing Component

New Housing Construction Component

Community Facilitites

Infrastructure Component
- Water
- Sewer
- Roads and Streets
- Storm Sewers

Buildings Component
- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

Economic Development
- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development

Implementation Schedule

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0191
(exp. 8/31/2006)

See Instructions and Public Reporting Statement on back.
Submit a separate implementation schedule for each project category.

1. Name of Applicant (as shown in Item 5, Standard Form 424)	2. Application/Grant Number (to be assigned by HUD)	3. ☐ Original (First submission to HUD) ☐ Pre-Award Submission ☐ Amendment (submitted after grant approval)	Date (mm/dd/yyyy)

4. Name of Project (as shown on form HUD-4123, item 4)	5. Effective Date (mm/dd/yyyy)	Expected Completion Date (mm/dd/yyyy)	Expected Closeout Date (mm/dd/yyyy)

6. Environmental Review Status

☐ **Exempt** (As described in 24 CFR 58.34)
☐ **Under Review** (Review underway; findings not yet made)
☐ **Finding of No Significant Impact** (Finding made that request for release of funds for project is not an action which may significantly affect the environment.)
☐ **EIS Required** (Finding that project may significantly affect environment or EIS automatically required by 24 CFR 58.37)
☐ **Not Started** (Review not yet begun)
☐ **Certification** (Environmental review completed; certification and request for release of funds being prepared for submission.)
☐ **Categorically Excluded** (as described in 24 CFR 58.35)

7. Tribal Fiscal Year (mm/dd/yyyy)

8. Task List
(List tasks such as environmental assessment, acquisition, etc.)

9. Schedule.
Use Calendar Year (CY) quarters. Fill-in the CY below. See detailed instructions on back.

	CY ____ 1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	CY ____ 5th Qtr.	6th Qtr.	7th Qtr.	8th Qtr.	Date (mm/dd/yyyy) (If exceeds 8th Qtr
10. **Planned Drawdowns by Quarter** (Enter amounts non-cumulatively)	$	$	$	$	$	$	$	$	$Total 0.00
11. **Cumulative Drawdown** (If more than one page, enter total on last page only)	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$Total 0.00

Previous editions are obsolete

page of pages

form **HUD-4125** (12/97)

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0191), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

Instructions for Item 9 Schedule: Use Calendar Year (CY) quarters. Fill-in the CY below. If the project begins in May, for example, enter under "1st Qtr.", A(April), M(May), J(June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line from the first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) PROGRAM

Billing Code 4210-32-C

Historically Black Colleges and Universities (HBCU) Program Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Historically Black Colleges and Universities (HBCU) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this Notice Of Funding Availability (NOFA) is FR–4950–N–12. The OMB Approval Number for this program is 2528–0235.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.520.

F. *Dates:* The application submission date is May 25, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program:* The Historically Black Colleges and Universities (HBCU) Program assists Historically Black Colleges and Universities expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing and economic development, principally for persons of low- and moderate-income consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $9.92 million has been made available by the Consolidated Appropriations Act, 2005 (Pub L. 108–447) plus $3.327 million in previously unobligated funds are available for this program. HUD will award two kinds of grants under this program; First Time HBCU Grants and Previously Funded HBCU Grants.

a. First Time HBCU Grants will be awarded to applicants who have never received an HBCU grant to undertake eligible work. The maximum amount a First Time HBCU applicant can request for award is $400,000 for a maximum three-year (36 months) grant performance period.

b. Previously Funded HBCU Grants will be awarded to applicants that have received funding under previous HBCU grant competitions. The maximum amount a Previously Funded HBCU applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

In order to ensure that First Time HBCU applicants receive awards in this competition, approximately $2.4 million will be made available to fund First Time HBCU applicants. In addition, approximately, $10.8 million will be made available to fund Previously Funded HBCU applicants. (See Appendix C of this NOFA for a list of Previously Funded and Unfunded HBCUs.) If funding designated for First Time HBUC applicants remains after all eligible First Time HBCU applicants are awarded, the remaining funds will be made available to fund eligible Previously Funded HBCU applicants.

3. *Eligible Applicants:* Historically Black Colleges and Universities that meet the definition of Historically Black Colleges and Universities as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 13256, dated February 12, 2002, are eligible to apply for funding under this program. Applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Historically Black Colleges and Universities (HBCU) Program is to assist Historically Black Colleges and Universities expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low- and moderate-income, consistent with the purpose of the Title I of Housing and Community Development Act of 1974, as amended.

For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a state, or the U.S. Virgin Islands where the institution is located.

A ''target area'' is the area within the locality in which the institution will implement its proposed HBCU grant. If an institution wants to provide services/activities in a location other than the target area of that institution an applicant must provide justification for why they want to do so.

A. Authority

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub L. 108–447; approved December 8, 2004). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

B. Modifications

Listed below are major modifications from the Fiscal Year (FY) 2004 program-funding announcement:

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further discussion.

2. The 15 percent cap on the total grant amount that can be used on public service activities that benefit low- and moderate-income persons can now be waived. Institutions seeking to devote more than 15 percent of the grant funds to public service activities must formally request in writing a waiver of this requirement.

The written request must include the following information: (1) The basis for the request; (2) a description of the proposed public service activities; (3) the dollar amount dedicated to the proposed public service activities; and (4) a statement describing how the proposed activities meet the Community Development Block Grant eligibility requirements and national objectives. Waiver requests must be addressed to the Assistant Secretary for Policy, Development and Research at 451 Seventh Street SW., Room 8100, Washington, DC 20410–6000. The institution's Chief Executive Officer or the appropriate designee must sign the written request. It also must include the name, mailing address and e-mail address of the person to whom the response should be directed.

To avoid a delay in the process, waiver requests should be sent by United States Postal Service Express Mail. Applicants should retain a receipt for the mailing showing the date submitted to the Postal Service. The waiver request must be received at HUD no later than thirty days prior to the application submission date. Waiver requests that are not received thirty days prior to the application submission date will not be considered for approval. In the event a waiver is granted, the application must be received no later than the application submission date.

3. Letters, memoranda of understanding, or agreements in response to Factor 4 now can be dated no earlier than nine months prior to the date of this published NOFA, but must be received no later than the application submission date.

4. First Time HBCU applicants can now request $400,000 for a maximum three-year (36 month) grant performance period.

5. Previously Funded HBCU applicants can now request $600,000 for a maximum three-year (36 month) grant performance period.

II. Award Information

In Fiscal Year (FY) 2005, approximately $9.92 million is made available for this program, plus $3.327 million in previously unobligated funds. HUD will award two kinds of grants under this program, First Time HBCU Grants and Previously Funded HBCU Grants.

A. First Time HBCU Grants will be awarded to applicants who have never received an HBCU grant to undertake eligible work. The maximum amount a First Time HBCU applicant can request for award is $400,000 for a maximum three-year (36 months) grant performance period.

B. Previously Funded HBCU Grants will be awarded to applicants that have received funding under previous HBCU grant competitions. The maximum amount a Previously Funded HBCU applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

In order to ensure that First Time HBCU applicants receive awards in this competition, approximately $2.4 million will be made available to fund First Time HBCU applicants. Approximately $10.8 million will be made available to fund Previously Funded HBCU applicants that have received funding under previous HBCU competitions. If funding remains after all eligible First Time HBCU applicants are awarded, the remaining funds will be made available to fund eligible Previously Funded HBCU applicants. (See Appendix C of this NOFA for a list of Previously Funded and Unfunded HBCUs).

III. Eligibility Information

A. Eligible Applicants

Historically Black Colleges and Universities as determined by the U.S. Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 13256, dated February 12, 2002, are eligible to apply for funding under this program. All applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

B. Cost Sharing or Matching

None required.

C. Other

1. *Eligible Activities*. Eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Information regarding these activities can be found at: *http://www.hudclips.org* (click on the Code of Federal Regulations for detailed information).

a. Examples of eligible activities include, but are not limited to:

(1) Acquisition of real property;

(2) Clearance and demolition;

(3) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction and making accessibility and visitabilty modifications in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973;

(4) Public facilities and improvements, such as water and sewer facilities and streets compliance with accessibility requirements including Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and the American with Disabilities Act of 1990;

(5) Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(6) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation projects, in accordance with 24 CFR 570.204. This could include activities in support of a HUD-approved local entitlement grantee, CDBG Neighborhood Revitalization Strategy (NRS) or HUD-approved State CDBG Community Revitalization Strategy (CRS);

(7) Public service activities such as those general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health services, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs;

(8) Payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in the OMB circular (A–21 Cost Principals for Educational Institutions) that can be accessed at the White House Web site, *http://www.whitehouse.gov/omb/circulars/index.html;* and

(9) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

b. Eligible activities that may be funded under this program are those eligible activities that meet both the Community Development Block Grant (CDBG) Program national objectives and eligibility requirements.

c. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more national objectives are provided at 24 CFR 570.208.

d. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the CDBG regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing-impaired.

2. *Audit Requirements.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be accessed at the following Web site: *http://harvester.census.gov/sac.*

3. *Threshold Requirements Applicable to all Applicants.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A. Eligible Applicants.

b. The maximum amount a First Time HBCU applicant can request for award is $400,000. The maximum amount a Previously Funded HBCU applicant can request for award is $600,000.

c. Institutions with two or more active HBCU grants who have drawn down less than 50 percent of the funding for each active grant three weeks prior to the program's application submission date are ineligible to apply for a grant under this NOFA. It is the applicant's responsibility to make sure this requirement is met.

d. Only *one* application can be submitted per institution. If multiple applications are submitted, all will be disqualified.

e. Applicants must receive a minimum score of 75 points to be considered for funding.

f. An applicant must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement.)

g. Electronic applications must be received by grants.gov no later than 11:59:59 p.m. eastern time on May 25, 2005. See the General Section for information on application submission and timely receipt requirements.

4. *Program Requirements.* In addition to the program requirements listed in Section III.C of the General Section, applicants must meet the following program requirements:

a. All funds awarded are for a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source,* including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment of leveraging from other federal (*e.g.*, Department of Education, AmeriCorps Programs, etc.), state, or local governments, and other private/public sources (including the applicant's own resources). These documents must follow the outline provided in Section V, Application Review Information, ''Factor 4: Leveraging Resources'' of this NOFA. Please refer to the General Section for further discussion on electronic submission of required documentation.

c. Applicants must ensure that not less than 51 percent of the aggregated expenditures of the grant benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

d. *Site Control.* Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

e. *Environmental Requirements.* Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of properties proposed for assistance in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. An application constitutes an assurance that the institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property, and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

The General Section provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

f. *Labor Standards.* Institutions and their sub-grantees, contractors and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

g. *Economic Opportunities for Low- and Very-Low Income Persons (Section 3).* The provisions of Section 3 of the Housing and Urban Development Act of 196 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR part 135.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may download the instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or e-mail your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting email notification of funding opportunities or downloading the application and should be done as soon as you download the application from the Grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. *Forms.* The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. The electronic version of the NOFA contains all forms required for submission.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Program Logic Model (HUD–96010);

h. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable;

i. Certification of Consistency with the Consolidated Plan (HUD–2991), if applicable;

j. Response Sheet Performance Narrative (HUD–40076) Previously Funded HBCU Applicant Only;

k. Budget-By-Activity (HUD–40076);

l. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit an electronic application need to include this form

with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so;

m. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. In providing comments, please be as specific as possible. General Statements that the NOFA is better than before but needs improvement does not provide HUD with the type of information that will allow us to improve the process. Applicants are not required to complete this form; and

n. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF 424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all Certifications and Assurances. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the application in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount (entire three-years) should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID number;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.520;

(6) The project's proposed start date and completion date. For the purpose of this application, the program start date should be November 1, 2005; and

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the required elements of their application submission. Applicants receiving a waiver of the electronic application submission must include a copy of the checklist in their application submission. Applicants submitting an electronic application do not have to submit the checklist in their application. The checklist can be found in the NOFA (See Attachment A).

c. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

(1) A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

(2) A statement that the institution is an eligible institution because it is a two-or four-year fully accredited institution, the name of the accrediting agency and an assurance that the accrediting agency is recognized by the U.S. Department of Education;

(3) The designated contact person, including phone number, facsimile number, and e-mail address. (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

(4) University's name, department, mailing address, telephone number, facsimile number, and e-mail address; and

(5) The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and e-mail address.

d. *Narrative statement addressing the Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor. The narrative section of an application must not exceed 75 pages, doubled spaced (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). Each page of the narrative must include the applicant's name and be numbered. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

e. *Budget.* The budget submission must include the following:

(1) *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

(2) *HUD–40076–HBCU, ''Response Sheet, Budget-By-Activity.''* This form must be used to document the entire three-year grant performance period. The form should include a listing of tasks to be completed for each activity necessary to be performed to implement the program, the overall costs for each activity, and the cost from each funding source. The budget-by-activity should clearly indicate the HUD grant amount and identify the source and dollar amount of the leveraged funds, if any.

Make sure that the amount shown on the SF–424, HUD–424–CB, HUD–40076–HBCU and all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on all forms so that all items are included in the total. If there is an inconsistency between any of the budget forms required, the HUD–424–CB will be used. All budget forms must be fully

completed. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(3) *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000 cumulative. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal written agreement. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate based on historical data from the institution and/or from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures, and/or acquisition, construction, or installation of public facilities and improvements. Such an entity must be involved in the business of housing rehabilitation, construction and/or management. Equipment and contracts cannot be presented as a total estimated costs. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

(4) *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Please refer to Section IV.F of the General Section for further discussion on electronic submission of required documentation. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and assist applicants in having a rate established.

f. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of commitment, memoranda of understanding and agreements for funds/resources in response to Factor 4 and other required forms in this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant SHOULD NOT submit general support letters or resumes or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. eastern time on or before May 25, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III.A. Ineligible activities include but are not limited to:

1. Curriculum development and/or expansion of an institution's existing curriculum;

2. General government expenses; and

3. Political activities.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Please read the General Section carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Waiver of Electronic Submission Requirements.* Please refer to the General Section for further discussion.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points).* This factor addresses the extent to which the institution has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the proposal demonstrates:

a. *Knowledge and Experience For First Time Applicants (25 Points) For Previously Funded Applicants (10 Points).* The knowledge and experience possessed by the proposed project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors in planning and managing this kind of program for which funding is being requested. Applicants must clearly identify the following: key project team members, titles (*e.g.*, project manager/coordinator, etc.), respective roles for the project staff, and a brief description of their relevant experience. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake the proposed eligible program activities. HUD will consider experience within the last five (5) years to be recent and experience pertaining to similar activities to be relevant.

b. *Past Performance (15 Points) For Previously Funded Grant Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open HUD/HBCU grants. Applicants must demonstrate this by providing the following information on the HUD–40076–HBCU ''Response Sheet: (Performance Narrative) for each HBCU grant they have received:

(1) A detailed list outlining the achievement of specific tasks, measurable objectives and specific outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of proposed leveraged funds and/or resources in a previous grant with what was actually leveraged;

(3) A list of all HUD/HBCU grants received, including the dollar amount awarded and the amount expended as of the date of this application. The HUD–40076–HBCU ''Response Sheet'' (Performance Narrative) form is located in Appendix C at the end of this NOFA.

The form should be filled out completely; and

(4) A detailed list outlining the timeliness and completeness of complying with all the HBCU reporting requirements. In addressing timeliness, compare when reports were due with when they were actually submitted.

HUD will also review an applicant's past performance in managing funds, including, but not limited to: the ability to account for funding appropriately; timely use of funds received from HUD; meeting performance targets for completion of activities; and receipt of promised leveraged funds. In evaluating past performance, HUD reserves the right to deduct up to five (5) points from this rating score as a result of the information obtained from HUD's records (*i.e.,* progress and financial reports, monitoring reports, Logic Model submissions, and amendments), including the timely submission of required progress reports.

2. *Rating Factor 2: Need/Extent of the Problem (10 Points).* This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

In rating this factor, HUD will consider data collected within the last five (5) years to be current. To the extent that the targeted community's Five Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, applicants should include references to these documents in response to this factor.

If the proposed activities are not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), indicate this clearly in the proposal and use other sound data sources to identify the level of need and the importance in meeting the need.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at *http://www.ffiec.gov.*

Other reliable data sources include, but are not limited to, Census reports, HUD Continuum of Care gap analysis and its E–MAP (To find additional information go to HUD's Web site: *http://www.hud.gov/emaps),* law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, and actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing.

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. *(35 Points) Quality of the Work Plan.* This subfactor will be evaluated on the extent to which an applicant provides a clear detailed description of the proposed project and anticipated accomplishments.

(1) (25 Points) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project and anticipated accomplishments.

(a) Applicants must provide a clear description of the proposed activities and address the following:

(i) Describe each proposed activity and the task required to successfully implement and complete the proposed project in measurable terms (*e.g.,* the number of persons to trained and employed; houses to be rehabilitated; or minority-owned businesses to be started, etc.);

(ii) List how each proposed activity meets one of the following Community Development Block Grant (CDBG) Program national objectives:

- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums or blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more objective are provided at 24 CFR 570.208;

(b) Outline the major tasks required (in sequential order) to successfully implement and complete the proposed program activities. Include target completion dates for each activity/task (in 6 month intervals, up to thirty-six (36) months); and

(c) Identify the individuals, as described in Factor 1, who will be responsible for completing each activity/task.

(2) (10 Points) Describe clearly how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Address the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area in the proposed project (particularly through a committee that is representative of the target community).

b. *(2 Points) Involvement of the Faculty and Students.* The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. *(3 Points) HUD Policy Priorities.* HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities that will help the Department achieve its goals and objectives in FY 2006, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this subfactor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barrier'' found in the

General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

d. *(5 Points) Affirmatively Furthering Fair Housing.* This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing opportunities for individuals on the basis of race, color, national origin, sex, religion, familial status, or disability. For example:

(1) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(2) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(3) Providing housing mobility counseling services.

4. *Rating Factor 4: Leveraging Resources (8 Points).* This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated for the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted. Examples of potential sources for outside assistance include:

- Federal, state, and local governments;
- Local or national nonprofit organizations;
- Financial institutions and/or private businesses;
- Foundations;
- Faith-based and other community-based organizations;

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, or quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted on the provider's letterhead and be included with the application package. (Applicants submitting paper copy applications must place all letters, memoranda of understanding, or agreements in the Appendix. Applicants submitting these items electronically must follow the submission directions in Section IV.F of the General Section.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than nine months prior to this published NOFA. Applications that do not include evidence of leveraging or address all items as outlined below will receive zero (0) points for this Factor.

A firm commitment letter, memorandum of understanding, or agreement must address the following:

a. The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source will not be counted);

b. A specific description of how each contribution is to be used toward one of the proposed activities;

c. The date the contribution will be made available and a statement that describes the duration of the contribution;

d. Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

e. The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be considered.

5. *Rating Factor 5: Achieving Results and Program Evaluation (12 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1–4. Therefore, the information submitted on the logic model should be consistent with the information contained in the narrative statements.

''Outcomes'' are benefits accruing to the community during or after participation in the HBCU program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased employment opportunities in the target community by a certain percentage, increased incomes/wages or other assets for persons trained, or enhanced family stability through the creation of affordable housing opportunities (*e.g.*, increased assets to families and communities through the development of affordable housing).

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been renovated, and the number of facilities that have been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Measurable outputs to be accomplished (*e.g.*, the number of persons to be trained and employed; houses to be built pursuant to 24 CFR 570.207 or rehabilitated; minority-owned businesses to be started);

b. Measurable outcomes the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed on a HUD–96010, Program Outcome Logic Model form. Applicants may use as many copies of this form as required. It will not be included in the page count requirement. A narrative is not required. However, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section.

B. Review and Selection Process

1. *Application Selection Process.*

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V.A.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels.* To review and rate applications HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. *Ranking.* HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 102 points, which includes up to two bonus points that may be awarded for activities conducted in the RC/EZ/EC–II, as described in the General Section. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity of the Applicant and Relevant Organizational Experience shall be selected. If there is still a tie, the application with the most points for Factor 2, 4 and then 5 shall be selected in that order until the tie is broken. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down an award offer, HUD will make an award to the next highest-ranking application. If funds remain after all selections have been made, the remaining funds will be carried over to the next funding cycle's competition.

4. *Correction to Deficient Applications.* The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applications in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For further discussion of this matter, please refer to Section VI.B. in the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Ophelia Wilson; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8130; Washington, DC 20410–6000. Applicants may also write to Ms. Wilson via email at *Ophelia_Wilson@hud.gov.*

2. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at *http://www.whitehouse.gov/omb/circulars/index.html.*

3. *OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs.* The General Section provides further discussion on this matter.

4. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.* See the General Section for further discussion.

5. *Procurement of Recovered Materials.* See Section III.C.4 of the General Section for further discussion.

6. *Code of Conduct.* See the General Section for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit quarterly progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred by budget line item, as well as a cumulative summary of costs incurred during the reporting.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model form (HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Ophelia Wilson at (202) 708–3061, extension 4390 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Wilson via email at *Ophelia_Wilson@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0235. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 356 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

APPENDIX C

Historically Black Colleges and Universities Unfunded by HUD During Fiscal Years 1991–2004

Alabama

Concordia College
Selma University
Trenholm State Technical College

Florida

Florida Memorial College

Georgia

Morehouse School of Medicine
Paine College

Michigan

Lewis College of Business

Ohio

Wilberforce University

Pennsylvania

Cheyney University of Pennsylvania

South Carolina

Clinton Junior College
Denmark Technical College
Morris College

Virginia

Virginia University of Lynchburg

Tennessee

Knoxville College

Texas

Southwestern Christian College

Historically Black Colleges and Universities Previously Funded By HUD During Fiscal Years 1991–2004

Alabama

Alabama A&M University
Alabama State University
Bishop State Community College
Gadsden State Community College
J.F. Drake Technical College
Lawson State Community College
Miles College
Oakwood College
Stillman College
Talladega College
Tuskegee University
C.A. Fredd Technical College

Arkansas

Arkansas Baptist College
Philander Smith College
Shorter College
University of Arkansas at Pine Bluff

Delaware

Delaware State University

District of Columbia

Howard University
University of the District of Columbia

Florida

Bethune-Cookman College
Edward Waters College
Florida A&M University

Georgia

Albany State University
Clark Atlanta University
Fort Valley State University
Interdenominational Theological Center
Morehouse College
Morris Brown College
Savannah State University
Spelman College

Kentucky

Kentucky State University

Louisiana

Dillard University
Grambling State University
Southern University A & M College System at Baton Rouge
Southern University at Shreveport
Southern University at New Orleans
Xavier University of New Orleans

Maryland

Bowie State University
Coppin State College
Morgan State University
University of Maryland Eastern Shore

Mississippi

Alcorn State University
Coahoma Community College
Jackson State University
Mississippi Valley State University
Rust College
Tougaloo College
Hinds Community College

Missouri

Harris-Stowe State College
Lincoln University

North Carolina

Barber-Scotia College
Bennett College
Elizabeth City State University
Fayetteville State University
Johnson C. Smith University
Livingstone College
North Carolina A&T State University
North Carolina Central University
St. Augustine's College
Shaw University
Winston Salem State University

Ohio

Central State University

Oklahoma

Langston University

Pennsylvania

Lincoln University

South Carolina

Allen University
Benedict College
Claflin College
South Carolina State University
Voorhees College

Tennessee

Fisk University
Lemoyne-Owen College
Meharry Medical College
Tennessee State University
Lane College

Texas

Huston-Tillotson College
Jarvis Christian College
Paul Quinn College
Prairie View A&M University
Saint Philip's College
Texas Southern University
Texas College
Wiley College

Virginia

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University
Virginia Union University

West Virginia

West Virginia State University
Bluefield State College

U.S. Virgin Islands

University of the Virgin Islands

BILLING CODE 4210–32–P

Attachment A---Application Checklist HBCU
Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF- 424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____ Abstract (must include no more than a two-page summary of the proposed project)

Indicate the page number where each of the Factors is located:

Narrative Statement Addressing the Factors for Award

The narrative including tables and maps must not exceed 75 pages (excluding forms, abstracts, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

_____ Factor I

_____HUD-40076, "Response Sheet Performance Narrative" (Previously Funded HBCU Applicants Only)

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

_____ HUD-96010 "Logic Model"

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD 424-CB" Grant Application Detailed Budget."
_____HUD-40076-HBCU "Budget-By-Activity" (*Section Only)*

__ _Budget Narrative (No form provided and must be submitted for the total three-year grant period)
_____ Indirect Cost Rate (if applicable)

_____ Letters of commitment, memoranda of understanding, or agreements

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424);

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ Disclosure of Lobbying Activities (SF-LLL);

_____ America's Affordable Communities Initiative (HUD-27300), if applicable;

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Program Logic Model (HUD-96010);

_____ Certification of Consistency with RC/EZ/EC-II Strategic Plan (HUD-2990), if applicable;

_____ Certification of Consistency with the Consolidated Plan (HUD-2991), if applicable;

_____ Acknowledgement of Applicant Receipt (HUD-2993) Only applicants that submit paper applications; and

_____ Client Comments and Suggestions (HUD-2994).

_____ Response Sheet Performance Narrative (HUD-40076)--*Previously Funded HBCU Applicants Only)*
_____ Budget-By-Activity—*Section Only*- (HUD-40076-HBCU

_____Facsimile Transmittal Cover Page (HUD 96011) to be used when sending electronic application third party documentation and faxes to HUD. Do not use this form if you received a waiver of the electronic submission requirement and are submitting a hard copy application. Items received by fax as part of a paper copy submission will not be considered.

Historically Black Colleges and Universities

OMB Approval No. 2506-0122 (exp. 4/30/2007)

The information collection requirements contained in this application have been approved by the Office of Management and Budget (OMB) under the paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is requested in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and to establish grant amounts.

Selection of applications for funding is based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 44 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Factor 4 Response Format

OMB Approval No. 2506-0122 (exp. 4/30/2007)

(Use this form or type on separate pages)

RESPONSE SHEET

Applicant Name: _____

Factor 4 - Leveraging Resources (maximum points: **10**). The information that the applicant supplies on this form will be used in conjunction with the narrative response and other documentation to rate Factor 4.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	To Be Applied To Task No.	Commitment Letter Page No.
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
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		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

Previous versions obsolete

form HUD-40076-HBCU (04/2003)

OMB Approval No. 2506-0122 (exp. 4/30/2007)

RESPONSE SHEET

Applicant Name: _____

Budget-By-Activity The information that the applicant supplies on this form will be reviewed in conjunction with the narrative response and other documentation for the budget submission requirement.

Activity No.	List Activity and Tasks for Each Activity	Source of Funds: HUD HBCU Grant	Other Federal	State	Local	Private	Total
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
	Subtotal	$	$	$	$	$	$
	Costs of Administering Grant	$	$	$	$	$	$
	Percent of Total	%	%	%	%	%	%
	*Total	$	$	$	$	$	$

*Must equal amounts on SF-424.

OMB Approval No. 2506-0122 (exp. 4/30/2007)

RESPONSE SHEET

The information requested below is to be provided by Previously-funded HBCUs only.

Applicant should duplicate this page as necessary.

Performance Narrative. The following information is to be provided for HUD HBCU grant(s). The information will be reviewed in conjunction with the two latest progress reports for the grant(s) which are also to be submitted in response to this subfactor.

The following information is requested for **each** HUD/HBCU grant that you have received since 1991.

Applicant Name _____

Grant Number _____

Grant start date (grant agreement, HUD-1044, executed) _____

Grant end date _____

Amount of HUD Grant funds awarded $ _____

Amount of HUD Grant funds expended $ _____

Balance of Grant funds to be spent $ _____

Total cost of project $ _____

Amount contributed by partners $ _____

Partner percentage of total cost _____ %

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Grant Goals and Objectives

OMB Approval No. 2506-0122 (exp. 4/30/2007)

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Were / are Grant Goals and Objectives being met? Yes ____ No ____

Total number of Grant tasks _____

Total number of persons to be served by completion of this Grant

For the following questions, please enter a date that is no earlier than the publication date of this SuperNOFA.

Total number of Grant tasks completed as of (enter date) _____

Percentage of Grant tasks completed as of (enter date) _____

Total number of persons served as of (enter date) _____

List measurable results as of (enter date)

Were / are Grant Target dates and Schedules being met? Yes ____ No ____

Impediments or delays in implementation encountered

Other comments:

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Total number of HUD / HBCU Grants you have received _____

Grant Number	**Amount of Grant**
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
Total	$ _____

Briefly describe the impact that the total amount of HUD/HBCU funds listed above have had on your community.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC) PROGRAM

Billing Code 4210-32-C

Hispanic-Serving Institutions Assisting Communities (HSIAC) Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Hispanic-Serving Institutions Assisting Communities (HSIAC) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this Notice Of Funding Availability (NOFA) is FR–4950–N–11. The OMB Approval Number for this program is 2528–0198.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CDFA Number for this program is 14.514.

F. *Dates:* The application submission date is June 13, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program:* The Hispanic-Serving Institutions Assisting Communities (HSIAC) Program assists Hispanic-Serving Institutions (HSI) expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low- and moderate-income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $6.64 million has been made available for this program by the Consolidated Appropriations Act, 2005 (Pub L. 108–447). The maximum amount an applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

3. *Eligible Applicants:* Nonprofit Hispanic-Serving Institutions that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244; enacted October 7, 1998) are eligible to apply for funding under this program. In order to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. Institutions are not required to be on the list of eligible HSIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an HSI. In addition, all applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. HUD also intends to fund at least two eligible HSIAC applications (applications that received a minimum score of 75 points) that serve Colonias (as defined in the General Section). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If less than two fundable applications are eligible for award these funds will be made available to award additional HSIAC grants.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Hispanic Serving Institutions Assisting Communities (HSIAC) Program is to assist Hispanic Serving Institutions (HSI) expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing and economic development, principally for persons of low- and moderate-income consistent with the purpose of the Title I of the Housing and Community Development Act of 1974, as amended.

For the purpose of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a state, Puerto Rico, or the U.S. Virgin Islands where the institution is located.

A ''target area'' is the area within the locality in which the institution will implement its proposed HSIAC grant.

A. Authority

HUD's authority for making this funding available under this NOFA is Pub. L.108–447. This program is being implemented through this NOFA and the policies governing its operation are contained herein.

B. Modifications

Listed below are major modifications from the Fiscal Year (FY) 2004 program-funding announcement:

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further discussion.

2. Letters, memoranda of understanding, or agreements in response to Factor 4 now can be dated no earlier than nine months prior to the date of this published NOFA and received no later than the application due date.

II. Award Information

In Fiscal Year (FY) 2005, approximately $6.64 million is made available under this NOFA. The maximum amount an applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

III. Eligibility Information

A. Eligible Applicants

Nonprofit Hispanic-serving institutions that meet the definition of an HSI of higher education established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244; enacted October 7, 1998) are eligible to apply for funding under this program. In order to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. Institutions are not required to be on the list of eligible HSIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an HSI as cited above. In addition, all applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

HUD intends to fund at least two eligible HSIAC applications that propose to serve Colonias (as defined in the General Section). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If fewer than two applications are eligible for award these funds will be made available to award additional HSIAC grants.

B. Cost Sharing or Matching

None Required.

C. Other

1. *Eligible Activities.* Eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Information regarding these activities can be found at: *http://www.hudclips.org (click on the Code of Federal Regulations for detailed information).*

a. Examples of eligible activities include, but are not limited to:

(1) Acquisition of real property;

(2) Clearance and demolition;

(3) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction and making accessibility and visitabilty modifications in accordance with the requirements of Section 504 of the Rehabilitation Act of 1973;

(4) Public facilities and improvements, such as water and sewer facilities and streets compliance with accessibility requirements, including Section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and the American with Disabilities Act of 1990;

(5) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is:

(a) Required under the provisions of 24 CFR 570.606(b) or (c); or

(b) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(6) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a) (25) of the Housing and Community Development Act of 1974;

(7) Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(8) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD-approved local entitlement grantee, CDBG Neighborhood Revitalization Strategy (NRS) or HUD-approved State CDBG Community Revitalization Strategy (CRS);

(9) Public service activities such as general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health services, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs;

(10) Up to 20 percent of the grant may be used for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). Detailed explanations of these costs are provided in OMB circular A–21 Cost Principals for Educational Institutions that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html;*

(11) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them; and

(12) Activities designed to promote training and employment opportunities (*e.g.*, Neighborhood Networks in federally assisted or insured housing and employment opportunities for lower income persons in connection with Assisted Projects).

b. Eligible activities that may be funded under this program are those activities that meet both a Community Development Block Grant (CDBG) Program national objectives and eligibility requirements.

c. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more national objectives are provided at 24 CFR 570.208.

d. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the CDBG regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing-impaired.

2. *Audit Requirements.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be access at the following Web site: *http://harvester.census.gov/sac.*

3. *Threshold Requirements Applicable to all Applicants.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligibility requirements as defined in Section III.A, Eligible Applicants.

b. The applicant may request no more than $600,000 for award.

c. Only *one* application can be submitted per campus. If multiple applications are submitted, all will be disqualified.

d. An individual campus that is one of several campuses of the same institution may apply separately as long as the applicant's campus has a separate administrative and budget structure.

e. Institutions that received an HSIAC grant in FY 2004 are not eligible to submit an application under this NOFA. If an institution received an HSIAC grant in FY 2001, FY 2002, or FY 2003, the institution may apply under this NOFA as long as it: (a) Proposes a different activity (activities) in their current project location, or proposes replicating their current project in a new location and (b) has drawn down at least 75 percent of the previous grant funds at least three weeks prior to this program's application submission date. It is the applicant's responsibility to make sure that these requirements are met.

f. Applicants must receive a minimum score of 75 points to be considered for funding.

g. An applicant must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement.)

h. Electronic applications must be received by Grants.gov no later than 11:59:59 p.m. Eastern time on June 13, 2005. See the General Section for information on application submission and timely receipt requirements.

4. *Program Requirements.* In addition to the program requirements listed in Section III.C of the General Section, applicants must meet the following program requirements:

a. All funds awarded are for a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source*, including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of

commitment of leveraging from other federal (*e.g.*, Department of Labor, AmeriCorps Programs), state, or local governments, and other public/private sources (including the applicant's own resources). These documents must follow the outline provided in Section V, Application Review Information ''Factor 4: Leveraging Resources'' of this NOFA. Please refer to Section IV.F of the General Section for further instructions on how to submit these third party documents via the electronic submission process.

c. Applicants must ensure that not less than 51 percent of the aggregated expenditures of a grant award are used to benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

d. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

e. Environmental Requirements. Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of properties proposed for assistance in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. An application constitutes an assurance that the institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property, and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999. The General Section provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

f. Labor Standards. Institutions and their sub-grantees, contractors, and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

g. Economic Opportunities for Low- and Very-Low Income Persons (Section 3).

The provisions of Section 3 of the Housing and Urban Development Act of 196 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR part 135.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may download the instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or email your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting email notification of funding opportunities or downloading the application and should be done as soon as you download the application from the Grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. *Forms.* The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. The electronic version of the NOFA contains all forms required for submission.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Program Logic Model (HUD–96010);

h. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable;

i. Certification of Consistency with the Consolidated Plan (HUD–2991), if applicable;

j. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit an electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so;

k. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. In providing comments, please be as specific as possible. General Statements that the NOFA is better than before but needs improvement does not provide HUD with the type of information that will allow us to improve the process. Applicants are not required to complete this form; and

l. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF 424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and

then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all Certifications and Assurance. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the application in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount (entire three years) should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments. Please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.514;

(6) The project's proposed start date and completion date. For the purpose of this application, the program start date should be November 1, 2005; and

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the required elements of their application submission. Applicants receiving a waiver of the electronic application submission must include a copy of the checklist in their application submission. Applicants submitting an electronic application do not have to submit the checklist. The checklist can be found in the NOFA (See Attachment A).

c. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

(1) A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

(2) A statement that the institution is an eligible institution because it is a two-or four-year fully accredited institution, the name of the accrediting agency and an assurance that the accrediting agency is recognized by the U.S. Department of Education;

(3) A statement that the institution meets the definition of an Hispanic Serving Institution: at least 25 percent of the full-time undergraduate students enrolled in an institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals;

(4) The designated contact person, including phone number, facsimile number, and email address (This is the person who will receive the reviewers' comments. Please ensure the accuracy of the information);

(5) University's name, department, mailing address, telephone number, facsimile number, and email address; and

(6) The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

d. *Narrative statement addressing the Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor. The narrative section of an application must not exceed 75 pages, doubled spaced (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). Each page of the narrative must include the applicant's name and be numbered. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

e. *Budget.* The budget submission must include the following:

(1) *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, the HUD–424–CB, and all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the HUD–424–CB form so that all items are included in the total. If there is an inconsistency between any of the budget forms required, the HUD–424–CB will be used. All budget forms must be fully completed. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(2) *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000 cumulative. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. All direct labor or salaries must be supported with mandated city/state pay scales, the Davis-Bacon rate, (if applicable) or other documentation. (See the General Section for how to submit this information electronically). When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal written agreement. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate based on historical data from the institution and/or from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures, and/or acquisition, construction, or installation of public facilities and improvements.

Such an entity must be involved in the business of housing rehabilitation, construction and/or management. Equipment and contracts cannot be presented as a total estimated cost. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

(3) *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Please refer to Section IV.F of the General Section for further discussion on electronic submission of required documentation. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant Federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and assist applicants with the process of establishing a final rate.

f. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of commitment, memoranda of understanding and agreements for funds/resources in response to Factor 4 and other required forms in this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant SHOULD NOT submit general support letters, resumes, or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. Eastern time on or before June 13, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. Eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III. A. Ineligible activities include but are not limited to:

a. Curriculum development and/or expansion of an institution's existing curriculum;

b. General government expenses;

c. Political activities; and

d. Planning and administrative activities that would result in a grantee exceeding the 20 percent cost limitation on such activities.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Please read the General Section carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Waiver of Electronic Submission Requirement.* Please refer to the General Section for further discussion.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points).* This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the proposal demonstrates:

a. Knowledge and Experience *For First Time Applicants* (25 Points) *For Previously Funded Applicants* (10 Points). The knowledge and experience possessed by the proposed project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors in planning and managing this kind of program for which funding is being requested. Applicants must clearly identify the following: key project team members, titles (*e.g.*, project manager/coordinator, etc.), respective roles for the project staff, and a brief description of their relevant experience. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five (5) years to be recent and experience pertaining to similar activities to be relevant.

b. Past Performance (15 Points) *For Previously Funded Grant Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open grants HUD/HSIAC grants. Applicants must be demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific tasks, measurable objectives, and specific outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of the proposed required leveraged funds and/or resources in previous grants with what was actually leveraged;

(3) A list of all HUD/HSIAC grants received, including the dollar amount awarded and the amount expended as of the date of this application; and

(4) A detailed list outlining the timeliness and completeness of complying with all the HSIAC reporting requirements. In addressing timeliness, compare when reports were due with when they were actually submitted.

HUD will also review an applicant's past performance in managing funds, including, but not limited to: The ability to account for funding appropriately; timely use of funds received from HUD; meeting performance targets for completion of activities; and receipt of promised leveraged funds. In evaluating past performance, HUD reserves the right to deduct up to five (5) points from this rating score as a result of the information obtained from HUD's records (*i.e.*, progress and financial reports, monitoring reports, Logic Model submissions, and amendments), including the timely submission of required progress reports.

2. *Rating Factor 2: Need/Extent of the Problem (10 Points).* This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

In rating this factor, HUD will consider data collected within the last five (5) years to be current. To the extent that the targeted community's Five Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, applicants should include references to

these documents in the response to this factor.

If the proposed activities are not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), indicate this clearly in the proposal and use other sound data sources to identify the level of need and the urgency in meeting the need.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at *http://www.ffiec.gov.*

Other reliable data sources include, but are not limited to, Census reports, HUD Continuum of Care gap analysis and its E–MAP *(http://www.hud.gov/emaps),* law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable appropriate sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing.

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. (34 Points) Quality of the Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear detailed description of the proposed project and anticipated accomplishments.

(1) (24 Points) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project.

(a) Applicants must provide a clear description of the proposed activities and address the following:

(i) Describe each proposed activity to successfully implement and complete the proposed project in measurable terms (*e.g.*, the number of persons to trained and employed; houses to be built or rehabilitated; or minority owned businesses to be started, etc.);

(ii) List how each proposed activity meets one of the following Community Development Block Grant (CDBG) Program national objectives:

- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums or blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more objective are provided at 24 CFR 570.208;

(b) Outline the major tasks required (in sequential order) to successfully implement and complete the proposed program activities. Include target completion dates for each activity/task (in 6 month intervals, up to 36 months); and

(c) Identify the individuals, as described in Factor 1, who will be responsible for completing each activity/task.

(2) (10 Points) Describe clearly how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Address the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area in the proposed project.

b. (5 Points) Involvement of the Faculty and Students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY 2006, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barriers'' found in the General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

d. (3 Points) Affirmatively Furthering Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing opportunities for individuals on the basis of race, color, national origin, sex, religion, familial status, or disability. For example:

(1) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(2) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(3) Providing housing mobility counseling services.

4. *Rating Factor 4: Leveraging Resources (8 Points).* This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated for the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish

partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted. Examples of potential sources for outside assistance include:

- Federal, state, and local governments.
- Local or national nonprofit organizations.
- Financial institutions and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, or quantified level of commitment. (Applicants submitting paper copy applications must place all letters, memoranda of understanding, or agreements in the Appendix. Applicants submitting these items electronically must follow the submission directions in Section IV.F of the General Section.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than nine months prior to this published NOFA. Letters, memoranda of understanding, or agreements must be submitted on the provider's letterhead in accordance with the instructions in the General Section. Applicants that do not provide the documentation evidencing the leveraging or address all items as outlined below will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source will not be counted);

(2) A specific description of how the contribution is to be used toward one of the proposed activities;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be counted.

5. *Rating Factor 5: Achieving Results and Program Evaluation (12 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1-4. Therefore, the information submitted on the logic model should be consistent with the information contained in the narrative statements.

''Outcomes'' are benefits accruing to institutions and/or communities during or after participation in the HSIAC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased employment opportunities in the target community by a certain percentage, or enhanced family stability through the creation of affordable housing opportunities.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been renovated, and the number of community facilities that have been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum an applicant must address the following activities in the evaluation plan:

a. Measurable outputs to be accomplished, *e.g.*, the number of persons to be trained and employed; houses to be built (pursuant to 24 CFR 570.207) or rehabilitated; minority-owned businesses to be started;

b. Measurable outcomes the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed on a HUD–96010, Program Outcome Logic Model form. Applicants may submit as many copies of this form as required. It will not be included in the page count requirement. A narrative is not required. However, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section.

B. Review and Selection Process

1. *Application Selection Process.* Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V, A.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels.* To review and rate applications, HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. *Ranking.* HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 102 points, which includes up to two bonus points that may be awarded for activities conducted in the RC/EZ/EC–II communities, as described in the General Section. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. If there is still a tie, the application with the most points for Factors 2, 4 and then 5 shall be selected, in that order, until the tie is broken. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees.

HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down an award offer, HUD will make an award to the next highest-ranking application. If funds remain after all

selections have been made, the remaining funds will be carried over to the next funding cycle's competition.

4. *Correction to Deficient Applications.* The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For additional information regarding these requirements, please refer to Section VI.B in the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Madlyn Wohlman-Rodriguez; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8130; Washington, DC 20410-6000. Applicants may also write to Ms Wohlman-Rodriguez via email at *Madlyn_S._Wohlman-Rodriguez@hud.gov,* and

2. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A-21 (Cost Principles for Educational Institutions) and A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at *http://www.whitehouse.gov/omb/circulars/index.html.*

3. *OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs.* The General Section provides further discussion.

4. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors Labor Relations on Federal and Federally Funded Construction Projects.* See the General Section for further discussion.

5. *Procurement of Recovered Materials.* The General Section provides further discussion of the federal law governing the procurement of recovered materials.

6. *Executive Order 13166, Improving Access to Services For Persons With Limited English Proficiency (LEP).* See the General Section for further discussion.

7. *Code of Conduct.* See the General Section for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred by budget line items, as well as a cumulative summary of costs incurred during the reporting period.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (HUD 96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Madlyn Wohlman-Rodriguez at (202) 708–3061, extension 5939 or Susan Brunson, at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Rodriguez via e-mail at *Madlyn_S._Wohlman-Rodriguez@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0198. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 59 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A---Application Checklist/HSIAC

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF- 424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____ Abstract (must include no more than a two-page summary of the proposed project)

Indicate the page number where each of the Factors is located:

Narrative Statement Addressing the Factors for Award.

The narrative including tables and maps must not exceed 75 pages, (excluding forms, abstracts, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

_____ Factor I

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

____ HUD-96010 "Logic Model"

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD 424-CB" Grant Application Detailed Budget."
_____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

_____ Indirect Cost Rate (if applicable)

_____ Letters of commitment, memoranda of understanding, or agreements)

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424);

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ Disclosure of Lobbying Activities (SF-LLL);

_____ America's Affordable Communities Initiative (HUD-27300), if applicable;

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Program Logic Model (HUD-96010);

_____ Certification of Consistency with RC/EZ/EC-II Strategic Plan (HUD-2990), if applicable;

_____ Certification of Consistency with the Consolidated Plan (HUD-2991), if applicable;

_____ Acknowledgement of Applicant Receipt (HUD-2993), Only applicants that submit paper applications;

____ Client Comments and Suggestions (HUD-2994); and

_____Facsimile Transmittal Cover Page (HUD 96011) to be used when sending electronic application third party documentation and faxes to HUD. Do not use this form if you received a waiver of the electronic submission requirement and are submitting a hard copy application. Items received by fax as part of a paper copy submission will not be considered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Billing Code 4210-32-C

Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this Notice Of Funding Availability (NOFA) is FR–4950–N–09. The OMB Approval Number for this program is 2528–0205.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.515.

F. *Dates:* The application submission deadline shall be on or before June 16, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program:* The Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program assists Alaska Native/Native Hawaiian Institutions (AN/NHI) of higher education expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low- and moderate-income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $3.9 million has been made available for this program by the Consolidated Appropriations Act, 2005 (Pub. L. 108–447) plus $267,000 in previously unobligated funds are available for this program. The maximum amount an applicant can request for award is $800,000 for a maximum three-year (36 months) grant performance period. Approximately $2.1 million is being made available for Alaska Native Institutions (ANIs) and $2.1 million is being made available for Native Hawaiian Institutions (NHIs). If funding remains after all eligible ANI applicants are awarded, the remaining funds will be made available to fund eligible NHI applicants. If funding remains after all eligible NHI applicants are awarded, the remaining funds will be made available to fund eligible ANI applicants.

Full Text Of Announcement

I. Funding Opportunity Description

The purpose of the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program is to assist Alaska Native/Native Hawaiian Institutions (AN/NHI) of higher education expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low- and moderate-income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

A. Authority

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

B. Modifications

Listed below are major modifications from the Fiscal Year (FY) 2004 program-funding announcement:

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further discussion.

2. Letters, memoranda of understanding, or agreements in response to Factor 4 now can be dated no earlier than nine months prior to the date of this published NOFA and received no later than the application submission date.

II. Award Information

In Fiscal Year (FY) 2005, approximately $3.9 million is made available for this program, plus $267,000 in previously unobligated funds. HUD will award grants under this program to Alaska Native Institutions (ANI) and Native Hawaiian Institutions (NHI). The maximum amount an applicant can request for award is $800,000 for a maximum three-year (36 months) grant performance period. Approximately $2.1 million is being made available for ANIs. If funding remains after all eligible ANI applicants are awarded, the remaining funds will be made available to fund eligible NHI applicants. Approximately $2.1 million is being made available for NHIs. If funding remains after all eligible NHI applicants are awarded, the remaining funds will be made available to award eligible ANI applicants.

III. Eligibility Information

A. Eligible Applicants

Nonprofit Alaska Native and Native Hawaiian Institutions of Higher Education that meet the definitions of Alaska Native and Native Hawaiian Institutions of Higher Education established in title III, part A, section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub. L. 105–244; enacted October 7, 1998) are eligible to apply for funding under this program. Institutions are not required to be on the list of eligible AN/NHIs prepared by the U.S. Department of Education. However, an institution that is not on the list is required to provide a statement in the application that the institution meets the U.S. Department of Education's statutory definition of an AN/NHI institution. In order to meet the definition of an Alaska Native Institution, at least 20 percent of the undergraduate headcount enrollment must be Alaska Native students. If an applicant is a Native Hawaiian institution, at least 10 percent of the undergraduate headcount enrollment must be Native Hawaiian students in order to meet this definition. In addition, applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. If an applicant is one of several campuses of the same institution, the applicant may apply separately from the other campuses as long as the campus has a separate administrative structure and budget and meets the enrollment test outlined above. All applicants must be accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

B. Cost Sharing or Matching

None required.

C. Other

1. *Eligible Activities:* Eligible activities include, but are not limited to:

a. Acquisition of real property;

b. Clearance and demolition;

c. Rehabilitation of residential structures and compliance with the accessibility requirements contained in Section 5 of the Rehabilitation Act of 1973;

d. Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets; including lead-based paint hazard evaluation and reduction and compliance with the accessibility requirements contained in Section 504 of the Rehabilitation Act of

1973 and Americans with Disabilities Act of 1990;

e. Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

f. Special economic development activities described at 24 CFR 570.203 and assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

g. Assistance to community-based development organizations (CBDO) to carry out neighborhood revitalization, community economic development, or energy conservation projects, in accordance with 24 CFR 570.204. This could include activities in support of a HUD-approved local entitlement grantee, CDBG Neighborhood Revitalization Strategy (NRS) or HUD-approved State CDBG Community Revitalization Strategy (CRS);

h. Public service activities such as general support activities that can help to stabilize a neighborhood and contribute to sustainable redevelopment of the area, including but not limited to such activities as those concerned with employment, crime prevention, child care, health services, drug abuse, education, fair housing counseling, energy conservation, homebuyer down payment assistance, or recreational needs;

i. Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, family status, and/or disability aware of the range of housing opportunities available to them;

j. Up to 20 percent of the grant may be used for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.,* preparation/submission of HUD reports). Detailed explanations of these costs are provided in the OMB circulars that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html;* and

k. Activities designed to promote training and employment opportunities (*e.g.,* Neighborhood Networks in federally-assisted or insured housing and employment opportunities for lower income persons in connection with assisted projects).

Eligible activities that may be funded under this program are those activities that meet both the Community Development Block Grant (CDBG) Program national objectives and eligibility requirements.

a. The three national objectives of the Community Development Block Grant program are:

(1) Benefit to low- or moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; and

(3) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208.

The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the CDBG regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing- or speech-impaired.

2. *Audit Requirements.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be access at the following Web site: *http://harvester.census.gov/sac.*

3. *Threshold Requirements Applicable to all Applicants.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified.

a. The applicant must meet the eligibility requirements as defined in Section III.A, ''Eligible Applicants.''

b. The applicant may request no more than $800,000 for award.

c. Only *one* application can be submitted per campus. If multiple applications are submitted, all will be disqualified.

d. An individual campus that is one of several campuses of the same institution may apply separately as long as the applicant's campus has a separate administrative and budget structure.

e. Institutions that received grants in FY 2004 are not eligible to submit an application under this NOFA.

f. Applicants must receive a minimum score of 75 points to be considered for funding.

g. An applicant must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement).

h. Electronic applications must be received by Grants.gov no later than 11:59:59 p.m. Eastern time on June 16, 2005. See the General Section for information on application submission and timely receipt requirements.

4. *Program Requirements.* In addition to the program requirements listed in Section III.C of the General Section, applicants must meet the following program requirements:

a. All funds awarded are for a three-year (36 months) grant performance period.

b. Applicants that claim leveraging from *any source,* including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment of leveraging from other federal (*e.g.,* Department of Education, AmeriCorps Programs, etc.), state, or local governments, and other public/private sources (including the applicant's own resources). These documents must follow the outline provided in Section V, Application Review Information, ''Factor 4: Leveraging Resources'' of this NOFA. Please refer to Section IV.F of the General Section for further instructions on how to submit these third party documents via the electronic submission process.

c. Applicants must ensure that not less than 51 percent of the aggregated expenditures of a grant award are used to benefit low- and moderate-income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5) or (6).

d. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction, an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

e. Environmental Requirements. Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of properties proposed for assistance in accordance with 24 CFR part 50. The results of the environmental review may

require that proposed activities be modified or proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. An application constitutes an assurance that the institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property, and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonias Initiative (HCI) Grants'' issued January 27, 1999.

The General Section provides further discussion of the environmental requirements. Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

f. Labor Standards. Institutions and their subgrantees, contractors, and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603.

g. Economic Opportunities for Low- and Very-Low Income Persons (Section 3).

The provisions of Section 3 of the Housing and Urban Development Act of 196 (12 U.S.C. 1701u) apply to this NOFA. Regulations may be found at 24 CFR Part 135.

IV. Application and Submission Information

A. Address To Request Application Package

Applicants may download the instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or e-mail your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting e-mail notification of funding opportunities or downloading the application and should be done as soon as you download the application from the Grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. *Forms.* The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. The electronic version of the NOFA contains all forms required for submission.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Program Logic Model (HUD–96010);

h. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form;

i. Certification of Consistency with the Consolidated Plan (HUD–2991);

j. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit an electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so; and

k. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF 424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all Certifications and Assurance. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the application in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount (entire three-years) should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID number;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.515;

(6) The project's proposed start date and completion date. For the purpose of this application, the program start date should be November 1, 2005; and

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a legally binding agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the required components of their application. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application submission. The checklist is found in Attachment A of this NOFA.

c. *Abstract.* Applicants must include the following:

(1) A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

(2) A statement that the institution is an eligible institution because it is a two- or four-year fully accredited institution, the name of the accrediting agency and an assurance that the accrediting agency is recognized by the U.S. Department of Education;

(3) A statement that the institution meets the definition of an Alaska Native Institution, at least 20 percent of the undergraduate headcount enrollment must be Alaska Native students. If an applicant is a Native Hawaiian institution, in order to meet this definition, at least 10 percent of the undergraduate headcount enrollment must be Native Hawaiian students;

(4) The designated contact person, including phone number, facsimile number, and email address. (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

(5) University's name, campus, mailing address, telephone number, facsimile number, and e-mail address; and

(6) The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and email address.

d. *Narrative statement addressing the Rating Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor. The narrative section of an application must not exceed 75 pages, doubled spaced (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). Each page of the narrative must include the applicant's name and be numbered. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

e. *Budget.* The budget submission must include the following:

(1) *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on Form SF–424, the HUD–424–CB and on all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the Form HUD–424–CB so that all items are included in the total. If there is any inconsistency between any of the required forms the HUD–424–CB will be used. All budget forms must be fully completed. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(2) *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item over $5,000 cumulative. For example, an applicant proposes to construct a building using HUD funding totaling $200,000. The following costs estimate reflects this total. Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, finishing work $35,000, and landscaping $10,000. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. (See the General Section for how to submit this information electronically). When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal written agreement. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. Applicants must submit a cost estimate based on historical data from the institution and/or from a qualified firm (*e.g.*, Architectural or Engineering), vendor, and/or qualified individual (*e.g.*, independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures, and/or acquisition, construction, or installation of public facilities, and improvements. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management. Equipment and contracts cannot be presented as a total estimated cost. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

(3) *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Please refer to Section IV.F of the General Section for further discussion on electronic submission of required documentation. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and assist applicants with the process of establishing a final rate.

f. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of commitment, memoranda of understanding and agreements for funds/resources in response to Factor 4 and other required forms in this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant SHOULD NOT submit general support letters, resumes, or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. Eastern time on or before the application June 16, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. Eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Ineligible CDBG Activities are listed at 24 CFR 570.207. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III.A. Ineligible activities include but are not limited to:

1. New construction of public housing;
2. General government expenses;
3. Political activities;
4. Planning and administrative activities that would result in a grantee exceeding the 20 percent cost limitation on such activities; and
5. Development and/or expansion of an institution's existing curriculum when it is primarily to enhance the institution rather than to achieve the specific goals/objectives of the proposed project.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Please read the General Section carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Waiver of Electronic Submission Requirements.* Please refer to the General Section for further discussion.

V. Application Review Information

A. Criteria

1. *Rating Factor 1. Capacity of the Applicant and Relevant Organizational Experience (25 Points).* This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the proposal demonstrates:

a. Knowledge and Experience *For First Time Applicants* (25 Points) *For Previously Funded Applicants* (13 Points). The knowledge and experience possessed by the proposed project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors in planning and managing this kind of project for which funding is being requested. Applicants must clearly identify the following: key project team members, titles (*e.g.*, project manager/coordinator, etc.), respective roles for the project staff and a brief description of their relevant experience. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five (5) years to be recent and experience pertaining to similar activities to be relevant.

b. Past Performance (12 Points) *For Previously Funded Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open HUD/AN/NHIA grants. Applicants must demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific tasks, measurable objectives, and specific outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of proposed leveraged funds and/or resources in previous grants to what was actually leveraged;

(3) A list of all HUD/AN/NHIAC grants received, including the dollar amount awarded and the amount expended as of the date of this application; and

(4) A detailed list outlining the timeliness and completeness of complying with all the AN/NHIAC reporting requirements. In addressing timeliness compare when reports were due with when they were actually submitted. HUD will also review an applicant's past performance in managing funds, including, but not limited to: the ability to account for funding appropriately; timely use of funds received from HUD; meeting performance targets for completion of activities; and receipt of promised leveraged funds. In evaluating past performance, HUD reserves the right to deduct up to five (5) points from this rating score as a result of the information obtained from HUD's records (*i.e.*, progress and financial reports, monitoring reports, Logic Model submissions, and amendments), including the timely submission of required progress reports.

2. *Rating Factor 2: Need/Extent of the Problem (10 Points).* This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

Applicants must use statistics and analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Sources for localized data can be found at: *http://www.ffiec.gov*.

In rating this factor, HUD will consider data collected within the last five (5) years to be current. To the extent that the targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, applicants should include references to these documents in the response to this factor.

Other reliable data sources include, but are not limited to, Census reports, HUD Continuum of Care gap analysis and its E–MAP (*http://www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable appropriate sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

3. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality and effectiveness of the proposed work plan, the commitment of the institution to sustain the proposed activities, actions regarding HUD's priorities, goals and objectives, and affirmatively furthering fair housing.

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following.

a. (35 Points) Quality of the Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear detailed description of the proposed project and anticipated accomplishments.

(1) (30 Points) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project.

(a) Applicants must provide a clear description of the proposed activities and address the following:

(i) Describe each proposed activity to successfully implement and complete the proposed project in measurable terms (*e.g.*, the number of homes that will be renovated, the number of jobs created, etc.);

(ii) List how each proposed activity meets one of the following Community Development Block Grant (CDBG) Program national objectives:

- Benefit low- and moderate-income person;
- Aid in the prevention or elimination of slums or blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more objectives are provided at 24 CFR 570.208;

(b) Outline the major tasks required (in sequential order) to successfully implement and complete the proposed project activities. Include the target completion dates for these tasks (in 6 month intervals, up to 36 months); and

(c) Identify the individuals, as described in Factor 1, who will be responsible and accountable for completing each task.

(2) (5 Points) Describe clearly how each proposed activity will:

(a) Expand the role of the institution in its community;

(b) Address the needs identified in Factor 2;

(c) Relate to and not duplicate other activities in the target area. Duplicative effort will be acceptable only if an applicant can demonstrate through documentation that there is a population in need that is not being served; and

(d) Involve and empower citizens of the target area in the proposed project.

b. (4 Points) Involvement of the faculty and students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its goals and objectives in FY 2006, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barriers'' found in the General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

d. (3 Points) Affirmatively Furthering Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how it proposes to undertake activities designed to affirmatively further fair housing opportunities for individuals on the basis of race, color, national origin, sex, religion, familial status, or disability. For example:

(1) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(2) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(3) Providing housing mobility counseling services.

4. *Rating Factor 4: Leveraging Resources (8 Points).* This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed project activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated for the purpose(s) of the grant. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. Applicants may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area. Overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived may be counted. Examples of potential sources for outside assistance include:

- Federal, state, and local governments.
- Public Housing Agencies.
- Local or national nonprofit organizations.
- Financial institutions and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution to the program a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, or quantified level of commitment. (Applicants submitting paper copy applications must place all letters, memoranda of understanding, or agreements in the Appendix. Applicants submitting these items electronically must follow the submission directions in Section IV.F of the General Section.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than nine months prior to this published NOFA. Letters, memoranda of understanding, or agreements must be submitted on the provider's letterhead in accordance with the instructions in the General Section. Applicants that do not provide the documentation evidencing the leveraging or address all items as outlined below will receive zero (0) points for this Factor.

A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source will not be counted);

(2) A specific description of how each contribution is to be used toward the proposed activities;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD Grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be counted.

5. *Rating Factor 5: Achieving Results and Program Evaluation (12 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1–4. Therefore, the information submitted on the logic model should be consistent with the information contained in the narrative statements.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the AN/NHIAC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include increased community development in the target community by a certain percentage, increased employment opportunities in the target community by a certain percentage, increased incomes/wages or other assets for persons trained, and or enhanced family stability through the creation of affordable housing opportunities.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new affordable housing units, the number of homes that have been renovated, and the number of facilities that have been constructed or rehabilitated. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Measurable outputs to be accomplished (*e.g.*, the number of persons to be trained and employed; houses to be built pursuant to 24 CFR 570.207 or rehabilitated; minority-owned businesses to be started);

b. Measurable outcomes the grant will have on the community in general and the target area or population; and

c. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed on a HUD–96010, Program Outcome Logic Model form. Applicants may submit as many copies of this form as required. It will not be included in the page count. A narrative is not required. However, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use can be found in the General Section.

B. Review and Selection Process

1. *Application Selection Process.* Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V.A.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels.* To review and rate applications, HUD may establish panels, which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. *Ranking.* HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points for Factors 1 through 5. The RC/EZ/EC–II bonus points described in the General Section do not apply to this NOFA. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. If there is still a tie, the application with the most points for Factors 2, 4 and then 5 shall be selected, in that order, until the tie is broken. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees.

HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down an award offer, HUD will make an award to the next highest-ranking application. If funds remain after all selections have been made, the remaining funds will be carried over to the next funding cycle's competition.

4. *Correction to Deficient Applications.* The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notices

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For additional information regarding these requirements, please refer to Section VI.B. in the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Sherone Ivery; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington DC 20410. Applicants may also write to Ms. Ivey via e-mail at *Sherone_E._Ivey@hud.gov.*

2. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access

the OMB circulars at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

3. *OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs.* The General Section provides further discussion.

4. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors Labor Relations on Federal and Federally Funded Construction Projects.* See the General Section for further discussion.

5. *Procurement of Recovered Materials.* See the General Section for further discussion.

6. *Executive Order 13166, Improving Access to Services For Persons With Limited English Proficiency (LEP).* See the General Section for further discussion.

7. *Code of Conduct.* See the General Section for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit quarterly progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred by budget line item, as well as a cumulative summary of cost incurred during the reporting period.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model form (HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Sherone Ivey at (202) 708–3061, extension 4200 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Ivey via email at *Sherone_E._Ivey@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information:

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0205. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 59 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist AN/NHIAC

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not need to submit the checklist with their applications. Applicants that receive a waiver of the electronic application requirement must include a copy of the checklist with their applications.

Check of to ensure these items have been included in the application:

_____ SF-424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____ Abstract (must include no more than a two-page summary of the proposed project)

Indicate the page number where each of the Factors are located:

Narrative Statement Addressing the Factors for Award.

The narrative including tables and maps must not exceed 75 pages, (excluding forms, abstracts, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

_____ Factor I

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

____ HUD-96010 "Logic Model"

Check of to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD 424-CB" Grant Application Detailed Budget"

_____Budget Narrative (No form provided and must be submitted for the total three - year grant period)

_____ Indirect Cost Rate (if applicable)

_____ Letters of commitment, memoranda of understanding, or agreements)

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424);

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ Disclosure of Lobbying Activities (SF-LLL);

_____ America's Affordable Communities Initiative (HUD-27300), if applicable;

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Program Logic Model (HUD-96010);

_____ Certification of Consistency with the Consolidated Plan (HUD-2991)

_____ Acknowledgement of Applicant Receipt (HUD-2993) Only for applicants that submit paper applications;

_____ Client Comments and Suggestions (HUD-2994); and

_____Facsimile Transmittal Cover Page (HUD 96011) to be used when sending electronic application third party documentation and faxes to HUD. Do not use this form if you received a waiver of the electronic submission requirement and are submitting a hard copy application. Items received by fax as part of a paper copy submission will not be considered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

TRIBAL COLLEGES AND UNIVERSITIES PROGRAM (TCUP))

Billing Code 4210-32-C

BILLING CODE 4210–32–C

Tribal Colleges and Universities Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Tribal Colleges and Universities Program (TCUP).

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this Notice of Funding Availability (NOFA) is FR–4950–N–13. The OMB Approval Number for this program is 2528–0215.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.519.

F. *Dates:* The application submission date is June 16, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The Tribal Colleges and Universities Program (TCUP) assists Tribal Colleges and Universities (TCU) to build, expand, renovate, and equip their own facilities.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $2.976 million has been appropriated by the Consolidated Appropriations Act, 2005 (Pub. L. 108–447). The maximum amount an applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

3. *Eligible Applicants:* Tribal Colleges and Universities that meet the definition of a TCU established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244, approved October 7, 1998) are eligible to apply for funding under this program. Institutions must be accredited or provide a statement in the abstract of the application that states the institution is a candidate for accreditation by a regional institutional accrediting association recognized by the U.S. Department of Education.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of this program is to assist Tribal Colleges and Universities (TCU) to build, expand, renovate, and equip their own facilities.

A. Authority

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub. L. 108–447; approved December 8, 2004). This program is being implemented through this NOFA and the policies governing its operation are contained herein.

B. Modifications

Listed below are major modifications from the Fiscal Year (FY) 2004 program-funding announcement.

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further discussion.

2. Letters, memoranda of understanding, or agreements in response to Factor 4 now can be dated no earlier than nine months before the date of this published NOFA and received no later than the application submission date.

II. Award Information

In Fiscal Year (FY) 2005, approximately $2.976 million is made available under this NOFA. The maximum amount an applicant can request for award is $600,000 for a maximum three-year (36 months) grant performance period.

III. Eligibility Information

A. Eligible Applicants

Tribal Colleges and Universities that meet the definition of a TCU established in Title III of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244, enacted October 7, 1998) are eligible to apply for funding under this program. Institutions must be accredited, or provide a statement in their application that verifies the institution is a candidate for accreditation, by a regional institutional accrediting association recognized by the U.S. Department of Education.

B. Cost Sharing or Matching

None required.

C. Other

1. *Eligible Activities.* Eligible activities include building, expanding, renovating, and equipping facilities owned by the institution (a long-term lease for five years or more in duration is considered an acceptable form of ownership under this program). Buildings for which TCUP funding is used that also serve the community are eligible; however, the facilities must be predominantly (at least 51 percent of the time) for the use of the institution (*e.g.*, students, faculty, and staff). Examples of eligible activities include, but are not limited to:

a. Building a new facility (*e.g.*, classrooms, administrative offices, Health and Cultural centers, gymnasium, technology centers, etc.);

b. Renovating an existing or acquired facility;

c. Expanding an existing or acquired facility;

d. Equipping university facilities (*e.g.*, lab equipment, library books, furniture, etc.); or

e. Property acquisition; and

f. Applicants can use up to 20 percent of the grant for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD reports). A detailed explanation of these costs is provided in the OMB circulars that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

Each activity proposed for funding must meet at least one of the following Community Development Block Grant (CDBG) Program national objectives:

- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums or blight; or
- Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

Criteria for determining whether an activity addresses one or more objectives are provided at 24 CFR 570.208. The CDBG publication entitled ''Community Development Block Grant Program Guide to National Objectives and Eligible Activities for Entitlement Communities'' describes the CDBG regulations, and a copy can be obtained from HUD's NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 for the hearing-impaired.

2. *Audit Requirements.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with their application.) Grantees that expend $500,000 or more in Federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be access at the following Web site: *http://harvester.census.gov/sac.*

3. *Threshold Requirements Applicable to All Applicants.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and

ranked. Applications that do not meet these requirements are considered ineligible for funding and will be disqualified.

a. The applicant must meet the eligibility requirements as defined in Section III.A. Eligible Applicants.

b. The applicant may request no more than $600,000 for award.

c. Only *one* application can be submitted per campus. If multiple applications are received, all will be disqualified.

d. An individual campus that is one of several campuses of the same institution may apply separately as long as the applicant's campus has a separate administrative and budget structure.

d. Institutions that received grants in FY 2004 are not eligible to apply under this NOFA.

e. Applicants must receive a minimum score of 75 points to be considered for funding.

f. An applicant must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement).

h. Electronic applications must be received by Grants.gov no later than 11:59:59 p.m. Eastern time on June 16, 2005. See the General Section for information on application submission and timely receipt requirements.

4. *Program Requirements.* In addition to the standard requirements listed in Section III.C. of the General Section, applicants must meet the following program requirements:

a. All funds awarded are for a three-year (36 months) grant performance period.

b. While communitywide use of a facility (that is purchased, equipped, leased, renovated or built) is permissible under this program, the facility must be predominantly for the use of the institution (*i.e.,* it must be used by the staff, faculty, and/or students at least 51 percent of the time).

c. Applicants that claim leveraging from *any source* (*e.g.,* Tribal, Federal and/or state governments, Tribally Designated Housing Entities, foundations, etc.), including their own institution, must provide letters of firm commitment, memoranda of understanding, or agreements evidencing the extent and firmness of the commitment. These documents must follow the outline provided in Section V. Application Review Information ''Factor 4: Leveraging Resources'' of this NOFA. Please refer to Section IV.F of the General Section for further instruction on how to submit these third party documents via the electronic submission process.

d. If a TCU is a part or instrumentality of a federally recognized tribe, the applicant must comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) and all other applicable civil rights statutes and authorities as set forth in 24 CFR 1000.12. If the TCU is not a part or instrumentality of a federally recognized tribe the applicant must comply with the Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.,* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1, and Section 109 of Title One of the Housing and Community Development Act of 1974 (HCDA), as amended, with respect to nondiscrimination on the basis of age, sex, religion, or disability and implementing regulations at 24 CFR part 6.

e. Labor Standards. Institutions and their subgrantees, contractors and subcontractors must comply with the labor standards (Davis-Bacon) requirements referenced in 24 CFR 570.603. However, in accordance with HCDA section 107(e)(2), the Secretary waives the provisions of HCDA section 110 with respect to the TCUP program for grants to a TCU that is part of a tribe, *i.e.,* a TCU that is legally a department or other part of a tribal government, but not a TCU that is established under tribal law as an entity separate from the tribal government. If a TCU is not part of a tribe, the labor standards of HCDA section 110, as referenced in 24 CFR 570.603, apply to activities under the grant to the TCU.

f. Environmental Requirements. Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. An application constitutes an assurance that the institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD's written approval of the property is received. In supplying HUD with environmental information, applicants should use the same guidance as provided in the HUD Notice CPD–99–01 entitled ''Field Environmental Review Processing for HUD Colonia Initiative (HCI) Grants'' issued January 27, 1999.

Further information and assistance on HUD's environmental requirements is available at: *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.*

g. Site Control. Where grant funds will be used for acquisition, rehabilitation, or new construction an applicant must demonstrate site control. Funds may be recaptured or deobligated from applicants that cannot demonstrate control of a suitable site within one year after the initial notification of award.

h. Economic Opportunities for Low- and Very-Low Income Persons (Section 3). The provisions of Section 3 of the Housing and Urban Development Act of 196 (12 U.S.C. 1701u) apply to this NOFA. Regulations are located at 24 CFR part 135.

IV. Application and Submission Information

A. Address To Request Application Package

Applicants may download the instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information, you may call the Grants.gov Support desk toll free, 800–518–GRANTS or email your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting email notification of funding opportunities or downloading the application and should be done as soon as you download the application

from the Grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. *Forms.* The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. The electronic version of the NOFA contains all forms required for submission.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/ Update Report (HUD–2880);

g. Program Logic Model (HUD–96010);

h. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit an electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so;

i. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form; and

j. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF–424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all the Certifications and Assurances. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. *Applicants submitting paper copy applications should submit the application in the following order:*

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount (entire three-years) should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and email address of the designated contact. This is the person who will receive the reviewer comments; therefore, please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID number;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.519;

(6) The project's proposed start and completion dates. For the purpose of this application the program start date should be November 1, 2005; and

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the required elements of their application submission requirements. Applicants receiving a waiver of the electronic application submission requirement must include a copy of the checklist in their application submission. Applicants submitting an electronic application do not have to submit the checklist in their application. The checklist is found in the NOFA (See Attachment A).

c. *Abstract.* Applicants must include the following:

(1) A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

(2) A statement that the institution is an eligible institution because it is a two-or four-year fully accredited institution, the name of the accrediting agency and an assurance that the accrediting agency is recognized by the U.S. Department of Education; or the applicant is a candidate for accreditation by a regional instructional accrediting association recognized by the U.S. Department of Education, including the name of the accrediting agency;

(3) The designated contact person, including phone number, facsimile number, and email address (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

(4) University's name, mailing address, telephone number, facsimile number and email address; and

(5) The project director, if different from the designated contact person for the project, including phone number, facsimile number, and email address.

d. *Narrative statement addressing the Rating Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address the factor fully. Please do not repeat material in response to the five factors; instead focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor. The narrative section of an application must not exceed 75 pages, doubled spaced (excluding forms, budget narrative, assurances, commitment letters, memoranda of understanding, agreements, and abstract). Each page of the narrative must be numbered and include the applicant's name. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

e. *Budget.* The budget submission must include the following:

(1) *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be

carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, HUD–424–CB, and all other required program forms is consistent and the totals are correct. Remember to check the addition in totaling the categories on the HUD–424–CB form so that all items are included in the total. All budget forms must be fully completed. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(2) *Budget Narrative.* Applicants must submit a narrative that explains how the applicant arrived at the cost estimates for any line item over $5,000 cumulative. For example, an applicant proposes to construct an addition to an existing building, which will cost approximately $200,000. The following cost estimate reflects this total: Foundation cost $75,000, electrical work $40,000, plumbing work $40,000, interior finishing work $35,000 and landscaping $10,000. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. All direct labor or salaries must be supported with mandated city/state pay scales, Davis-Bacon wage rates, tribally designated wage rate (if applicable) or other documentation (See the General Section of how to submit this information electronically). When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal written agreement. For each consultant, please provide the name, if known, hourly or daily fee, and the estimated time on the project. Applicants must submit a cost estimate based on historical data from the institution and/or from a qualified firm (*e.g.,* Architectural or Engineering firm), vendor and/or qualified individual (*e.g.,* independent architect) other than the institution for projects that involve rehabilitation of residential, commercial and/or industrial structures, and/or acquisition, construction, or installation of public facilities and improvements. Such an entity must be involved in the business of rehabilitation, construction, and/or management. Equipment and contracts cannot be presented as a total estimated figure. For equipment, applicants must provide a list by type and cost for each item. Applicants using contracts must provide an individual description and cost estimate for each contract.

(3) *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Please refer to Section IV.F of the General Section for instructions on how these documents are to be submitted to HUD using the electronic submission process. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant Federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and assist applicants with the process of establishing a final rate.

f. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of commitment, memoranda of understanding and agreements for funds/resources in response to Factor 4 and other required forms in this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant SHOULD NOT submit general support letters, resumes, or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. Eastern time on or before June 16, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. Eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded for an Intergovernmental Review.

E. Funding Restrictions

Ineligible activities for funding under this program include, but are not limited to the following:

1. Renovation of a facility in which the facility is not used at least 51 percent of the time by the institution;

2. Rental space to another entity that operates a small business assistance center;

3. Building of a new facility, where the activities are for non-students or the activities are primarily run by an outside entity;

4. Using more than 20 percent of the grant for payments of grant administrative costs related to planning and execution of the project (*e.g.,* preparation/submission of HUD reports);

5. Public services, or program delivery type activities; and

6. Curriculum development and or expansion on an institution's existing curriculum.

F. Other Submission Requirements

1. Application Submission and Receipt Procedure. Please read the General Section carefully and completely for the electronic submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. Waiver of Electronic Submission Requirements. Please refer to Section IV.F. of the General Section for further discussion.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (25 Points).* This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the applicant demonstrates:

a. Knowledge and Experience. *For First Time Applicants* (25 Points) *For Previously Funded Applicants* (15 Points). The knowledge and experience possessed by the proposed project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors in planning and managing the kind of projects for which funding is being requested. Applicants must clearly identify the following: key project team members, titles (*e.g.*, project manager/coordinator, etc.), respective roles for the project staff, and a brief description of their

relevant experience. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five (5) years to be recent and experience pertaining to similar activities to be relevant.

b. Past Performance (10 Points) *For Previously Funded Grant Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under all previously completed and open HUD/TCUP grants. Applicants must demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific tasks, measurable objectives, and specific outcomes consistent with the approved timeline/work plan in previous grants;

(2) Comparison of the proposed leveraged funds and/or resources in previous grants with what was actually leveraged;

(3) A list of all HUD/TCUP grants received, including the dollar amount awarded and the amount expended as of the date of this application; and

(4) A detailed list outlining the timeliness and completeness of complying with all the TCUP reporting requirements. In addressing timeliness compare when reports were due with when they were actually submitted.

HUD will also review an applicant's past performance in managing funds, including, but not limited to: The ability to account for funding appropriately; timely use of funds received from HUD; meeting performance targets for completion of activities; and receipt of promised leveraged funds. In evaluating past performance, HUD reserves the right to deduct up to five (5) points from this rating score as a result of the information obtained from HUD's records (*i.e.*, progress and financial reports, monitoring reports, Logic Model submission, and amendments), including timely submission of required progress reports.

2. *Rating Factor 2: Need/Extent of the Problem (10 Points).* This factor addresses the extent to which there is a need for funding the proposed project activities and an indication of the importance of meeting the need(s). The need(s) described must be relevant to activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed project activities and the importance of meeting the need(s) are documented.

Applicants must use statistics and analyses contained in at least one or more current data sources that are sound and reliable. The data provided must be current and specific to the area where the proposed project activities will be carried out. Reliable sources of data may include information that describes the need, such as a need to have a building renovated because it is 50 years old and is deteriorating; a new computer lab has been built, but the computers are obsolete; a library has been expanded, but the books are outdated, etc. When presenting data, include the source and date of the information.

3. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality and effectiveness of the proposed work plan. There must be a clear relationship between the proposed activities and the need(s) identified in Factor 2 for an applicant to receive points for this factor.

This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. (40 Points) Quality of Work Plan. This subfactor will be evaluated on the extent to which an applicant provides a clear detailed description of the proposed project and anticipated accomplishments. Specifically, HUD will examine the proposed activities and determine to what extent the project activities are measurable (*e.g.*, the number of classrooms added, the increase in enrollment), result in improvement to the institution as a result of the project activities (*e.g.*, fifty more students will be receiving computer literacy training, etc.), and how well the applicant demonstrates that these objectives will be achieved by the proposed management plan and team.

(1) (35 Points) Specific Services and/or Activities. The work plan must:

(a) Provide a clear description of all the proposed activities;

(b) Outline major tasks in sequential order (*e.g.*, complete environmental review requirement, develop plans and specifications, advertise bids, etc.) necessary to successfully implement the proposed project, and target completion dates for the tasks;

(c) Identify the individuals, as described in Factor 1, who will be responsible for completing the identified tasks; and

(d) Describe the measurable objectives that will be realized as a result of implementing the proposed project.

(2) (5 Points) Describe clearly how each proposed project activity will:

(a) Address the needs identified in Factor 2;

(b) Relate to and not duplicate other activities in the target area; and

(c) Meet one of the following Community Development Block Grant (CDBG) Program national objectives:

(1) Benefit low- and moderate-income persons;

(2) Aid in the prevention or elimination of slums or blight; or

(3) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs. Criteria for determining whether an activity addresses one or more objectives are provided at 24 CFR 570.208.

b. (2 Points) Involvement of the Faculty and Students. The applicant must describe the extent to which it proposes to integrate the institution's students and faculty into proposed project activities.

c. (3 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and help the Department achieve its goals and objectives in FY 2006, when the majority of grant recipients will be reporting programmatic results and achievement. In addressing this factor, HUD will evaluate the extent to which a program will further and support HUD priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a point value of one point, with the exception of the policy priority related to remove regulatory barriers to affordable housing, which has a value of up to 2 points. The total number of points available to applicants that address policy priorities is

3. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 3 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barriers'' found in the General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

4. *Rating Factor 4: Leveraging Resources (8 Points).* This factor addresses the ability of the applicant to secure resources that can be combined with HUD's grant funds to achieve the program's purpose.

In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated for the purpose(s) of the grant. Resources may be provided by governmental entities (*e.g.*, Tribal, Federal, and/or state governments), public or private nonprofit organizations, for-profit private organizations, or other entities. Overhead and other institutional costs (*e.g.*, salaries, indirect costs) that the institution has waived may be counted. Examples of potential sources for outside assistance include:

- Tribal, Federal, state, and local governments.
- Tribally Designated Housing Entities.
- Local or national nonprofit organizations.
- Banks and/or private businesses.
- Foundations.
- Faith-based and other community-based organizations.

For each cash or in-kind contribution, a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitments of leveraged funds (including any commitment of resources from the applicant's own institution) in order for these resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding or agreement or quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted from the provider on the provider's letterhead and included in the application package. (Applicants submitting paper copy applications must place all letters, memoranda of understanding, or agreements in the Appendix. Applicants submitting these items electronically must follow the submission directions in Section IV.F of the General Section.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider's organization must be dated no earlier than nine months prior to the date of this published NOFA. Letters, memoranda of understanding or agreements must be submitted on the provider's letterhead in accordance with the instructions in the General Section. Applicants that do not include evidence of leveraging or address all the items listed below will receive zero (0) points for this Factor.

a. A firm commitment letter, memorandum of understanding or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source will not be counted);

(2) A specific description of how each contribution is to be used toward the proposed activities;

(3) The date the contribution will be made available and a statement that describes the duration of the contribution;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant; and

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be counted.

5. *Rating Factor 5: Achieving Results and Program Evaluation (12 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. The factor measures the applicant's commitment to assess their performance to achieve the project's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1–4. Therefore, the information submitted on the logic model should be consistent with the information contained in the narrative statements.

''Outcomes'' are benefits accruing to institutions of higher education during or after participation in the TCUP program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include an increased number of campus facilities (*e.g.*, newly built or renovated), an increased number of classroom spaces available, or an increased student enrollment and graduation rate.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the project's activities. Examples of outputs are the number of new facilities renovated, or the number of new dormitories built. Outputs should produce outcomes for the project. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Short-and-long term outputs to be achieved;

b. Measurable outcomes the grant will have on the university or the target population;

This information must be placed on a HUD–96010, Program Outcome Logic Model form. Applicants may submit as many copies of this form as required. It will not be included in the page count. A narrative is not required. However, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use can be found in the General Section.

B. Review and Selection Process

1. *Application Selection Process.*

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V.A. above. Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels.* To review and rate applications, HUD may establish panels that may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. *Ranking.* HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 100 points. The RC/EZ/EC–II bonus points described in the General Section do not apply to this NOFA. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. If there is still a tie, the application with the most points for Factor 2, 4, and 5 shall be selected in that order until the tie is broken. HUD reserves the right to select out of rank order to provide for geographic distribution of grantees. HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the

next highest-ranking application. If an applicant turns down the award offer, HUD will make the same determination for the next highest-ranking application. If funds remain after all selections have been made, the remaining funds will be carried over to the next funding cycle's competition.

4. *Corrections to Deficient Applications.* The General Section provides the procedures for corrections to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further information about award administration, please refer to the General Section.

B. Administrative and National Policy Requirements

For additional information regarding these requirements, please refer to Section VI.B. in the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Sherone Ivey; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410–6000. Applicants may also write to Ms. Ivey via email at *Sherone_E._Ivey@hud.gov.*

2. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at *http://www.whitehouse.gov/omb/circulars/index.html.*

3. *OMB Circulars and Government Wide Regulations Applicable to Financial Assistance Programs.* The General Section provides discussion of OMB circulars and governmentwide regulations.

4. *Code of Conduct.* See the General Section for further discussion.

5. *Procurement of Recovered Materials.* See Section III.C. of the General Section for further discussion.

6. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Toward Government Contractors' Labor Relations of Federal and Federally Funded Construction Projects.* See the General Section for further discussion if applicable.

7. *Executive Order 13166, Improving Access to Services For Persons With Limited English Proficiency (LEP).* See the General Section for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit quarterly progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred by budget line item, as well as a cumulative summary report during the reporting period.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Sherone Ivey at (202) 708–3061, extension 4200, or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Ivey via email at *Sherone_E._Ivey@hud.gov*, and Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0215. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 68 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A---Application Checklist TCUP

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF- 424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____ Abstract (must include no more than a two-page summary of the proposed project)

Indicate the page number where each of the Factors is located:

Narrative Statement Addressing the Factors for Award.

The narrative including tables and maps must not exceed 75 pages, (excluding forms, abstracts, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

_____ Factor I

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

____ HUD-96010 "Logic Model"

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD 424-CB" Grant Application Detailed Budget."
_____Budget Narrative (No form provided and must be submitted for the total three-year grant period)

_____ Indirect Cost Rate (if applicable)

_____ Letters of commitment, memoranda of understanding, or agreements)

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424);

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ Disclosure of Lobbying Activities (SF-LLL);

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Program Logic Model (HUD-96010);

_____Acknowledgement of Applicant Receipt (HUD-2993) Only applicants that submit paper applications;

_____ Client Comments and Suggestions (HUD-2994); and

_____ Facsimile Transmittal Cover Page (HUD 96011) to be used when sending electronic application third party documentation and faxes to HUD. Do not use this form if you received a waiver of the electronic submission requirement and are submitting a hard copy application. Items received by fax as a part of the paper copy submission will not be considered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

UNIVERSITIES AND COLLEGES PROGRAMS

COMMUNITY OUTREACH PARTNERSHIPS CENTERS (COPC)

Billing Code 4210-32-C

The Community Outreach Partnership Centers (COPC) Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. *Funding Opportunity Title:* Community Outreach Partnership Centers (COPC) Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Numbers:* The **Federal Register** Number for this Notice of Funding Availability (NOFA) is FR–4950–N–10. The OMB Approval Number for this program is 2528–0180.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The CFDA Number for this program is 14.511.

F. *Dates:* The application submission date is June 23, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The Community Outreach Partnership Centers (COPC) Program provides funds to two-year and four-year colleges and universities to establish and operate COPCs to address the problems of urban areas.

2. *Award Information.* In Fiscal Year (FY) 2005, approximately $6.64 million has been appropriated by the Consolidated Appropriations Act, 2005 (Pub. L. 108–447). HUD will award two kinds of grants under this program, First Time Grants and New Directions Grants.

a. First Time Grants will be awarded to applicants who have never received a COPC grant to undertake eligible work. The maximum amount an applicant can request for award is $400,000 for a maximum three-year (36 months) grant performance period.

b. New Directions Grants will be awarded to applicants who have previously received a COPC grant to undertake new directions in their activities. Applicants are only eligible to receive one New Directions Grant. The maximum amount an applicant can request for award is $200,000 for a maximum two-year (24 months) grant performance period.

HUD will use up to $5.2 million to fund approximately (13) First Time Grants and up to $1.4 million to fund approximately seven (7) New Directions Grants.

3. *Eligible Applicants:* Public or private nonprofit institutions granting two- or four-year degrees that are accredited by a national or regional accrediting agency recognized by the U.S. Department of Education are eligible to apply. A consortium of eligible institutions may also apply for funding under this program, as long as one institution is designated the lead applicant.

(Note: Institutions that participated in a COPC grant as a member of a consortium are eligible to apply for a New Grant if they received 25 percent or less of the funding from the earlier grant). HUD intends to fund at least two eligible COPC New First Time Grant applications (applications that receive a minimum score of 75 points) that serve Colonias (as defined in the General Section). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If less than two fundable applications are eligible for award, these funds will be used to award additional COPC grants.

Full Text of Announcement

I. Funding Opportunity Description

The purpose of the Community Outreach Partnership Centers (COPC) program is to assist in establishing or carrying out outreach and applied research activities that address problems of urban areas. The program also seeks to encourage structural change, both within an institution and in the way the institution relates to its neighbors.

A. Funding under this program shall be used to establish and operate local Community Outreach Partnership Centers (COPCs). The five key concepts that a COPC Program should include are:

1. Outreach activities and technical assistance to address multidimensional urban problems;

2. Empowerment efforts that engage community-based organizations and residents as partners with the institution throughout the life of the project and beyond;

3. Applied research related to the project's outreach activities (Note: Applicants are not required to undertake any research as part of their project and may apply for a project that is totally outreach focused);

4. Assistance to target communities primarily from the faculty, students, and to a limited extent by neighborhood residents and community-based organizations funded by the university; and

5. Support from the university's senior officials to make the program part of the institution's broader effort to meet its urban mission.

B. Authority

The COPC program is authorized under the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note; the ''COPC Act''). The COPC Act is contained in section 851 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (HCD Act of 1992). Section 801(c) of the HCD Act of 1992 authorized $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The Consolidated Appropriations Act, 2005 (Pub. L. 108–447) continues this program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY 2005. This program is being implemented through this NOFA and the policies governing its operation are contained herein.

C. Modifications

Listed below are major modifications from the FY 2004 program-funding announcement:

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further discussion.

2. Applicants that apply as a Consortium must include a memorandum of understanding or agreement signed by each of the Chief Executive Officers of the institutions involved. The document must describe all the members of the Consortium, outline each institution's roles and responsibilities, and how much funding each institution will receive from the grant. (Applicants must place the memorandum of understanding or agreement in the Appendix.)

3. Letters, memoranda of understanding, or agreements in response to Factor 4 now can be dated no earlier than nine months prior to the date of this published NOFA and received no later than the application submission date.

II. Award Information

In Fiscal Year (FY) 2005, approximately $6.64 million is being made available under this program. HUD will award two kinds of grants under this program, First Time Grants and New Directions Grants.

A. First Time Grants will be awarded to applicants who have never received a COPC grant to undertake eligible work. The maximum amount an applicant can request for award is $400,000 for a maximum three-year (36 months) grant performance period.

B. New Directions Grants will be awarded to applicants who have previously received a COPC grant to undertake new directions in their

activities. The maximum amount an applicant can request for award is $200,000 for a maximum two-year (24 months) grant performance period.

HUD will use up to $5.2 million to fund approximately (13) First Time Grants and up to $1.4 million to fund approximately seven (7) New Directions Grants.

III. Eligibility Information

A. Eligible Applicants

Public or private nonprofit institutions granting two- or four-year degrees that are accredited by a national or regional accrediting agency recognized by the U.S. Department of Education are eligible to apply for funding under this program. A Consortium of eligible institution may also apply, as long as one institution is designated the lead applicant. Applicants that apply as a Consortium must include a memorandum of understanding or agreement signed by each of the Chief Executive Officers of the institution involved. The document must describe all the members of the Consortium, outline each institution's roles and responsibilities, and how much funding each institution will receive from the grant. (Applicants must place the memorandum of understanding or agreement in the Appendix if submitting a paper copy application or following the submission instructions in the General Section for electronic copy submission. **Note:** Institutions that participated in a COPC grant as a member of a Consortium are eligible to apply for a First Time Grant if they received 25 percent or less of the earlier grant funds.) HUD intends to fund at least two eligible COPC First Time Grant applications (applications that receive a minimum score of 75 points) that serve Colonias (as defined in the General Section). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If less than two fundable applications are eligible for award these funds will be used to award additional COPC grants.

B. Cost Sharing or Matching

Applicants are required to meet the following match requirements:

1. *First Time Grant Applicants Match Requirements.*

a. *Research Activities.* 50 percent of the total project costs of establishing and operating research activities.

b. *Outreach Activities.* 25 percent of the total project costs of establishing and operating outreach activities.

2. *New Directions Grant Applicants Match Requirements.*

a. *Research Activities.* 60 percent of the total project costs of establishing and operating research activities.

b. *Outreach Activities.* 35 percent of the total project costs of establishing and operating outreach activities.

For each match, cash or in-kind contribution to the program, applicants must submit a signed letter of commitment (See Section V, Application Review Information, Factor 4: Leveraging Resources). Applicants may not count as match any costs that would be ineligible for funding under the program (*e.g.*, housing rehabilitation). In previous competitions, some applicants incorrectly based their match calculations on the Federal grant amount only. An applicant's match is evaluated as a percentage of the total cost of establishing and operating research and outreach activities, not just the Federal grant amount.

Assume that the total project cost for a First Time COPC Grant was $710, 000, with $110,000 for research and $600,000 for outreach. Note that this project meets the requirement that no more than one-quarter of the total project costs be allocated for research as defined in Section III, Eligibility Information, Other. The total amount of the required match would be $205,000. The research match would be $55,000 ($110,000 × 50 percent) and the outreach match would be $150,000 ($600,000 × 25 percent). The Federal grant requested would be $400,000 ($710,000 minus the match of $310,000). In calculating the match, administrative costs should be applied to the appropriate attributable outreach or research component.

C. Other

1. *Eligible Activities.* COPC Programs may combine outreach activities with research (if applicable) and work with communities and local governments to address the multidimensional problems that beset urban areas. Examples of urban problems include, but are not limited to homeownership, economic development, neighborhood revitalization, health care, job training, education, crime prevention, planning, the environment, and capacity building.

a. Outreach activities, technical assistance, and information exchange activities must be designed to address specific urban problems in designated communities and neighborhoods served by the grant.

b. Research activities (if applicable, research activities are not required) must have a clear near-term potential and practical application for solving specific, significant urban problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities and how they relate to HUD programs. Applicants must have the capacity to apply the research results directly to the proposed outreach activities outlined in the application's work plan. In addition, applicants must work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to real-life urban problems.

(1) Examples of outreach activities include, but are not limited to:

(a) Assistance to communities to improve consolidated housing and community development plans and to eliminate impediments to the design and implementation of such plans;

(b) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to resolve local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(c) Technical assistance in business start-up activities for low- and moderate-income individuals and organizations, including business start-up training and technical expertise and assistance, mentor programs, assistance in developing small loan funds, business incubators, etc;

(d) Technical assistance to local public housing agencies on welfare-to-work initiatives and physical transformations of public or assisted housing, including development of accessible and visitable housing;

(e) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training; and

(f) Assistance to communities in eliminating or reducing excessive, unnecessary or duplicative regulations, processes or policies that restrict the development or rehabilitation of affordable housing (For further discussion of Regulatory Barriers see the General Section.)

c. Funds for faculty development, including paying for course time or summer support, to enable faculty members to work with the COPC.

d. Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while students are working with the COPC.

e. Up to 20 percent of the grant may be used for payments of reasonable grant administrative costs related to planning and execution of the project (*e.g.*, preparation/submission of HUD

reports). Detailed explanations of these costs are provided in the Office of Management and Budget (OMB) circulars that can be accessed at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

f. Activities to carry out the ''Program Requirements'' as defined in this NOFA. These activities may include leases for office space in which to house the Community Outreach Partnership Center, under the following conditions:

(1) The lease must be for existing facilities not requiring rehabilitation or construction;

(2) No repairs or renovations of the property may be undertaken with Federal funds; and

(3) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

g. Components of the program may address metropolitan or regional strategies. Applicants must clearly demonstrate how:

(1) Strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(2) Neighborhoods and neighborhood organizations are involved in both the development and implementation of the metropolitan or regional strategies.

2. *Audit Requirements.* Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be accessed at the following Web site: *http://harvester.census.gov/sac.*

3. *Threshold Requirements Applicable to All Applicants.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified. There will be two separate competitions, one for First Time Grant applicants and one for New Directions Grant applicants.

a. The applicant must meet the eligibility requirements as defined in Section III.A, Eligible Applicants.

b. The maximum amount an applicant applying for a First Time Grant can request for award is $400,000. The maximum amount an applicant applying for a New Directions Grant can request for award is $200,000.

c. Applicants must meet the program's statutory match requirement (the requirement is defined in Section III.B Cost Sharing or Matching).

d. First Time Grant applications must be multifaceted. For purposes of this grant, multifaceted means an applicant must address three or more distinct urban problems and propose at least one distinct activity for each of the problems identified. For instance, an applicant might identify inadequate educational systems for grades K–12 as an urban problem and propose a program to train parents to successfully influence change and become involved in the public school system as the distinct activity. The applicant might address a second urban problem relating to unemployment of youth released from the local juvenile justice detention center and propose a counseling and job placement program. The third urban problem the applicant might address is inadequate social service for homeless families. The proposed activity would be to coordinate with or become part of a local Continuum of Care to conduct surveys to develop a strategy and create an implementation plan to more efficiently address the needs identified. Single or dual-purpose applications are not eligible and will be disqualified. For example, an applicant proposes: (1) A program to train residents for employment in the energy assistance industry; (2) a model curriculum for incorporating energy conservation into public school science programs; and (3) a program to assist local nonprofit organizations to conduct home energy assessments. Although all three activities are distinct, they address the same urban issue—energy conservation.

e. New Directions Grant applications must address two urban problems and undertake at least one activity for each of these problems. Applicants must also demonstrate that the proposed activities either implement new eligible projects in the current target neighborhood(s) or implement eligible projects in a new target neighborhood(s). Single purpose applications are not eligible and will be disqualified.

f. New Directions Grant applicants must have drawn down at least 75 percent of the grant funds from any previous COPC award three weeks prior to the program's application submission date to be eligible to apply for a New Directions Grant. It is the applicant's responsibility to make sure that this requirement is met.

g. Applicants who were a member of a consortium and received more than 25 percent of the earlier funding are not eligible to apply for a First Time Grant. However, applicants may submit an application for a New Directions Grant (applicants may submit an application individually or as part of the old consortium).

h. Only one First Time Grant or New Directions application will be eligible for funding from an institution. If multiple applications are submitted, all will be disqualified. However, different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding, if they have an administrative and budgeting structure independent of other campuses in the system.

i. Applicants may be part of only one consortium or submit only one application, or all applications will be disqualified. HUD will hold the applicant responsible for ensuring that neither the applicant nor any part of their institution, including specific faculty, participates in more than one application.

j. Programs must operate in an urban area. The statute creating COPC is very specific that programs address the problems of urban areas. HUD uses the Census definition of an urban area: a single geographic place (*e.g.*, a city, town, or village, but not a county) with a population of 2,500 or more. Applicants cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement. (However, because of the size of the grant and the three-year performance period, HUD encourages applicants to target activities in a minimum number of definable neighborhoods or communities.)

k. In order to ensure that the primary focus of the proposed project is on outreach, there is a limit on the amount of money that can be budgeted for research costs for this program. No more than 25 percent of the total project costs (Federal share plus matching funds) can be spent on research activities. However, applicants are not required to undertake any research as part of their project and may apply for a project that is totally outreach focused.

l. Applicants must receive a minimum score of 75 points to be considered for funding.

m. An applicant must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement.)

n. Electronic applications must be received by Grants.gov no later than 11:59:59 p.m. Eastern time on the June

23, 2005. See the General Section for information on application submission and timely receipt requirements.

4. *Program Requirements.* In addition to the requirements listed in Section III.C of the General Section, applicants must meet the following program requirements:

a. All funds awarded under this program to First Time Grant applicants are awarded for a three-year (36 months) grant performance period. All funds awarded under this NOFA to New Directions grant applicants are awarded for a two-year (24 months) grant performance period;

b. Employ the outreach and research resources of the institution to solve specific urban problems identified by communities served by the Center;

c. Establish and coordinate outreach activities in areas identified in the application as the communities to be served by the Center;

d. Establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

e. Facilitate public service projects in the communities served by the Center;

f. Act as both a national and a regional/local clearinghouse for dissemination of information;

g. Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate;

h. Grant funds will pay for activities conducted directly, rather than passing funds to other entities (in order for an application to be competitive no more than 25 percent of the grant funds should be passed through to other entities); and

i. Applicants must seek to provide access to program benefits and information to individuals who may be limited English proficient through translation and interpretive services in accordance to HUD's LEP Recipient Guidance published in the **Federal Register** on December 19, 2003.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may download the instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free (800–518–GRANTS) or emailing your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting e-mail notification of funding opportunities or downloading the application and should be done as soon as you download the application from the Grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. *Forms.* The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. The electronic version of the NOFA contains all forms required for submission.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Community Outreach Partnership Center Program Matching Requirements (HUD–30001);

h. Community Outreach Partnership Center Program Breakdown of Outreach and Research Activities (HUD–30002);

i. Verification of Match (HUD–30011);

j. Program Logic Model (HUD–96010);

k. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. In providing comments, please be as specific as possible. General statements that the NOFA is better than before but needs improvement do not provide HUD with the type of information that will allow us to improve the process. Applicants are not required to complete this form;

l. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable;

m. Certification of Consistency with the Consolidated Plan (HUD–2991), if applicable;

n. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit an electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so; and

o. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF 424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all Certifications and Assurances. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the application in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount (First Time Grant applicants' entire three-years and New Directions applicants' entire two-years) should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated

contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.511;

(6) The project's proposed start date and completion date. For the purpose of this application, the program start date should be November 1, 2005; and

(7) The signature of an Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the elements required in their application submission. Applicants receiving a waiver of the electronic application submission requirements must include a copy of the checklist in their application submission. Applicants submitting an electronic application do not have to submit the checklist in their application. The checklist can be found in the NOFA (See Attachment A).

c. *Abstract.* Applicants must include no more than a two-page summary of the proposed project. Please include the following:

(1) A clear description of the proposed project activities, the target population that will be assisted, and the impact this project will have on the institution;

(2) A statement that the institution is an eligible institution because it is a two- or four-year fully accredited institution, the name of the accrediting agency and an assurance that the accrediting agency is recognized by the U.S. Department of Education;

(3) The designated contact person, including phone number, facsimile number, and e-mail address (This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information);

(4) University's name, department, mailing address, telephone number, facsimile number, and e-mail address; and

(5) The principal investigator, if different from the designated contact person, for the project, including phone number, facsimile number, and e-mail address.

d. *Narrative statement addressing the Rating Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of the subfactor. The narrative section of an application must not exceed 75 pages, doubled spaced (excluding forms, budget narrative, commitment letters, memoranda of understanding, agreements, and abstract). Each page of the narrative must include the applicant's name and be numbered. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

e. *Budget.* The budget submission must include the following form:

(1) HUD–424–CB ''Grant Application Detailed Budget.'' This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately. Applicants must also submit this form to reflect the total cost for the entire grant performance period (Grand Total).

Make sure that the amount shown on the SF–424, the HUD–424–CB, and all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on all forms so that all items are included in the total. If there is an inconsistency between any of the budget forms required, the HUD–424–CB will be used. All budget forms must be fully completed. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(2) *Budget Narrative.* A narrative must be submitted that explains how the applicant arrived at the cost estimates for any line item, including match items, over $5,000. For example, a van rental, $150 per month × 36 months equals $5,400. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed in the geographical area. When necessary, quotes from various vendors or historical data should be used and included. When an applicant proposes to use a consultant, the applicant must indicate whether there is a formal agreement or written procurement policy. For each consultant, please provide the name, if known, hourly or daily rate, and the estimated time on the project. For equipment, applicants must provide a list by type and cost for each item and explain how it will be used. Applicants using contracts must provide an individual description and cost estimate for each contract.

(3) *Indirect costs.* Indirect costs, if applicable, are allowable based on an established approved indirect cost rate. Applicants should include a copy of their indirect cost rate agreement with their application. Please refer to Section IV.F of the General Section for instructions on how these documents are to be submitted to HUD using the electronic submission process. Applicants who are selected for funding that do not have an approved indirect cost rate agreement (established by the cognizant Federal agency, Certified Public Account, or auditor) will be required to establish a rate. In such cases, HUD will issue an award with a provisional rate and enter into an agreement to have one established.

f. *Match and Research Compliance.* All applicants must include the following forms:

(1) *HUD–30001, ''Community Outreach Partnership Centers Matching Requirements.''* This form should show how the match requirements have been met. Under each category, list the specific project activities. Only the dollar totals for research and outreach activities should be listed; costs by activity do not need to be listed. For the purpose of this form, administrative costs should be allocated between research and outreach activities, as appropriate. Applicants must provide letters, memoranda of understanding or agreements that show the extent and firmness of commitments of leveraged funds (including an applicant's own resources) in order for these resources to count. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. Each letter must include the specific dollar amount and the use of the funds. If a dollar amount and use is not shown, the

source cannot be counted toward the match requirement in Factor 4. This form is included in Appendix B.

(2) *HUD–30002, ''Community Outreach Partnership Centers Breakdown of Outreach and Research Activities.''* This form is used to demonstrate that the applicant has not allocated more than 25 percent of the total budget (including Federal and matching funds) to research activities. This form is included in Appendix B.

For purposes of this form, all costs (including administrative costs) must be categorized or apportioned as either research or outreach, as appropriate.

(**Note:** While indirect costs can count toward meeting the required match, they will not be used to calculate the match percentage above the match requirement. Only direct costs can count in this factor). Letters, memoranda of understanding, and agreements must be signed by an authorized representative of the funding source. If any matching sources are for more than one year, the commitment letter, memorandum of understanding, or agreement must state the number of years, the per year commitment, and the total commitment. Only items eligible for program funding can be counted as match. Include matching documentation at the end of the narrative statement addressing the Factors for Award and note in this section a list of the letters that have been placed there.

(3) *HUD–30011, ''Verification of the Match.''* Applicants must include a multiple page worksheet (included in Appendix B) to determine if a sufficient match has been provided. This worksheet must be included in the application. Please note on this form by each commitment listed if the match is an inside or outside match commitment. Electronic filers should use the PureEdge Electronic form found on the Grants.gov application package. Paper copy filers should use this form found on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

g. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of commitment, memoranda of understanding, and agreements for funds/resources in response to Factor 4 and all other required forms for this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant SHOULD NOT submit general support letters or resumes or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

Applicants applying as a Consortium must include a memorandum of understanding or agreement signed by each of the Chief Executive Officers of the institutions involved. The document must describe all the members of the Consortium, outline each institution's roles and responsibilities, and describe how much funding each institution will receive from the grant.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. Eastern time on June 23, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. Eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

1. Activities such as, but not limited to, the following are ineligible for funding:

a. Research activities that account for more than 25 percent of the total project cost (federal share plus match) and/or that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods or have any specific link to HUD programs.

b. Any type of construction, rehabilitation, or other physical development costs.

c. Costs used for routine operations and day-to-day administration of institutions of higher education, local governments, or neighborhood groups.

2. Funding may only be provided to applicants that meet the standards for eligible applicants in Section III.A.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Please read the General Section carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Wavier of Electronic Submission Requirements.* Please refer to the General Section for further discussion.

V. Application Review Information

A. Criteria

1. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points).* This factor addresses the extent to which the institution has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which the proposal demonstrates:

a. Knowledge and Experience. *For First Time Applicants* (20 Points) *For New Directions Grant Applicants* (10 Points). The knowledge and experience possessed by the proposed project director and staff, including the day-to-day program manager, consultants (including technical assistance providers), and contractors in planning and managing the kind of program for which funding is being requested. Applicants must clearly identify the following: Key project team members, titles (*e.g.*, project manager/coordinator, etc.), respective roles for the project staff, and a brief description of their relevant experience. Experience will be judged in terms of recent and relevant knowledge and skills of the staff to undertake eligible program activities. HUD will consider experience within the last five (5) years to be recent and experience pertaining to similar activities to be relevant. The more recent and substantial the experience of the staff, particularly the institution's own staff who will work on the project have in successfully conducting and completing similar activities, the higher the number of points an applicant can receive for this rating factor. The following areas will be evaluated:

(1) Outreach activities in communities to solve or ameliorate significant urban issues;

(2) Projects with community-based organizations or local governments;

(3) Solving community problems that have a direct bearing on the proposed activities and that make a national contribution to solving long-term and immediate urban problems/issues; and

(4) Research activities (if applicable) that have a practical application to significant urban issues.

b. Past Performance (10 points) *New Directions Grant Applicants Only.* This subfactor will evaluate the extent to which an applicant has performed successfully under a previous COPC

grant. Applicants must demonstrate this by providing the following information:

(1) A detailed list outlining the achievement of specific tasks, measurable objectives and outcomes consistent with the approved timeline/work plan in previously awarded grant;

(2) Comparison of proposed required match funds and resources in a previous grant with what was actually matched; and

(3) A detailed list outlining the timeliness and completeness of complying with all the COPC reporting requirements. In addressing timeliness compare when reports were due with when they were actually submitted.

HUD will also review an applicant's past performance in managing funds, including, but not limited to: the ability to account for funding appropriately; timely use of funds received from HUD; meeting performance targets for completion of activities; and receipt of promised match funds. In evaluating past performance, HUD reserves the right to deduct up to five (5) points from this rating score as a result of the information obtained from HUD's records (*i.e.*, progress and financial reports, monitoring reports, Logic Model submissions, and amendments), including the timely submission of required progress reports.

2. *Rating Factor 2: Need/Extent of the Problem (10 Points).* This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need(s) in the target area. The need(s) described must be relevant to the activities for which funds are being requested. The proposal will be evaluated on the extent to which the level of need for the proposed activities and the importance of meeting the need(s) are documented.

In rating this factor, HUD will consider data collected within the last five (5) years to be current. To the extent that the targeted community's Five Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, applicants should include references to these documents in response to this factor.

Applicants must use statistics or other analyses contained in at least one or more current data sources that are sound and reliable. Sources for localized data can be found at: *http://www.ffiec.gov.*

Other reliable sources of data include, but are not limited to, Census reports, HUD Continuum of Care gap analysis and its E-Map (To find additional information go to HUD's Web site: *http://www.hud.gov/emaps*), law enforcement agency crime reports, Public Housing Agencies' Comprehensive Plans, community needs analyses such as provided by the United Way, the applicant's institution, and other sound and reliable appropriate sources. Needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements may also be addressed.

The data used must be specific to the area where the proposed activities will be carried out (not the entire locality or state). Remember, the statute creating COPC is very specific that the program addresses problems of an urban area: a single geographic place (*e.g.*, a city, town, or village, but not a county) with a population of 2,500 or more. (However, because of the size of the grant and the three-year period of performance, HUD encourages applicants to target activities in a minimum number of definable neighborhoods or communities.)

3. *Rating Factor 3: Soundness of Approach (40 Points).* This factor addresses the quality and effectiveness of the proposed work plan. There must be a clear relationship between proposed activities and community needs for an applicant to receive points for this factor. This factor will be evaluated based on the extent to which the proposed work plan demonstrates the following:

a. Quality of Work Plan (26 Points).

(1) Specific Services and/or Activities. The work plan must describe all proposed activities and major tasks required to successfully implement the proposed project. HUD will consider the probability of success of the program, the significance of the tasks identified, how realistic are the proposed time frames, and who will be responsible for completing each proposed activity. (Note: applicants are not required to undertake research as part of the grant.)

(a) Describe a clear outreach agenda and demonstrate this by providing the following:

(i) Identifiable outreach activities;

(ii) Required tasks to be completed (in sequential order) for each proposed activity;

(iii) Target completion date for each proposed task/activity to be successfully implemented (in six-month intervals); and

(iv) The staff member, as described in Factor 1, who will be responsible and accountable for completing each task.

(b) Describe how the project will:

(i) Involve the institution as a whole (*i.e.*, variety of academic disciplines and administrative offices);

(ii) Provide for on-site or frequent presence in the target area; and

(iii) Ensure proposed activities do not duplicate outreach activities by the institution or others for the target area previously completed or currently underway.

(c) Applicants proposing research activities must describe a clear research agenda that applies the proposed research results directly to the proposed outreach activities and demonstrate this by providing the following:

(i) Identifiable research activities and outcomes (*e.g.*, reports, surveys, etc.);

(ii) Required tasks to be completed (in sequential order) for each proposed activity;

(iii) Time necessary for each proposed task/activity to be successfully implemented (in six-month intervals) and target completion date; and

(iv) The staff member, as described in Factor 1, who will be responsible for research activities and accountable for completing each task;

(v) Ensure that the proposed research is tied to the proposed outreach agenda (*e.g.*, a proposed study of the extent of housing abandonment in a neighborhood is followed by a plan for reusing this housing demonstrates a link between the proposed research and outreach strategies); and

(vi) Describe how the research does not duplicate the research by the institution or others for the target area previously completed or currently underway. If similar research is underway, describe how the proposed research agenda would complement it.

b. (5 Points) Community Involvement. The applicant must describe the extent to which it proposes to integrate the community as partners in the planning and implementation of proposed program activities. In reviewing this subfactor, HUD will look at the extent to which:

(1) One or more Community Advisory Committees have been formed that represent the community's diversity (including businesses, community groups, residents, and others) and will serve to develop and implement strategies to address the needs identified in Factor 2. In addressing this subfactor, applicants must provide evidence that such a committee(s) has been in place and what groups are represented, or that commitments have been secured from the appropriate persons to serve on a committee(s), rather than just describing generally the types of people whose involvement will be sought.

(2) The committee(s) and partners play an active role in all stages of the project and not serve as merely advisors or monitors.

(3) The outreach agenda includes training projects for local community leaders to increase their capacity to direct their organizations or undertake various kinds of community development projects.

c. (5 Points) Dissemination Strategies. In reviewing this subfactor, HUD will assess the applicant's demonstrated ability to disseminate results of outreach and research activities to other COPCs and communities. In addition, the scope and quality of the applicant's plan to disseminate information results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, Web sites, publications, etc. will be assessed. (Note: Applicants must make materials available in alternative formats for persons with disabilities (*e.g.*, Braille, audio, large type) upon request, and provide materials in languages other than English that are common in the community, if speakers of these languages are found in significant numbers and come into frequent contact with the program.)

d. (2 Points) Affirmatively Further Fair Housing. This subfactor will be evaluated on the extent to which an applicant describes how they propose to undertake activities designed to affirmatively further fair housing opportunities for individuals on the basis of race, color, national origin, sex, religion, familial status, or disability. For example:

(1) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(2) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(3) Providing housing mobility counseling services.

e. (2 Points) HUD Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities that will help the Department achieve its goals and objectives in FY2006, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this subfactor, HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed. Applicants that just list a priority will receive no points.

Each policy priority addressed has a value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 2. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 2 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barrier'' found in the General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

4. *Rating Factor 4: Matching Resources and Institutionalization of Program (20 Points).* This factor addresses the ability of the applicant to secure resources and make the program activities part of the institution's on-going mission. In evaluating this factor, HUD will consider the extent to which the applicant established partnerships with other entities (other than HUD) to secure additional resources to increase the effectiveness of the proposed program activities.

a. *Matching Resources* (10 Points). This subfactor addresses the applicant's ability to secure community resources combined with HUD's grant funds to achieve the program's purpose. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the grant being sought. External resources (those acquired from outside the college or university) may be provided by governmental entities (only block grants or formula grants will be considered, no direct grants), public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships. Applicants may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. Please note that the value of the time of individuals serving on an applicant program advisory board cannot be counted as an in-kind contribution. Applicants may count overhead and other institutional costs (*e.g.*, salaries, indirect costs, etc.) that the institution has waived. In evaluating this subfactor, HUD will allocate points as follows:

(1) (5 Points) will be awarded for a match that is 25 percent or more over the required match, as described in Section V, Application Review Information. Fewer points will be assigned depending on the extent of the match overage provided. Matching funds must be provided unconditionally in order to be counted for this subfactor.

HUD is concerned that applicants should be providing hard dollars as part of their matching contributions to enhance the tangible resources going into targeted neighborhoods. Thus, while indirect costs can count toward meeting the required match, they will not be used in calculating match overage. Only direct costs can count in this factor.

(2) (5 Points) will be awarded for the extent to which applicant documents that matching funds are provided from eligible external sources other than the institution (*e.g.*, funds from the city, including CDBG, other state or local government agencies, public or private organizations, or foundations). Federal funds can be used for the match as long as the funds are not a result of a direct Federal grant, but are block or formula grant funds that allow states or local governments allocation authority. Fewer points will be assigned depending on the amount of the outside match.

For each match, cash or in-kind contribution, a letter of commitment, memorandum of understanding, or agreement must be provided that shows the extent and firmness of the commitment of leveraged funds (including any commitment of resources, as well as an indirect cost considered an internal match) in order for the resources to count in determining points under this factor. Resources will not be counted for which there is no commitment letter, memorandum of understanding, or agreement, nor quantified level of commitment. Letters, memoranda of understanding, or agreements must be submitted on the provider's letterhead and be submitted as part of the application package. (Applicants submitting paper copy applications must place all letters, memoranda of understanding, or agreements in the Appendix. Applicants submitting these items electronically must follow the submission directions in Section IV.F of the General Section.) The date of the letter, memorandum of understanding, or agreement from the CEO of the provider organization must be dated no earlier than nine months prior to the date of this published NOFA. Applications that do not include

evidence of matching or address all items described below will receive zero (0) points for this Factor and will be disqualified.

a. A firm commitment letter, memorandum of understanding, or agreement must address the following:

(1) The cash amount contributed or dollar value of the in-kind goods and/or services committed (If a dollar amount and use is not shown, the source will not be counted toward the match requirement);

(2) A specific description of how the match is to be used toward one of the proposed program activities;

(3) The date the match will be made available and a statement that describes the duration of the contribution. If any of the matching sources are for more than one year, the commitment letter, memorandum of understanding, or agreement must state the number of years, the per year commitment, and the total commitment. Without this statement, HUD will assume that the commitment is for only one year;

(4) Any terms or conditions affecting the commitment, other than receipt of a HUD grant;

(5) The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. Please remember that only items eligible for funding under this program can be considered as a match; and

(6) Internal match provided by an applicant must be documented by a letter, memorandum of understanding, or agreement; describes the requirements outlined above; and be signed by the appropriate executive officer authorized to commit funds and/or goods and/or services. See the General Section for instructions on how to submit these documents to HUD using the electronic submission process.

b. *Institutionalization* (10 Points). This subfactor looks at how the institution plans to make the COPC function and related activities a part of its urban mission and ensure funding in the future by sources other than HUD.

(1) First Time Grant Applicants. In reviewing this subfactor for a First Time Grant, HUD will consider the extent to which the First Time Grant applicant addresses the institution's capacity and commitment to undertake outreach activities. HUD will evaluate the following:

(a) COPC activities as they relate to the institution's urban mission;

(b) Support and involvement of the institution's executive leadership (*e.g.*, department chairs, deans, etc.), faculty, staff and students from across many disciplines in order to demonstrate the institution's commitment to these kinds of activities;

(c) Commitment of the institution to establish a climate that rewards faculty and staff for work in COPC neighborhoods by including this work in decisions affecting rank, tenure, and promotion;

(d) Benefit to students through the implementation of service learning programs or professional training at the institution that are reflected in the curriculum (rather than just volunteer activities);

(e) Commitment to a formal organizational structure within the university related to outreach and community partnerships as reflected in the university's budget and planning documents of the university.

(2) New Directions Applicants. In reviewing this subfactor for a New Directions Grant, HUD will consider the extent to which the New Directions applicant's proposed project will sustain the institutional capacity and commitment of the institution to undertake outreach activities. HUD will evaluate the following:

(a) Increases in the number of faculty undertaking this kind of work;

(b) Increases in the number of courses linked to outreach activities and the number of students taking these courses; and

(c) Formal changes in institutional policies related to support of outreach.

5. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the program's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1–4. Therefore, the information submitted on the logic model should be consistent with the information contained in the narrative statements, but does not have to be as detailed.

''Outcomes'' are benefits accruing to institutions of higher education and/or communities during or after participation in the COPC program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes are increased business start-up in the target community by a certain percentage, or increased family financial stability (*e.g.*, increased assets to families and communities through the development of incubators).

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of the program's activities. Examples of outputs are the number of new businesses developed, the number of students involved in service learning activities, the number of new courses an institution developed that focus on community outreach activities, the number of newly formed partnerships that aid in community capacity building. Outputs should produce outcomes for the program. At a minimum, an applicant must address the following activities in the evaluation plan:

a. Specific time-phased short- and long-term measurable outputs to be accomplished.

b. Measurable outcomes the grant will have on the community in general and the target area or population.

c. The impact the grant will have on the long-term commitment of the university to the faculty and students to provide opportunities to continue this type of work.

d. The impact the grant will have on assisting the university to obtain additional resources to continue this type of work at the end of the grant performance period.

This information must be placed under this section on a HUD–96010 Program Outcome Logic Model form. Applicants may submit as many copies of this form as required. It will not be included in the page count requirement. A narrative is not required. However, if a narrative is provided, those pages will be included in the page count. Additional information on this form and how to use it can be found in the General Section.

B. Review and Selection Process

1. *Application Selection Process.*

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V.A.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels.* To review and rate applications, HUD may establish panels which may include experts or consultants not currently employed by

HUD. These individuals may be included to obtain certain expertise.

3. *Ranking.* HUD will fund applications in rank order until all available program funds are awarded. In order to be funded, an applicant must receive a minimum score of 75 points out of a possible 102 points, which includes up to two bonus points that may be awarded for activities conducted in the RC/EZ/EC–II communities, as described in the General Section. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 1, Capacity of the Applicant and Relevant Organizational Experience, shall be selected. If there is still a tie, the application with the most points for Factors 2, 4 and then 5 shall be selected in that order until the tie is broken. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees. In addition, HUD intends to fund at least two eligible COPC First Time Grant applications that serve Colonias (as defined in the General Section). While it is not necessary for the institution to be located in a Colonias, all program activities must be directed to the Colonias and its residents. If less than two fundable applications are eligible for award these funds will be made available to award additional COPC grants.

HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down the award offer, HUD will make the same determination for the next highest-ranking application. If funds remain after all selections have been made, the remaining funds will be carried over to the next funding cycle's competition.

4. *Correction to Deficient Applications.* The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applications in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For information regarding these requirements, please refer to Section VI.B the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to: Kinnard Wright; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410–6000. Applicants may also write to Mr. Wright via e-mail at *Kinnard_D._Wright@hud.gov.*

2. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at: *http://www.whitehouse.gov/omb/circulars/index.html.*

3. *OMB Circulars and Governmentwide Regulations Applicable to Financial Assistance Programs.* The General Section provides further discussion.

4. *Code of Conduct.* See the General Section for further discussion.

5. *Recovered Materials.* The General Section provides further.

6. *Environmental requirements.* In accordance with 24 CFR 50.19(b) of the HUD regulations, activities under the COPC program are categorically excluded from the requirements of the National Environment Policy Act and are not subject to environmental review under related laws and authorities.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflect costs by budget line item, as well as a cumulative summary of costs incurred during the reporting period.

For each reporting period, as part of the required report to HUD, grant recipients must include a completed Logic Model (HUD–96010), which identifies output and outcome achievements.

VII. Agency Contacts

Applicants may contact Kinnard Wright at (202) 708–3061, extension 7495 or Susan Brunson, at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service (TTY) at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Mr. Wright via e-mail at *Kinnard_D._Wright@hud.gov,* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0180. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 144 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, quarterly, semi-annual and final reports. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A---Application Checklist COPC

Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF- 424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____ Abstract (must include no more than a two-page summary of the proposed project)

Indicate the page number where each of the Factors is located:

Narrative Statement Addressing the Rating Factors.

The narrative including tables and maps must not exceed 75 pages, (excluding forms, abstracts, budget narrative, assurances, commitment letters, memorandum of understanding, and agreements) double-spaced with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font.

_____ Factor I

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

____ HUD-96010 "Logic Model"

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD 424-CB" Grant Application Detailed Budget."

_____Budget Narrative (No form provided and must be submitted for the total grant period)

_____ Indirect Cost Rate (if applicable)
_____Match and Compliance Forms

_____HUD-30001, Community Outreach Partnership Center Program Matching Requirements

_____HUD-30002, Community Outreach Partnership Center Program Breakdown of Outreach and Research Activities

_____HUD-30011 or HUD-30012, Verification of Match

_____Letters of commitment, memoranda of understanding, or agreements

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424);

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ America's Affordable Communities Initiative (HUD-27300), if applicable;

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Certification of Consistency with RC/EZ/EC-II Strategic Plan (HUD-2990), if applicable;

_____ Certification of Consistency with the Consolidated Plan (HUD-2991), if applicable;

_____ Acknowledgement of Applicant Receipt (Only applicants who submit paper applications (HUD-2993);
_____ Client Comments and Suggestions (HUD-2994);

_____Community Outreach Partnership Center Program Matching Requirements (HUD-30001);

_____Community Outreach Partnership Center Program Breakdown of Outreach and Research Activities (HUD-30002);

_____Verification of Match (HUD-30011 or HUD-30012); and

_____Facsimile Transmittal Cover Page (HUD 96011) to be used when sending electronic application third party documentation and faxes to HUD. This form is not to be used for paper copy submissions and items received by fax, as a part of the paper copy submission will not be considered.

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 05/31/2006)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form **HUD-30001** (4/98)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.
Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).
The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Community Outreach
Partnership Centers Program

Breakdown of Outreach and Research Activities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 05/31/2006)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.

Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).

The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

	Total Cost $	Percent of Total Project Cost
Total Research Activities		%
Total Outreach Activities		%
Total		

Verification of Match

U.S. Department of Housing and Urban Development
Office of Policy Development and Research

OMB Approval No. 2528-0180
(exp. 5/31/2006)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information collection on this form is utilized to calculate and verify the amount of matching resources a percentage of total project costs. Public Law 100-242, section 501, authorizes this collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a current valid OMB control number.

Check appropriate box. ☐ **New Grants** ☐ **New Directions Grants**

Record of Match Commitments

List of matching resources	Check if commitment letter is included and activity is eligible for match
1. _____	
2. _____	
3. _____	
4. _____	
5. _____	
6. _____	
7. _____	
8. _____	

Verification of Match (cont'd.)

CALCULATION OF MATCH (New Directions Grants ONLY)

1. REQUIRED MATCH

A. Research Total Project Cost:

_____	+	_____	=	_____
(Grant request for Research)		(Match for Research)		(Research Total Project Cost)

Research match should be:

_____	X	60%	=	_____
(Research Total Project Costs)				(Required Research Match)

B. Outreach Total Project Costs:

_____	+	_____	=	_____
(Grant request for Outreach)		(Match for Outreach)		(Outreach Total Project Costs)

Outreach match should be:

_____	X	35%	=	_____
(Research Total Project Costs)				(Required Research Match)

C. Required Total Match:

_____	+	_____	=	_____
(Required Research Match)		(Required Outreach Match)		(Required Total Match)

Verification of Match (cont'd.)

CALCULATION OF MATCH (New Grants ONLY)

2. REQUIRED MATCH

A. Research Total Project Cost:

(Grant request for Research)	+	(Match for Research)	=	(Research Total Project Cost)
_____		_____		_____

Research match should be:

(Research Total Project Costs)	X	50%	=	(Required Research Match)
_____				_____

B. Outreach Total Project Costs:

(Grant request for Outreach)	+	(Match for Outreach)	=	(Outreach Total Project Costs)
_____		_____		_____

Outreach match should be:

(Research Total Project Costs)	X	25%	=	(Required Research Match)
_____				_____

C. Required Total Match:

(Required Research Match)	+	(Required Outreach Match)	=	(Required Total Match)
_____		_____		_____

3. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHIVH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

☐ **YES** ☐ **NO**

4. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided from #2 above: _____

Minus indirect match: − _____

Actual total match for following calculations: = _____

5. MATCH OVERAGE

Total Actual Match (w/o indirect costs) from #3) = _____
Total Required Match from 1.C

(As long as the number produces is more than 1, use only the amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

6. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources) = _____
Total Actual Match (w/o indirect costs) from #3

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STUDENT RESEARCH AND STUDY PROGRAMS

Early Doctoral Student Research Grant Program

Doctoral Dissertation Research Grant Program

Billing Code 4210-32-C

The Early Doctoral Student Research Grant Program and Doctoral Dissertation Research Grant Program

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships.

B. Funding Opportunity Title: The Early Doctoral Student Research Grant (EDSRG) Program and the Doctoral Dissertation Research Grant (DDRG) Program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The Federal Register Number for this Notice Of Funding Availability (NOFA) is FR4950–N–07. The OMB Approval Numbers for the programs in this NOFA are as follows:

1. Early Doctoral Student Research Grant Program is 2528–0216.

2. Doctoral Dissertation Research Grant Program is 2528–0213.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): The CFDA Numbers for the programs in this NOFA are as follows:

1. Early Doctoral Student Research Grant Program is 14.517

2. Doctoral Dissertation Research Grant Program is 14.516

F. Dates: The application submission deadline shall be on or before May 18, 2005. Please be sure to read the General Section for electronic submission and receipt requirements.

G. Optional, Additional Overview Content Information: 1. Purpose of the University Partnership Dissertation Programs:

a. *Early Doctoral Student Research Grant (EDSRG) Program.* The purpose of the EDSRG program is to enable doctoral students enrolled at accredited institutions of higher education recognized by the U.S. Department of Education to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues.

b. *Doctoral Dissertation Research Grant (DDRG) Program.* The purpose of the DDRG program is to enable Ph.D. candidates enrolled at accredited institutions of higher education recognized by the U.S. Department of Education to complete their research and dissertations on policy-relevant housing and urban development issues.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $550,000 has been made available for the following Office of University Partnerships (OUP) dissertation programs.

a. *Early Doctoral Student Research Grant Program*—Approximately $150,000 is available for funding under this program. The maximum grant performance period is 12 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $15,000.

b. *Doctoral Dissertation Research Grant Program*—Approximately $400,000 is available for funding under this program. The maximum grant performance period is 24 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $25,000.

If funding remains after all eligible EDSRG doctoral students are awarded, the remaining funds will be made available to fund eligible DDRG doctoral students. If funding remains after all eligible DDRG doctoral students are awarded, the remaining funds will be made available to fund eligible EDSRG doctoral students.

3. *Eligible Applicants.* Eligible applicants are accredited institutions of higher education recognized by the U.S. Department of Education that sponsor doctoral students who meet the following program requirements:

a. *Early Doctoral Student Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

(1) Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled as a full-time student in an accredited doctoral program;

(2) Have a major or concentration within a field related to housing and urban development;

(3) Have not taken the preliminary/comprehensive examinations;

(4) Completed at least two semesters or three terms of a doctoral studies program (depending on the course structure of the institution);

(5) Have an assigned faculty advisor to supervise the research manuscript;

(6) Submit a letter of support from the assigned faculty advisor in the doctoral student's department; and

(7) Provide a support letter from the institution. This support may not replace support or assistance the institution would otherwise provide to the student.

b. *Doctoral Dissertation Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

(1) Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled an accredited doctoral program;

(2) Have an approved dissertation proposal;

(3) Provide documentation from the dissertation committee chairperson that states the feasibility of the following:

(a) By the application due date, the student's dissertation proposal will be accepted by the full dissertation committee;

(b) The student will have an assigned dissertation advisor;

(c) By September 1, 2005, the student will have satisfactorily completed all other written and oral Ph.D. requirements, including all examinations and defense of the proposal, except the dissertation; and

(d) The proposed dissertation can be prepared and delivered within the two-year grant period.

(4) Provide a support letter from the institution. This support may not replace support or assistance the institution would otherwise provide to the student.

Full Text of Announcement

I. Funding Opportunity Description

A. Early Doctoral Student Research Grant (EDSRG) Program

The purpose of the EDSRG program is to enable doctoral students enrolled at an accredited institution of higher education recognized by the U.S. Department of Education to cultivate their research skills through the preparation of research manuscripts that focus on policy-relevant housing and urban development issues. The FY 2005 EDSRG program seeks to fund research studies that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives (*See* the General Section for discussion of these priorities and annual goals and objectives).

B. Doctoral Dissertation Research Grant (DDRG) Program

The purpose of the DDRG program is to enable Ph.D. candidates enrolled at accredited institutions of higher education recognized by the U.S. Department of Education to complete their research and dissertations on policy-relevant housing and urban development issues. The FY 2005 DDRG program seeks to fund research studies that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual

goals and objectives (See the General Section for discussion of these priorities and annual goals and objectives).

C. Topics

Examples of topics addressing these issues (applicable to both the EDSRG and DDRG programs) include but are not limited to:

1. Increase Homeownership Opportunities

a. Increase Minority Homeownership.
b. Simplify the Home Buying Process (RESPA reform) and Reduce Settlement Costs.
c. Set Appropriate Housing Goals for the GSEs.
d. Counter Predatory Lending.
e. Help Low-Income Homeowners Avoid Default and Foreclosure.
f. Evaluate Housing Counseling.

2. Promote Decent Affordable Housing

a. Reduce Regulatory Barriers to the Development of Affordable Housing, as well as All Forms of Multifamily Housing.
b. Develop Creative Strategies for Expanding the Availability of Affordable Housing.
c. Strengthen the Delivery of HUD-Funded Rental Assistance and Assistance Provided Through the Low-Income Housing Tax Credit.
d. Promote Self-Sufficiency Among Residents of Public and Assisted Housing.
e. Meet the Housing-Related Needs of the Elderly.
f. Meet the Housing-Related Needs of Persons with Disabilities.
g. Improve Housing Quality and Affordability through Technology and Design.

3. Strengthen Communities

a. End Chronic Homelessness.
b. Prevent Homelessness.
c. Strengthen Cities.
d. Meet the Housing and Community and Economic Development Needs of Residents of High-Needs Areas, including the Colonias, Appalachia, the Mississippi Delta, and Indian Country.

4. Ensure Equal Opportunity In Housing

a. Reduce Housing Discrimination.
b. Improve Housing Accessibility for Persons with Disabilities.

5. Embrace High Standards of Ethics, Management, and Accountability

a. Reduce Fraud, Waste, and Abuse in HUD-Funded Programs.
b. Improve the Effectiveness of HUD Programs Through Program Evaluations and Performance Measurement.

6. Promote Participation of Faith-Based and Community Organizations

a. Strengthen the Capacity of Faith-Based and Community Organizations.

D. Modifications

There is one major modification from the Fiscal Year (FY) 2004 program-funding announcement. In FY 2005, applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply.* Read the General Section for further information regarding submitting your application electronically.

E. Authority

HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004). These programs are undertaken under HUD's research authority under Title V of the Housing and Urban Development Act of 1970. They are being implemented through this NOFA and the policies governing their operation are contained herein.

II. Award Information

In Fiscal Year (FY) 2005, approximately $550,000 is made available for the Office of University Partnerships (OUP) dissertation programs as follows:

A. Early Doctoral Student Research Grant Program

Approximately $150,000 will be made available for funding under this program. The maximum grant performance period is 12 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $15,000.

B. Doctoral Dissertation Research Grant Program

Approximately $400,000 will be made available for funding under this program. The maximum grant performance period is 24 months. The performance period will commence on the effective date of the grant agreement. The maximum amount that can be requested by a doctoral student for award is $25,000.

If funding remains after all eligible EDSRG doctoral students are awarded, the remaining funds will be made available to fund eligible DDRG doctoral students. If funding remains after all eligible DDRG doctoral students are awarded, the remaining funds will be made available to fund eligible EDSRG doctoral students.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants are accredited institutions of higher education recognized by the U.S. Department of Education that sponsor doctoral students. The institution must address the following program requirements:

1. *Early Doctoral Student Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

a. Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled as a full-time student in an accredited doctoral program;
b. Have not taken the preliminary/comprehensive examinations;
c. Have completed at least two semesters or three terms of a doctoral studies program (depending on the course structure of the institution);
d. Have an assigned faculty advisor to supervise the research manuscript (provide the advisor's name, address, phone number, facsimile number, and email address);
e. Submit a letter of support from the assigned faculty advisor of the doctoral student that confirms that the student meets all of the conditions above and that the proposed research manuscript can be completed within the one-year grant period; and
f. Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support might include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the doctoral student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

2. *Doctoral Dissertation Research Grant Program.* Doctoral students applying for funding under this program must meet the following requirements:

a. Be a U.S. citizen or lawful permanent resident (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) currently enrolled in an accredited doctoral program;
b. Have an approved dissertation proposal;
c. Provide letter from the dissertation committee chairperson that confirms the following:
(1) By the application due date, the student's dissertation proposal has been accepted by the full dissertation committee and the student has been assigned a dissertation advisor (provide

the advisor's name, address, phone number, facsimile number, and email address);

(2) By September 1, 2005, the student will have satisfactorily completed all other written and oral Ph.D. requirements, including all examinations and defense of the proposal, except the dissertation; and

(3) The proposed dissertation can be prepared and delivered within the two-year grant period.

d. Provide a support letter from the institution that includes in detail the type of support the university is providing. Such support might include tuition waivers, office space, computer time, assumption of indirect costs, or similar items the student might need in order to complete the required product. This support may not replace support or assistance the institution would otherwise provide to the student.

B. Cost Sharing or Matching

None Required.

C. Other

1. Eligible Activities

Grant funds awarded for programs under this NOFA must be used to support direct costs incurred in the timely completion of the research product. Eligible costs include stipends, computer software, purchase of data, travel expenses to collect data, transcription services, and compensation for interviews.

2. Audit Requirements

Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR Part 84. Additional information regarding this requirement can be access at the following Web site: *http://harvester.census.gov/sac.*

3. Threshold Requirements Applicable to All Applicants

All applicants and doctoral students must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified.

a. The doctoral student must meet the eligibility requirement for the program for which they are requesting funding as defined in Section III.A, Eligible Applicants;

b. University sponsorship. The university shall enter into a Grant Agreement with HUD that provides for payment of the grant by HUD to the university and from the university to the approved doctoral student, and that further provides all required certifications and assurances. The university shall agree to provide as the Principal Investigator under the Grant Agreement a faculty advisor or chairperson of the doctoral student's dissertation committee who shall supervise the student's work under the Grant Agreement;

c. The student has provided a letter from the faculty advisor or chairperson of the doctoral student's dissertation committee confirming the applicant is eligible as outlined in Section III A, Eligible Applicants;

d. The student's institution has provided a letter agreeing to provide support and outlines the specific type of support they will provide as part of this grant as defined in Section III A, Eligible Applicants;

e. The student has requested no more funding than the grant maximum allocated for the program from which they are requested funding as outlined in Section II, Award Information;

f. Only *one* application package can be submitted per doctoral student. Students who have received funding in the past are not eligible to receive funding under the same program.

g. Applications must receive a minimum score of 75 points to be considered for funding;

h. The University (the official applicant on behalf of the student) must have a DUNS number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement); and

i. Electronic applications must be received by grants.gov no later than 11:59:59 p.m. eastern time on May 18, 2005. See the General Section for information on application submission and timely receipt requirements.

IV. Application and Submission Information

A. Addresses To Request Application Package

Applicants may download the instructions to the application found on the grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or e-mail your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting e-mail notification of funding opportunities or downloading the application and should be done as soon as you download the application from the grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. Forms.

The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. All required forms are contained in the electronic application package.

a. Application for Federal Assistance (SF–424);

b. Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Grant Application Detailed Budget (HUD–424–CB);

d. Disclosure of Lobbying Activities (SF–LLL);

e. America's Affordable Communities Initiative (HUD–27300), if applicable;

f. Applicant/Recipient Disclosure/Update Report (HUD–2880);

g. Program Logic Model (HUD–96010);

h. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help us to assess whether the changes have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form;

i. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants

that do not submit an electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so; and

j. Facsimile Transmittal Cover Page (HUD 96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF 424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. Certifications and Assurances.

Please read the General Section for detailed information on all Certifications and Assurance. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the applications in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The name of the applicant for these programs is the University. Please make sure that the University's address is listed on this form (not the student's information);

(2) Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated contact person. This is the University contact who will receive all information pertinent to this grant;

(3) The total grant amount requested;

(4) The University's Employer Identification/Tax ID;

(5) The DUNS Number;

(6) The Catalog of Federal Domestic Assistance Number for the program from which you are requesting funding;

(a) Early Doctoral Student Research Grant Program is 14.517

(b) Doctoral Dissertation Research Grant Program is 14.516.

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Table of Contents*

c. *Application Checklist.* Doctoral students should use the checklist to ensure that they have all the required components of the application. Students submitting an electronic application do not have to submit the checklist. Students who receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application. The checklist is found in the NOFA (See Attachment A).

c. Executive Summary (700 words or less). The Executive Summary should, at a minimum, include a summary of the proposed research project that addresses the following information:

(1) Specific purpose of the manuscript/dissertation;

(2) Methodology being used; and

(3) How the student meets the eligibility criteria for the program from which she/he is requesting funding.

In addition, include the following information:

(1) Student's address, telephone number, facsimile number, and e-mail address at the university;

(2) The faculty/chairperson advisor's name, title, department, address, telephone number, facsimile number, and e-mail address. This person will serve as the Principal Investigator for this grant; and

(3) The designated university contact person, including phone number, facsimile number, and e-mail address.

d. *Narrative Statement Addressing the Rating Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Therefore, it is very important that the student becomes fully familiar with the rating factors for the program from which he/she is requesting funding. The narrative should be numbered in accordance with each factor and subfactor. Please do not repeat material in response to the four factors; instead, focus on how well the proposal responds to each of the factors. Make sure to address each factor and subfactor and provide sufficient information about every element. The application narrative, bibliographies, and any supporting references must not exceed 20 pages in length (excluding forms, assurances, budget narrative, Table of Contents, Executive Summary, agreements, and letters) and must be submitted on 8 ½ by 11-inch paper, double-spaced on one side of the paper, with one inch margins (from the top, bottom, left, and right side of the document) and printed in standard Times New Roman 12-point font. Each page must be numbered and the name of the student and university on each page. The double-spacing requirement applies to the narrative section of the application (excluding references, bibliographies, agreements, and letters). Please note that although submitting pages in excess of the page limit will not disqualify the application, HUD will not consider the information on any excess page. This exclusion may result in a lower score or failure to meet a threshold requirement.

Support Letters—For doctoral students submitting electronic applications, please refer to Section IV.F of the General Section for further instructions on how third party documents are to be submitted to HUD via the electronic submission process.

(1) Faculty Advisor/Dissertation Advisor Support Letter. This letter must provide a statement from the doctoral student's faculty advisor or chairperson of the doctoral student's dissertation committee verifying the doctoral student has met all the eligibility criteria described in Section III.A, Eligible Applicant.

(2) *University Support Letter.* This letter must provide a statement from the appropriate official at the university that describes in detail the type of support the University will be providing, as described in Section III.A, Eligible Applicant. Please remember that this support may not replace support or assistance that the institution would otherwise provide the student.

g. *Budget.* The budget submission must include the following:

(1) *HUD–424–CB, ''Grant Application Detailed Budget.''* This budget form shows the total budget by year and by line item for the program activities to be carried out with the proposed HUD grant. Each year of the program should be presented separately.

Make sure that the amount shown on the SF–424, the HUD–424–CB and on all other required program forms is consistent and the budget totals are correct. Remember to check addition in totaling the categories on the Form HUD–424–CB so that that all items are included in the total. The budget form must be fully completed. If there is any inconsistency between any required forms, the HUD–424–CB will be used. If this correction puts an application over the grant maximum, the doctoral student will not be able to correct the

amount requested and the application will be disqualified. If an application is selected for award, the applicant may be required to provide greater specificity to the budget during grant agreement negotiations.

(2) *Budget Narrative.* A narrative must be submitted that explains how the doctoral student arrived at the cost estimates. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work proposed.

h. *Appendix.* Doctoral students receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters and other required forms in this section. For doctoral students submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using electronic submission process. An applicant SHOULD NOT submit general support letters, resumes, or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. eastern time on or before May 18, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. Eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

These programs are excluded from an Intergovernmental Review.

E. Funding Restrictions

1. Funding may only be provided to doctoral students who meet the standards for eligible applicants outlined in Section III. A.

2. Grant funds awarded for programs under this NOFA may not be used to pay for tuition, computer hardware, or meals.

3. Early Doctoral Student Research Grant (EDSRG) Program

Three thousand dollars of the grant funds will be held until the doctoral student's research manuscript has been completed and accepted for presentation at a conference or publication in a refereed journal by the end of the grant period, or a committee of three faculty members (including the faculty sponsor, as the principal investigator of the grant) has determined and certified to HUD that the manuscript is of high quality and worthy of submission to conferences or journals, and two copies of the research product are submitted to HUD in their final version.

4. Doctoral Dissertation Research Grant (DDRG) Program

Six thousand dollars of the grant funds will be held until the doctoral student's dissertation has been completed, approved by the committee, and two final copies are submitted to HUD.

5. Institutions that have had previously awarded grants under these programs terminated for non-performance and have outstanding funds owed to HUD resulting from the termination will be excluded from competition until the outstanding funds are repaid. (Applicants must comply with the Delinquent Federal Debt Requirement as defined in the General Section.)

F. Other Submission Requirements

1. Application Submission and Receipt Procedure. Please read the General Section of the SuperNOFA carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify a doctoral student's application.

2. Waiver of Electronic Submission Requirements. Please refer to Section IV.F4 of the General Section for further discussion.

V. Application Review Information

A. Criteria

1. Rating Factor 1

Capacity to do the Research (20 Points). In reviewing this factor, HUD will determine the extent to which:

a. The student's skills and experience are relevant to the proposed research manuscript/dissertation (*e.g.*, course work, teaching, research projects, and presentations);

b. The student provides a research outline that identifies the preliminary steps that have been undertaken (*e.g.*, literature review, research hypotheses, questions to be answered) to produce the proposed manuscript/dissertation; and

c. *For Early Doctoral Program Applicants only;* The proposed research will help to further the student's research skills (*i.e.*, it is relevant to the kind of projects the student will continue to work on as she/he earns his/her Ph.D.).

d. *For Doctoral Dissertation Research Applicants only;* The doctoral student's previous research experience (*e.g.*, graduate-level research projects, presentations at conferences, publications, etc.) is relevant to and supportive of the proposed dissertation.

2. Rating Factor 2

Need for the Research (35 Points). In reviewing this factor, HUD will determine the extent to which the proposed research manuscript/dissertation will produce policy-relevant information that is directly related to HUD's research priorities and/or annual goals and objectives (*i.e.*, the research that will be produced could have an effect on HUD's strategic goals and programs and policies to achieve these goals). The more direct the relationship is between the doctoral student's manuscript/dissertation and one of these topics, the higher number of points awarded. For example a study of minorities' housing choice decisions would have high relevance to HUD's strategic goals; a study of transportation inequities would have medium relevance; and a study of the effects of global warming on urban development would have low relevance. For a full list and explanation of the research priorities and/or annual goals, please refer to the General Section.

3. Rating Factor 3

Soundness of Approach (35 Points). This factor addresses the quality and effectiveness of the proposed research design and methodology and the actions regarding HUD's policy priorities. This factor will be evaluated based on the extent to which the proposed work plan will demonstrate the following:

a. *Quality of Research (33 Points).* (1) The research design and methodology proposed is likely to produce data and information that will successfully answer the research hypothesis; and

(2) The methodology proposed is sound and generally accepted by the relevant research community and is in line with research already completed or existing publications in the field as they relate to the scholarly standard for the research questions.

b. *HUD Policy Priorities (2 Points).* An important purpose of these programs is

to fund research that may impact federal problem solving and policymaking and is relevant to HUD's policy priorities and annual goals and objectives. (See General Section for further discussion). HUD encourages doctoral students to undertake research that will assist the Department in implementing its policy priorities and which help the Department achieve its goals and objectives in FY 2006. In addressing this factor, HUD will evaluate the extent to which the research will further and support HUD's priorities. The quality of a student's response to one or more of HUD's priorities will determine the score a doctoral student can receive. Students must describe how each policy priority they selected will be addressed. Students who just list a priority will receive no points.

Each policy priority addressed has a value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to students who address policy priorities is two. It is up to the student to determine which of the policy priorities they elect to address to receive the available 2 points. To receive points for efforts to remove regulatory barriers to affordable housing, a student must submit a completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barriers'' found in the General Section along with required documentation. This form is part of the electronic application and is constructed to permit the required documentation to be attached to the electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

4. Rating Factor 4 Issuance of the Research Product (10 Points)

In reviewing this factor, HUD will determine the following:

a. *For Early Doctoral Program Applicants only.* The extent to which the proposed research manuscript will be completed within the grant performance period and be suitable for presentation at a conference or publication in a refereed journal.

b. *For Doctoral Dissertation Program Applicants only.* The extent to which the proposed research can feasibly be prepared and delivered to HUD by the end of the grant performance period.

c. Students must demonstrate the feasibility of completing their research within the grant performance period by providing the following information:

(1) Major tasks involved in completing the proposed research;

(2) Indicate the sequence in which these tasks will be performed; and

(3) Identify any key individuals responsible for carrying out any proposed activities. The sequence and duration of this effort should be presented in quarterly (3 month) intervals for the entire life of the grant (use of a milestone chart to present this information is recommended).

(4) Efforts on the part of the doctoral student who proposes extremely complex and time-consuming data collection efforts (*e.g.*, major longitudinal studies or a very large number of site visits within the grant period) will be determined less feasible for completion within the allotted grant performance period. For example, if the proposed methodology is based on information that may not be publicly available until after the end of the grant period (*e.g.*, Census information), or a data collection plan that will take longer than the allotted grant performance period is proposed, zero points will be awarded for this factor.

(5) HUD will also evaluate the student's plan to disseminate the research through other means (*e.g.*, seminars, university publications, or relevant electronic means).

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted:

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review for all applications that pass the threshold review to rate and rank the application based on the ''Rating Factors'' listed in Section V.A above.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. *Rating Panels*

To review and rate applications, HUD may establish panels which may include experts or consultants not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

In order to be funded, an application must receive a minimum score of 75 points out of a possible 100 for Factors 1 through 5. The RC/EZ/EC–II communities, two bonus points described in the General Section, do not apply to this NOFA. HUD will fund applications under each program in rank order, until all available program funds are awarded. If two or more applications have the same number of points, the application with the higher points for Factor 1, Capacity to do the Research, shall be selected. If there is still a tie, the application with the higher points for Factor 2, Need for the Research, shall be selected. HUD reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funds remain after funding the highest ranked applications, HUD may fund part of the next highest-ranking application. If an applicant turns down the award offer, HUD will make the same determination for the next highest-ranking application.

4. Correction to Deficient Applications

The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notices

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For additional information regarding these requirements, please refer to the General Section.

1. *Debriefing.* The General Section provides the procedures for requesting a debriefing. All requests for debriefings must be made in writing and submitted to Armand Carriere; Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410. Applicants may also write to Mr. Carriere via e-mail at *Armand_W._Carriere@hud.gov*.

2. *Environmental Requirements.* The provision of assistance under these programs is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(1) and (b)(9).

3. *Administrative.* Grants awarded under this NOFA will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of

Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at: *www.whitehouse.gov/omb/circulars/index.html*.

C. Reporting Requirements

All recipients of grant funds for programs in this NOFA are required to submit a report, halfway through the grant period, on the progress to date that has been made toward completion of the research product and the likelihood that it will be completed on time.

HUD requires that funded recipients collect racial and ethnic beneficiary data. HUD has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Date. In view of these requirements, applicants should use form HUD–27061, Racial and Ethnic Date Reporting Form or a comparable form, or a comparable electronic data system for this purpose.

VII. Agency Contacts

Doctoral students may contact Armand Carriere, Office of University Partnerships at (202) 708–3061, extension 3181 or Susan Brunson at (202) 708–3061, extension 3852. Persons with speech or hearing impairments may call the Federal Information Relay Service TTY at 800–877–8339. Except for the ''800'' number, these telephone numbers are not toll-free. Students may also reach Mr. Carriere via the Internet at *Armand_W._Carriere@hud.gov* and/or Ms. Brunson at *Susan_S._Brunson@hud.gov*.

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0216 (for the Early Doctoral Student Research Grant Program) and 2528–0213 (for the Doctoral Dissertation Research Grant Program). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 44 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A--Application Checklist
EDSRG and DDRGP

This checklist identifies application submission requirements. Doctoral students are requested to use this checklist when preparing an application to ensure submission of all required elements. Students submitting an electronic application do not have to submit the checklist. Students that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF-424 "Application for Federal Assistance"

_____ Table of Contents

_____Application Checklist (if applicable)

_____ Executive Summary (700 words or less)

Indicate the page number where each of the Rating Factors are located:

Narrative Statement Addressing the Rating Factors.

The application narrative must not exceed 20 pages in length (excluding required forms, assurances, table of contents, executive summary, budget narrative, commitment letters, memorandum of understanding, and agreements) double-spaced on one side of the paper, with one-inch margins (from top, bottom, left and right) printed in standard Times New Roman 12 point font).

_____Factor I

_____ Factor II

_____ Factor III

_____ Factor IV

_____ Factor V

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

___ HUD 424-CB, Grant Application Detailed Budget

____Budget Narrative (No form provided and must be submitted for the total three-year grant period)_____Support Letters

_____Faculty Advisor/Dissertation Advisor

_____University

Attachment B (All Required Forms)

The following forms are required for submission. Copies of these forms are included in Appendix A of the **General Section**. All required forms are contained in the electronic application package.

_____ Application for Federal Assistance (SF-424).

_____ Survey on Ensuring Equal Opportunity for Applicants (SF-424 Supplement);

_____ Grant Application Detailed Budget (HUD-424-CB);

_____ Disclosure of Lobbying Activities (SF-LLL);

_____ America's Affordable Communities Initiative (HUD-27300), if applicable;

_____ Applicant/Recipient Disclosure/Update Report (HUD-2880);

_____ Program Logic Model (HUD-96010); and

_____ Client Comments and Suggestions (HUD-2994), if applicable.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STUDENT RESEARCH AND STUDY PROGRAMS

COMMUNITY DEVELOPMENT WORK STUDY PROGRAM

Billing Code 4210-32-C

Community Development Work Study Program

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Policy Development and Research, Office of University Partnerships

B. Funding Opportunity Title: Community Development Work Study Program (CDWSP).

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The **Federal Register** Number for this Notice of Funding Availability (NOFA) is FR–4950–N–08. The OMB approval number for this program is 2528–0185.

E. Catalog of Federal Domestic Assistance (CFDA) Number: The CFDA Number for this program is 14.512.

F. Dates: The application submission date is May 18, 2005. Please be sure to read the General Section for electronic application submission and receipt requirements.

G. Additional Overview Content Information:

1. *Purpose of the Program:* The Community Development Work Study Program (CDWSP) funds two-year grants to accredited institutions of higher education, Area Planning Organizations (APOs), and states applying on behalf of institutions to provide assistance to economically disadvantaged and minority graduate students who participate in a community development work study program. Students must be U.S. citizens or lawful permanent residents (recipient of an Alien Registration Recipient Card-Form I–551, commonly referred to as a Green Card) and enrolled full-time in a graduate community building academic degree program. Grants will cover the academic period August 2005 through August 2007.

2. *Award Information:* In Fiscal Year (FY) 2005, approximately $2.8 million has been made available for this program, plus $391,144 in previously unobligated FY 2004 funds. The grant performance period is two years (24 months). The performance period will commence on the effective date of the grant agreement. Institutions may request no more than $15,000 per year per student for a total of $30,000 for a two-year (24 months) grant performance period. The minimum number of students that can be assisted under this program per participating institution is three. The maximum number of students that can be assisted under this program per participating institution is five. The maximum amount an institution can request for funding is $150,000.

3. *Eligible Applicants:* Organizations are eligible if they are:

a. An accredited institution of higher education recognized by the U.S. Department of Education that offers a graduate degree in a community development academic program;

b. An Area Planning Organization (APO) (Additional information and locations of APOs can be accessed at the following Web site, *http://www.narc.org.*) applying on behalf of two or more eligible accredited institutions recognized by the U.S. Department of Education that offer a graduate degree in a community development academic program. These institutions must also be located in the same Standard Metropolitan Statistical Area (SMSA) or non-SMSA as the APO (in accordance with the regulations at 24 CFR 570.415, institutions of higher education are permitted to choose whether to apply independently or through an APO); or

c. A state applying on behalf of two or more eligible accredited institutions recognized by the U.S. Department of Education that offer a graduate degree in a community development academic program and that are located in the state.

Full Text of Announcement

I. Funding Opportunity Description

The Community Development Work Study Program (CDWSP) funds two-year grants to accredited institutions of higher education, Area Planning Organizations (APOs), and states applying on behalf of institutions to provide assistance to economically disadvantaged and minority graduate students who participate in a community development work study program.

A. Authority

HUD's authority for making funding available under this NOFA is Section 107(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*). Regulations for the program appear at 24 CFR 570.415.

B. Modifications

Listed below are major modifications to the Fiscal Year (FY) 2004 program-funding announcement:

1. Applicants are required to submit their application electronically via the following Web site: *http://www.grants.gov/Apply*. Read the General Section for further information regarding submitting your application electronically.

2. The procedure for institutions to apply for funding under this NOFA has changed. See Section III.A. of this NOFA for details.

3. If an applicant is an APO or State the application narrative must not exceed 85 pages in length including any supplemental photocopies or excerpts from official publications of the educational institution or department (excluding forms and assurances, Executive Summary, agreements and letters).

C. Program Definitions

1. *Area Planning Organizations (APO)*—An organization authorized by law or by interlocal agreement to undertake planning and other activities for a metropolitan or non-metropolitan area. For an organization operating in a non-metropolitan area to be considered an APO, its jurisdiction must cover at least one county. Additional information and locations of APOs can be accessed at the following Web site *http://www.narc.org.*

2. *Economically disadvantaged and minority students*—Students who satisfy all applicable guidelines established at the participating institution to measure financial need for academic scholarship or loan assistance, including, but not limited to, students who are Black, American Indian/Alaskan Native, Hispanic, or Asian/Pacific Island, and including students with disabilities.

3. *Student*—An individual enrolled in an eligible full-time academic program. He/she must be a first-year student in a two-year graduate program. Students enrolled in Ph.D. programs are ineligible.

II. Award Information

In Fiscal Year (FY) 2005, approximately $2.8 million, plus $391,144 in previously unobligated FY 2004 funds is made available under this NOFA. Institutions may request no more than $15,000 per year per student for a total of $30,000 for a two-year (24 months) grant performance period. The performance period will commence on the effective date of the grant agreement. The minimum number of students that can be assisted per participating institution is three. The maximum number of students that can be assisted under this program is five per participating institution. The maximum amount of funding an institution can request is $150,000.

III. Eligibility Information

A. Eligible Applicants

Organizations are eligible if they are:

1. An accredited institution of higher education recognized by the U.S.

Department of Education that offers a graduate degree in a community development academic program;

2. An APO (Additional information and locations of APOs can be accessed at the following Web site, *http://www.narc.org.*) applying on behalf of two or more eligible accredited institutions recognized by the Department of Education that offer a graduate degree in a community development academic program. These institutions must also be located in the same Standard Metropolitan Statistical Area (SMSA) or non-SMSA as the APO (in accordance with the regulations at 24 CFR 570.415, institutions are permitted to choose whether to apply independently or through an APO); or

3. A state applying on behalf of two or more eligible accredited institutions recognized by the Department of Education that offer a graduate degree in a community development academic program that are located in the state.

4. Accredited institutions located in a state may apply independently even if the state is applying. However, if the institution is also included in the application of the State or APO then the separate individual application from that institution will be disregarded. Additionally, if an institution is included in the application of both an APO and a State, then the reference to the institution in the application of the State will be stricken. The State's application will then be ineligible if fewer than two institutions remain as participants in the State's application.

B. Cost Sharing or Matching

None Required.

C. Other

Audit Requirements

Applicants must ensure that their most current A–133 audit is on file at the Federal Audit Clearinghouse. (Applicants are not required to submit a copy of the audit with the application.) Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR Part 84. Additional information regarding this requirement can be accessed at the following Web site: *http://harvester.census.gov/sac.*

2. Threshold Requirements Applicable to All Applicants

All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to be evaluated, rated, and ranked. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified:

a. The applicant must meet the eligible requirement as defined in Section III.A, Eligible Applicants.

b. Applicants must comply with all statutory and regulatory requirements applicable to this program. CDWSP regulations can be found at 24 CFR 570.415. Copies of the regulations are available on request from *http://www.HUDUSER.org.*

c. An eligible community building academic program includes, but is not limited to, accredited graduate degree programs in community and economic development, community planning, community management, community organizing, public administration, public policy, urban economics, urban management, and urban planning.

d. The minimum number of students that may be assisted per participating institution is three. If an APO or state receives assistance for a program that is conducted by two or more institutions, each participating institution must have a minimum of three students per program. The maximum number of students that can be assisted under this program is five per participating institution. The applicant may request no more than $150,000 for award.

e. Only *one* application can be submitted per institution. If multiple applications are submitted, all will be disqualified. If a single institution application is also included in the application of an APO or state, then the individual application of the institution will be disregarded. Additionally, if an institution is included in the application of both an APO and a state, then the reference to the institution in the application of the state will be stricken. The state's application will then be ineligible if fewer than two institutions remain as participants in the state's application.

f. Applicants must receive a minimum score of 75 points to be considered for funding.

g. An applicant must have a DUNS Number to receive HUD grant funds. (The General Section provides information regarding the DUNS requirement.)

h. Electronic applications must be received by Grants.gov no later than 11:59:59 p.m. eastern time on May 18, 2005. See the General Section for information on application submission and timely receipt requirements.

3. Program Requirements

In addition to the standard requirements listed in Section III.C of the General Section, applicants must meet the following program requirements:

a. All funds awarded under this program must be spent during a two-year (24 months) grant performance period.

b. Applicants must have on file a signed agreement with each student that covers the purpose of the work placement, responsibilities of both parties, including financial support and work components. This agreement should also address the student's responsibilities as described in the program regulations that can be found at 24 CFR 570.415.

c. Applicants must have on file a signed agreement with each work placement agency that covers the purpose of the work placement, and the respective roles of all parties. Among other matters determined to be appropriate, this agreement should address the work placement agency's responsibilities described in the program regulations that can be found at 24 CFR 570.415.

d. Where the recipient is an APO or State, the recipient and each participating institution must execute a written agreement incorporating their mutual responsibilities under the CDWSP program. Applicants must have on file a copy of all executed agreements.

(Note: HUD does not provide a model or sample format for any of these agreements).

IV. Application and Submission Information

A. Address to Request Application Package

Applicants may download the instructions to the application found on the grants.gov Web site at *http://www.Grants.gov/Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or e-mail your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and enables Grants.gov to authenticate that the person signing the application has the legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration

process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting e-mail notification of funding opportunities or downloading the application and should be done as soon as you download the application from the grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are registered.

B. Content and Form of Application Submission

1. Forms

The following forms are required for submission. Copies of these forms are included in Appendix A of the General Section. All required forms are contained in the electronic application package.

a. Application for Federal Assistance (SF–424);

b. Survey of Ensuring Equal Opportunity for Applicants (SF–424 Supplement);

c. Disclosure of Lobbying Activities (SF–LLL);

d. America's Affordable Communities Initiative (HUD–27300), if applicable;

e. Applicant/Recipient Disclosure/ Update Report (HUD–2880);

f. Program Logic Model (HUD–96010);

g. Community Development Work Study Program Student Data Sheets Budget (HUD–30007);

h. Community Development Work Study Program Student Budget Sheet (HUD–30015);

i. Budget Cover Sheet for State/Area-Wide Planning Organizations Budget Summary Sheet (HUD–30014) if applicable only for states and APOs; and

j. Client Comments and Suggestions (HUD–2994). This form is included to solicit information from the most valuable source, the applicant. The changes that we have instituted this year are designed to make things easier for the applicant. If applicants complete and submit this form, it will help HUD to assess whether the changes made to this document have had the intended results. It will also guide us in our continuing efforts to improve the competitive grant process. Applicants are not required to complete this form;

k. Acknowledgement of Applicant Receipt (HUD–2993). Only applicants that do not submit electronic application need to include this form with their application. Please complete this form if you have received a waiver to the electronic application submission requirement. Applicants are not required to include this form, but it is recommended that they do so; and

l. *Facsimile Transmittal Cover Page (HUD 96011).* This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable). Applicants are advised to download the application package, complete the SF–424 first and it will pre-populate the Transmittal Cover page. The Transmittal Cover page will contain a unique identifier embedded in the page that will help HUD associate your faxed materials to your application. Please download the cover page and then make multiple copies to provide to any of the entities responsible for submitting faxed materials to HUD on your behalf.

2. *Certifications and Assurances.* Please read the General Section for detailed information on all the Certifications and Assurances. All applications submitted through Grants.gov constitute an acknowledgement and agreement to all required certifications and assurances. Please include in your application each item listed below. Applicants submitting paper copy applications should submit the application in the following order:

a. *SF–424, Application for Federal Assistance.* Please remember the following:

(1) The full grant amount for the entire two years should be entered, not the amount for just one year;

(2) Include the name, title, address, telephone number, facsimile number, and e-mail address of the designated contact. This is the person who will receive the reviewers' comments; therefore, please ensure the accuracy of the information;

(3) The Employer Identification/Tax ID;

(4) The DUNS Number;

(5) The Catalog of Federal Domestic Assistance Number for this program is 14.512;

(6) The project's proposed start date and completion date. For the purpose of this application, the program start date should be September 1, 2005; and

(7) The signature of the Authorized Organization Representative (AOR) who has been authenticated by the credential provider to submit applications via Grants.gov. The AOR must be able to make a binding legal agreement with HUD. See the General Section for instructions and requirements for Registration with Grants.gov.

b. *Application Checklist.* Applicants should use the checklist to ensure that they have all the required components of their application. Applicants receiving a waiver of the electronic submission must include the completed checklist in their application. Applicants submitting an electronic application do not have to submit the checklist in their application. The checklist can be found in the NOFA (See Attachment A).

c. *Executive Summary.* Applicants must include an Executive summary that is no more than three pages in length. The Executive Summary must, at a minimum, describe:

(1) The academic degree programs for which the students will be selected;

(2) The type of work placement agencies (including specific examples) that have committed to participate in the program (students cannot be placed at a federal government agency);

(3) The plans and resources/facilities for administering the program and assisting students to pursue post-academic or community building opportunities; and

(4) The contact person and the address where correspondence and all other information should be sent. If this is not included, all information will be forwarded to the address and the official named on the Form SF–424.

d. *Designation of Applicable Graduate Degree Program(s) Form HUD–30013 (Community Development Work Study Program Designation of Applicable Graduate Academic Degree Program).* Review carefully the regulations that can be found at 24 CFR 570.415 dealing with eligible types of degree programs before completing this form. If the proposed program is other than one listed as an eligible degree program, please contact Madlyn Wohlman-Rodriguez for additional guidance. See Section VII below for contact information.

e. *Narrative statement addressing the Rating Factors.* HUD will use the narrative response to the ''Rating Factors'' to evaluate, rate, and rank applications. The narrative statement is the main source of information. Applicants are advised to review each factor carefully for program specific requirements. The response to each factor should be concise and contain only information relevant to the factor, but detailed enough to address each factor fully. Please do not repeat material in response to the five factors; instead, focus on how well the proposal responds to each of the factors. In factors where there are subfactors, each subfactor must be presented separately, with the short title of the subfactor presented. Make sure to address each subfactor and provide sufficient information about every element of each subfactor. The application narrative

must not exceed 50 pages in length including any supplemental photocopies or excerpts from official publications of the educational institution or department (excluding forms and assurances, Executive Summary, agreements and letters) unless the applicant is an APO or State. If an applicant is an APO or State the application narrative must not exceed 85 pages including any supplemental photocopies or excerpts from official publications of the educational institution or department (excluding forms and assurances, Executive Summary, agreements and letters). Each page of the narrative must be numbered and include the applicant's name. Please note that although submitting pages in excess of the page limit will not disqualify an applicant, HUD will not consider the information on any excess pages. This exclusion may result in a lower score or failure to meet a threshold requirement.

f. *Budget.* Use the budget form HUD–30015 (Community Development Work Study Program Student Budget Sheet) for the August 2005 through August 2007 funding period. An APO or State must also complete the HUD–30014 (Community Development Work Study Program State/Area Planning Organization Budget Summary). Please provide any necessary back-up documentation (*e.g.*, pages from course catalogues listing the fees) to demonstrate concisely that the amounts requested are reasonable and customary. Applicants are not required to submit documentation for the administrative allowance amount. Any anticipated increases to these project costs should be included and an explanation for the basis of the increases provided. If documentation is not included, the award amount will be based on current tuition rates, regardless of any subsequent tuition increase. HUD will not increase the amount of the grant once awarded to reflect any tuition or fee increases that have not been set forth in the application. Also, HUD will not cover any costs exceeding the per-student maximum.

g. *Appendix.* Applicants receiving a waiver of the electronic submission requirements and submitting a paper copy of the application must place all letters of support, agreements, and other required forms in this section. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process. An applicant should not submit general support letters, resumes, or other back-up materials. If this information is included, it will not be considered during the review process. The additional items will also slow the transmission of your application.

C. Submission Dates and Times

A complete application package must be received electronically by the Grants.gov portal no later than 11:59:59 p.m. eastern time on or before May 18, 2005. Applications may be submitted in advance of the submission date. Electronic faxes using the Facsimile Transmittal (Form HUD 96011) cover sheet contained in the electronic application may be submitted prior to the application submission date and must be received no later than 11:59:59 p.m. eastern time on the application submission date. Please see Section IV.F of the General Section for electronic application submission instructions and timely receipt requirements.

D. Intergovernmental Review

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions

Funding may only be provided to applicants that meet the standards for eligible applicants defined in Section III.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Please read the General Section carefully and completely for the electronic submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Waiver of Electronic Submission Requirements.* Please refer to Section IV.F. of the General Section for further discussion.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Academic Program and Relevant Past Experience (25 Points)

This factor addresses the extent to which an applicant's academic program has the capacity to prepare students for careers in community building. In evaluating this factor, HUD will consider:

a. *Capacity of the Academic Program.* For First Time Applicants (20 Points). For Previously Funded Applicants (15 Points). Applicants must describe the quality of the academic program the institution offers (or in the case of an application from an APO or state, those offered by the institutions included in the application) including, without limitation, the following:

(1) The course offerings in terms of their depth and emphasis on applied coursework; and

(2) Qualifications of the faculty, such as the number of relevant Ph.D.s, specific accomplishments and the percentage of their time devoted to teaching and research in community building.

As a supplement to the narrative response, applicants can include photocopies of excerpts from official publications of the educational institution or department. Please make sure to place these documents after the narrative and include them in the page count. For applicants submitting electronic applications, please refer to Section IV.F of the General Section for instructions on how third party documents are to be submitted to HUD using the electronic submission process.

b. *Rates of Graduation.* For First Time Applicants (5 Points). For Previously Funded Applicants (10 Points). HUD will evaluate the graduation rates of students previously enrolled in a community building academic degree program, specifically (where applicable), graduation rates from any previously funded CDWSP academic programs or similar programs. This factor measures the rate of graduation for all applicable years and awards points based on the extent to which the applicant exceeds a 50 percent graduation rate each applicable year. Previously funded CDWSP programs should include copies of the final Community Development Work Study Program Student Data Sheet, HUD-30007, for each previously enrolled student who received assistance from the program in the last six years. These documents must be submitted electronically.

2. *Rating Factor 2: Need for the Program (10 Points).* This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need. In responding to this factor, HUD will evaluate the applicant's commitment to meeting the needs of economically disadvantaged and minority students as demonstrated by the institution's policies and plans, past efforts and successes recruiting, enrolling, and financially assisting economically disadvantaged and minority students, including the provision of reasonable accommodations for students with disabilities. If the applicant is an APO or state, HUD will consider the demonstrated commitment of each accredited institution of higher

education on whose behalf the APO or state is applying.

3. Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and effectiveness of the proposed student work placement assignments.

a. *Quality of the Work Placement Assignments (13 Points).* HUD will evaluate the extent to which participating students will receive a variety of work placement assignments. (**Note:** Students cannot be placed with a federal government agency.) The assignments should provide practical and useful experience to students participating in the program and further the participating students' preparation for professional careers in community building. In rating this subfactor, HUD will consider the variety of work placement agencies, and the variety of projects/experiences at each agency and overall. Applicants must also include a description of the plan for rotating students among work placement agencies. In addition, for each placement applicants must outline the educational objectives of the placement, the nature of the supervision, the standard of evaluation, and the student's commitment under the work placement agreement.

Note: Students engaging in community building projects through an institution of higher education (rather than being directly supervised by local work placement sites) may do so only through a HUD-funded Community Outreach Partnership Center (COPC), which will be considered a work placement agency even if the community building projects are undertaken with or through a separate organization or entity. Accordingly, students engaging in community building through an institution of higher education's outreach center should do so during only part of their academic program and should rotate to other work placement agency responsibilities as well. In order to receive higher points on this subfactor, applicants must propose at least three different work placement experiences for each student (typically, one each school year and one during the summer between the two school years) and include executed agreements with their proposed work study sites, rather than just listing the sites.

b. Effectiveness of Program Administration (15 Points). HUD will evaluate the degree to which the applicant will be able to effectively coordinate and administer the program. HUD will allocate the maximum points available under this criterion equally among the following three considerations, except that the maximum points available under this criterion will be allocated equally only between (1) and (2), if the applicant has not previously administered a CDWSP-funded program. If an applicant received a CDWSP grant in FY 2001 or before and has not received one since, the applicant is considered a new applicant for the purposes of this factor. Applicants must include a Management Work Plan (it should be included under this subfactor) that addresses the following details at a minimum:

(1) The strength and clarity of the plan for placing CDWSP students on rotating work placement assignments and for monitoring CDWSP students' progress both academically and in their work placement assignments. In addition, include plans, procedures, schedules, and preferably a milestone chart that indicates the sequence in which these tasks will be performed, noting areas of work that will be performed simultaneously and continually during the life of the grant, along with the name of the responsible individual. Also, include plans for recruiting and selecting students, monitoring and guidance of students academic progress, coordinating and monitoring student work placement agencies, and other matters deemed significant;

(2) The key personnel responsible for administering, managing, and evaluating the project; the experience, responsibilities, available time, and authority of the individual who will coordinate and administer the program; and

(3) The effectiveness of prior coordination and administration of a CDWSP-funded program, where applicable. In addressing this factor, applicants should describe the timeliness of report submissions. Applicants should review their prior CDWSP grant agreements and reports and compare when reports were due with when the reports actually were submitted. Applicants should also describe their timeliness in expending grant funds. Applicants are encouraged to provide a chart that outlines report submissions for each grant by the submission date and the pattern of drawing down of funds. HUD will also review an applicant's past performance in managing funds, including, but not limited to: the ability to account for funding appropriately; timely use of funds received from HUD; and meeting performance targets for completion of the grant. In evaluating past performance, HUD reserves the right to deduct up to five points from this rating score as a result of the information obtained from HUD's records (*i.e.*, progress reports, including Logic Model submissions, amendments and financial reports), including the timely submission of required progress reports.

c. Likelihood of Fostering Students' Permanent Employment in Community Building (15 Points). HUD will evaluate the extent to which the proposed program will lead participating students directly and immediately to permanent employment in community building. Include a statement that describes, at a minimum, the following:

(1) Past success (in the last four years) in placing graduates (particularly CDWSP-funded and similar program graduates, where applicable) in permanent employment in community building; and

(2) How the institution will assist students (particularly students in CDWSP-funded and similar programs, where applicable) in finding permanent employment in community building. Include the amount/type of faculty/staff time and institutional resources that will be devoted to assisting students.

d. HUD Policy Priorities (2 Points). HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY 2006, when the majority of grant recipients will be reporting programmatic results and achievements. In addressing this subfactor, HUD will evaluate the extent to which an applicant will provide students with work place assignments that undertake specific activities that will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities to determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed.

Applicants that just list a priority will receive no points. Each policy priority addressed has a point value of one point with the exception of the policy priority to remove regulatory barriers to affordable housing, which has a point value of up to 2 points. The total number of points available to applicants that address policy priorities is 2. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 2 points. To receive points for efforts to remove regulatory barriers to affordable housing, an applicant must submit the completed questionnaire (HUD–27300) ''HUD's Initiative on Removal of Regulatory Barriers'' found in the General Section along with required documentation. The form is part of the electronic application and is constructed to permit the required documentation to be attached to the

electronic form. For the full list and explanation of each policy priority, please refer to the General Section.

4. Rating Factor 4: Leveraging Resources (10 points). HUD will evaluate the applicant's commitment and ability to assure that CDWSP students will receive sufficient financial assistance above and beyond the CDWSP funding to complete their academic program in a timely manner and without working in excess of 20 hours a week during the school year. When addressing this issue, delineate the full costs budgeted annually per student (including living expenses, fees, etc), explain the basis for the budget and how the financial assistance package offered to each CDWSP student will meet that budget. Applicants must explain how variations in the budget needs and emergency financial needs will be addressed among students. Loans are less preferred than grants because of the burden placed on the student to repay them. Therefore, higher points will be given to applicants that provide assistance in the form of grants rather than loans.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points). This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the project's proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved. The Logic Model is a summary of the narrative statements presented in Factors 1–4. Therefore, the information submitted on the Logic Model form should be consistent with the information contained in the narrative statements.

''*Outcomes*'' are benefits accruing to students in the program. Applicants must clearly identify the outcomes to be measured and achieved. Examples of outcomes include the number of students that complete the program and/or the number of students that obtained full-time employment.

In addition, applicants must establish interim benchmarks and outputs that lead to the ultimate achievement of outcomes. ''*Outputs*'' are the direct products of the program's activities. An example of output is the number of placements a student has during the course of the grant. Outputs should produce outcomes for the program.

All performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants must also describe the steps that will be taken to make adjustments to the work plan if performance targets are not met within the established time frame associated with each activity. At a minimum, the evaluation plan should address the following activities:

a. Student recruitment;

b. Student completion of degree program; and

c. Long-term placement after graduation (1 year after graduation).

This information must be placed under this section on a HUD–96010, Program Outcome Logic Model form. Applicants may submit as many copies of this form as required. It will not be included in the page count requirement. A narrative is not required for this factor. However, if a narrative is provided, those pages will be included in the page count. Additional information on how to use this form can be found in the General Section.

B. Review and Selection Process

1. Application Selection Process

Two types of reviews will be conducted.

a. A threshold review to determine an applicant's basic eligibility; and

b. A technical review based on the ''Rating Factors'' listed above.

Only those applications that pass the threshold review will receive a technical review and be rated and ranked.

2. Rating Panels

To review and rate applications, HUD may establish panels which may include persons not currently employed by HUD. These individuals may be included to obtain certain expertise.

3. Ranking

HUD will fund applications in rank order, until all available program funds are awarded. In order to be funded, an application must receive a minimum score of 75 points. The maximum number of points available for this program is 100. The RC/EZ/EC–II communities, two bonus points described in the General Section, do not apply to this program. HUD may make awards out of rank order to achieve geographic diversity, and may provide assistance to support a number of students that is less than the number requested under an application or a lower funding level per student, in order to provide assistance to as many highly ranked applications as possible. If there is a tie in the point scores of two applications, the rank order will be determined by the scores on Rating Factor 3 entitled ''Soundness of Approach.'' The application with the higher points on this factor will be given the higher rank. If there is still a tie, the rank order will be determined by the applicant's scores on Rating Factor 1 entitled ''Capacity of the Applicant's Academic Program and Relevant Past Experience.'' The application with the most points for this selection factor will be given the higher rank. If there is still a tie, the application with the most points for Factors 2, 4, and then 5 shall be selected in that order until the tie is broken. HUD reserves the right to make selections out of rank order to provide for geographic distribution of grantees.

HUD also reserves the right to reduce the amount of funding requested in order to fund as many highly ranked applications as possible. Additionally, if funding remains after all selections have been made, the remaining funds will be carried over to the next funding cycle.

4. Correction to Deficient Applications

The General Section provides the procedures for correction to deficient applications.

C. Anticipated Announcement and Award Dates

Announcements of awards are anticipated on or before September 30, 2005.

VI. Award Administration Information

A. Award Notice

After all selections have been made, HUD will notify all winning applicants in writing. HUD may require winning applicants to participate in additional negotiations before receiving an official award. For further discussion on this matter, please refer to the General Section.

B. Administrative and National Policy Requirements

For information regarding these requirements, please refer to Section VI.B in the General Section.

1. Debriefing

The General Section provides the procedures for requesting a debriefing. All requests for a debriefing must be made in writing and submitted to Madlyn Wohlman-Rodriguez, Office of University Partnerships; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 8106; Washington, DC 20410–6000. Applicants may also write to Ms. Wohlman-Rodriguez at *Madlyn_S._Wohlman@hud.gov.*

2. Administrative

Grants awarded under this NOFA will be governed by the provisions of 24 CFR

part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations), A–21 (Cost Principles for Educational Institutions) and A–133 (Audits of States, Local Governments, and Non-Profit Organizations). Applicants can access the OMB circulars at the White House Web site at *http://www.whitehouse.gov/omb/circulars/index.html.*

3. OMB Circulars and Government-Wide Regulations Applicable to Financial Assistance Programs

The General Section provides further discussion on this matter.

4. Environmental Requirements

In accordance with 24 CFR 50.19 (b)(3) and (b)(9) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

5. Code of Conduct

See the General Section for further discussion.

C. Reporting

All grant recipients under this NOFA are required to submit semi-annual progress reports. The progress reports shall consist of two components, a narrative (including forms) that must reflect the activities undertaken during the reporting period and a financial report that reflects costs incurred during the reporting period, as well as a cumulative summary.

For each reporting period, as part of the required report to HUD, a grant recipient must include a completed Logic Model (HUD–96010), which identifies output and outcome achievements.

HUD requires that funded recipients collect racial and ethnic beneficiary data. HUD has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, applicants should use form HUD–27061, Racial and Ethnic Data Reporting Form or a comparable form, or a comparable electronic data system for this purpose.

VII. Agency Contacts

Applicants may contact Madlyn Wohlman-Rodriguez at (202) 708–3061, extension 5939 or Susan Brunson, at (202) 708–3061, extension 3852. Person with speech or hearing impairments may call the Federal Information Relay Service TTY at (800) 877–8339. Except for the ''800'' number, these numbers are not toll-free. Applicants may also reach Ms. Rodriguez via e-mail at *Madlyn_S._Wohlman-Rodriguez@hud.gov*, and/or Ms. Brunson at *Susan_S._Brunson@hud.gov.*

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2528–0185. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 60 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

BILLING CODE 4210–32–P

Attachment A---Application Checklist

CDWSP
Application Checklist

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants submitting an electronic application do not have to submit the checklist. Applicants that receive a waiver of the electronic application submission requirement must include a copy of the checklist in their application.

Check off to ensure these items have been included in the application:

_____ SF- 424 "Application For Federal Assistance"

_____ Application Checklist (Applicants that submit paper applications must include in the checklist in their applications)

_____Executive Summary (no more than three (3) pages in length)

_____HUD-30013, Community Development Work Study Program Designation of Applicable Degree Program

Indicate the page number where each of the Factors is located:

Narrative Statement Addressing the Rating Factors.

The narrative including any supplemental photocopies or excerpts from official publications of the educational institution or department (excluding forms and assurances, Executive Summary, agreements and letters) must not exceed 50 pages in length unless the applicant is an APO or State. If an applicant is an APO or State the application narrative must not exceed 85 pages including any supplemental photocopies or excerpts from official publications of the educational institution or department (excluding forms and assurances, Executive Summary, agreements and letters), double-spaced on one side of the paper, with one inch margins (from the top, bottom, left and right) and printed in standard Times New Roman 12-point font.

____ Factor I

____ Factor II

____ Factor III

____Management Workplan (Include in narrative)

_____ Factor IV

_____ Factor V

_____ HUD-96010 "Logic Model"

Check off to ensure these items have been included in the application:

Appendix

_____ Budget

_____HUD-30007 "Community Development Work Study Program Student Data Sheets"

___HUD-30015, "Community Development Work Study Program Student Budget Sheet"

___HUD-30014, "Budget Cover Sheet for State/Area-Wide Planning Organizations Budget Summary Sheet (applicable only for States and APOs)"

_____Recipient/Student Binding Agreement (No form provided)

_____Recipient/Work Placement Agreement (No form provided)

_____Letters of commitment, memoranda of understanding, or agreements)____

Attachment B (All Required Forms)

The following forms are required for submission. All required forms are contained in the electronic application package.

_____ HUD-30013, Community Development Work Study Program Designation of Applicable Degree Program

_____ HUD-30015, "Community Development Work Study Program Student Budget Sheet"

_____ HUD-30014, "Budget Cover Sheet for State/Area-Wide Planning Organizations Budget Summary Sheet (applicable only for States and APOs)"

_____ HUD-27300 "America's Affordable Communities Initiative Removal of Regulatory Barriers" (if applicable)

_____ HUD Form 2880, Applicant/Recipient Disclosure Update Report

_____ HUD Form 2993, Acknowledgement of Application Receipt (not required for electronically submitted application)

_____ HUD Form 2994, Client Comments and Suggests (not required)

Community Development Work Study Program Student Data Sheet

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp. 10/31/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1hour. This includes time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub. L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

Institution:_____ Grant #: CDWS____-____-_____

Date of Report :_____ Interim:_____ Final: _____

Student::_____ Gender:_____

Ethnicity: (Select one) Hispanic or Latino ☐ Not Hispanic or Latino ☐

Race: (Select one or more)
American Indian or Alaska Native ☐ Asian ☐ Black or African-American ☐
Native Hawaiian or Other Pacific Islander ☐ White ☐

Date Student Entered Program: _____

Degree/Major/Concentration: _____

Hours Required for Degree: _____ Qtr. Hrs. or _____ Semester Hrs.

Hours Completed Through Reporting Period: _____ Cumulative GPA:_____

Work Placements: Initial ☐ Second ☐ Third ☐
(Check appropriate placement)

Agency Name:_____

Position:_____

Start Date: _____ End Date: _____

Date Student Will Graduate/Did Graduate From Program: _____

Date Student Withdrew* From Program Without Completion: _____

Grant Funds Expended Through This Reporting Period:

Administrative Allowance	_____
Work Stipend	_____
Tuition and Fees	_____
Additional Supprt	_____

* An explanation of students's withdrawal must accompany the Student Data Sheet

Previous versions obsolete

form **HUD-30007** (10/2002)

Community Development Work Study Program Designation of Applicable Graduate Academic Degree Program

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp. 10/31/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering, and maintaining the data needed, completing, and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

To be eligible for participation in the Community Development Work Study Program (CDWSP), an institution must have a graduate academic degree program in one of the relevant fields as defined in the program's regulations. Closely examine the definitions of "community building" and "community building academic program" in the regulations and, if in doubt, speak with the program staff in the Office of University Partnerships before preparing an application.

Below are the degree programs that the institution has determined as eligible programs to implement this CDWSP grant.

Academic Degree Program(s)

_____

_____

_____

_____

Attached are photocopies of excerpts from an official publication of the educational institution(s) or department setting forth the degree requirements and listing the courses applicable for the particular academic program(s) to which this grant will apply.

_____

Signature of Dean (or Equivalent) of Academic Department Granting Degree(s)

Previous versions obsolete
Submit and Original and three copies

form **HUD 30013** (10/2002)

Community Development Work Study Program
State/Areawide Planning Organization
Budget Summary Sheet

U.S. Department of Housing and Urban Development
Office of University Partnerships

OMB Approval No. 2528-0175
(exp.10/31/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number

Name of State/Areawide Planning Organization: _____

Date Submitted: _____

Total Application Budget

Administrative Allowance: _____

Work Stipend: _____

Tuition and Fees: _____

Additional Support: _____

TOTAL _____

Total number of students _____

Participating Institutions of Higher Education:

_____

_____

_____

_____

_____

_____

_____

_____

Previous versions obsolete
Submit and Original and three copies

form **HUD 30014** (10/2002)

Community Development Work Study Program Student Budget Sheet

U.S. Department of Housing and Urban Development Office of University Partnerships

OMB Approval No. 2528-0175 (exp. 10/31/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine Eligibility, and establish grant amounts for the Community Development Work Study Program, (CDWSP). Total reporting burden for collection of this information is estimated to average 1 hour. This includes time for reviewing instructions, searching existing data resources, gathering and maintaining the data needed, completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for CDWSP is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 189 (Pub.L. 101-235, approved December 15, 1989, U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a valid control number.

Name of Institution of Higher Education _____Date Submitted: _____

CATEGORY	YEAR ONE (Per Student)		YEAR TWO (Per Student)		Number of Students		TOTAL (Both years, All students)
	Resident	Non-Resident	Resident	Non-Resident	Resident	Non-Resident	
Administrative Allowance (Maximum = $1,000)							
Work Stipend (Maximum = $9,000)							
Tuition, Fee and Additional Support (Maximum = $5,000)							
Totals							

Total requested **per resident student** for the two **years combined**: $ _____
Total requested **non resident student** for the two **years combined**: $ _____

The requested **WORK STIPEND** is based on the prevailing hourly rate of $ _____for initial entry positions in the community and economic development field for graduate students multiplied by_____ hours per semester/quarter multiplied by semesters/quarters and if applicable, _____ hours during the summer for the yearly per student total work stipend.

The request **TUITION AND FEES per resident student** for the two **years combined**: $ _____
The request **TUITION AND FEES resident student** for the two **years combined**: $ _____
To support the request above, a tuition and fee schedule is attached to this document:
Yes☐ No☐

ADDITIONAL SUPPORT may cover books and other educational supplies ($_____), travel expenses for the students ($ _____), Professional association dues ($_____),
and other, i.e., computer diskettes _____ ($_____).

Previous versions obsolete
Submit and Original and three copies

form **HUD 30015** (10/2002)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAMS

Fair Housing – Private Enforcement Initiative (PEI)

Fair Housing Education and Outreach Initiative (EOI)

Fair Housing Organizations Initiative (FHOI)

Billing Code 4210-32-C

Fair Housing Initiatives Program

Overview Information:

A. Federal Agency Name: U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity

B. Funding Opportunity Title: Fair Housing Initiatives Program (FHIP)

C. Announcement Type: Initial Announcement

D. Funding Opportunity Number: The OMB Approval Number is: 2539–0033. The **Federal Register** number for this NOFA is: FR–4950–N–18.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): Private Enforcement Initiative (PEI) 14.408; Fair Housing Organizations Initiative (FHOI) 14.408; Education and Outreach Initiative (EOI) 14.408.

F. Dates: The application submission date shall be on or before May 23, 2005. Please see the General Section for information on electronic submission and timeliness requirements.

G. Optional, Additional Overview Content Information

1. For FY2005, FHIP electronic applications will be available on *www.Grants.gov/Find* and Apply. For further instructions on electronic application submission requirements using Grants.gov, please read the General Section of the SuperNOFA.

2. FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent state and local fair housing laws. Approximately $18,040,000 in FY 2005 funds and any potential recapture is allocated to three (3) initiatives as follows:

a. Private Enforcement Initiative (PEI) $13,000,000

b. Education and Outreach Initiative (EOI) $3,940,000

c. Fair Housing Organizations Initiative (FHOI) $1,100,000

3. HUD expects to award a cost reimbursable cooperative agreement or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

4. Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs); see 24 CFR 125.103; public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (including entities that will be established as a result of receiving an award under this FHIP NOFA); agencies of state or local governments; and agencies that participate in the Fair Housing Assistance Program (FHAP).

5. Except for applicants under FHOI and the PEI-Performance Based Funding Component (PBFC), applicants may not submit multiple applications under this NOFA.

6. Applicants awarded funding under the PEI—(PFBC) will not be eligible to submit applications for additional FHIP funding for FY 2006 and FY 2007. Applicants awarded funding under this component will be eligible to apply for funding in FY 2008.

7. If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of the SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended), the FHIP Regulations (24 CFR 125.103–501).

8. For planning purposes, assume a start date no later than September 19, 2005.

Full Text of Announcement

I. Funding Opportunity Description

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

A. FHIP Initiatives and Components

The FHIP assists fair housing activities that increase compliance with the Act and with substantially equivalent fair housing laws administered by State and local government agencies under the Fair Housing Assistance Program (FHAP).

1. Private Enforcement Initiative (PEI).

This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent State and local fair housing laws. Under this Initiative, there are two Components, the General Component and the Performance Based Funding Component (PBFC). The PBFC is being established to award high performing enforcement organizations with continuous funding for a three-year period that will assist agencies in implementing strategic plans and developing long-term systemic investigations.

2. Education and Outreach Initiative (EOI).

This Initiative assists projects that inform the public about their rights and obligations under the Act and substantially equivalent State and local fair housing laws. Applications are solicited for this Initiative under the EOI-Regional/Local/Community-Based Program (R/L/C–B)—in which activities are conducted on a regional/local/community-based level.

Applicants who apply under EOI R/L/C–B may apply under one of four (4) Components, as follows: EOI-General Component; EOI Disability Component; EOI Asian/Pacific Islander Fair Housing Awareness Component; or the Minority Serving Institutions Component.

All applications submitted under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

3. Fair Housing Organizations Initiative (FHOI).

This Initiative provides assistance to a project (sponsoring organization) that will establish or build the capacity of a start up fair housing organization to become a viable fair housing enforcement organization that will conduct fair housing activities in underserved areas (as defined in Section I. B.1. ''Program Definitions'' below) rural areas and/or areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency.) This is accomplished with the assistance of a sponsoring organization. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. The period of performance for the award of funds to assist in capacity building activities is renewable for a period of up to three years, based upon successful performance of the sponsored organization. Funds are distributed to the sponsored organization by the sponsoring organization. All fund distributions are based on the performance of both the sponsoring and the sponsored organization.

B. Other

1. *Program Definitions.* The definitions that apply to this FHIP section of the NOFA are as follows:

a. *Broad-based proposals* are those that include activities that are not limited to a single fair housing issue but instead, cover multiple issues related to housing discrimination covered under the Act, such as: rental, sales and financing of housing. (See also Full Service Projects below).

b. *Complaint* means the person, including the Assistant Secretary for

Fair Housing and Equal Opportunity at HUD, who files a complaint under Section 810 of the Fair Housing Act.

c. *Disability Advocacy Groups* means organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

d. *Enforcement proposals* are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation found evidence supporting the allegations and the case proceeded to a resolution with HUD or FHAP Agency involvement.

e. *Fair Housing Act* means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600–3620).

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

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

h. *Full-service projects* must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

i. *Grassroots organizations* (See General Section).

j. *Jurisdiction* means that the complaint must be timely filed; the complainant must have standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) must be covered by the Act; and the subject matter or issue, and the basis of the alleged discrimination, must constitute illegal practices as defined by the Act.

k. *Meritorious claims* means enforcement activities by an organization that resulted in lawsuits, consent decrees, legal settlements, HUD and/or substantial equivalent agency (under 25 CFR 115.6) conciliations and organization initiated settlements with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103).

l. *Minority Serving Institutions* (See General Section).

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

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

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

p. *Rural Areas,* eligible Rural Area means the following:

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

(2) A county or parish with an urban population of 20,000 inhabitants or less

(3) Territory, including its persons and housing units, in rural portions of ''extended cities''. The Census Bureau identifies the rural portions of extended cities.

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

(5) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

q. *Traditional Civil Rights Organizations* mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to reduce discriminatory housing practices.

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

s. *Underserved Populations* mean groups of individuals who fall within one or more of the categories protected under the Act or who are also:

(1) of an immigrant population (especially racial and ethnic minorities who are not English-speaking or limited English proficiency);

(2) in rural populations,

(3) the homeless,

(4) persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts, and

(5) areas that are heavily impacted with minorities and there is inadequate protection and ability to provide service from the state or local government or private fair housing organizations.

II. Award Information

For Fiscal Year 2005, $20,000,000 is appropriated for the Fair Housing Initiatives Program (FHIP). Of this amount, approximately $18,040,000 is being made available on a competitive basis to eligible organizations responding to this FHIP program section of the SuperNOFA. The amount available for each initiative or component and the maximum amount of funds that can be awarded for each award are specified as follows:

A. Private Enforcement Initiative (PEI)

Approximately $13,000,000 is allocated under two Components: (1) Approximately $8,100,000 under the General Component; maximum award is $275,000 per grant, project duration is 12-18 months and (2) Approximately $4,900,000 under the Performance Based Funding Component (PBFC); the maximum award is $275,000 per year for a three-year duration (a total of $825,000), based upon appropriations.

B. Education and Outreach Initiative (EOI)

Approximately $3,940,000 is allocated to 4 components under this initiative for EOI, the estimated number of awards is: The maximum award is $100,000 for the R/L/CB Program and the project duration is 12–18 months. The components are as follows:

1. EOI-General Component.

Approximately $2,340,000 is allocated.

2. EOI-Disability Component. Approximately $800,000 is allocated.

3. Asian and Pacific Islander Fair Housing Awareness Component. Approximately $400,000 is allocated, and

4. Fair Housing and Minority Serving Institutions Component. Approximately $400,000 is allocated.

C. Fair Housing Organizations Initiative (FHOI)

Approximately $1,100,000 is allocated; project duration is three years. The maximum award is $1,100,000 allocated over a three-year period at up to $366,666 per year. For FHOI the estimated number of awards is one (1).

D. Award Instrument

The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the grantee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the applicant to accomplish a public purpose. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will determine the type of instrument under which the award will be made and monitor progress to ensure that the grantee has achieved the objectives set out in the agreement. Failure to meet such objectives may be the basis for HUD determining the agreement to be in default and exercising available sanctions, including suspension, termination, and/or the recapture of funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

If awarded as a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by: conducting quarterly reviews and approval of all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determining whether the agency meets all certification and assurance requirements under the grant, cooperative agreement, etc. HUD will conduct this performance assessment, in part, by using the Logic Model submitted by the applicant and approved by HUD in the award agreement (rating Factor 5). If upon completion of this assessment by the Government Technical Representative (GTR) a determination is made that the quarterly requirements have not been met, the grantee will be obligated to provide additional information or make modifications to its work plan and activities, as necessary, in a timeframe to be established by the GTR.

E. Project Starting Period

For planning purposes, assume a start date no later than September 19, 2005.

III. Eligibility Information

A. Eligible Applicants

1. Private Enforcement Initiative (PEI)

a. *Eligible Applicants.* Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, and meritorious claims in the three years prior to filing this application, (24 CFR 125.103). All applicants claiming QFHO and FHO status are required to be a 501(c)(3) tax-exempt organization and also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status.

Additional Requirements—PEI Performance Based Funding Component.

In addition to the above, applicants to the PBFC must have received: (1) two years of excellent performance reviews for FHIP awards made in FY's 2002 and 2003; and (2) a minimum score of 95 for their most recent (FY '02 or FY '03) performance assessment received from your Government Technical Representative.

b. *Eligible Activities include:*

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws.

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. *Eligibility of Successor Organization.* HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

2. Education and Outreach Initiative

a. *Eligible Applicants.* Eligible applicants are QFHOs; FHOs; public or private, for-profit or not-for-profit organizations or institutions or other public or private entities that are formulating or carrying out programs to reduce discriminatory housing practices; agencies of State or local governments; and agencies that participate in the FHAP. If you are a disability advocacy group, or an organization that partners with or substantially provides activities for grassroots, faith-based or other community-based organizations, minority universities or institutions, or traditional civil rights organizations, you are encouraged to apply under this Initiative.

b. *Eligible Activities:* The following are eligible activities for the components under EOI: conducting educational symposia or other training; developing innovative fair housing activities or materials into languages applicable to your community throughout your project area; providing outreach and information on fair housing through printed and electronic media; developing fair housing curricula; providing outreach to persons with disabilities and their support organizations and service housing providers; and working with homeless activists or persons to determine if fair housing plays a part in their homeless condition, and the general public regarding the rights of persons with disabilities under the Act. When

conducting outreach activities, you are encouraged to use existing fair housing materials; except that you are required to translate these existing materials in languages applicable to your community using the four factor Limited English Proficient (LEP) Guidance as referenced in the General Section of the SuperNOFA.

(1) *Disability Component.* Applicants that emphasize the fair housing needs of person with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications under the EOI-Disability Component. Although the component has a disability focus, the funded education and outreach activities must be provided to all persons protected under the Act.

(2) *Asian and Pacific Islander Fair Housing Awareness Component.* Applicants must be able to provide bilingual materials and oral interpretation services to Asians and Pacific Islanders (APIs) so that they are aware of and educated about their fair housing rights and responsibilities under the Act. HUD's ''Discrimination in Metropolitan Housing Markets, Phase 2—Asians and Pacific Islanders'' report showed that API prospective renters and homebuyers experienced consistent adverse treatment. Fair Housing education and outreach activities should be designed to address the areas where APIs received adverse treatment as addressed in the Report. These activities should include, but not limited to:

(a) Using HUD fair housing translated materials or other translated material available through fair housing organizations, the applicant will sponsor fair housing classes, seminars, and fairs to educate the API communities on their rights.

(b) The applicant should also design a fair housing course of study (lesson plans, fair housing material to be used, performance tests to measure students knowledge) that may be duplicated by other fair housing groups to be used with the API communities.

(c) The applicant shall develop an advertising mechanism to assist in the distribution of education and outreach material through community and faith-based organizations, immigrant advocacy groups, schools and universities, and workplace.

In addition, an applicant and its staff must have demonstrated bilingual experience, which is defined as three (3) years of proven experience in providing social services to persons of Asian and Pacific Islanders or must have established a partnership with an established grass-roots, faith-based or other community-based organization to carry out the objectives of this component. Although the component's focus is providing education and outreach to these communities, the funded education and outreach activities must be provided in a non-discriminatory manner. Grantees may not deny services and activities to any class protected by the Fair Housing Act.

(3) *Minority Serving Institutions (MSI) Component.* This Component will focus on furthering HUD's goal of establishing partnerships with Tribal Colleges and Universities, historically Black Colleges and Universities, Hispanic serving institutions and Asians and Pacific Islanders serving institutions. Working with local fair housing organizations, and other federal government agencies, the recipient will develop curricula for students to pursue careers in fair housing law and investigations. Applicants under this component must have the ability to design and support the development of quality fair housing education at MSIs.

(4) *General Component.* Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component.

3. Fair Housing Organization Initiative.

This Initiative will provide assistance to a project (sponsoring organizations) that will establish or build the capacity of an organization to become a viable fair housing enforcement organization, as referenced in 24 CFR Part 125.103, that conducts fair housing enforcement activities in underserved areas (as defined in Section I.B.), in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or limited English proficiency). It is the sponsoring organization that submits the application under this Initiative and certifies the sponsored organization's ability to become a QFHO or FHO (Note: The sponsoring organization is ineligible if they received a grant under this Initiative in FY 2003 or FY 2004.) The sponsored organization, whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three years contingent upon acceptable annual performance reviews. Funds are awarded under this Initiative for a three (3) year period of performance and are distributed to the sponsored organization by the HUD awardee.

a. *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO). You must certify in this application that your organization is a QFHO. Sponsored agencies that cannot establish themselves as private, tax exempt non-profit charitable organizations cannot qualify as a QFHO or an FHO.

b. *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year three (3) of the grant cycle:

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

The following chart summarizes each FHIP Initiative/Component and the approximate Funding Available along with Eligible Applicants:

Initiative/Component	Allocation amount available	Applicant eligibility	*Project period* (months)	*Award caps*
Private Enforcement Initiative (PEI) General Component: Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws See Section I of the FHIP NOFA-Funding Opportunity Description.	*$8,100,000*	QFHOs and FHO (with at least one year of enforcement related experience). See Section III of the FHIP NOFA-Eligibility Information.	*12–18*	*$275,000*
Private Enforcement Initiative (PEI) Performance Based Funding Component Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws.	*$4,900,000*	QFHOs and FHOs (with at least one year of enforcement related experience) who have received an Excellent Performance Rating on their FY 2002 and 2003 FHIP award activities; and have received a minimum score of 95 on their most recent ('02 or '03) performance assessment from their Government Technical Representative.	*36*	*$275,000 per year for a three-year duration, based upon appropriations.* Eligible PBFC applicants must receive a minimum score of 95 from the FY '05 Technical Evaluation Panel (TEP) to be considered for funding.
Fair Housing Organization Initiative Assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in Section I.B. ''Program Definitions'') or in rural areas with new immigrants especially immigrants with limited English proficiency. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. See Section I of the FHIP NOFA-Funding Opportunity Description.	*1,100,000*	Only QFHOs are eligible to apply under this Initiative to serve as a sponsoring organization. See Section III of the FHIP NOFA-Eligibility Information.	36 months	*1,100,000*
Education and Outreach Initiative (EOI)-. EOI Regional, Local and Community Based Program: Assists projects that inform the public about rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws. Applicants must develop a complaint referral process so that funded activities will result in referrals to HUD of fair housing complaints and other possible discriminatory housing practices. See Section I of the FHIP NOFA-Funding Opportunity Description.	*3,940,000*	QFHOs FHOs, public or private for profit or not for profit organizations or institutions, or other public or private entities that carry out programs to prevent or eliminate discriminatory housing practices. This includes agencies of State or local governments and agencies that participate in the Fair Housing assistance Program (FHAP). See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-General Component Open to applicants for all other fair housing education and outreach activities. See Section I of the FHIP NOFA-Funding Opportunity Description.	*2,340,000*	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000

Initiative/Component	Allocation amount available	Applicant eligibility	*Project period* (months)	*Award caps*
EOI-Disability Component *Applicants must* emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Fair Housing Act and fully appreciate housing discrimination that persons with disabilities may encounter. The funded education and outreach activities must be provided to all persons protected under the Fair Housing Act.	*800,000*	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Asians and Pacific Islanders Fair Housing Awareness Component—Applicants must be able to provide bilingual materials and services to Asian Pacific Islanders so that they and others are educated about their fair housing rights and responsibilities under the Fair Housing Act. Funded education and outreach activities must be provided in a non-discriminatory manner. Recipients may not deny services to a client who is not Asian-Pacific Islander See Section I of the FHIP NOFA-Funding Opportunity Description.	*400,000*	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Minority Serving Institution Component- Under the Fair Housing and Minority Serving Institution Component, applicants must demonstrate the ability to establish partnerships with Tribal Colleges and Universities, historically Black Colleges and Universities, Hispanic serving institutions, and Asian Pacific Islanders serving institutions to broaden support for development of quality fair housing education in MSIs See Section I of the FHIP NOFA-Funding Opportunity Description.	*400,000*	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000

B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. For the Fair Housing Organizations Initiatives, Federal funds can be used as matching funds if the statutes governing the Federal funds consider the funds to be local resources i.e., Community Development Block Grants. See Rating Factor 4 for additional information.

C. Other

1. Threshold Requirements

Program Requirements for All Initiatives. In addition to the Civil Rights and other Threshold Requirements found in the General Section of the SuperNOFA, your FHIP-funded program application must also meet the following requirements:

a. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin. All services and activities must be available to the protected class members.

b. *Tax Exempt Status.* Applicants for the PEI and FHOI Initiatives are ineligible for funding if they are not a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application submission date.

c. *Name Check Review.* See the General Section.

d. *Poor Performance.* All applicants are ineligible for funding if they are a previous FHIP grantee that has received a ''Poor'' performance rating for its most recent performance rating from its Government Technical Representative (GTR) except for those applicants submitting applications under the PBFC. Applicants submitting applications under the PBFC must receive an excellent performance rating on their FY2002 and FY2003 and receive a minimum score of 95 on their most recent performance assessment. HUD will assess performance ratings for applicants who have received FHIP funding in FY 2002 or 2003. If the applicant has received a ''poor'' performance rating for its most recent performance rating from its GTR, its application is ineligible for FY 2005 competition. An applicant that does not agree with its determination of ineligibility for the FY 2005 competition because of ''poor'' performance must address to HUD's satisfaction the factors resulting in the ''poor'' performance

rating before the FHIP application deadline. If the ''poor'' performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in improving the performance level of all grantees; therefore, applicants who are deemed ineligible because of a ''poor'' performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition. Applicants who have received a ''poor'' performance prior to FY 2002 must provide written documentation that they have implemented remedies to address those issues and concerns that contributed to a ''poor'' performance rating. This written documentation should be an addendum to your abstract.

e. *Suits Against the United States.* Your application is ineligible for funding if, as a current or past recipient of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

f. *Other Litigation.* Your application is ineligible for funding if you used funds provided by HUD under this Program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (24 CFR 125.104).

g. *Maximum award.* Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the Initiative or Component for which they are applying. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application will be considered ineligible.

h. *DUN and Bradstreet Numbering System (DUNS) Numbering Requirement.* Refer to General Section of SuperNOFA for information regarding the DUNS requirement. You must have a DUNS number to receive an award from HUD. You must have a DUNS number to register with Grants.gov . Registration with Grants.gov is required to submit your application electronically.

i. *Majority of Eligible Activities.* If a majority (greater than 50%) of the activities and costs within your Statement of Work (SOW) and budget are not fair housing related activities, your application will be deemed ineligible.

Fair Housing Assistance Program agencies who are under a Suspension based on agency performance, as designated under 24 CFR Part 115.211(b) at time of application are ineligible for funding under this FHIP NOFA.

j. *Minimum TEP Score.* Except for the PBFC, applicants must receive a minimum TEP score of 75 to be considered for funding.

k. *Single Applications.* Except for applicants under FHOI and PEI-PBFC, all other applicants must submit only one application under the FHIP. Applicants must determine under which Initiative/Component to which they want to apply and submit a completed application to only that Initiative/Component. FHOI and PEI–PBFC applicants may apply under one other Initiative/Component. However, applicants to the PBFC can only be considered for one award. Multiple applications submitted to more than one Initiative/Component, except for applicants to the FHOI and PEI–PBFC, will be treated as a technical deficiency and the applicant will be asked to identify the application they want reviewed, if qualified. Applicants applying under PEI–PBFC and any other Initiative/Component must state their preference in the Abstract.

l. *Independence of Awards.* HUD will review each eligible application separately and without reference to other applications submitted by you or others. However, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

m. *Training funds.* Your proposed budget must set aside funds to participate in the National Fair Housing Training Academy (NFHTA) or other HUD mandatory sponsored or approved training-$5,000 for 12–18 month projects (EOI and PEI); $6,000 annually for 36 month projects (FHOI); and for PEI-PBFC, $5000 annually for a 36 month duration. For FHOI, there must be attendance from the sponsoring and sponsored organization. Requests to attend the NFHTA must be submitted to the GTR for approval in advance of the requested training. Staff performance assessments must be submitted to the NFHTA prior to attendance. Do not include amounts over the $5,000 or $6,000 (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD will modify your budget, reallocating the appropriate amount for training. If grantees key personnel do not attend mandatory HUD-approved or HUD sponsored training, training funds must be returned to HUD and it will be reflected on your performance assessment.

n. *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible and visitable to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

o. *Fair Housing Act.* HUD expects applicants to address housing discrimination covered under the Act. HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation.

p. *Research Activities.* Applicants are ineligible for funding if between 90–100% of their project is aimed at research.

q. *Tax Exempt Status.* Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the application submission date of this FHIP Program Section of the SuperNOFA, establishing your 501(c)(3) tax-exempt status. Failure to submit this with your application is a technical deficiency.

r. *Limited English Proficient (LEP).* Applicants obtaining an award from HUD must provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with HUD's published LEP Guidance.

s. *OMB Circular.* For-profit awardees are not allowed to earn a profit and must adhere to OMB Circular A–133.

t. *Single Audit Requirement.* All applicants who have expended $500,000 or more in Federal financial assistance in a single year (this can be a program or fiscal year) must be audited in accordance with the OMB–A133 requirements as established in 24 CFR part 84 and 85.

2. Other Program Requirements by Initiative

a. *Asians and Pacific Islander Fair Housing Awareness Component.* Applicants are ineligible for funding if the current bilingual or bicultural Project Director does not have at least three years of proven experience providing bilingual or bicultural services; and if the organization does not have three years of proven experience providing bilingual or bicultural services. You must list all bilingual or bicultural employees and provide proof of employment. Grantees may not deny services and activities to

any protected classes under the Fair Housing Act.

b. *FHOI.* Applicants for FHOI are ineligible if their organization received previous FHOI awards in FY 2003 or FY 2004.

c. Under the PBFC, applicants must receive a minimum FY '05 TEP score of 95 to be considered for funding.

3. Performance Measures and Products

For all Initiatives. Applicants must submit a Logic Model (Form HUD 96010) in their application and report against planned actions on a quarterly basis as specified in the award agreement. Refer to the Logic Model Form HUD 96010. In addition:

(1) Your application must demonstrate how your project activities will support HUD goals;

(2) Identify performance measures/outcomes in support of those goals, describe your proposed record-keeping and evaluation systems; and

(3) Identify current (baseline) conditions and target levels of the performance measures that you plan to achieve.

(a) For PEI, your application also must contain a strategy for generating enforcement related project products (*e.g.,* testing audits, complaint based testing, or systemic investigations) with related timelines and milestones.

(b) PEI—Performance Based Funding Component applicants must show how this three years of funding will be used and the outcomes to be achieved by the end of each year.

(c) For FHOI, if the sponsoring organization is enhancing an existing organization, then the sponsoring organization must submit a statement outlining:

(i) what is expected of the sponsored organization, and

(ii) that the sponsored organization will be part of the program.

If the sponsoring organization is being created, then the sponsored organization must submit a mission statement for the sponsoring organization and a timeline for creation and independence. If selected for funding, your final performance measures will be negotiated with HUD as part of the executed grant agreement.

4. Tester Requirements for PEI and FHOI applicants. If you propose a testing program, you must explain how you plan to structure the tests, train testers, and conduct investigations, etc. Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(1) Have an economic interest in the outcome of the test; except to the extent that they could recover damages as provided by law;

(2) Be a relative related by adoption, blood, or marriage to any party in a case;

(3) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(4) Be a competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

a. *Review and Approval of Testing Methodology.* If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities.

(1) The testing methodology to be used;

(2) The training materials to be provided for testing; and

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

If HUD has approved your testing methodology for FY 2003 and FY 2004, then there is no need to submit your testing methodology, unless you are revising the methodology that was approved by HUD. If changes are being made, you must submit information on the methodology to be used, highlighting the changes from the methodology previously approved by HUD. Please tell us within your application. Also tell us whether you have made any changes to that approved methodology and what those changes are. For all other applicants, the testing methodology and training materials that you submit to HUD for review and approval will remain confidential.

b. *Retainer Fees.* If you are a recipient of FHIP funds, you cannot require any complainant to whom you are providing assistance to sign a retainer agreement or other contract for legal fees as part of the filing, commencement, or maintenance of a Fair Housing Act complaint. If the FHIP recipient has a successful settlement or a verdict, then the FHIP is able to include its reasonable fees as a part of the settlement, though the complainant shall be under no obligation to accept such an agreement. If reasonable legal fees are recovered, the FHIP agency must return to HUD a percentage of the legal fees that is equal to the percentage of FHIP funds spent on the prosecution of the case. For example, if 5% of FHIP funding were spent on prosecution of the case, HUD would recover 5% of any legal fees. However, the amount of funds recovered will never exceed the actual amount of the FHIP grant.

(1) Agencies that are the recipients of FHIP funds agree to provide HUD with information regarding the recovery of fees and applicable reimbursement of FHIP funds on a yearly basis;

(2) All settlements and verdicts involving cases processed using FHIP funds are a matter of public record. The grantee cannot claim attorney-client or other privilege against the release of data concerning a case.

(3) This restriction on withholding of information must be communicated to the complainant.

(4) The complainant must agree to such a restriction before a case can be processed using FHIP funds.

IV. Application and Submission Information

A. Address To Request Application Package

This section describes how you may obtain application forms and additional information about the FHIP program. Copies of the published SuperNOFA, FHIP NOFA and application forms may be downloaded from the grants.gov Web site at *http://www.grants.gov/FIND* or if you have difficulty accessing the information you may receive customer support from Grants.gov by calling their help line at (800) 518–GRANTS or sending an email to *support@grants.gov.* The operators will assist you in accessing the information. If you do not have internet access and you need to obtain a copy of the NOFA you can contact HUD's NOFA Information Center toll-free at (800) HUD–8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD–2209.

B. Content and Form of Application Submission

1. Please ensure that your application contains all of the following items in the exact order as described below:

a. SF–424*
b. SF 424 Supplement*-Survey on Ensuring Equal Opportunity for Applicants.
c. Project Abstract Outlining Project Activities
d. Factor No. 1 Narrative
e. Factor No. 1 Attachments: Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.
f. Factor No. 2 Narrative
g. Factor No. 2 Attachments
h. Factor No. 3 Narrative
i. Factor No. 3 Attachments: Statement of Work (SOW) with activities listed

in priority order, Budget Forms HUD 424 CB* and HUD 424 CBW reflecting the order of the statement of work and prioritized activities,* Budget Narrative.
j. Factor No. 4 Narrative
k. Factor No. 4 Attachments: Letter(s) of Firm Commitment
l. Factor No. 5 Narrative
m. Responses to Additional Requirements for Specific Initiative/Project
n. HUD–2880 (Applicant Recipient Disclosure Update Report (General Section)*
o. OMB SF–LLL Disclosure of Lobbying Activities (General Section)*
p. HUD 2990 Certification of Consistency with the RC/EZ/EC–IIs. (*See* HUD's Web page at *www.hud.gov/cr. for listing and www.hud.gov/crlocator for project eligibility.*
q. HUD–2994 Client Comments and Suggestions

This Checklist reflects all forms that must be included in your electronic application submission.

In addition to the above, all applicants must read and adhere to Initiative specific information. Applicants are encouraged to review the chart entitled ''Summary of Initiatives/Components'' to assist in identifying the Initiative and component to which you wish to apply. Also, to submit documents using the facsimile method, applicants must use form HUD–96011, Facsimile Transmittal, which is a cover page for the faxed materials. The form HUD–96011 is an electronic form and is part of the downloaded application. See the General Section of the SuperNOFA for specific procedures governing facsimile submission.

2. *For All Applicants.* The maximum narrative page requirement is ten (10) pages per factor. The narrative pages must be double-spaced. This includes all narrative text, titles and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures and graphs). You are required to use 12-point type size. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point type size narrative responses will result in five points being deducted from your overall score (one point per factor).

3. *EOI and PEI-General Component.* Organizations applying under the EOI and PEI General Component must submit a budget at 100% of proposed costs and activities. Additionally, applicants must identify costs and activities in priority order so if HUD funds at an 80% level, approved awards will reflect the priorities of the applicant. The activities and line item costs above the 80% should be reflected as optional activities in the applicant's SOW, Logic Model and Budget.

For example, if an applicant proposes 10 workshops, the applicant can designate 2 workshops as optional to reduce their funding by 20%. By providing the information in this manner if there are no further changes during negotiations, the applicant does not have to submit another budget.

4. *Application Submission and Timeliness Procedures.* See the General Section of the SuperNOFA for specific procedures governing the submission and receipt of applications.

C. Submission Dates and Times

You must submit a completed electronic application for the specific initiative and component for which you are applying to HUD on or before May 23, 2005. Grants.gov will reject applications that do not meet the deadline requirements.

Complete application package contains	Required content	Required form or format	When to submit it
Application:			
Cover sheet	(per required form)	Form SF–424, available from (General Section).	On or before 11:59:59 p.m. on the application submission date using Grants.gov/Apply.
Survey for Ensuring Equal Opportunity for Applicants.		SF–424 Supplement.	
Budget information	(per required form)	Form SF–424CB and SF–424CBW,).	
Disclosure of Lobbying Activities	(per required form)	SF–LLL, if applicable.	
Applicant-Recipient Disclosure Update Report.	(per required form)	HUD–2880.	
Certification of Consistency with RC/EZ/EC–II Strategic Plan.	(per required form)	HUD–2990.	
Program Outcome Logic Model	(per required form)	HUD–96010 or equivalent.	
Race and Ethnic Date Reporting Form.	(per required form)	HUD–27061.	
America's Affordable Communities Initiative.	(per required form)	HUD–27300.	
Narrative	Described in Section IV.B. of this announcement.	Format described in Section IV.B of this announcement.	
Letters from third parties contributing to cost sharing.	Third parties' affirmations of amounts of their commitments.	No specific form or format.	
Addendum to Abstract—Correction of Poor Performance (as appropriate).	Written documentation that performance issues and concerns have been cured.	No specific form or format.	
Project Abstract	Short summary of project activities, areas of concentration and persons to be served.	No specific form or format.	

D. Intergovernmental Review

Intergovernmental Review is not applicable to this program.

E. Funding Restrictions

1. *Administrative Costs for the Sponsoring Organization (FHOI).* The sponsoring organization may use no more than 15 percent of the annually

awarded funds to cover its costs to administer the grant.

2. *PEI and FHOI Limitations for Education & Outreach*—There is a 5% limit on the amount of education- and outreach related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and funds will be adjusted to maintain the required limitation.

F. Other Submission Requirements

Electronic delivery via *http://www.grants.gov/Apply* is HUD's required method for application delivery beginning in FY 2005. Applicants interested in applying for FHIP funding must submit their applications electronically or request a waiver from the Assistant Secretary responsible for the program area. Waiver requests must be submitted at least thirty days prior to the application submission date. See the General Section for detailed instructions on how to submit applications using Grants.gov. The General Section also provides requirements and instructions for submitting a waiver request.

V. Application Review Information

A. Criteria for Regional/Community-Based Applications

1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (25 Points).

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (5) Points for current FHIP grantees (10) Points for New Applicants. You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach). Applicants applying to the Asians, Pacific Islanders Fair Housing Awareness Component must list all bilingual employees, identify the languages they are fluent in, and provide proof of their employment.

(1) Identify, by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project, and this individual must be stationed in the metropolitan area where the project will be carried out. For day-to-day managers who do not have at least 75% of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application should reflect the Executive Director's time as 75%. However, if a staff person will be assigned this responsibility, the 75% time should be reflected as such. You may not designate more than one person to fit this 75% criterion. You may demonstrate capacity by thoroughly describing your staff's prior experience in fair housing. You should indicate how this prior experience would be used in carrying out your proposed activities. Your application must also clearly identify those persons that are on staff at the time this application is submitted and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience and bilingual languages as noted above) to perform project tasks; and indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or position descriptions do not count against the ten-page limit.)

b. *Organizational experience. (10) Points for current FHIP grantees;(15) Points for new applicants.* In responding to this sub-factor, you must show that your organization has:

(1) conducted a past project or projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or

(2) engaged in activities that, although not similar, are readily transferable to the proposed project.

EOI applicants must show that they have engaged in projects that are Regional/Local/Community based. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(a) If you are applying for funding under the EOI-Asians and Pacific Islanders Fair Housing Awareness Component, in addition to the items described under items (1) and (2) above, you must provide the following information when responding to this sub-factor.

(i). A list of all bilingual or bicultural materials developed and distributed.

(ii). A description of specific instances where projects similar to the scope and activities proposed in this application had an impact in various communities.

(iii). A description of recent relevant experience. Recent experience is experience within the past three years.

(b) If you are applying for funding under the EOI-Fair Housing and Minority Serving Institutions Component, in addition to the items described under item (1) and (2) above, you must provide the following information when responding to this sub-factor:

(i) A description of staff's experience in providing fair housing and educational curricular development with the objective of increasing awareness of fair housing and

(ii) A designation from the Department of Education specifying the organization as a Tribal College and University, historically Black College or University, Hispanic serving institutions, or Asian, Pacific Islander serving institution.

(c) If you are applying for funding under PEI or FHOI, you must provide

the following information when responding to this sub-factor:

(i) If you propose to conduct testing (other than rental or accessibility testing), projects proposing testing in specific areas should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured (for example, if testing is for sales of housing, your application should outline your sales testing experience).

(ii) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two (2) points will be deducted for this sub-factor if you have not complied with the requirement.

(d) *FHOI.* Provide a statement of organizational capacity and experience of the sponsored organization and a list of persons who will work on the project along with their experience.

c. *Performance on past project(s). (10) Points for current FHIP grantees; (0) Points for new applicants.* HUD will assess your organization's past performance in conducting activities relevant to your application. For current FHIPs, past performance will be assessed based on your most recent performance assessment received from your HUD Government Technical Representative (GTR) over the past two (2) years (FY 2002–FY 2003).

This information will be provided to the Technical Evaluation Panel (TEP) by HUD staff; however, you may also include a copy in your application. Based on past performance, the following points will be deducted from your score under this rating sub-factor:

(1) 10 points out of 10 possible points will be deducted if you received a ''fair performance'' assessment;

(2) 5 points out of 10 possible points will be deducted if you received a ''good performance'' assessment; and

(3) 0 points will be deducted if you received an ''excellent performance'' assessment.

2. Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem(s) in the target area(s). You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need.

a. Documentation of Need. To justify the need for your project, PEI and EOI applicants must describe the following:

(1) The fair housing need, including:

(a) Geographic area to be served and your proximity to the area;

(b) Populations that will be served—your project must serve all persons protected by the Act; and

(c) The presence of housing discrimination, high segregation indices or other evidence of discrimination prohibited by the Act within the project area.

(2) The urgency of the identified need. For example:

(a) The potential consequences to persons if your application is not selected for funding;

(b) The extent to which the organizations provides the services identified in your application;

(c) Other sources that support the need and urgency for this project. For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, State or local government reports analyses, relevant economic and/or demographic data—including those that show segregation—foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD web at ''www.hud.gov.''

To receive maximum points under this sub-factor, applicants must submit data and studies that support (a), (b), and (c) above. Those that address each category and submit supporting data will receive higher points than those that do not.

b. For FHOI: to justify the need for a sponsored organization under FHOI, the sponsoring organization must describe the following:

(1) Populations that will be served—HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to underserved areas, rural areas and areas serving individuals who are immigrants (especially racial and ethnic minorities who are not English-speaking or limited English proficient).

(2) The presence of housing discrimination, segregation and/or other indices of discrimination that are in the project area prohibited by the Act. Submit data and studies that support your claim; and

(3) Why the project area is underserved and why the proposed sponsored organization is needed. Your proposed activities must serve all persons protected by the Act.

For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need.

For all applicants: You must use sound data sources to identify the level of need and the urgency in meeting the need (ex. Consolidated Plan (CP), Analysis of Impediments to Fair Housing Choice (AI), fair housing studies, etc.) For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities and the community(ies) fair housing needs, including your knowledge of and your proximity to the targeted area, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the specific area(s) where activities will be targeted and your proximity to the target area, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

(a) How the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) Why, in light of other on-going efforts, the additional funding you are requesting is necessary.

c. *In addition,* with respect to Documentation of Need, the following apply to specific FHIP initiatives or components:

(1) *EOI-Disability Component.* Your project must focus on persons with disabilities, however you must serve all persons protected by the Act.

(2) *EOI-Asians and Pacific Islanders Fair Housing Awareness Component.* Your project must focus on serving Asians, Pacific Islanders; however, you must serve all persons protected by the Act. Therefore, provide specific

demographics on areas to be served and the relationship of the area served to the objectives of the project. The need in these neighborhoods must be clearly stated and supported with documentation such as beneficiary information.

(3) *EOI-Fair Housing and Minority Serving Institutions Component.* Your project must document curricular development and a critical level of need for fair housing activities in the area where activities will be carried out.

3. Rating Factor 3: Soundness of Approach (35 Points)

You must describe your project in detail, demonstrate how your project activities will support HUD's policy priorities that support HUD's goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. Attach a Statement of Work (SOW) and budget. Your proposed activities must support HUD's policy priorities as referenced in the General Section.

a. *Support of Policy Priorities (8 Points).* Describe how your proposed project will further and support HUD's policy priorities for FY 2005. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY 2005. HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed.

Applicants that just list a priority will receive no points. Each policy priority addressed must discuss the geographic area to be served in relation to the project's purpose, the persons to be served and the methodology for carrying out these activities. Each policy priority has a point value of one point, with the exception of the policy priority to remove regulatory barriers to affordable housing which has a point value of up to 2 points; and, for EOI applicants only, promoting participation of grassroots faith-based and other community-based organization or partnering with an organization promoting participation in grassroots faith-based and other community-based organizations, which has a point value of up to 4 points The total number of points that can be received for this sub-factor is 8. It is up to the applicant to determine which of the policy priorities they elect to address to receive the available 8 points. Applicants are eligible to receive up to 2 points for efforts to remove regulatory barriers to affordable housing. To secure points an applicant must submit the completed questionnaire (HUD 27300), and provide the required documentation. Please see the General Section for further information on Removal of Regulatory Barriers to Affordable Housing. The questionnaire is part of the electronic application package and is also found in the Appendix to the General Section. For the full list of each policy priority, please refer to the General Section of this SuperNOFA.

b. *Proposed Statement of Work (SOW) and Information Requirements (17 Points).* The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

(1) *Statement of Work*—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (*e.g.*, you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors. Applicants should provide figures on the projected clients to be served. Do not provide ranges or percentages, but a specific number of clients. These figures should represent individuals to be served entirely with HUD FHIP funding.

(2) EOI-General and PEI-General Applicants Only-You must identify optional activities (to achieve an 80% budget) in order to receive full points under this sub-factor.

(3) For the Asians and Pacific Islanders Fair Housing Awareness Component include:

(a) All bilingual or bicultural key personnel and their capacity to communicate and disseminate information in projected neighborhoods.

(b) A plan that reflects an understanding of the characteristics and needs of the neighborhoods selected and outlines a plan of action pertaining to the scope and detail of how the work outlined will be accomplished.

c. *The Budget Form and the Budget Information (10 Points).* HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that is:

(1) Reasonable in achieving the goals identified in your proposed SOW;

(2) relate tasks in the SOW to the proposed budget costs;

(3) cost-effective, *e.g.* in terms of staff used to perform the activities, results to be achieved for the dollar costs of the program, location of the organization in relation to targeted area(s), etc.

(4) quantifiable based on the need identified in Factor 2, and

(5) justifiable for all cost categories in accordance with the cost categories indicated in the HUD–424 CB (see General Section Grant Application Detailed Budget). Include your approved Indirect Cost rate in your budget submission, as well as the agency contact name and telephone number. If you do not have a Federally approved indirect cost rate, please provide your proposed rate and submit an indirect cost rate proposal with your application. If HUD is the cognizant agency, it will establish a rate or contact the appropriate Federal agency to establish a rate. For information on Indirect Cost rates, you can review HUD's training on *www.hud./gov*.

(6) *Cost Effectiveness of Program.* Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities in the targeted area. Applicants seeking funding to conduct activities in an area other than the applicant's State or locality must discuss the cost effectiveness of where the activities will be conducted in relation to the location of the organization. HUD will look at the cost effectiveness of your travel to and from your location to the targeted area(s), personnel expenses for outstationed personnel, contracts and subgrantees, and other direct costs, which may include relocation expenses, and telecommunications expenses. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

(7) *Financial Management Capacity.* Describe and provide documentation to support your organization's financial management system and your Board's

contribution to the organization. In addition, provide documentation about your capabilities in handling financial resources, dissemination to subcontracting affiliates, and maintenance of an adequate accounting and internal control procedures.

(8) *For FHOI* provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year three. Also provide budgetary information on the viability of the sponsoring organization to maintain the sponsored organization for the duration of the grant.

(9) Your Grant Application Detailed Budget Worksheet (HUD–424–CBW) and Grant Application Detailed Budget (HUD–424–CB) must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan may include information obtained from various vendors, or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

A written budget narrative work plan must accompany the proposed budget explaining each budget category listed and must explain each cost category. Failure to provide a written budget narrative work plan will result in 2 points being deducted from your application. It must explain each cost category you list. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which does count toward the 10 page limit) and supporting documentation (which does not count toward the 10 page limit) must address the Grant Application Detailed Budget.

4. Rating Factor 4: Leveraging Resources (5 Points)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. *Firm Commitment of Leveraging.* HUD requires you to secure resources from sources other than what is requested under this FHIP Program Section of the SuperNOFA. Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project and identify any affiliation with the applicant,

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

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources). In-kind matching and leveraging contributions, as well as Program Income must comply with 24 CFR 84.23 and 84.24 requirements. FHIP funds cannot be used for in-kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, State, or national levels, and/or individuals in your community. See Section IV.F. of the General Section of the SuperNOFA for instructions on how third party documents are to be submitted to HUD via the electronic submission process. For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

One point will be awarded if less than 5% of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5% and 10% of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11% and 20% of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21% and 30% of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31% of the project's total costs are from non-FHIP resources.

The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements.

For FHOI, two points will be awarded if between 5% and 10% of the project's total costs are from non-FHIP resources. Three points will be awarded if between 11% and 20% of the project's total costs are from non-FHIP resources; Four points will be awarded if between 21% and 30% of the project's total costs are from non-FHIP resources; Five points will be awarded if at least 31% of the projects total costs are from non-FHIP resources.

5. Rating Factor 5: Achieving Results and Program Evaluation (15 Points)

a. In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance. This will ensure that performance measures are met and that grantees are establishing achievable realistic goals. Applicants who have identified outputs and outcome measurements and include means for assessing these measurements, tracking and monitoring performance goals and achievements against these

commitments made in the application, will receive higher points than those that do not. To meet this Factor requirement, you must first refer to the Logic Model and instructions provided in the forms appended to the General Section. All applicants must use the Logic Model Form to respond to this Factor. Applicants should also review the Logic Model training which can be found at *http://www.hud.gov/offices/adm/grants/training/training.cfm.*

b. *In evaluating this Factor:* (1) HUD will consider how you have described the degree to which you have identified and characterized the information needs of your intended audience or target populations;

(2) Output. The direct products of the applicant's activities that lead to the ultimate achievement of outcomes. Examples of outputs include, but are not limited to, the number of training sessions conducted; the number of PSA's aired; the number of conferences held; the number of brochures/fair housing materials to be disseminated and/or the number of outreach activities;

(3) Outcome. Demonstrate ability to measure outcomes so the major outcome is to increase awareness of fair housing laws and enforce the fair housing act. Outcomes are benefits provided to all protected class members as a result of education and outreach or fair housing enforcement activities; and, performance indicators the applicant expects to achieve or goals it hopes to meet over the term of the proposed grant. In other words, provide the figure that the applicant estimates for that outcome category as a result of the applicant's activities. For example as it relates to EOI Activities:

- The number of individuals reached as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.
- The percentage of persons whose knowledge and awareness of fair housing is increased as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.
- The number of complaints received as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.

As it relates to PEI Activities:

- The number of tests completed as result of investigations, systemic testing or audit testing.
- The number of enforcement actions as a result of testing investigations, systemic testing, or audit testing.

The number of individuals served as a result of pre-complaint counseling and/or education and outreach efforts as a result of testing activities.

(4) Describe how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. You should provide a description of the procedure to be used to assess progress and track performance in meeting the goals and objectives outlined in the work plan.

Accountability can be achieved using specific measurements tools to assess the impact of your solutions. Examples include:

- Intake Assessment Instrument;
- Pre/Post Tests;
- Customer/Client Satisfaction Survey;
- Follow-up Survey;
- Observational Survey;
- Functioning scale; or
- Self-sufficiency scale.

You should describe what kind of fair housing activities you propose to accomplish and the success of your project as identified in Factor 2, for these activities. For the EOI-Disability Component, you should also demonstrate how the activities will assist the Department in implementing the New Freedom Initiative (see General Section).

B. Reviews and Selection Process

1. *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following initiatives or components:

a. Private Enforcement Initiative (PEI)—

(1) General Component (PEI–GC);

(2) Performance Based Funding Component (PEI–PBFC).

b. Education and Outreach Initiative (EOI)—

(1) Regional/Local/Community-Based Programs:

(a) General Component (EOI–GC);

(b) Disability Component (EOI–DC);

(c) Asians, Pacific Islanders Fair Housing Awareness Component (EOI–AC);

(d) Fair Housing and Minority Serving Institutions Component (EOI–MSI);

c. Fair Housing Organizations Initiative (FHOI). For all initiatives, all eligible applications will be reviewed and points awarded based upon: 1. Your narrative responses to the Factors for Award and accompanying materials (*e.g.*, resumes) and 2. EC/EZ–II bonus points, as applicable. Ineligible applications will not be ranked. The maximum number of points to be awarded for the Rating Factors is 100. See Section V. of the General Section for information on Bonus Points.

Applications with a score of seventy-five (75) points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy-five (75) points. Generally, applications of sufficient quality for funding will be selected in rank order under each initiative or component.

For the PEI—Performance Based Funding Component applicants will be evaluated competitively against other applicants who apply and have received an Excellent Performance Assessment for FY 2002 and 2003 FHIP-funded activities, as well as a 95 on their most current performance review (FY '02 or '03). These applicants will then be rated by the Technical Evaluation Panel and ranked by score. Only those applicants who receive a minimum final score of 95 from the TEP will be considered for funding under this Component.

2. *Tie Breaking.* When two or more applications have the same total overall score, the application with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher. Finally, if this does not break the tie, the application with the higher score under Rating Factor 2 will be rated higher.

For the PEI—Performance Based Component, the tie breaking provision does not apply.

3. *Achieving Geographic Diversity of Awards.* a. *PEI and EOI.* HUD reserves the right to select applications out of rank order to achieve geographic diversity, to ensure that, to the extent possible, applications from more States for each initiative or component are selected for funding. If the Selecting Official exercises this discretion, there will be two determinants used: (1) geography and (2) score. Geographic diversity shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 75 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic

diversity provision will be applied as follows: when there are two or more applications of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their geographic rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

b. *FHOI and PEI—Performance Based Funding Component.* Under FHOI and the PEI—Performance Based Funding Component, the geographic diversity provision does not apply.

4. *Adjustments to Funding.* As provided in the General Section, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of the SuperNOFA, or where:

a. HUD determines whether the amount requested for one or more eligible activities is unreasonable or unnecessary;

b. An ineligible activity is proposed in an otherwise eligible project;

c. Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

d. The past record of key personnel warrants special conditions; or,

e. Training funds are not reserved for FHIP training.

5. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order among initiatives as follows:

a. For EOI, any remaining funds from any component will be reallocated first within the initiative; if after reallocating funds within the initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

b. For PEI, any remaining funds will be reallocated to EOI then to FHOI;

c. For FHOI, left over funds will be reallocated to PEI then to EOI.

C. Anticipated Announcement and Award Dates

For planning purposes, anticipate an announcement date of July 29, 2005 and an award date of August 31, 2005.

VI. Award Administration Information

A. Award Notices

1. Applicant Notification and Award Procedures

a. *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the application submission date under this NOFA and lasts approximately 90 days thereafter. However, you will be advised, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section of the SuperNOFA and Section of this NOFA. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described in the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application as the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, etc.). Grantees awarded funding who have had a 'poor performance' rating in subsequent years prior to FY 2002, will be required to provide documentation of the agency's improved performance status during negotiations. The Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or additional monitoring is required.

Performance Based Funding Component–Applicants selected for funding under the PBFC will be required to submit a SOW that projects the agency's activities for a period of three years commensurate with the level of funding.

c. *Applicant Debriefing.* After awards are announced, applicants may receive a debriefing on their application as described in the General Section. Materials provided during the debriefing will be the applicant's final scores for each rating factor and final evaluator comments for each rating factor. Applicants requesting a debriefing must send a written request to Annette Corley, Grant Officer, U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street SW., Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties

B. Administrative and National Policy Requirements

1. *Accessibility Requirements.* All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

2. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

3. *Environmental Requirements.* In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

4. *Procurement of Recovered Materials.* State agencies (FHAP agencies) and agencies of a political subdivision of a state that are using assistance under a HUD program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. See General Section for details.

5. *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) two weeks before release for approval and acceptance.

6. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses.* (See General Section).

7. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

8. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise

use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

9. *Complaints Against Awardees.* Each FHIP award is overseen by a HUD Grant Officer (See Appendix A for list of Grant Officers per region Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the grant, or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

10. *Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.

11. *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

C. Reporting

1. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on *www.HUDclips.org.*, a comparable program form, or a comparable electronic data system for this purpose. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

2. Listed below is a sample-reporting document of activities and tasks to be performed by a FHIP Grantee.

ADMINISTRATIVE ACTIVITIES

Activities	Tasks	Submitted by	Submitted to
1. Complete HUD–22081 Race and Ethnic Data Reporting Form.	.....	45 Days	GTR/GTM.
2. Complete HUD–2880 Disclosure Statements ...	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM.
3. Complete SF–269A Financial Status Report and Written Quarterly Status Reports on All Activities.	Submit SF–269A and Copy of Written Report	Quarterly	GTR/GTM.
4. Voucher for Payment	Submit payment request to LOCCS	Per Payment Schedule	GTR/GTM.
5. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements.	Submit listing for recipient and any contractors	45 Days and At end of Grant.	GTR/GTM.
6. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments, and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis, issues, and outcomes. This should include number of credible, legitimate complaints filed with HUD, a State or local Fair Housing Agency, Department of Justice or private Litigator; and types of relief/results.	One month before end of grant term.	GTR/GTM.
7. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted.	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM.
8. Submit 2 copies of Final Report and all final program products produced under the Grant (with diskette, where feasible) to HUD.	Submit activities and database entry sheet(s) to HUD. Submit copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM.

VII. Agency Contacts

You may contact Myron P. Newry or Denise L. Brooks, of the Office of Fair Housing and Equal Opportunity's FHIP Support Division, at 202–708–0800 (this is not a toll–free number). Persons with hearing or speech impairments may contact the Division by calling 1–800–290–1617 (this is a toll-free number).

VIII. Other Information

1. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2529–0033 In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a currently valid OMB control number. Public reporting burdens for the collection of information is estimated to average xxx hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the

administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

2. Frequently Asked Questions

Q. If data, tables, exhibits, reports, and studies are submitted with the application, will they be counted toward the 10-page limit requirement?

A. The attachments do not count toward the ten-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc, simply include a bibliography or other reference at the end of each Rating Factor.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. For FY 2005, the Certification of Consistency with the Consolidated Plan is not required.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for the FY 2005 FHIP NOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

Q. What is the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3, Resumes as required by Factor 1, or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-type size (font). However, all pages in the narrative portion of your application must be consecutively numbered starting with Rating Factor One page one (1) through the end of your application for each narrative rating factor response.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The amount of enforcement-related experience is an eligibility requirement, for PEI at least one year and for FHOI at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.) For PEI and FHOI, applicants must self-identify as a QFHO or an FHO and provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

Q. May an applicant subcontract out a percentage of its activities to subcontractors, partner, or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner, or consultant exceed 10% of the grant amount, an itemized budget is required.

Q. Is an organization ''engaged in testing for fair housing violations'' if it hires a qualified organization to carry out its testing program?

A. Yes, so long as the applicant maintains decision making authority, analyzes the test results, and maintains oversight or selection of testing operations.

Q. Does the SuperNOFA identify what makes an application ineligible?

A. Yes. For FHIP, see the eligibility requirements for each Initiative, and the Threshold Criteria in Section III. For threshold requirement information under the SuperNOFA, see Section of the General Section of the SuperNOFA.

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Will applicants be able to apply for other funding if selected for the Performance Based Funding Component?

A. No, applicants selected to the PEI-PBFC will not be able to apply for any other FHIP funding for the three-year period of the PBF.

Q. Are grantees required to attend the National Fair Housing Training Academy (NFHTA)?

A. Yes, provisions have been included in Training Funds to accommodate grantee's participation in the NFHTA.

Q. At what point may a FHOI ''sponsored organization'' apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under other initiatives or components.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative/Component for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All applications must be submitted electronically. Please review Section IV.F of the General Section of the SuperNOFA for specific information on electronic application submittal.

Q. How do I sign my electronic application?

A. Applications submitted through grants.gov constitute submission as electronically signed applications once the Authorized Organization Representative (AOR) (the individual who has been authenticated by the grants.gov credential provider to submit applications on behalf of your organization) transmits your application via grants.gov. Please see Section IV.F of the General Section of the SuperNOFA for details.

Q. What is the Web site address to apply for funding?

A. *Http://www.grants.gov/Apply*. See General Section for more information.

Q. What is the application submission date?

A. The application submission date is outlined in this NOFA under Section IV.C., ''Submission Dates and Times.''

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry or Denise L. Brooks of the FHIP Support Division at (202) 708–0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 1–800–290–1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in the FHIP component under the section labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15% administrative costs?

A. Yes.

Appendix A

FHEO FIELD STRUCTURE—OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO offices	Directors	Telephone No.	Area covered
BOSTON Hub—Thomas P. O'Neill, Federal Bldg., 10 Causeway Street, Room 375, Boston, MA 02222–1092.	Marcella Brown	(617) 565–6977	MA, CT, ME, VT, NH, RI.
NEW YORK CITY Hub—26 Federal Plaza, New York, NY 10278–0068.	Stanley Seidenfeld	(221) 264–1290	NY, NJ.
PHILADELPHIA Hub—The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380.	Wanda S. Nieves	(215) 656–0647	PA, MD, VA, DC, WV, DE.
ATLANTA Hub—5 Points Plaza, 40 Marrietta Street, SW, Atlanta, GA 30303–3388.	James Sutton	(404) 331–5001	GA, AL, MS, FL, PUERTO RICO, KY, TN, SC, NC.
CHICAGO Hub—Ralph H. Metcalfe, Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507.	Barbara Knox	(312) 353–7776	IL, MN, MI, WI, OH, IN.
FORT WORTH Hub—1600 Throckmorton Street, Fort Worth, TX 76113–2905.	Garry Sweeney	(817) 978–9271	TX, AR, OK, LA, NM.
KANSAS CITY Hub—Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406.	Robbie Herndon	(913) 551–6958	KA, MO, NE, IA.
DENVER Hub—633 17th Street, Denver, CO 80202–3607	Evelyn Meininger	(303) 672–5434	CO, UT, WY, SD, ND, MT.
SAN FRANCISCO Hub—Phillip Burton Federal Bldg., 450 Golden Gate Avenue, San Francisco, CA 94102–3448.	Chuck E. Hauptman	(415) 436–6569	CA, HI, NV, AZ, Guam.
SEATTLE Hub—Seattle Federal Office Bldg., 909 1st Avenue, Suite 200, Seattle, WA 98104–1000.	Judith Keeler	(206) 220–5170	WA, OR, ID.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING PROGRAMS

Housing Counseling – Local Housing Counseling Agencies (LHCA)

Housing Counseling – National and Regional Intermediaries

Housing Counseling – State housing Finance Agencies (SHFA)

Housing Counseling – Colonias

Housing Counseling – Predatory lending

Housing Counseling – Section 8 Homeownership Voucher Program

Billing Code 4210-32-C

Housing Counseling Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Single Family Housing.

B. *Funding Opportunity Title:* Housing Counseling Program.

C. *Announcement Type:* Initial Announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4950–N–05. The OMB Approval number is: 2502–0261.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.169 Housing Counseling Assistance Program.

F. *Dates:* The application submission date is June 6, 2005. Please see the General Section of the SuperNOFA for application submission and receipt procedures.

G. *Available Funds:* Approximately $38.914 million is made available for eligible applicants under this program NOFA.

Full Text Of Announcement

I. Funding Opportunity Description

A. *Program Description.* This program supports the delivery of a wide variety of housing counseling services to homebuyers, homeowners, low-to moderate-income renters, and the homeless. The primary objectives of the program are to expand homeownership opportunities and improve access to affordable housing. Counselors provide guidance and advice to help families and individuals improve their housing conditions and meet the responsibilities of tenancy and homeownership. Counselors also help borrowers avoid inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and eventually foreclosure.

Applicants funded through this program may also provide Home Equity Conversion Mortgage (HECM) counseling to elderly homeowners who seek to convert equity in their homes into income that can be used to pay for home improvements, medical costs, living expenses, or other expenses.

This grant program also supports the delivery of housing counseling services to potential homebuyers and homeowners utilizing Section 8 Homeownership Vouchers (hereafter referred to as Homeownership Vouchers) under HUD's Homeownership Voucher Program. The primary objectives of counseling in conjunction with the Homeownership Voucher program are to: (1) Help Homeownership Voucher Program participants make the transition from renting to homeownership; (2) assist them in evaluating their readiness and in making informed decisions; (3) help them meet the responsibilities of homeownership; and (4) encourage increased participation by Public Housing Agencies (PHAs) in HUD's Homeownership Voucher Program.

B. *Grant Applicant Categories.* HUD will award a single grant to qualified applicants through one of three categories: (1) Local Housing Counseling Agencies (LHCAs); (2) National and Regional Intermediaries (Intermediaries); and (3) State Housing Finance Agencies (SHFAs).

1. *Comprehensive Counseling.* All awards through the 3 categories will consist of a specified sum for comprehensive counseling which is also the minimum required application amount as specified in III.C.3.b.

2. *Supplemental Funding.* Comprehensive counseling awards may be used for any of the activities specified below. Applicants may also request additional funds to carry out the following specific activities and assistance to targeted communities:

a. *Predatory Lending.* Supplemental funding is available for counseling and educational activities designed to combat predatory lending, including helping borrowers avoid inflated appraisals, unreasonably high interest rates, unaffordable repayment terms, and other conditions that can result in a loss of equity, increased debt, default, and foreclosure.

b. *Homeownership Voucher Counseling.* Supplemental funding is available for counseling and educational activities in conjunction with HUD's Homeownership Voucher Program.

c. *Colonias.* Supplemental funding is available for the counseling and educational activities targeted at Colonias. Colonias means any identifiable, rural community that is located in Arizona, California, New Mexico, or Texas; is within 150 miles of the border between the United States of America and the United Mexican States; and is determined to be a Colonia on the basis of objective need criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

d. *HECM Counseling.* Supplemental funding is available for counseling and educational activities in conjunction with HUD's Home Equity Conversion Mortgage (HECM) Program.

C. *Authority.* HUD's Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x).

The Homeownership Voucher Program refers to the homeownership option in the Housing Choice Voucher Program. The homeownership option is authorized by section 8(y) of the United States Housing Act of 1937, as amended by section 555 of the Quality Housing and Work Responsibility Act of 1998. The implementing regulations are found at 24 CFR 982.625 through 982.643.

The Home Equity Conversion Mortgage (HECM) Program is authorized by section 255 of the National Housing Act (12 U.S.C. 1715z–20).

II. Award Information

A. *Amount Allocated.* Of the $41.664 million appropriated for housing counseling in FY2005, $38.914 million is available for eligible applicants under this NOFA. Specifically, $32.120 million is available for comprehensive counseling, $2.7 million is available for counseling services that address predatory lending, $1.7 million is available for counseling in conjunction with HUD's Homeownership Voucher Program, $394,000 is available for counseling services that specifically target Colonias, and $2.0 million is available for HECM counseling.

B. *Specific Allocations.* Funding is allocated to each Homeownership Center (HOC), regional HUD offices that oversee the Housing Counseling Program in their jurisdiction, by a formula that incorporates first-time homebuyer rates, default rates, HECM endorsements, and minority homebuyers.

Applicant categories	Who is eligible	Total amount available
Category 1—LHCAs	HUD-approved Local Housing Counseling Agencies	$14,954,946
Category 2—Intermediaries	HUD-approved National and Regional Intermediaries	21,575,182
Category 3—SHFAs	State Housing Finance Agencies	2,383,873

1. *Category 1—Local Housing Counseling Agencies (LHCAs).* Approximately $14,954,946 is available from HUD to directly fund HUD-approved LHCAs, including $12,920,000 for comprehensive counseling, $1,199,880 in supplemental funding for predatory lending, $722,500 in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, and $112,566 for counseling targeting Colonias.

Allocations for Category 1 by HOC are as follows:

HOC	Comprehensive counseling	Predatory lending	Homeownership voucher counseling	Colonias	Total
Philadelphia	$3,511,709	$326,127	$196,376	.....	$4,034,212
Atlanta	3,706,596	344,246	207,285	.....	4,258,127
Denver	345,317	310,649	187,055	56,283	3,899,304
Santa Ana	2,356,378	218,858	131,784	56,283	2,729,398
Total	12,920,000	1,199,880	722,500	112,566	14,954,946

2. *Category 2—Intermediaries.* Approximately $21,575,182 is available from HUD to directly fund HUD-approved Intermediaries, including $17,200,000 for comprehensive counseling, $1,300,050 in supplemental funding for predatory lending, $850,000 in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, $225,132 for counseling targeting Colonias, and $2.0 million for HECM counseling.

3. *Category 3—State Housing Finance Agencies (SHFAs).* Approximately $2,383,873 is available to fund SHFAs that provide housing counseling services directly or serve as intermediaries to Affiliates who offer housing counseling services, including $2.0 million for comprehensive counseling, $200,070 in supplemental funding for predatory lending, $127,500 in supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program, and $56,303 for counseling targeting Colonias.

Allocations for Category 3 by HOC are as follows:

HOC	Comprehensive counseling	Predatory lending	Homeownership voucher counseling	Colonias	Total
Philadelphia	$543,600	$54,379	$34,655	.....	$632,634
Atlanta	573,800	57,400	36,580	.....	667,780
Denver	517,800	51,798	33,010	28,152	630,759
Santa Ana	364,800	36,493	23,256	28,152	452,700
Total	2,000,000	200,070	127,500	56,303	2,383,873

C. Individual Awards.

1. *Category 1:* No individual LHCA may be awarded more than $260,000, which includes any supplemental funding. Specifically, the limit for Comprehensive Counseling is $175,000. The limit for supplemental funding for predatory lending is $40,000, the limit for supplemental funding for Homeownership Voucher Counseling is $30,000, and the limit for supplemental funding for Colonias is $40,000. HUD anticipates that the average total award for LHCAs will be approximately $40,000.

2. *Category 2:* Awards for individual HUD-approved intermediaries may not exceed $3.4 million, which includes any supplemental funding. The limit for Comprehensive Counseling is $2.5 million. The limit for supplemental funding for predatory lending is $325,000, the limit for supplemental funding for Homeownership Voucher Counseling is $275,000, the limit for supplemental funding for Colonias is $300,000 and the limit for HECM counseling is $2.0 million. HUD anticipates that the average total award for Intermediaries will be $1.1 million.

3. *Category 3:* No individual SHFA may be awarded more than $450,000, which includes any supplemental funding. Specifically, the limit for Comprehensive Counseling is $300,000. The limit for supplemental funding for predatory lending is $63,000, the limit for supplemental funding for Homeownership Voucher Counseling is $47,000, and the limit for supplemental funding for Colonias is $40,000. HUD anticipates that the average total award for SHFAs will be approximately $140,000.

D. *Grant Period.* Funds awarded shall be available for a period of 12 calendar months.

E. *Award Instrument.* HUD will use a Grant Agreement. All Housing Counseling Program awards will be made on a cost reimbursement basis in accordance with the requirements in OMB Circular A–87, Cost Principles for state and local governments and Indian tribal governments; or OMB Circular A–122, Cost Principles for Non-Profit Organizations, as applicable to your organization; and the administrative requirements established in OMB Circular A–102, which was implemented by 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to state, local, and federally recognized Indian tribal governments); OMB Circular A–110, which was implemented by 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations); and OMB Circular A–133 which was implemented by 24 CFR parts 84 and 85. Grantees must ensure that any Sub-grantees and/or Branches also comply with the above requirements. OMB circulars can be found at *http://www.whitehouse.gov/omb/.*

III. Eligibility Information

A. Eligible Applicants Eligible applicants include: HUD-approved Local Housing Counseling Agencies (LHCAs); HUD-approved national and regional intermediaries (Intermediaries); and State Housing Finance Agencies (SHFAs). LHCAs and Intermediaries are private or public nonprofit organizations, including grassroots community-based organizations, inclusive of faith-based organizations, that secure HUD approval as an LHCA, or as an intermediary, as of the publication date of the SuperNOFA, and retain such approval through the term of any grant awarded. A SHFA does not need HUD approval in order to apply for a grant through this NOFA.

1. Definitions

a. *Affiliate.* ''Affiliate'' means an organization to which a Grantee awards a sub-grant and which is accountable to the Grantee for the use of funds provided. An affiliate is separately incorporated or organized but connected with an intermediary or SHFA for the purposes of this NOFA. To be eligible for a sub-grant an affiliate must be: (1) duly organized and existing as a nonprofit, (2) in good standing under the laws of the state of its organization, and (3) authorized to do business in the states where it proposes to provide housing counseling services. In the case of an intermediary or SHFA, all affiliates must be identified in the application submitted in response to this NOFA.

b. *Applicant.* ''Applicant'' means a HUD-approved housing counseling agency or SHFA applying for a Housing Counseling grant from HUD through this NOFA. The term ''Applicant'' includes the agency's branch or branch offices identified in its application.

c. *Branch.* ''Branch'' or ''Branch Office'' means an organizational and subordinate unit of an LHCA, Intermediary or SHFA not separately incorporated or organized. A Branch or Branch Office must be in good standing under the laws of the state where it is authorized to do business and where it proposes to provide housing counseling services. A Branch or Brach Office cannot be an applicant, affiliate or sub-grantee.

d. *Grantee.* ''Grantee'' means the HUD-approved housing counseling agency or SHFA that receives housing counseling funds from HUD through this NOFA. The term ''Grantee'' includes the agency's branch or branch offices identified in its application.

e. *Intermediary.* ''Intermediary'' means a HUD-approved national or regional organization that provides housing counseling services through its branches or affiliates. As used in this NOFA, the term Intermediary refers to any of the following entities:

(7) *National Intermediary.* A National Intermediary provides housing counseling services through its branches or affiliates in a number of states as determined by HUD.

(2) *Regional Intermediary.* A Regional Intermediary provides housing counseling services through its branches or affiliates in a generally recognized region or group of regions within the United States of America, such as the Southwest, Mid-Atlantic, and New England.

f. *Local Housing Counseling Agency (LHCA).* ''LHCA'' means a HUD-approved Local Housing Counseling Agency. LHCAs must be approved by one of HUD's four HOCs. Affiliates of HUD-approved Housing Counseling intermediaries are not HUD-approved LHCAs by virtue of their affiliation with the intermediary. They are, however, eligible to individually apply for HUD approval as an LHCA.

g. *State Housing Finance Agency (SHFA).* For the purpose of this NOFA, a ''SHFA'' is the unique public body, agency, or instrumentality created by a specific act of a state legislature and empowered to finance activities designed to provide housing and related facilities and services, for example through land acquisition, construction or rehabilitation, throughout a state. The term state includes the several states, Puerto Rico, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands.

h. *Sub-grantee.* ''Sub-grantee'' means an organization to which the grantee awards a sub-grant, and which is accountable to the grantee for the use of the funds provided. A Sub-grantee may be separately incorporated or organized, but connected with an intermediary or SHFA for purposes of this NOFA.

In the case of an intermediary or SHFA, all Sub-grantees must be identified in the grantee's application. Under certain conditions, grantees may amend their Sub-grantee list after awards are made.

B. Cost Sharing or Matching

No specific ratio is required. However, in order to receive points under Rating Factor 4, applicants are required to demonstrate the commitment of other private and public sources of funding to supplement HUD funding for the applicant's counseling program. HUD does not intend for the Housing Counseling grants to cover all costs incurred by an applicant.

C. Other

1. *Eligible Activities for Awards Under all Applicant Categories*

Grantees and sub-grantees will only be reimbursed for the eligible activities outlined in this Section. Grantees and sub-grantees providing housing counseling services under Categories 1 through 3 may use their HUD housing counseling funds for one or more of the following activities.

a. *Pre-Purchase Homebuyer Counseling.* This includes the following types of one-on-one counseling: pre-purchase; evaluating mortgagor readiness; search assistance/mobility; fair housing; budgeting for mortgage payments; money management (does not include administration of debt management plans whereby an organization pays bills on behalf of a client); selecting a real estate agent, and home inspection. This also may include guidance on: alternative sources of mortgage credit; how to apply for special programs available to potential homebuyers; how to identify and avoid predatory lending practices; locating housing that provides universal design and visitability; and referrals to community services and regulatory agencies.

b. *Homebuyer Education Programs.* These programs are homeownership preparation-related group education programs in which educational materials, including HUD's Homebuyer Education and Learning Program (HELP) guide, are used in training sessions for multiple participants, and not tailored to the unique circumstances of an individual. This activity also includes financial literacy workshops that are geared toward potential homebuyers, and group sessions that assist potential homebuyers with identifying and avoiding predatory lending practices, such as loans with unreasonable and inappropriate terms and conditions, and other unscrupulous practices intended to defraud or take advantage of homebuyers and borrowers. Applicants that provide homebuyer education must also offer individual counseling that complements the group sessions.

c. *Counseling to Resolve or Prevent Mortgage Delinquency or Default.* This includes counseling on how to: restructure debt, obtain re-certification for mortgage subsidy, establish reinstatement plans, seek loan forbearance, and manage household finances. This counseling can also include helping clients affected by predatory lending, foreclosure

prevention strategies, explaining the foreclosure process, providing referrals to other sources, and assisting clients with locating alternative housing, or pursuing loss mitigation strategies.

d. *Non-Delinquency Post-Purchase Counseling including Improving Mortgage Terms, Home Equity Conversion, and Home Improvement.* This includes information and advice on finding favorable mortgage loan terms, personal money management, and relations with lenders. It also includes help in converting home equity into cash, such as counseling on HUD's HECM Program. HECM counseling assists clients who are 62 years or older with the opportunity to convert the equity in their homes into income to pay living, medical, or other expenses. This counseling also includes counseling the client about: home improvement and rehabilitation; property maintenance; loan and grant options; the loan or grant application processes; what housing codes and housing enforcement procedures apply for the intended activity; accessibility codes and how to design features to provide accessibility for persons with disabilities; non-discriminatory lending and funding for persons who modify their dwellings to accommodate disabilities; visitability and universal design; how to specify and bid construction work; how to enter into construction contracts; and how to manage construction contracts, including actions to address the non-performance of contractors.

e. *Post-Purchase Education Programs.* These are post-purchase oriented group sessions in which educational materials are used in training sessions for multiple participants. Topics can include resolving or preventing mortgage delinquency and default, converting home equity into cash, seeking favorable mortgage loan terms, budgeting and financial management, real estate taxes and insurance, and home maintenance. Agencies that provide this service must also offer individual counseling to complement group sessions.

f. *Counseling and Education on Locating, Securing, or Maintaining Residence in Rental Housing.* This refers to one-on-one counseling and group education sessions regarding renter-related topics, including: helping clients obtain and utilize rent subsidies; pre-rental search assistance/mobility counseling; budgeting for rent payments; educating clients on landlords' and renters' rights; explaining the eviction process; ensuring clients understand their rights when faced with displacement; explaining the responsibility of the entity causing displacement; and providing assistance with locating alternate housing.

g. *Counseling on Shelter or Services for the Homeless.* Includes referrals to social, community, and homeless services such as emergency shelter or transitional housing.

h. *Marketing and Outreach Initiatives.* This includes providing general information and materials about housing opportunities and issues, conducting informational campaigns, advocating with lenders for non-traditional lending standards, and raising awareness about critical housing topics, such as predatory lending or fair housing issues. (Note: affirmative fair housing outreach should be directed at those populations least likely to seek counseling services. To do so, it may be necessary to broaden the target areas or provide translation and interpretive services in languages other than English in order to reach a greater variety of racial and ethnic minorities.)

2. Eligible Activities—Supplemental Funding

a. *Predatory Lending.* Recipients of supplemental funding for Predatory Lending must use the supplemental funds for any of the marketing and outreach initiatives, group sessions, or one-on-one counseling activities outlined in Section III.C. of this NOFA, in a manner that clearly and directly assists clients affected by predatory lending or helps to prevent predatory lending.

b. *Homeownership Voucher Counseling.* Recipients of supplemental funding for counseling in conjunction with HUD's Homeownership Voucher Program must use the supplemental funds for any of the group sessions or one-on-one counseling activities outlined in Section III.C of this NOFA, in a manner that clearly and directly assists recipients of Homeownership Vouchers to utilize those vouchers toward the purchase and maintenance of a home.

According to the Final Rule on the Homeownership Voucher Program (65 FR 55163), suggested topics for the HUD-required pre-assistance counseling program include: how to negotiate the purchase price of a home; how to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing; alternative sources of mortgage credit; how to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction; mobility counseling, including purchasing a home outside the PHA's jurisdiction; advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas; how to design features to provide accessibility for persons with disabilities; how to obtain funding for modifications that will make housing accessible and available to clients and their family members with disabilities; information on fair housing, including fair housing lending and local fair housing enforcement agencies; information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*) (RESPA); state and federal truth-in-lending laws; how to identify and avoid loans with oppressive terms and conditions; home maintenance; budgeting and money management; and credit counseling.

Counseling services in conjunction with HUD's Homeownership Voucher Program can be adapted to reflect local circumstances, fit the pre- and ongoing post-purchase needs of the individual families, and fulfill specific requirements established by the PHA as identified in the written agreement. The PHA has the discretion to require ongoing counseling for all or select participants in the homeownership option.

For example, agencies may provide on-going counseling on issues such as home improvement and rehabilitation. This could include educating the client about loan and grant options; loan or grant application processes; what housing codes and housing enforcement procedures apply for the intended activity; accessibility codes; visitability and universal design; non-discriminatory lending for persons who modify their dwellings to accommodate disabilities; how to identify and hire a construction contractor; how to specify and bid construction work; how to enter into construction contracts; and how to manage construction contracts, including actions to address the non-performance of contractors.

Additional ongoing counseling needs may include default counseling and loss mitigation strategies such as debt restructuring, establishing reinstatement plans, seeking loan forbearance, and managing household finances. Counselors can also help program participants that are affected by predatory lending, provide referrals to emergency and social service providers, and assist clients with locating alternative housing.

c. *Colonias.* Recipients of this supplemental funding may provide any of the eligible activities outlined in

Section III.C, so long as they serve individuals in communities that meet the definition of a Colonia provided in Section I.B.2.c, of this NOFA.

d. *HECM Counseling.* Recipients of this supplemental funding must provide counseling to individuals/families that may be eligible for or are interested in obtaining a Home Equity Conversion Mortgage (HECM). Counseling must be provided by AARP certified HECM counselors who must explain all of the details related to HECM financing to help clients make informed decisions.

3. Threshold Requirements

Applications that do not meet all of the following Threshold Requirements are not eligible to receive an award from HUD.

a. Applicants, and Sub-grantees, must meet the Threshold Requirements in the General Section of the SuperNOFA.

b. *Minimum grant request.* Applications must contain a request for funds of not less than $15,000 from LHCAs, not less than $50,000 from SFHAs and not less than $200,000 from Intermediaries. Applications for lesser amounts will not be considered.

c. *Only HUD-approved Housing Counseling Agencies and SHFAs may apply.* Applicants must be currently approved by HUD as an LHCA or as a housing counseling intermediary, and have secured HUD approval as a housing counseling agency by the publication date of this NOFA. SHFAs are not required to be HUD-approved, but must meet the eligibility requirements listed in this NOFA.

d. *Recipients of Previous Housing Counseling Grants.* Applicants that received a HUD Housing Counseling grant or grants through the FY2003 HUD Housing Counseling NOFA, and did not receive an extension approved by HUD, must have drawn-down at least 70 percent of award monies by December 31, 2004.

e. *HUD–9902.* Applicants that were, for any reason, required to submit Form HUD–9902 data, covering the period October 1, 2003, through September 30, 2004, must have submitted the data to HUD by June 6, 2005.

f. *Applicants Requesting Supplemental Funding.* No separate application is needed to apply for supplemental funding. However, applicants who propose to use the Comprehensive portion of their award for these activities must propose outputs and outcomes under supplemental funding categories exclusive of (over and above) those proposed under comprehensive counseling. Applicants must also meet the following requirements.

(1) *Predatory Lending.* An applicant must: (a) request the supplemental funding by specifically and separately identifying ''Predatory Lending'' and the specific amount requested along with budget information in Section B of the SF–424A; (b) identify predatory lending related needs in the target community in the response to Rating Factor 2; (c) include predatory lending related activities over and above the proposed comprehensive counseling activities listed in response to the Rating Factors; (d) indicate, where required in the Rating Factors, how many individuals in addition to those served under the comprehensive counseling award will be served with the requested supplemental funding for predatory lending; and (e) respond to all predatory lending related requests for information throughout the NOFA. Be sure clearly to identify the total number served, the activities provided, and the output and outcome goals to be achieved with the supplemental funding.

(2) *Homeownership Voucher Counseling.* An applicant must: (a) request the supplemental funding by specifically and separately identifying ''Homeownership Voucher Counseling'' and the specific amount requested along with budget information in Section B of the SF–424A; (b) respond to all Homeownership Voucher Counseling related requests for information throughout the NOFA; (c) include counseling and other related activities in conjunction with the Homeownership Voucher Program over and above the proposed comprehensive counseling activities listed in response to the Rating Factors; (d) indicate, where required in the Rating Factors, how many individuals additional to those served under the comprehensive counseling award will be served with the requested supplemental funding for Homeownership Voucher Counseling; and (e) provide a written agreement from one or more Public Housing Authorities (PHAs) with whom the applicant has an agreement to provide housing counseling to participants of the PHA's Homeownership Voucher Program. Intermediaries and SHFAs proposing to make sub-grants must provide a separate written agreement from a PHA for each proposed sub-grantee. There is no requirement that the PHA commit to use the applicant for the provision of all housing counseling services related to its Homeownership Voucher Program, although this would be acceptable.

Written agreements from PHAs do not have to be ratified by the PHA Board, although a formal document, such as a Memorandum of Understanding (MOU) between the PHA and the applicant, is acceptable. The written agreement must be on PHA letterhead, specifically mention the housing counseling agency (applicant) and proposed sub-grantee, if applicable; and be signed by an official authorized to sign on behalf of the PHA. Moreover, the written agreement must indicate that the PHA is exercising its option to implement the Homeownership Voucher Program and agrees to refer Homeownership Voucher participants to the applicant to fulfill the housing counseling requirement specified in the Homeownership Voucher Program regulations. The written agreement must clearly outline: (1) The respective activities and responsibilities to be undertaken by the PHA and the applicant; (2) the estimated number of Homeownership Voucher Program participants, both pre-purchase and ongoing, to be referred by the PHA to the applicant during the grant period October 1, 2005, to September 30, 2006; (3) the services to be delivered and the specific PHA requirements for ongoing counseling; and (4) outputs and outcome goals.

While no written agreement is required from PHAs approved by HUD as housing counseling agencies, the PHA must estimate the number of voucher participants to be counseled in connection with its Homeownership Voucher Program, and describe the types of counseling, and output and outcome goals to be achieved. See the General Section for directions for submitting documents requiring third party signatures. Be sure clearly to identify the total number served, the activities provided, and the output and outcome goals to be achieved with the supplemental funding.

(3) *Colonias.* An applicant must: (a) Request the supplemental funding by specifically and separately identifying ''Colonias'' and providing the specific amount requested along with budget information in Section B of the SF–424A; (b) identify Colonias-related needs in the target community in its response to Rating Factor 2; (c) respond to all Colonias-related requests for information throughout the NOFA; (d) include counseling and other related activities targeted at Colonias over and above the proposed comprehensive counseling activities listed in response to the Rating Factors; (e) indicate in the response to Rating Factors how many individuals in addition to those served under the comprehensive counseling award will be served with the requested supplemental funding for Colonias; and (f) demonstrate that the communities that the applicant will target with these funds meet the definition of Colonias

provided in Section I.B.2.c.of this NOFA. Be sure clearly to identify the total number served, the activities provided, and the output and outcome goals to be achieved with the supplemental funding.

(4) *HECM Counseling.* An applicant must: (a) request the supplemental funding by specifically and separately identifying ''HECM'' and providing the specific amount requested along with budget information in Section B of the SF–424A; (b) identify HECM-related needs in the target community in its response to Rating Factor 2; (c) respond to all HECM-related requests for information throughout the NOFA; (d) include counseling and other related activities targeted at HECM clients over and above the proposed comprehensive counseling activities listed in response to the Rating Factors; and (e) indicate in the Rating Factors how many individuals will be served with the requested supplemental funding for HECM counseling in addition to those served under the comprehensive counseling award. Be sure clearly to identify the total number served, the activities provided, and the output and outcome goals to be achieved with the supplemental funding.

4. Other Program Requirements

To receive a grant or subgrant under this Housing Counseling NOFA, all applicants and subgrantees (except SHFAs) must be:

- duly organized and existing as a nonprofit;
- in good standing under the laws of the state of their organization; and
- authorized to do business in the states where they propose to provide housing counseling services.

a. *Limits on applications.* (1) HUD-approved LHCAs. *HUD-approved LHCAs may apply for and receive: one grant under Applicant Category 1; or one sub-grant from an intermediary or SHFA under Applicant Category 2 or 3, but not both. The only exception to this rule is that HUD-approved LHCAs that have one or more HECM Network Counselors that receive a grant or sub-grant under Categories 1–3, may also receive a sub-grant, or be reimbursed exclusively for HECM counseling activities from a HUD-approved intermediary that exclusively provides HECM counseling.*

HUD-approved LHCAs applying under Category 1 are also eligible for supplemental funding to combat predatory lending, homeownership voucher counseling, and to provide counseling to residents of Colonias.

Funded LHCAs may not make sub-grants to other HUD-approved LHCAs or non-HUD-approved entities.

(2) HUD-approved Intermediaries. HUD approved intermediaries may only apply for a grant under Applicant Category 2. HUD-approved intermediaries are also eligible for supplemental funding to combat predatory lending, homeownership voucher counseling, provide counseling to residents of Colonias, and for HECM counseling.

(3) SHFAs. SHFAs may only apply for grants under Applicant Category 3 and are eligible to apply for comprehensive counseling funds and supplemental funding to combat predatory lending, homeownership voucher counseling, and to provide counseling to residents of Colonias. *b. Sub-grantees of Intermediaries and SHFAs.* (1) Sub-grantees of intermediaries and SHFAs are not required to be HUD-approved, although HUD-approved LHCAs may apply to an intermediary or SHFA as a sub-grantee.

(2) Intermediaries and SHFAs that award sub-grants to counseling agencies that are not HUD-approved must assure that the sub-grantee organizations meet or exceed HUD's approval standards, listed in Section III.C.4.c. *Program Requirements.*

(3) Subgrantees must also be in compliance with all civil rights threshold requirements. Intermediaries that do not ensure their sub-grantee's compliance with HUD standards may be prohibited from participating in the Housing Counseling Program. HUD will monitor sub-grantees.

(4) Sub-grantees under Categories 2 or 3 must not have directly applied for or received a grant under Category 1 of this NOFA, or applied for or received a sub-grant from an intermediary or SHFA under Category 2 or 3 of this NOFA.

(5) Sub-grantees may apply for and receive only one sub-grant from an intermediary or SHFA under Category 2 or 3, but not both. The only exception to this rule is that sub-grantees that have one or more HECM Network Counselors that receive a sub-grant from an intermediary or SHFA under Category 2 or 3 may also receive a sub-grant or be reimbursed exclusively for HECM counseling activities, from a HUD-approved intermediary that exclusively provides HECM counseling.

(6) Intermediaries and SHFAs that make sub-grants must execute sub-grant agreements with sub-grantees that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD. Intermediaries and SHFAs have wide discretion to decide how to allocate their HUD Housing Counseling funding among sub-grantees, with the understanding that a written record must be kept documenting and justifying funding decisions. This record must be made available to sub-grantees and to HUD.

c. *Approval Criteria.* The following approval criteria apply to all applicants, except SHFAs.

(1) Each branch or affiliate included in an approval application must satisfy these criteria.

(a) Nonprofit Status. An applicant and its branches or affiliates for approval must function as private or public nonprofit organizations. The applicant must submit evidence of nonprofit status as demonstrated by section 501(c)(3) of the Internal Revenue Code approval (or pending approval) to support its nonprofit status and that of its branches or affiliates.

(b) Community Base. The applicant or its branches and affiliates must have functioned as a housing counseling agency for at least one year in the geographical area that the applicant proposes to serve as a HUD-approved housing counseling agency or agencies and must have established working relationships with private and public community resources to which it can refer clients who need help the agency cannot offer.

(c) Staff. The applicant and its branches or affiliates must employ staff trained in housing counseling with at least six months experience in the job they will perform in the counseling program.

(d) Language Skills/Limited English Proficiency. Agencies must seek to provide access to program benefits and information to persons with limited English proficiency (LEP) through translation and interpretive services. Applicants that receive an award from HUD must satisfy the requirements of HUD's LEP Recipient Guidance published on December 19, 2003 at 68 FR 70968.

(e) Knowledge of HUD Programs and Local Housing Market. The applicant's housing counseling staff, including those in branches and affiliates, must possess a working knowledge of HUD housing programs (including public housing), the housing programs available in the community, and the local housing market A working knowledge means that a counselor can inform the client in detail regarding what housing is available for which the client is eligible, how the client applies for the housing, and the rights and responsibilities of all parties involved in

particular housing transactions—leases, mortgages, notes, contracts, etc.

(f) State and Local Requirements. The applicant, including its branches or affiliates, must meet all State and local requirements for its operation.

(g) Facilities. The counseling facilities of the applicant or its branches or affiliates must meet the following criteria.

(i) Located in the community of the target population.

(ii) Provide privacy for all one-on-one sessions between a counselor and a client.

(iii) Public transportation is within easy walking distance (15 minutes) of the applicant's location, except for rural or distant suburban locations.

(iv) Operating hours include regular work hours and days, and other hours and days when necessary to meet the needs of working clients.

(v) All grantees and sub-grantees must make counseling offices and services accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant. For each of the general activities proposed, grantees must be prepared to meet the needs of all individuals requesting services, including persons with disabilities, regardless of the complexity of the services involved.

d. *List of HUD-approved Housing Counseling Agencies.* Pursuant to section 106 (C)(5) of the Housing and Urban Development Act of 1968, HUD maintains a list of all HUD-approved and HUD-funded counseling agencies, including contact information that interested persons can access. All HUD-approved LHCAs and their branches, and all sub-grantees and their branches that receive funding under Applicant Categories 2 and 3 of this NOFA will be placed on this list and must accept subsequent referrals, or when they do not provide the services sought, refer the person to another organization in the area that does provide the services.

e. *Non-Discrimination Requirement.* (1) Grant recipients and sub-grantees are prohibited from discriminating on behalf of or against any segment of the population in the provision of services or in outreach.

(2) Organizations funded under this program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded under this program. If an organization conducts such activities, these activities must be offered separately, in time or location, from the programs or services funded under this part, and participation must be voluntary for the HUD-funded programs or services.

f. *Indirect Cost Rate.* Grantees that plan to use grant funds to cover direct costs only are not required to provide an indirect cost rate. However, Grantees that plan to use grant funds to cover any indirect costs must submit their approved indirect cost rate established by the cognizant federal agency. If the grantee does not have an established indirect cost rate, it will be required to develop and submit an indirect cost proposal to HUD, or the cognizant federal agency as applicable, for determination of an indirect cost rate that will govern the award. Applicants that do not have a previously established indirect cost rate with a federal agency shall submit an initial indirect cost rate proposal immediately after the applicant is advised that it will be offered a grant and, in no event, later than three months after the start date of the grant. OMB Circular A–122 established the requirements to determine allowable direct and indirect costs and the preparation of indirect cost proposals, and can be found at *http://www.whitehouse.omb.gov*. Applicants can review Indirect Cost Training on *http://www.hud.gov* at: *http://www.hud.gov/offices/adm/grants/training/training.cfm*.

g. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Section 3 does not apply to Housing Counseling Grants.

h. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Woman-Owned Businesses.* See the General Section for information on this topic.

i. *Subcontracting.* Grantees and sub-grantees must deliver all of the counseling activities set forth in the applicant's work plan provided in Factor 3 of this NOFA. Subcontracting with other entities is permitted only in geographical areas where no HUD-approved housing counseling agency exists; however, the subcontractor must meet HUD's approval standards, listed at III.C.4.c. above.

j. *Conflicts of Interest.* See the General Section. In addition, a grantee or sub-grantee that is using grant funds to pay a subcontractor for housing counseling services pursuant to a housing counseling sub-agreement is prohibited from having a controlling interest in that subcontractor or vice versa. In other words, a grantee or sub-grantee cannot use grant funds to pay for housing counseling services by a subcontractor, if the subcontractor is partially or fully-controlled by the grantee or sub-grantee, or affiliate or vice versa.

k. *Accessible Technology.* See the General Section.

l. *Participation in HUD Sponsored Program Evaluation.* See the General Section.

IV. Application and Submission Information

A. Receiving an Application Package

Applicants may download the Instructions to the application found on the Grants.gov Web site at *http://www.Grants.gov*. The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or email your questions to *Support@Grants.gov*. The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and Grants.gov to authenticate that the appropriate organization staff with legal authority to submit the application on behalf of the applicant submitted the application. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting email notification of funding opportunities or downloading the application and should be done prior to downloading the grant application from the Grants.gov web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are or are not registered.

B. Content and Form of Application Submission

Please be sure to read the General Section for application submission and timely receipt requirements as HUD is using electronic application submission via www.Grants.gov. In addition to the instructions in the General Section follow the instructions below:

1. Size Limitations and Format for Narrative Statements

Applicants must be as specific and direct as possible. For LHCAs, narrative responses to each factor must be limited to 10 double-spaced, size 12 font, single sided pages. Intermediaries and SHFAs

are limited to 20 double-spaced, size 12 font, single sided page narratives for each factor. Pages in excess of the size limit will not be read. Number the pages of the narrative statements and include a header that includes the applicant's name and the Rating Factor number and title. Within each narrative, clearly identify each sub-factor immediately above the response for that sub-factor. The General Section of the SuperNOFA provides detailed requirements for electronic submission of narrative statements and other documents that are part of the application.

2. Application Checklist

The Application Checklist indicates forms, information, certifications and assurances that apply to this NOFA.

Housing Counseling NOFA Application Checklist

- SF–424, Application for Federal Assistance
- SF–424 Supplement—Survey on Ensuring Equal Opportunity for Applicants
- SF 424A, Budget Information—Non-Construction Programs
- SF–LLL, Disclosure of Lobbying Activities (if applicable)
- HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (optional)
- HUD–2880, Applicant/Recipient Disclosure/Update Report
- HUD–2990, Certification of Consistency with the RC/EZ/EC–II Strategic Plan (LHCAs only) (if applicable)
- HUD–2991, Certification of Consistency with the Consolidated Plan (if applicable)
- HUD–2994, Client Comments and Suggestions (optional)
- HUD–96010, Program Outcome Logic Model
- HUD–96011 Facsimile Transmittal Cover Page
- HUD–9902, Housing Counseling Agency Fiscal Year Activity Report
- *SHFA Statutory Authority.* SHFAs must submit evidence of their statutory authority to operate as a SHFA, as defined in this NOFA, and must submit evidence of their authority to apply for funds and subsequently use any funds awarded.
- *Written Agreement with a PHA.* Applicants applying for Supplemental Funding for Homeownership Voucher Counseling, and applicants proposing to counsel clients in conjunction with HUD's Homeownership Voucher Program with comprehensive counseling funds, must provide a copy of a written agreement from each Public Housing Authority (PHA) with which the applicant, and proposed sub-grantees and branches, have entered into an agreement, as described in Section III of this NOFA.
- *Letters, Contracts, MOUs* and/or other documentation that demonstrates working relationships.
- *Letters, Contracts, MOUs* and/or other documentation that shows leveraged resources.
- *List of all offices. Intermediaries* must provide a list of the states in which they maintain offices, including the central office and all affiliates or branch offices. Provide this information for all affiliates and branch offices, not just the ones the applicant proposes to fund through this grant. Indicate with an asterisk or other notation those that will be funded through this grant and the amount, if known.
- *Organization Description.* Applicants must provide a brief description, no more than 225 words, of their organizational history and activities, as they would like them to appear in the press release issued by HUD in the event that the applicant is funded through this NOFA.
- Copy(s) of disclosure forms used by the housing counseling agency or SHFA to inform clients they are not required to use other services or products offered by the housing counseling agency or SHFA or any of its associates.
- Narrative statements as required in this NOFA.

C. Submission Dates and Times

1. *Application Submission Date and Proof of Timely Submission.* The application submission date is June 6, 2005. Please be sure to read the General Section for timely submission and receipt requirements as submission requirements have substantially changed this year. Failure to follow the submission requirements and procedures may affect your ability to receive an award of funds.

D. Intergovernmental Review

The Housing Counseling Program is not subject to Intergovernmental Review.

E. Funding Restrictions

1. *Funding* is limited to the eligible activities described in Section III.C of this NOFA.

2. *Pre-award Costs.* Grantees may incur pre-award costs not more than 90 calendar days prior to the effective date of the grant agreement and only with prior approval from HUD. All pre-award costs are incurred at the applicant's risk and HUD has no obligation to reimburse such costs if the award is inadequate to cover such costs or the award offer is withdrawn because of the applicant's failure to satisfy the requirements of this NOFA.

F. Other Submission Requirements See the General Section. Please read the General Section instructions for submission of third-party documents by facsimile or by scanning and attaching to Grants.gov submission package.

V. Application Review Information

A. *Criteria.* The Factors for Award, and maximum points for each factor, are outlined below. These factors will be used to evaluate all applications. The maximum number of points for each applicant is 102 for LHCAs and 100 for all other applicants.

1. *Bonus Points—''RC/EZ/EC–II''.* ONLY LHCAs are eligible for 2 bonus points. See the General Section for information regarding ''RC/EZ/EC-II'' bonus points.

2. *Additional Information.* HUD may rely on information from performance reports, financial status information, monitoring reports, audit reports, and other information available to HUD to make score determinations to any relevant Rating Factor.

3. *Responses to Factors for Award.* Responses to the following rating factors should provide HUD with detailed quantitative and qualitative information and relevant examples regarding the housing counseling work of the organization.

The Rating Factors contain requests for additional information from applicants interested in supplemental funding. Applicants who propose to use the Comprehensive portion of their award for these activities must also respond to the requirements defined for each category the applicant proposes to provide services in.

In responses to the various factors and sub-factors, intermediaries and SHFAs should not submit a separate response for each proposed sub-grantee and branch, but should provide a brief profile of each and summary response for their entire network, highlighting individual activities, partnerships, needs and/or results when appropriate.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (30 Points) HUD uses responses to this Rating Factor to evaluate the readiness and ability of an applicant and proposed sub-grantee and branch staff, to immediately begin, and successfully implement, the proposed work plan detailed in Rating Factor 3. HUD will also evaluate how effectively the applicant managed work plan adjustments that may have been required if performance targets were not met within established timeframes and how often work plan adjustments were required.

(1) Applicants must provide the following information to support evaluation of this Rating Factor. Information may be provided in a chart or table.

(a) Number of full-time (35 hours + per week) housing counselors working for the applicant and, if applicable, proposed sub-grantees or branches;

(b) Number of part-time housing counselors working for the applicant and, if applicable, proposed sub-grantees or branches;

(c) Number of bilingual housing counselors working for the applicant and, if applicable, proposed sub-grantees or branches;

(d) Average years of housing counseling experience for counselors working for the applicant and, if applicable, proposed sub-grantees or branches;

(e) Average years of housing counseling program management experience for the project director(s) for the applicant and, if applicable, proposed sub-grantees or branches;

(f) For intermediaries and SHFAs, the number of sub-grantees and branches that received funding from the applicant through a FY2003 HUD housing counseling grant(s), if applicable, covering the period October 1, 2003–September 30, 2004.

(2) Knowledge and Experience (14 points)

Using the information provided above, demonstrate that the applicant, including proposed sub-grantees and branches, has sufficient personnel with the relevant knowledge and experience to implement the proposed activities in a timely and effective manner, and bilingual language skills, if appropriate.

Specifically, for LHCAs, scoring will be based on the number of years of recent and relevant experience of Housing Counseling Program project directors and recent housing counseling and relevant experience of housing counselors.

For intermediaries and SHFAs, scoring will be based on: the number of years of recent and relevant experience of project directors of proposed sub-grantees and branches; the number of years of recent housing counseling and relevant experience of counselors in proposed sub-grantees and branches; and the number of years, for key intermediary or SHFA personnel, of recent experience running a housing counseling program consisting of a network of multiple housing counseling agencies. HUD will award higher scores to applicants with more experienced staff and management.

Related experience, such as experience in mortgage lending, will also be considered, but will not be weighted as heavily in the scoring as direct housing counseling or housing counseling program management experience. HUD will also factor in other information that demonstrates the capacity of the applicant, such as relevant staff trainings, competency exams, and certifications. HUD will award higher scores to applicants with staff and management that have the greatest combination of experience, training and demonstrated competency.

(a) Submit the names and titles of employees, including subcontractors and consultants who will perform the activities proposed in the applicant's work plan in Rating Factor 3. Clerical staff should not be listed. Describe each employee's, subcontractor's, or consultant's relevant professional background and experience, and bilingual language skills, if applicable. Experience is relevant if it corresponds directly to projects of a similar scale and purpose. Individual descriptions should be limited to one page, and do not count toward narrative page limitations. Provide the number of years of experience for each position listed, and indicate when each position was held. Indicate whether the position is full-time or part-time, and in the case of part-time positions, provide the number of hours per week.

Intermediaries and SHFAs should summarize in a single chart listing, each applicable employee, subcontractor, and consultant of proposed sub-grantees or branches, the number of years of direct counseling or counseling program management experience, and the number of years of relevant experience. Please total each column.

(b) All applicants must indicate whether counselors in their agency and proposed sub-grantees and branches are required to take and pass an exam that evaluates housing counseling competency as a condition of employment. Describe the test and testing process and how test results are used to measure the capability of an employee.

(c) Indicate for each counselor listed the specific counseling activities with which they have experience, distinguishing between group sessions and one-on-one counseling, and the relevant number of years of experience for each counseling type. In scoring this section, HUD will evaluate whether the applicant has experience providing the proposed services.

Applicants for supplemental funding for Homeownership Voucher Counseling must provide detailed information regarding the Homeownership Voucher Program-related experience of the applicant and each PHA with whom the applicant, or its proposed sub-grantees and branch offices, have a written commitment to partner, including the number of years of experience that the applicant and partnering PHA(s) have working with HUD's Homeownership Voucher Program. If different from the applicant, explain what counseling agency or other organization provided the housing counseling related to the PHA's program.

Similarly, applicants for supplemental funding for Predatory Lending, HECM and Colonias must specify the predatory lending, HECM or Colonias-specific experience of project directors and counselors and the organization. Applicants for Colonias supplemental funding must also highlight the bilingual capacity of relevant counselors.

(d) Indicate for all housing counselors and project directors the specialized trainings and certifications received relevant to the proposed activities. Include when the training was received and who provided it.

Applicants for supplemental funding must also indicate whether or not staff has received recent and relevant specialized training. For example, applicants for supplemental funding for predatory lending must indicate if relevant personnel received FHA loss mitigation training or other training relevant to predatory lending. Applicants that seek supplemental funds for HECM counseling must indicate what relevant training and certifications counselors received to qualify them as HECM counselors. Likewise, specific training for Homeownership Voucher and Colonias should be highlighted.

(e) Indicate if the applicant, affiliates and branches, utilized an on-line Client Management System during the grant period October 1, 2003, to September 30, 2004. If a system was used, identify

which system, how long it has been used and whether or not it is web based. If the applicant does not currently use an on-line or web-based system but plans to in the coming grant period, October 1, 2005 through September 30, 2006, indicate which system will be used, whether or not it is web based, and how its use will be implemented in terms of training employees to use it and its ability to improve client services and generate reports.

(3) Grant and Compliance Management (6 points)

In scoring this Section, HUD will examine its files and evaluate how well the applicant managed administration and met the requirements, including reporting and grant document execution, of its FY2003 HUD housing counseling grant, for the grant period October 1, 2003, to September 30, 2004, and its ability to spend all grant funds allotted. If the applicant did not receive an FY2003 HUD grant, it must provide a response, with sufficient detail for HUD to evaluate management, based on activities and requirements under other sources of funding, such as other federal, state, or local grant awards. Identify the source(s), amount(s), how funds were used for housing counseling and related activities and whether work was completed during the period of performance.

(a) HUD will evaluate the applicant's performance with regard to the timeliness and completeness with which they satisfied grant document execution and reporting requirements including quarterly (if applicable), mid-term and final reports.

(b) If grant awards were not fully expended during the grant period October 1, 2003, to September 30, 2004, indicate the percentage of funds that were not spent, and provide an explanation as to the reason why and the steps the applicant has taken to ensure that future funding will be expended according to the terms of the grant agreement. To receive full credit, either 100 percent of grant funds must have been expended in a timely manner or all goals must have been achieved prior to expending 100 percent of grant funds. If goals were achieved with fewer funds, state so and briefly provide details of efficiencies realized (if any).

(c) *Biennial Performance Reviews.* Significant findings on biennial performance reviews conducted by HUD staff will be taken into consideration when scoring this section. Explain how the applicant has taken steps to address and correct any significant findings, if applicable.

(4) Management—Goals and Results (10 points)

Applicants that received a FY2003 housing counseling grant covering the period October 1, 2003 to September 30, 2004 were required to submit a Program Outcome Logic Model, Form HUD–96010, which reflected an effective, quantifiable, outcome-oriented evaluation plan for measuring performance. The Logic Model was to identify what would be measured, how it would be measured, and the steps the applicant would take to make adjustments to the work plan if performance targets were not met within established timeframes. Specifically, the plan had to identify:

(a) *Outputs.* Outputs are the direct products of the applicant's activities that lead to the ultimate achievement of outcomes. Examples of outputs include, but are not limited to, the number of individual counseling sessions, the number of group sessions to be provided, the number of materials to be distributed, and outreach activities. Interim and full grant term outputs, and time frames for accomplishing these goals. The plan must have shown how the applicant would measure actual accomplishments against anticipated achievements.

(b) *Work Plan Adjustments.* A description of steps in place to make adjustments to the work plan if outputs are not met within established time frames or if the applicant begins to fall short of established outputs and time frames. Intermediaries and SHFAs should have indicated if and how the performance of sub-grantees and branch offices affects current and future sub-grants and allocations.

(c) *Outcomes.* Outcomes are benefits accruing to the families as a result of participation in the program. Outcomes are performance indicators the applicant expects to achieve or goals it hopes to meet over the term of the proposed grant. For the period October 1, 2003–September 30, 2004, the anticipated outcomes for clients as a result of the proposed grant were required as part of the Logic Model. The required outcome categories are:

- The number of individuals receiving pre-purchase counseling who will purchase a home;
- The number of individuals receiving pre-purchase counseling who are working toward becoming mortgage ready;
- The number of individuals receiving pre-purchase counseling who, after evaluating their unique financial situation and the costs of homeownership, will elect not to purchase a home;
- The number of individuals receiving default counseling who will successfully avoid foreclosure;
- The number of individuals seeking help in locating or securing residence in rental housing who found alternative rental housing;
- Applicants proposing to address predatory lending should indicate the number of clients affected by predatory lending counseled that will have their mortgage modified, refinanced, or otherwise assisted to avoid foreclosure.

These specific outcomes correspond to the Form HUD–9902.

Applicants who received a FY2003 Housing Counseling Grant must explain differences in goals and actual results in narrative form including any changes in measurement reporting tools and/or the evaluation process as a result of variations in output and outcome goals and results. For purposes of scoring this sub-factor, HUD's primary concern is how the applicant managed change, when needed, within the organization as well as a clear and reasonable explanation as to why goals were not met, or why they were exceeded, and what steps were taken organizationally to accommodate either scenario. Applicants who did not receive a FY2003 Housing Counseling Grant must provide detailed, quantifiable information on housing counseling related goals they did set for their organization and actual results either for the period covering October 1, 2003 to September 30, 2004 or for the 12 month period ending December 31, 2004 if more appropriate to the Applicant's or other grant-required reporting schedule. In narrative form, explain any differences in goals versus actual results and indicate what measurement reporting tools were used as well as the evaluation process. Form HUD–96010–1, Logic Model Instructions, which is part of Form HUD–96010, provides information on what should be included in measurement reporting tools and the evaluation process.

For applicants applying for the predatory lending supplemental funding, identify the number of clients affected by predatory lending that were counseled and able to have their mortgage modified, refinanced, or otherwise assisted to avoid foreclosure. Compare these outcome goals with the applicant's actual performance outcomes for these categories, reported in the Form HUD–9902 submitted with this application, covering the grant period October 1, 2003, to September 30, 2004. Characterize the applicant's performance at meeting its goals

regarding activities for that time period. Explain any differences between goals and results. Describe relevant market conditions and other circumstances that affected reported outcome numbers. If the applicant did not establish outcome projections/goals for these specific categories prior to the grant period October 1, 2003, to September 30, 2004, indicate the specific quantitative goals that it did make, and explain any difference between goals and results.

b. Rating Factor 2: Need/Extent of the Problem (12 Points)

This factor addresses the extent to which there is a need for funding the proposed activities described in the applicant's work plan, and the degree to which the applicant's work plan substantively addresses departmental policy priorities.

(1) Needs Data (6 Points)

Provide current or recent economic and demographic data, and any other evidence, that demonstrates housing counseling need relevant to the target area. All proposed activities must have corresponding need-related data. Sources for all data provided must be clearly cited. Do not submit copies of reports or tables.

To the extent that the community the applicant serves has documented need in its Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), or other planning documents, provide these in the response. Economic and demographic data must include persons with disabilities located in the target area. The U.S. Census Bureau, for example, maintains disability data by state, county, and metropolitan statistical area (MSA) at the following web site: *http://www.census.gov/hhes/www/disability.html.*

Additionally, the HUD USER Research Information Service and Clearinghouse, available at *http://www.huduser.org/,* allows users to search over 800 HUD publications by subjects and keywords.

Applicants applying for *predatory lending* supplemental funding must provide current or recent economic and demographic data, and any other evidence, that demonstrates the prevalence and impact of predatory lending within the target area.

Applicants planning to provide counseling in conjunction with HUD's *Homeownership Voucher Program* must demonstrate that the local market will support affordable homeownership. For example, describe the income and wealth characteristics of Homeownership Voucher Program participants, such as average income as a percent of area median income, and average savings available for down payment, and then demonstrate the availability in the local market of homes that are affordable to these participants. Intermediaries and SHFAs must provide this information for each sub-grantee or branch included in their application that will engage in this activity.

In scoring this Section, HUD will evaluate the degree to which the applicant is able to provide current or recent economic and demographic data, and any other evidence, that demonstrates housing counseling need relevant to the target area and the activities proposed in projected work plan activities detailed in Rating Factor 3. Applicants that fail to identify current or recent objective data will receive no points for this factor.

(2) Departmental Policy Priorities (6 Points)

The Departmental policy priorities are described in detail in the General Section. Of those listed, the following five apply to the Housing Counseling Program for the purpose of this NOFA. Indicate if and describe how the applicant's work plan substantively addresses each of these departmental policy priorities. Applicants are advised to review the policy priorities in the General Section, to assure they fully understand the meaning of each, prior to responding to this sub-factor.

In scoring this section, the applicant will receive one point for each of the departmental policy priorities (a)–(d) that the work plan substantively addresses. Up to 2 points are available for priority (e). The activities the applicant proposes in its projected work plan, detailed in Factor 3 of this NOFA, must address the policy priorities for priorities (a)–(c) in order to receive rating points. Points will only be awarded to applicants for policy priority (e) if the submission includes the required documentation or URL sites where the documentation can be found.

(a) *Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families with Limited English Proficiency.*

(b) *Providing Full and Equal Access to Grassroots, Faith-Based and Other Community-Based Organizations in HUD Program Implementation.*

(c) *Participation of Minority-Serving Institutions in HUD Programs.*

(d) *Participation in Energy Star.* Applicants must provide information on how they promote or plan to promote Energy Star materials and practices and buildings constructed to Energy Star standards to homebuyers, renters and other applicable counseling clients. Describe any outreach activities previously conducted and/or planned to promote Energy Star products.

(e) *Removal of Regulatory Barriers to Affordable Housing.* Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. To obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants must complete form HUD–27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A limited number of questions on form HUD-27300 expressly request the applicant to provide brief documentation with its response. Other questions require that, for each affirmative statement made, the applicant supply a reference, URL or brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number or e-mail address. Applicants that do not provide the URL references or documentation will not get the policy priority points.

The General Section and HUD's Notices identify how policy priority points will be awarded. Copies of HUD's notices published on this issue, can be found on HUD's web site at *http://www.hud.gov/grants/index.cfm.*

c. Rating Factor 3: Soundness of Approach/Scope of Housing Counseling Services (40 Points)

This factor addresses the quality and effectiveness of the applicant's historical and proposed housing counseling activities.

(1) *Historical Performance* includes information on Housing Counseling services conducted during the period *October 1, 2003 through September 30, 2004.* Applicants must provide the following information, which will be used as a basis to support the scoring of sub-factors V.A.3.c (2) and V.A.3.c (3). Responses to V.A.3.c(2) and V.A.3.c (3) should contain ''Historical Performance'' as part of the heading for the response.

(a) Average hours of housing counseling per client, for the period October 1, 2003, through September 30, 2004, for each of the following service types, including follow-up, the applicant organization provides:

(i) Pre-purchase Counseling

(ii) Homebuyer Education
(iii) Delinquency/Default Counseling
(iv) Non-Delinquency Post-Purchase Counseling
(v) Home Equity Conversion Mortgage (HECM) Counseling
(vi) Post-Purchase Education
(vii) Rental Counseling
(viii) Homeless/Displacement Counseling
(ix) Predatory Lending Counseling
(x) Homeownership Voucher Counseling and Education
(xi) Other (describe)

(b) FY2003 HUD housing counseling grant(s) or sub-grant(s), if applicable. If the applicant received one or more FY2003 HUD housing counseling grants or sub-grants covering the period October 1, 2003–September 30, 2004, make sure that these grants are properly recorded in Section 8 of the Form HUD–9902 that was submitted through HUD's Housing Counseling System (HCS). Applicants that were not required to submit Form HUD–9902 must complete one as part of this application filling in the ''All Activities'' column only.

(c) FY2003 total housing counseling budget, covering the period October 1, 2003–September 30, 2004, including HUD housing counseling grant(s) or sub-grants, if applicable, as well as other resources leveraged specifically for housing counseling. Do not include funds for down payment or closing cost assistance, Individual Development Accounts, emergency services, or other resources not used for the direct provision of housing counseling.

(d) The number of clients recorded on the Form HUD–9902, covering the period October 1, 2003, through September 30, 2004, that participated only in Homebuyer Education Workshops or other types of classes offered as group sessions:

(i) Under the ''HUD Grant Activities'' column, if applicable
(ii) Under the ''All Counseling Activities'' column

(e) The number of clients recorded on the Form HUD–9902 submitted with this application, covering the period October 1, 2003, through September 30, 2004, that participated in one-on-one counseling only:

(i) Under the ''HUD Grant Activities'' column, if applicable
(ii) Under the ''All Counseling Activities'' column

(f) If applicable, for the grant period October 1, 2003, through September 30, 2004, indicate:

(i) The number of individuals and families counseled by the applicant that participated in HUD's Homeownership Voucher Program;

(ii) The number of clients that received one-on-one counseling from the applicant related to predatory lending, or if applicable, from sub-grantees and branches;

(iii) The results of one-on-one counseling pertaining to predatory lending, including the number of clients for whom loans have been successfully restructured, credit fixed, and the success of other loss mitigation strategies.

(iv) The number of clients that participated in group educational sessions related to predatory lending

(2) *Historical Performance—Quality and Complexity of Services* (6 points).

HUD will evaluate the quality of, the variety of, and the level of effort and time associated with the housing counseling services provided by the applicant during the period October 1, 2003, to September 30, 2004, both with HUD housing counseling grant funds, if applicable, and with other resources leveraged for housing counseling. For applicants that did not receive an FY2003 HUD housing counseling grant, the analysis will be based on services provided with other sources of funding.

(a) Applicants must carefully document the various types of housing counseling and education services provided during the period October 1, 2003, through September 30, 2004, both with FY2003 HUD grant funds, if applicable, and other resources leveraged for housing counseling. Also describe follow-up activities, if applicable.

If applying for supplemental funding for predatory lending, describe the applicant's activities for the grant period October 1, 2003, to September 30, 2004, in assisting individuals, through outreach and group education, in identifying and avoiding predatory lending. For example, describe group workshops, community meetings, mass media, or material distribution (provide copies of relevant letters, brochures, etc.) Also describe the applicant's outreach strategy, including the various types of individuals targeted (*e.g.*, sub-prime borrowers, elderly homeowners with substantial equity in their homes, etc.), explain the rationale for targeting specific areas, types of community forums that are effective, methods through which ideas and materials are disseminated, and all other relevant information.

Also, if applicable, describe efforts through one-on-one counseling for the period October 1, 2003, to September 30, 2004, to assist individuals in identifying and avoiding predatory lending, and describe efforts through one-on-one counseling to assist clients affected by predatory lending.

If applying for supplemental Homeownership Voucher Counseling funds, describe counseling and education activities during the period October 1, 2003, to September 30, 2004, performed in conjunction with HUD's Homeownership Voucher Program.

If applying for supplemental funding for Colonias, describe the applicant's activities for the grant period October 1, 2003, to September 30, 2004, in assisting individuals in Colonias.

If applying for supplemental funding for HECM counseling describe the applicant's activities for the grant period October 1, 2003, to September 30, 2004, in assisting individuals that sought HECM counseling.

(b) Describe the level of effort and time required to provide the housing counseling services described in part (a) and to meet the needs of clients. Explain the average counseling time per client figures provided in Section V.A.4.c(1)(a). Scoring will be based on the degree to which the applicant demonstrates that sufficient time and resources were devoted to ensure that clients received quality counseling.

(c) Explain the figures provided in Section V.A.4.c(1)(d)–(f) regarding group session participation and one-on-one counseling. Describe how clients come to participate in one or the other, the relationship between the two, and the role that each plays in the applicant's overall service provision.

Applicants for supplemental funds should also provide this information for the activities relevant to the specific supplemental funding for which they are applying, which should include only information on clients served exclusive of (over and above) those served with comprehensive funds.

Scorers will evaluate the extent to which an agency encouraged and provided one-on-one counseling, which HUD considers the most effective form of housing counseling, instead of over-relying on homebuyer education workshops and other forms of group sessions.

(3) *Historical Performance—Impact/Outcomes* (7 Points).

To score this Section, HUD will evaluate the applicant's, and affiliates' and branches', clients served numbers for the grant period October 1, 2003 to September 30, 2004. The quantity of clients the applicant was able to serve will be compared to similar applicants providing similar services. Clients served numbers will also be analyzed in the context of the total housing counseling budget, which applicants must provide from FY2003 HUD housing counseling grant(s), including costs; spending decisions; the types of

services provided; level of effort expended; and the performance of similar applicants providing similar services. HUD will also consider the degree to which the services provided are time and resource intensive.

Additionally, HUD will evaluate the geographic coverage of the applicant's activities for the grant period October 1, 2003, through September 30, 2004. For intermediaries and SHFAs, the number of sub-grantees under a FY2003 HUD housing counseling grant(s), if applicable, and the overall size of the housing counseling network during that period will be factors in the scoring.

(a) Indicate how location, type of counseling, client type, and expenses may have affected client volume that appears on the Form HUD–9902, and in Section V.A.4.c(1)(d)–(f), that were served under the column ''All Counseling Activities.'' This total should reflect all the counseling activities performed by the applicant during the period October 1, 2003 through September 30, 2004, both with HUD housing counseling grant funds, if applicable, and with other leveraged resources.

If the applicant received one or more FY2003 HUD housing counseling grants, indicate differences in how the HUD grants were spent compared to other leveraged resources. Justify expenses and explain why they were reasonable, strategic, and appropriate for the counseling activities identified above.

If applying for supplemental funding, quantify the applicant's relevant predatory lending, Homeownership Voucher Counseling, Colonias and/or HECM results during the period October 1, 2003 through September 30, 2004 and provide the total budget for each. For example, if applying for supplemental funding for Homeownership Voucher Counseling, provide the number of families that participated in the applicant's Homeownership Voucher Program in the past complete fiscal year, and the number of current homeowners receiving voucher assistance to date, and other notable outcomes and information demonstrating the effectiveness of the existing program. Provide the same information for PHAs with whom the applicant, and if applicable, proposed sub-grantees and branches have written commitments to partner.

(b) Intermediaries and SHFAs that received one or more FY2003 HUD housing counseling grants, for the grant period October 1, 2003, to September 30, 2004, must also indicate what percentage of their grant(s) was passed through directly to sub-grantees or branches, and explain how funds not passed through were spent.

LHCAs applying under Applicant Category 1 that received one or more FY2003 HUD housing counseling grants for the grant period October 1, 2003, to September 30, 2004, must indicate what percentage of their grant(s) was spent on the salaries and benefits of housing counselors and project directors. Explain how other funds were spent.

Applicants that did not receive a FY2003 HUD housing counseling grant must characterize their performance through other housing counseling funding sources, providing as much detail, similar to that requested above, as possible.

(c) LHCAs must describe the applicant's geographic coverage for the period October 1, 2003 through September 30, 2004. For example, indicate the percentage of a metropolitan area covered by the grantee. If the LHCA operates in more than one state, indicate which states and the percent of each state covered.

Intermediaries and SHFAs must identify the sub-grantees, affiliates and branches, and corresponding states, to which the applicant provided housing counseling funding, for the period October 1, 2003, through September 30, 2004, through:

(i) FY2003 HUD housing counseling grant funds, if applicable

(ii) All housing counseling resources

(4) *Projected Performance/Work Plan*—Involves information on housing counseling services to be conducted during the period October 1, 2005 through September 30, 2006. Applicants must provide the following information, which will be used in conjunction with responses in Rating Factor 5, as a basis to support the scoring of the sub-factors below. Responses should contain ''Projected Performance'' as part of the heading for the response.

(a) Average hours of housing counseling time the applicant estimates per client, for each of the activities listed in V.A.3.c(1)(a)(i)–(xi), including follow-up: If the projected average times are the same as those listed for the period covering October 1, 2003–September 30, 2004, the applicant may simply state so in lieu of listing them again here.

The proposed average hourly labor-rate for housing counselors working for the applicant, affiliates, or branch network, if applicable, including benefits.

(b) For intermediaries and SHFAs, the total number of sub-grantees and branches, and corresponding number of states, that the applicant estimates will receive funding through the proposed FY2005 HUD Housing Counseling Grant. If applying for supplemental funding, indicate the number of sub-grantees and branches the applicant estimates for comprehensive counseling, and for each type of supplemental funding requested.

(c) For intermediaries and SHFAs, the total number of sub-grantees and branches that the applicant estimates will receive funding, specifically for housing counseling, from the applicant, both through the proposed FY2005 HUD Housing Counseling Grant, and other sources of funds, during the grant period October 1, 2005, to September 30, 2006.

(5) Projected Performance/Work Plan—Quality and Complexity of Services (12 points)

In scoring this Section, HUD will consider the types and variety of housing counseling and education services being offered, and other activities occurring in support of the applicant's housing counseling program.

HUD will also evaluate the quality of the applicant's proposed housing counseling services, and level of effort and time associated with providing the proposed counseling services to the number of clients it estimates it will serve. Scoring will be based on the degree to which the applicant demonstrates that, for each type of counseling service delivered, average, greater than average or less than average time and resources will be devoted to ensure that clients receive quality counseling.

Additionally, scorers will evaluate the extent to which an applicant will encourage and provide one-on-one counseling, which HUD considers the most effective form of housing counseling, instead of over-relying on homebuyer education workshops and other forms of group sessions.

(a) Describe the various types of housing counseling and education services, and if applicable intermediary activities, including training, the applicant proposes to undertake, and identify the geographic area the services will cover. Also, describe planned follow-up activities, if applicable.

Applicant work plans must include both pre-purchase counseling and post-purchase counseling and a broad array of counseling services in general. Applicants that provide default counseling as part of the work plan will receive more points in this sub-factor than those that do not.

Intermediaries and SHFAs must also:

(i) Describe the housing counseling and education activities to be provided by proposed sub-grantees and branches,

explicitly stating the types of services to be offered, preferably in a chart.

(ii) Describe the applicant's legal relationship with sub-grantees (*i.e.* membership organization, field, or branch office, subsidiary organization, etc.)

(iii) Explain the process that will be used to determine sub-grantee funding levels and distribute funds. If applicable, indicate how sub-grantee funding levels are adjusted on an on-going basis based on performance.

(b) Describe the level of effort and time the applicant anticipates is required to provide the proposed counseling services to, and meet the needs of, the number of clients it indicates in Section V.A.4.c (4)(a)–(d) that it will serve with the proposed grant. Explain and describe the activities corresponding to the average counseling time figures for each counseling type provided in Section V.A.4.c (4)(b).

(c) Explain the figures provided in Section V.A.4.c (4)(c)–(d) regarding proposed group session participation and one-on-one counseling. Describe how clients are selected for one or the other, the relationship between the two, and the role that each will play in the overall service provision.

(d) Indicate the names and titles of employees, including subcontractors and consultants, allocated to each proposed activity, as well as the corresponding staff hours for each task, and demonstrate that the applicant has the human resources to accomplish the proposed activities and serve the number of individuals the applicant proposes to serve. The staff information should include who from Rating Factor 1 will be involved and any new staff, subcontractors or consultants that will be hired for the October 1, 2005–September 30, 2006 grant period.

(6) Projected Performance/Work Plan—Coordination (5 points).

HUD will consider the extent to which, as compared to similar applicants, the applicant can demonstrate it will coordinate proposed activities with other organizations, and if applicable with other services and products offered by the applicant's organization, in a manner that benefits their clients. Scoring will also be based on the degree to which the applicant takes steps to avoid conflicts of interest, and discloses to clients that they have a choice in matters such as the loan product they choose and the house that they purchase.

(a) Describe partnerships and efforts to coordinate proposed activities with other organizations, including, but not limited to, emergency and social services providers, lending organizations, homeowner insurance providers, down payment and closing cost assistance programs, and nonprofit housing providers. For example, describe agreements with lenders regarding non-traditional lending standards. Any written agreements or memoranda of understanding in place should be described and copies provided.

Applicants should also highlight internal products and functions, such as loan products available to clients, down payment and closing cost assistance programs, as well as internal affordable housing programs that can be a resource for clients.

Applicants requesting supplemental funding should highlight the partnerships or internal products that are relevant to the proposed predatory lending, Homeownership Voucher counseling, Colonias or HECM activities. For example, applicants for supplemental funding for predatory lending should also describe relevant partnerships and relationships with other organizations, including state and local government regulatory agencies, Legal Aid groups, and other organizations with whom the applicant collaborates on predatory lending cases and issues, or to whom the applicant refers clients affected by predatory lending.

(b) Describe plans to avoid conflicts of interest, such as methods for disclosing to participants that they are free to choose lenders, loan products, and homes, regardless of the recommendations made by counselors. To receive full credit in this Section, the applicant must provide copies of the disclosure forms and materials used by the applicant to communicate to clients that, while affordable homes, lending products and other forms of assistance might be available through the applicant, and partnerships in which the applicant has entered, the client is under no obligation to utilize these services.

(7) *Projected Performance/Work Plan—Impact/Efficient Use of Resources (10 points).*

In scoring this Section, HUD will evaluate the number of clients that the applicant estimates will be served under the proposed HUD grant, by the applicant and sub-grantees, if applicable, for the grant period October 1, 2005, to September 30, 2006. Scoring will be based on the cost and quantity of clients the applicant proposes to serve, compared historical averages for similar services. Proposed clients served numbers will also be analyzed in the context of budget, costs, spending decisions, the types of services provided, level of effort expended, etc. HUD will also factor in other information that demonstrates that resources are being used efficiently; for example, the percentage of grant funds intermediaries and SHFAs pass through to sub-grantees Additionally, HUD will evaluate the geographic coverage of the applicant's proposed activities.

In the case of intermediaries and SHFAs, the number of proposed sub-grantees and branches, the overall size and scope of the counseling network will be a factor in the scoring.

(a) Provide a context for, or qualify the number of clients the applicant projects to serve with the proposed HUD grant. Indicate how location, counseling and client types, and expenses may affect client volume, and whether the impact will be short-term or long-term. Justify proposed expenses and explain why they are reasonable, strategic, and appropriate for the counseling activities identified above.

Explain and justify significant changes, relative to past performance and grant/budget size, in the number of clients the applicant proposes to serve. For example, describe changes in the types of counseling being delivered, costs, etc.

(b) Intermediaries and SHFAs must also indicate what percentage of their proposed award will be passed through directly to sub-grantees and branches, and explain how funds not passed through will be spent.

LHCAs that apply under Applicant Category 1 must indicate what percentage of their proposed award will be spent on the salaries and benefits of housing counselors and project directors. Explain in detail how other proposed funds will be spent.

(c) LHCAs must list all branch offices and indicate if they will be funded through the proposed award. Also, describe the applicant's geographic coverage. For example, indicate the percentage of a metropolitan area that will be covered by the grantee, and if the applicant will operate in more than one state, identify the states and what percent of coverage in each the applicant will provide.

Intermediaries and SHFAs must also identify the sub-grantees and branches, and corresponding states, the applicant proposes will receive funding through this grant award. In the event that different sub-grantees or branches will be selected for comprehensive counseling and/or the supplemental funding types, separately list proposed sub-grantees and branches for each. Applicants unable to precisely identify

proposed sub-grantees and branches to receive funding through the proposed grant must identify the most likely sub-grantees and branches, based on past experience, and explain what process will be used to select actual sub-grantees and branches. Pursuant to the applicable regulations at 24 CFR 84.82(d)(3)(iii) and 85.30(d)(4), grantees must receive HUD's prior written approval for sub-grants.

d. Rating Factor 4: Leveraging Resources (10 Points)

HUD housing counseling grants are not intended to fully fund an applicant's housing counseling program, or that of its sub-grantees. All organizations that use housing counseling grant funds are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding. Any agency that does not have other resources available will receive no points for this factor.

Applicants will be evaluated based on their ability to show that they have obtained additional resources for their housing counseling activities, including: direct financial assistance; in-kind contributions, such as services, equipment, office space, labor; etc. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities committed to providing assistance. Grantees will be required to maintain evidence that leveraged funds were actually provided to the agency. These files will be reviewed by HUD staff as a part of the biennial reviews and on-site monitoring visits.

(1) Applicants must provide a comprehensive list of all leveraged funds and in-kind contributions being claimed. Include the amount and the source. All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the criteria set forth in 24 CFR 84.23.

(2) Additionally, resources provided by the applicant may count as leveraged resources. These amounts must include only funds that will directly result in the provision of housing counseling services, but not resources for activities such as down payment and closing cost assistance, IDA programs, and emergency services.

(3) Intermediaries and SHFAs should include information on leveraged resources for their entire counseling network and program, not simply anticipated sub-grantees that will be funded through this application.

(4) Points for this factor will be awarded based on the satisfactory level of leveraging and financial sustainability and the percentage of the applicant's total housing counseling budget that the requested HUD housing counseling funds would represent. Depending on organization type, the following scales will be used to determine scores for this factor:

LHCAs and SHFAs

1–25%—10 points
26–40%—9 points
41–48%—8 points
49–55%—7 points
56–65%—6 points
66–75%—5 points
76–85%—4 points
86–91%—3 points
92–95%—2 points
96–99%—1 point

Intermediaries

1–15%—10 points
16–23%—9 points
24–29%—8 points
30–35%—7 points
36–41%—6 points
42–47%—5 points
48–53%—4 points
54–59%—3 points
60–65%—2 points
66–99%—1 point

e. Rating Factor 5: Achieving Results and Program Evaluation (8 Points)

This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and assess their performance to realize performance goals, and reflects HUD's goal to embrace high standards of ethics, management and accountability.

The purpose of this factor is for the applicant to identify program outputs and outcomes that will allow it and HUD to measure actual achievements against anticipated achievements. Outputs and outcomes must be objectively quantifiable.

In scoring this section, HUD will consider the thoroughness of the response, as well as the appropriateness of the proposed outcomes given the proposed HUD award and past performance, as compared to similar applicants.

(1) Program Outcome Logic Model (6 Points)

Applicants must complete and submit Form HUD–96010 identifying activities to be performed, program outputs and outcomes to be achieved with grant funds. Applicants must also submit an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that output and outcome goals have been met. Applicants must submit a program evaluation plan, consisting of the completed Form HUD–96010, Program Outcome Logic Model, and corresponding narrative, that identifies what will be measured, how it will be measured, and the steps the applicant has in place to make adjustments to the work plan if performance targets are not met within established timeframes. Specifically, the plan must identify:

(a) *Outputs.* Outputs are the direct products of the applicant's activities that lead to the ultimate achievement of outcomes. Examples of outputs include, but are not limited to, the number of individual counseling sessions, the number of group sessions to be provided, the number of materials to be distributed, and outreach activities. Identify interim and full grant term outputs, and time frames for accomplishing these goals. The plan must show how the applicant will measure actual accomplishments against anticipated achievements.

- Provide the following figures. Do not provide ranges or percentages, but a specific numbers of clients. These amounts should represent individuals to be served entirely with HUD housing counseling funding. If, in reality, various funding sources will contribute to the services provided each individual, the applicant must prorate their response to reflect a figure representing services provided with only funding from the proposed grant.
- The total number of clients the applicant projects it and, if applicable, sub-grantees, will serve under the total proposed HUD grant, including all requested supplemental funding.
- If requesting supplemental funding, indicate the specific number of clients the applicant projects it, or if applicable, sub-grantees, will serve under the comprehensive counseling portion of the requested award.
- If requesting supplemental funding, separately indicate for each specific type of supplemental funding being requested, the number of clients the applicant projects it, or if applicable, sub-grantees, will serve under the proposed supplemental funding. The total number of clients that will receive only Homebuyer Education Workshops or other types of classes offered as group sessions with the proposed award in general, and under each of the applicable supplemental funding types.
- The number of clients that will participate in one-on-one counseling only, with the proposed award in general, and under each of the applicable supplemental funding types.

(b) *Work Plan Adjustments.* Describe steps in place to make adjustments to the work plan if outputs are not met within established time frames or if the applicant begins to fall short of established outputs and time frames. National and regional intermediaries and SHFAs should indicate if and how the performance of sub-grantees and branch offices, affects current and future sub-grants and allocations.

(c) *Outcomes.* Outcomes are benefits accruing to the families as a result of participation in the program. Outcomes are performance indicators the applicant expects to achieve or goals it hopes to meet over the term of the proposed grant. For the period October 1, 2005–September 30, 2006, provide the following anticipated outcomes for clients as a result of the proposed grant. In other words, provide the figure that the applicant estimates for that outcome category under the HUD grant activities column on the Form HUD–9902.

- The number of individuals receiving pre-purchase counseling that will purchase a home;
- The number of individuals receiving pre-purchase counseling that are working toward becoming mortgage ready;
- The number of individuals receiving pre-purchase counseling that, after evaluating their unique financial situation and the costs of homeownership, will elect not to purchase a home;
- The number of individuals receiving default counseling that will successfully avoid foreclosure;
- The number of individuals seeking help in locating or securing residence in rental housing that found alternative rental housing;
- Applicants proposing to address predatory lending should indicate the number of clients affected by predatory lending counseled that will have their mortgage modified, refinanced, or otherwise assisted to avoid foreclosure.

These specific outcomes correspond to the Form HUD–9902 data. The proposed outcomes the applicant provides will be compared to actual results in the measurement of grant performance and future grant application evaluations.

(2) *Information Collection* (2 points).

Describe the applicant's procedure for following-up with clients and collection of outcome information.

B. *Review and Selection Process.* Two types of reviews will be conducted.

1. *Technical Review.* First, each application will be reviewed for technical sufficiency, in other words, whether the application meets the threshold requirements set out in this NOFA and the General Section and whether all required forms have been submitted. The General Section provides the procedures for corrections to deficient applications.

2. *General Review.* The second review considers the responses to the rating factors outlined above and other relevant information. Applications will be evaluated competitively and ranked against all other applicants that applied in the same funding category.

3. *Rating Panels.* Detailed information on the rating review panels appears in the General Section.

4. *Minimum Score for Fundable Applications.* The minimum score for fundable applications is 75 points.

VI. Award Administration Information

A. Award Notices

Following selection, applicants will receive notification from HUD regarding their application.

1. Publication of Recipients of HUD Funding

HUD's regulations at 24 CFR Part 4 provide that HUD will publish a notice in the **Federal Register** to notify the public of all decisions made by the Department. Please see the General Section for more information on this topic.

2. Debriefing

Applicants may receive a debriefing on their application submission. Please see the General Section for a further discussion of the time frame in which the debriefing request may be submitted.

B. Administrative and National Policy Requirements

1. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and (12) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

2. Audit Requirements

Grantees that expend $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must be audited in accordance with the OMB requirements as established in 24 CFR part 84. Additional information regarding this requirement can be accessed at the following Web site: *http://harvester.census.gov/sac.*

3. Other Matters

a. *Relocation.* See the General Section.

b. *OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs.* See the General Section.

c. *Prohibition Against Lobbying Activities.* See the General Section.

d. *Procurement of Recovered Materials.* See the General Section.

f. *Executive Order 13279 Equal Protection of the Laws for Faith-Based and Community Organizations.* See the General Section.

g. *Salary Limitation for Consultants.* See the General Section.

h. *Executive Order 13132, Federalism.* See the General Section.

i. *Sense of Congress.* See the General Section.

C. Reporting

1. Fiscal Year Activity Report

Grantees are required to submit Form HUD–9902, Fiscal Year Activity Report, via HUD's web-based Housing Counseling System (HCS). The information compiled from this report provides HUD with its primary means of measuring program performance.

2. Program Outcome Logic Model

Grantees are required to submit an updated Form HUD–96010, Program Outcome Logic Model in accordance with the reporting requirements of the grant agreement. The information in this form provides the primary means through which HUD will monitor the ongoing performance of the grantee.

VII. Agency Contact(s)

A. Technical Assistance

For technical assistance in downloading or submitting an application package using *http:www.Grants.gov,* contact the Grants.gov support desk at 800–518-Grants or by sending an e-mail to *support@grants.gov.*

B. Programmatic Information

For program related information, LHCAs and SHFAs should contact the HOC serving their area, as indicated below. Intermediaries should contact HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Hearing and speech challenged persons may access the telephone numbers listed below by calling the Federal Information Relay Service at 800–877–8339.

Homeownership center	States
PHILADELPHIA HOMEOWNERSHIP CENTER Ms. Brenda Bellisario, Acting Director, Program Support Division, Wannamaker Building, 100 Penn Square East, 12th Fl Philadelphia, PA 19107–3389, For programmatic information contact: Robert Wright *Robert_Wright@hud.gov.* (215) 656–0527 x3406.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
ATLANTA HOMEOWNERSHIP CENTER Ms. Gayle Knowlson, Director, Program Support Division 40 Marietta Street, 8th Floor Atlanta, GA 30303–2806 For programmatic information contact: E. Carolyn Hogans *E._Carolyn_Hogans@hud.gov* (404) 331–5001, x2129.	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
DENVER HOMEOWNERSHIP CENTER Ms. Irma Devich, Director, Program Support Division 1670 Broadway Denver, CO 80202–4801 For programmatic information contact: 303–672–5200 Vic Karels x1995 Victor_E._Karels@hud.gov Jonna Munson x1987 *Jonna_R._Munson@hud.gov.*	Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming.
SANTA ANA HOMEOWNERSHIP CENTER Mr. Jerrold Mayer, Director, Program Support Division 1600 N. Broadway Suite 100 Santa Ana, CA 92706–3927 For programmatic information contact: Rhonda J. Rivera, *rhonda_j._rivera@hud.gov* 1–888–827–5605 x3210.	Alaska, Arizona, California, Hawaii, Oregon, Idaho, Nevada, Washington.

VIII. Other Information

A. Satellite Broadcast

HUD will hold an informational broadcast via satellite for potential applicants to learn more about the program and the application. For more information about the date and time of the broadcast, consult the HUD Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

B. Public Access, Documentation, and Disclosure

See the General Section of the SuperNOFA for more information on this topic.

C. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0261. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix A—Form HUD–9902, Fiscal Year Activity Report

BILLING CODE 4210–32–P

Budget Information — Non-Construction Programs

OMB Approval No. 0348-0044

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) **Totals**
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

(a) Grant Program	**Future Funding Periods (Years)**			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Housing Counseling Agency **Fiscal Year Activity Report**

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0261
(exp.12/31/2006)

Read the Instructions and Public Reporting Statement on the back of this form.

1. Counseling agency name and address/telephone/fax/contact person/e-mail	2. Reporting Year (yyyy)
	from Oct 1, _____
Check here if any of this is new information ☐	to Sep 30, _____

	All Counseling Activities	HUD Grant Activities
3. Ethnicity of Clients (select only one)		
a. Hispanic		
b. Not Hispanic		
4. Race of Clients		
Single Race		
a. American Indian/Alaskan Native		
b. Asian		
c. Black or African American		
d. Native Hawaiian or Other Pacific Islander		
e. White		
Multi-Race		
f. American Indian or Alaska Native ***and*** White		
g. Asian ***and*** White		
h. Black or African American ***and*** White		
i. American Indian or Alaska Native ***and*** Black or African American		
j. Other multiple race		
5. Income Levels		
a. < 50% of Area Median Income (AMI)		
b. 50 - 80% of AMI		
c. 80 - 100% of AMI		
d. >100% AMI		
6. Numbers of Clients Receiving Educational/Outreach Services (if client also receives counseling, please include in count below)		
a. Completed Homebuyer Education Workshop		
b. Completed Post-Purchase Homeowner Workshop		
c. Sought Help with Fair Housing Issue		
d. Sought Help with or Attended Workshop on Predatory Lending		
7. Numbers of Clients Counseled, by Purpose of Visit and Results		
a. Seeking Pre-Purchase Homebuyer Counseling		
Purchased Housing		
Client will be Mortgage Ready within 90 Days		
Client will be Mortgage Ready after 90 Days; Receiving Long-Term Prepurchase Counseling		
Entered Lease Purchase Program		
Decided Not to Purchase Housing; No Further Effort to Prepare Needed		
Other		
Total		
b. Seeking Help with Resolving or Preventing Mortgage Delinquency		
Brought Mortgage Current		
Mortgage Refinanced		
Mortgage Modified		
Received Second Mortgage		
Initiated Forbearance Agreement/Repayment Plan		
Executed a Deed-in-Lieu		
Sold Property/Preforeclosure Sale, Chose Alternative Housing Solution		
Mortgage Foreclosed		

7. Numbers of Clients Counseled, by Purpose of Visit and Results **(continued)**	**All Counseling Activities**	**HUD Grant Activities**
Currently Receiving Foreclosure Prevention/Budget Counseling		
Partial Claim		
Other		
Total		
c. Seeking Help Converting Home Equity into Cash or Seeking Better Mortgage Loan Terms		
Obtained a Home Equity Conversion Mortgage (HECM)		
Received Home Equity or Home Improvement Loan		
Received Consumer Loan (Unsecured)		
Mortgage Refinanced		
Referred to Other Social Service Agency		
Sold House, Chose Alternative Housing Solution		
Counseled on HECM; Decided Not to Obtain Mortgage		
Currently Receiving Counseling		
Other		
Total		
d. Seeking Help in Locating, Securing, or Maintaining Residence in Rental Housing		
Received Housing Search Assistance		
Obtained Temporary Rental Relief		
Referred to Agency with Rental Assistance Program		
Advised on Recertification for HUD/Other Subsidy Program		
Referred to Other Social Service Agency		
Counseled or Referred to Legal Aid Agency for Eviction or Other Fair Housing Assistance		
Found Alternative Rental Housing		
Decided to Remain in Current Housing Situation		
Entered Debt Management/Repayment Plan		
Currently Receiving Counseling		
Other		
Total		
e. Seeking Shelter or Services for the Homeless		
Occupied Emergency Shelter		
Occupied Transitional Housing		
Occupied Permanent Housing with Rental Assistance		
Occupied Permanent Housing without Rental Assistance		
Referred to other Social Service Agency		
Remained Homeless		
Currently Receiving Counseling		
Other		
Total		

8. HUD Grant Activity - Summary Data

HUD Grant No.	HUD Grant Amount	Number of Clients	Amount Invoiced
	Total		

9. Name of Person Authorized to Sign this Report

Title

Signature	Date

Instructions for Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report

This **HUD Fiscal Year** Activity Report enables a HUD-approved housing counseling agency to report all of its housing counseling activity for clients with housing needs and problems.

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the data you enter is new, check the box indicating this change.

2. **Enter Report HUD Fiscal Year** - This is an annual report covering the HUD Fiscal Year. Indicate the HUD Fiscal Year covered by the report. Even if your agency was approved by HUD for less than the full year report period, include clients counseling during the full report year.

3. **Ethnicity of Clients** Enter number of clients to whom you provided counseling during this period. If your client came in for homebuyer education or fair housing in addition to other types of counseling, do not count them twice.

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

Not Hispanic or Latino - A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

4. Race of Clients Categories -

American Indian or Alaskan Native - A person having origins with any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.

Asian - A person having origins with any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American - A person having origins with in of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

5. **Income Levels** - Enter the client's income level based on the percentage of the Area Median Income (AMI), adjusted for family size.

6. Number of Clients Receiving Educational or Outreach Services

Homebuyer Education (6a). Enter data for clients who completed a homebuyer education course or workshop. Homebuyer education differs from counseling in that it is usually conducted in a group setting and is not tailored to the unique circumstance of the individual. Counseling goes beyond the general education, is more rigorous, and involves one-on-one and longer-tem relationships. Note that you will also count the client who receives or is receiving counseling under the prepurchase counseling heading.

Post-Purchase Homeowner Workshop (6b). Enter data for clients who completed a post-purchase homeowner education course or workshop. This includes topics such as budgeting and financial management, real estate taxes and insurance, and property maintenance. Please also count the client who supplements education with one-on-one counseling under the appropriate counseling heading.

Fair Housing (6c). Enter data for clients who, in addition to seeking other types counseling as described on this form, had issues affecting a protected class as defined under the Fair Housing Act, 42 USC 3601-3631. The law prohibits discrimination on basis of race, color, religion, sex, handicap, or familial status. Remember to include these clients under the appropriate type of counseling sought.

Predatory Lending (6d). Enter data for clients who attended a predatory lending workshop or outreach program. Please also count the client who supplements education with one-on-one counseling under the appropriate counseling heading.

7. Number of Clients Counseled, by Purpose of Visit and Results.

General

Clients - Please remember that you report clients as the number of individual households you counseled.

Examples:

a. A **husband and wife** or a **brother and sister** or **three friends** who are mortgagors under the same note count as **one client**.

b. **Three renting families** who experience the **same problem** with the **same landlord** and come to your agency together for assistance and receive the same problem resolution count as **one client**.

Columnar Entries - The report contains two data columns.

c. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grant.**Results of**

d. **HUD Grant Activities** - Enter data covering **only** counseling provided under one or more HUD counseling grants during the report period. Include this data in the "All Counseling Activities" column.

Other - Throughout the form, "other" provides a general category into which you place clients who do not fall under any specific category on the form.

Instructions for Form HUD-9902 continued

Counseling (7a through 7e) - Enter the number of clients to whom you provided counseling during the report period, by the purpose of their visit and results. This count might include clients who entered your workload the previous report period but who carried over into and received counseling during the current report period. Enter the client count in the box that best describes the status of the clients when they first entered your workload.

Counseling (7a through 7e) continued -For each of the five types of counseling sought, enter data for the appropriate results listed. NOTE: You might achieve more than one result for the same client during the report year. In the rare event that there is more than one result, **please report only one**. You should select the result that most closely relates to the counseling received.

Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property**. You report the first result because the counseling enabled the client to seek and enter into forbearance. Also, in the Pre-Purchase Counseling outcomes, enter the client as mortgage ready after 90 days, if the client has entered a homebuyer savings plan, debt management plan, or some other type of long-term financial plan to prepare for homeownership.

8. HUD Grant Activity - Summary Data - Enter summary data from the "HUD Grant Activities" column for each grant under which you provided counseling during the report period. In the "Total" row, enter totals for the "No. of Clients" and the "Amount Invoiced" columns.

9. An authorized staff person must sign and date the report.

Public reporting burden for this collection of information is estimated to average 1.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

This information is collected in connection with HUD's Housing Counseling Program, and will be used by HUD to determine that the grant applicant meets the requirements of the Notice of Funding Availability (NOFA) and to assign points for awarding grant funds on a competitive and equitable basis. The information is required to obtain funding under Section 106 of the Housing and Community Development Act of 1974. The information is considered sensitive and is protected by the Privacy Act which requires the records to be maintained with appropriate administrative, technical and physical safeguards to ensure their security and confidentiality.

Budget Information — Non-Construction Programs

OMB Approval No. 0348-0044

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) **Totals**
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

(a) Grant Program	**Future Funding Periods (Years)**			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Billing Code 4210-32-C

Lead-Based Paint Hazard Control Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control

B. *Funding Opportunity Title:* Lead-Based Paint Hazard Control Grant Program

C. *Announcement Type:* Initial announcement

D. *Funding Opportunity Number:* FR–4950–N–25; OMB Approval Number 2539–0015

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.900 Lead-Based Paint Hazard Control in Privately Owned Housing

F. *Dates:* For 2005 HUD is accepting electronic applications utilizing Grants.gov. The application submission date is June 7, 2005. Applications submitted through *www.grants.gov* must be received by Grants.gov no later than 11:59:59 p.m. eastern time on June 7, 2005. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. See the General Section for specific instructions for application submissions procedures, timely filing, methods, acceptable proof of application submission and receipt procedures, and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. eastern time on the application submission date. Applicants receiving a waiver of the electronic submission requirement must submit their application to the United States Postal Service for delivery no later than 11:59:59 p.m. eastern time on the application submission date. Please carefully read the submission and timely receipt requirements in the General Section.

G. *Optional, Additional Overview Content Information:*

1. Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist states, Native American Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner-occupants.

2. Available Funds. Approximately $93.6 million.

3. Eligible Applicants. To be eligible to apply for funding under this program, the applicant must be a state, Native American Tribe, city, county, or similar unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. If you are a state or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by the Environmental Protection Agency (EPA). Current grantees with grants ending after December 31, 2005 are not eligible to apply.

4. Match. A statutory minimum of 10 percent match is required.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

The Lead-Based Paint Hazard Control Program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005. The Lead-Based Paint Hazard Control Grant Program assists states, Native American Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned rental and owner-occupied housing units. Refer to Section II.C.2, below, for instructions on downloading a table, ''Eligibility of HUD Assisted Housing,'' that lists the HUD-associated housing programs that meet the definition of eligible housing under this program. HUD is interested in promoting lead hazard control approaches that result in the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Copies of HUD's Lead-Safe Housing Regulation, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 1–800–424–LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Copies are also available from the Office of Healthy Homes and Lead Hazard Control Web site at: *www.hud.gov/offices/lead.*

1. Because lead-based paint is a national problem, these funds will be awarded to programs which:

a. Maximize the combination of children under six years of age protected from lead poisoning and housing units where lead-hazards are controlled;

b. Target the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere.

c. Stimulate cost-effective approaches that can be replicated;

d. Emphasize lower cost methods of hazard control;

e. Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

f. Affirmatively further fair housing and environmental justice.

2. The objectives of this program include:

a. Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

b. Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and grassroots community-based nonprofit organizations, including faith-based organizations, to develop cost-effective methods for identifying and controlling lead-based paint hazards;

c. Development of comprehensive community approaches which result in integration of all community resources (governmental, grassroots community-based nonprofit organizations, including faith-based organizations, or other community-based organizations, and private businesses) to address lead hazards in housing;

d. Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs that will continue after the grant period ends;

e. Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information

system to be affirmatively marketed to families with young children; and

f. To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ minorities and low-income persons as defined in 24 CFR 135.5 (see 59 FR 33881, June 30, 1994).

3. Changes in FY2005 Competitive NOFA.

a. The page limit for the narrative response to the rating factors has been reduced from 25 to 15 pages.

b. Applicants are to complete and submit the Rating Factor Tables included in Section IV of this NOFA.

c. The minimum percentage of the federal funds requested identified for direct lead hazard control activities has been increased from 60 to 65 percent with temporary relocation now included as a direct lead hazard control activity. Direct lead hazard control activities consist of dust testing, combined lead paint inspection and risk assessments, interim controls, abatement of lead hazards, temporary relocation, and clearance examinations. Direct hazard control activities do not include blood lead testing of residents or workers, housing rehabilitation, training, community education and outreach, applied research, purchase of supplies or equipment, or administrative costs.

II. Award Information

A. Funding Available

Approximately $93.6 million will be available for the Lead-Based Paint Hazard Control Grant Program. Approximately 32 to approximately 40 grants will be awarded. Grant award amounts shall be from approximately $1 million up to a maximum of $3 million per grant. Of the total grants, a maximum of $32.7 million will be made available to applicants eligible for a Competitive Performance-Based Renewal grant, as defined below in Section III.A.1.b. Competitive Performance-Based Renewal award amounts shall be approximately $2 million up to a maximum of $4 million per grant. We anticipate awarding approximately seven to approximately ten grants to Competitive Performance-Based Renewal applicants. Approximately $60.9 million will be awarded to new, current and previously funded applicants not awarded Competitive Performance-Based Renewal grants, as defined below in Section III.A.1.a. Grant award amounts for these grants shall be from approximately $1 million up to a maximum of $3 million per grant. The project duration shall be 36 months for all grant recipients. Period of performance extensions for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 85.25(e)(2) and the OHHLHC Program Guide. Such extensions, when granted, are one time only, and for no longer than a period of one year.

B. Contracts or Other Formal Arrangements With Grassroots Community-Based Nonprofit Organizations, Including Faith-Based Organizations

If selected for funding, local and State applicants are encouraged to enter into formal arrangements with grassroots community-based nonprofit organizations, including faith-based organizations. (This does not apply to Native American Tribes.) These formal arrangements could be a contract, a Memorandum of Understanding (MOU), a Memorandum of Agreement (MOA), or a letter of commitment. Such relationships should be established prior to the actual execution of an award or within 120 days of the effective start date of the grant agreement.

III. Eligibility Information

See the General Section for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

1. To be eligible to apply for funding under this program, the applicant must be a State; Native American tribal government; or a city, county, or similar unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an EPA approved State Program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745. Current grantees with grants ending after December 31, 2005 may not apply under this NOFA.

a. ''General applicants'' are new applicants, previously funded lead-based paint hazard control grantee applicants whose period of performance ended prior to the NOFA publication date, and current grantees with grants ending on or before December 31, 2005 (including those who are not awarded under the Competitive Performance-Based Renewal category), and will be evaluated and scored as a separate group. Grantee applicants that are eligible to compete under the Competitive Performance-Based Renewal category will be evaluated and scored as a separate group.

b. Eligible Applicants for Competitive Performance-Based Renewal Grants. Current grantees with grants ending on or before December 31, 2005 must meet specific competitive performance criteria outlined in Section III.A.3, below, for the period ending March 31, 2005 to be eligible for a Competitive Performance-Based Renewal Grant. Eligible applicants that do not receive funding under the Competitive Performance-Based Renewal category will be evaluated and scored in the General applicant category. Unsuccessful applicants under the Competitive Performance-Based Renewal category will be evaluated and scored in the general applicant category. If your requested funding amount for a Competitive Performance-Based Renewal application exceeds $3 million, and if you wish to be considered for a General category grant should you not be funded for a Competitive Performance-Based Renewal grant, you must submit a separate application for the General category with a funding request not exceeding $3 million in order to be considered for funding in the General category if your Competitive Performance-Based Renewal grant application is not funded.

2. Applicants may submit only one application for each category in which you are eligible to apply. If a single applicant submits multiple applications, this will be considered a technical deficiency and the application review process delayed until the applicant notifies HUD in writing which application should be reviewed. Your other applications will be returned without being rated or ranked.

3. Minimum Eligibility Criteria for Competitive Performance-Based Renewal Grants Eligibility Criteria For Period Ending March 31, 2005 *

Calendar quarter of grant expiration	Percent of grant agreement units completed and cleared	Percent of grant agreement federal funds reimbursed through the line of credit control system (LOCCS)
April–June	100	80
July–September	95	75
October–December	80	60

* Based on Quarterly Progress Reporting Data submitted to HUD for the reporting period ending March 31, 2005.

By achieving the above-referenced minimum level of performance both for percent of units cleared and grant award disbursement (as reported through LOCCS), current grantees are eligible for competition under the Competitive Performance-Based Renewal category for receiving additional funds.

4. Existing grantees awarded grant funds under this category will be required to meet the terms and conditions of their current grant agreement and any additional applicable requirements under this NOFA and subsequent grant agreement modification. HUD may terminate awards to grantees that fail to meet established milestones or benchmark performance standards established by this NOFA or the Award Agreement.

B. Cost Sharing or Matching

You must provide a matching contribution of at least 10 percent of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the exception of Community Development Block Grant (CDBG) funds, Federal Revenue Sharing programs, or other programs which by statute allow their funds to be considered local funds and therefore eligible to be used as matching funds, federal funds may not be used to satisfy the statutorily required 10 percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If an applicant does not include the minimum 10% match in the application, it will be considered ineligible for an award. The applicant must submit a letter of commitment for the match from each organization other than itself that is providing a match, whether cash or in-kind. The letter must describe the contributed resources that you will use in the program and their designated purpose. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter from the applicant organization is not required.

C. Other

1. Eligible Activities

All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR Part 35, and as clarified in HUD's Interpretive Guidance about the rule located at *http://www.hud.gov/offices/lead.* Activities must also comply with any additional requirements in effect under a state or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

There are, in general, four categories of expenditures under this grant program, as are discussed below. They are: direct costs for lead hazard identification control activities, direct costs for other activities, indirect costs, and administrative costs.

a. Direct Lead Hazard Identification and Control Activities. The proposed budget must show a minimum of 65 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of dust testing, combined lead paint inspection and risk assessments, interim controls, abatement of lead hazards, temporary relocation of occupants when lead hazard control intervention work is conducted in a unit, and clearance examinations. Direct hazard control activities do not include blood lead testing of residents or workers, housing rehabilitation beyond what is specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained, training, community education and outreach, applied research, purchase of supplies or equipment, or administrative costs. The remaining 35 percent of the funds are to be used for other direct costs, including those discussed in Section III.C.1.b below, or indirect costs. See budget section IV.B.1.c(4), below, for discussion of these cost limits.

(1) Performing dust testing, combined lead-based paint inspections and risk assessments, and engineering and architectural activities that are required for, and in direct support of, interim control and lead hazard abatement work, of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil through the use of acceptable testing procedures. The purchase or lease of a maximum of two X-ray fluorescence analyzers used by the grant program, if not already available, are eligible costs. All test results must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(2) Conducting lead hazard control activities that may include any combination of the following strategies. All lead hazards identified in a housing unit or common area of multifamily housing enrolled in this grant program must be controlled or eliminated by any combination of these strategies.

(a) Interim controls of lead-based paint hazards including lead-contaminated soil in housing (that must include specialized cleaning techniques to address lead dust), according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead.*

(b) Abatement. The complete abatement of all lead-based paint hazards in a unit or structure is acceptable if it is cost-effective. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.* drip line or foundation of the unit being treated, and children's play areas.

(3) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. These grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD encourages integration of this grant program with housing rehabilitation, maintenance,

weatherization, and other energy conservation activities.

(4) Conducting clearance dust-wipe testing and laboratory analysis (the laboratory must be recognized by EPA's National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing lead analyses of samples of paint, dust-wipes, and/or soil).

(5) Purchasing or leasing supplies having a per-unit cost under $5,000.

(6) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

b. Eligible Other Direct Costs that you or your sub-recipients may undertake, include:

(1) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for re-occupancy. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)(D)(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(2) Conducting targeted community awareness, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention designed to increase the ability of the program to deliver lead hazard control services including educating owners of rental properties, tenants, and others on the Residential Lead-Based Paint Hazard Reduction Act, Lead-Safe Housing Rule, and applicable provisions of the Fair Housing Act especially as it pertains to familial status (*i.e.* families with children) and disability discrimination, and offering educational materials in languages other than English that are common in the community, consistent with HUD's published LEP Recipient Guidance, 68 FR 70968, and providing training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (*e.g.*, Braille, audio, and large type).

(3) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(4) Preparing a final report at the conclusion of grant activities.

(5) Conducting required pre-hazard control blood lead testing of children under six years of age residing in units undergoing lead paint inspection/risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(6) Providing resources to build capacity for lead-safe housing and lead hazard control, including free delivery of HUD-approved lead-safe work practices training courses for housing rehabilitation contractors, rehabilitation workers, homeowners, renters, painters, remodelers, maintenance staff, and others conducting renovation, rehabilitation, maintenance or other work in private housing; free delivery of lead sampling technician training, lead-based paint worker or contractor certification training; and subsidies for licensing or certification fees to low-income persons seeking credentials as lead-based paint workers or contractors or lead sampling technicians.

(7) Providing instruction, training, materials and supplies for dust control activities to grassroots community-nonprofit based organizations, including faith-based organizations, or other community-based organizations, parent organizations, homeowners, and renters in low-income private housing.

(8) Conducting planning, coordination, and training activities to comply with HUD's Lead-Safe Housing Rule (24 CFR Part 35). These activities should support the expansion of a workforce properly trained in lead-safe work practices which is available to conduct interim controls on HUD assisted housing covered by these regulations. The regulation and interpretive guidance about the rule are available from the National Lead Information Center at 1–800–424–LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Copies are also available from the HUD Web site at: *http://www.hud.gov.*

(9) Participating in applied research, studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities, or to facilitate targeting and consolidating resources to further childhood lead poisoning prevention efforts.

2. Eligibility of HUD-Assisted Housing. The chart ''Eligibility of HUD-Assisted Housing,'' posted at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, lists the housing units that may participate under the Lead Hazard Control Grant Program. Only those HUD-assisted units on the list are eligible to participate and receive Lead-Based Paint Hazard Control Grant funds.

3. Threshold Requirements. As an eligible applicant, you must meet all of the threshold requirements in Section III.C of the General Section as well as any specific threshold requirements listed in this subsection. Applications will not be funded if they do not meet the threshold requirements.

a. Applicants are required to match 10 percent of the grant funds requested with other funds or resources.

b. EPA Authorization. If you are a State government or Indian (Native American) Tribal government, you must have an EPA-authorized Lead-Based Paint Training and Certification Program in effect on the application deadline date to be eligible to apply for Lead Based Paint Hazard Control Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant state or Indian (Native American) Tribal government. If you do not have an EPA authorized program, the application will not be rated or ranked.

c. DUNS Requirement. You will need to obtain a Dun and Bradstreet Universal Data Numbering System (DUNS) number in order to register and submit your electronic application on line through *http://www.grants.gov*. To obtain a DUNS number your can follow the directions on HUD's grants page at *http://www.hud.gov/offices/adm/grants/duns.cfm* or at *http://www.grants.gov/GetStarted*.

4. Program Requirements

a. *Environmental Requirements.* Recipients of lead-based paint hazard control grants must comply with 24 CFR Part 58, ''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.'' Recipients and other participants in the project are prohibited from committing or expending HUD and non-HUD funds on the project until HUD approves the recipient's Request for the Release of Funds (form HUD 7015.15) or the recipient has determined that the activity is either Categorically Excluded, not subject to the related Federal laws and authorities pursuant to 24 CFR 58.35(b) or exempt pursuant to 24 CFR 58.34. For Part 58 procedures, see *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.* For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 534-2458 (this is not a toll free-number) or the HUD Environmental Review Officer in the HUD Field Office serving your area. If you are a hearing-

or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

b. *Executive Order 13202.* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-Funded Construction Projects,'' is a condition of receipt of assistance under this NOFA.

c. *Administrative Requirements.*

(1) Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992), Section 1011 of Title X. Section 217 of Public Law 104-134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows: ''Sec.1011. Grants for Lead-Based Paint Hazard Reduction in Target Housing

''(a) General Authority. The Secretary is authorized to provide grants to eligible applicants to target the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age in housing that is not federally assisted housing, federally owned housing, or public housing, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Grants shall only be made under this section to provide assistance for housing that meets the following criteria—

''(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level.

''(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting''. For the purposes of complying with Section 1011, a unit occupied by a pregnant woman meets the Congressional intent of promoting primary prevention and therefore, can be assisted by this program.

(2) Certified and Trained Performers. Funded activities must be conducted by persons qualified for the activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

(3) Consolidated Plans. (This requirement does not apply to Native American Tribes.) If your jurisdiction has a current HUD-approved Consolidated Plan, you must submit, as an appendix, the lead-based paint element included in the approved Consolidated Plan. If the Analysis of Impediments (AI) includes references to lead-based paint as an impediment to fair housing, this should be included in your application as well. If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235. You may provide a currently validated web site (URL) reference where the required documentation above is readily accessible for use, instead of submitting the documentation itself.

(4) Lead hazard evaluation and control work must be conducted in compliance with HUD's Lead Safe Housing Rule, 24 CFR Part 35, the HUD Guidelines, and applicable federal, state and local regulations and guidance.

(5) Prohibited Practices. You must not engage in the following prohibited practices:

(a) Open flame burning or torching;

(b) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(c) Uncontained hydro blasting or high-pressure wash;

(d) Abrasive blasting or sandblasting without HEPA exhaust control;

(e) Heat guns operating above 1,100 degrees Fahrenheit;

(f) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(g) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(6) Written Policies and Procedures. You must have clearly established, written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, temporary relocation and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(7) Continued Availability of Lead-Safe Housing to Low-Income Families. Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X (Section 1011). You must maintain a publicly available registry (listing) of units in which lead hazards have been controlled and ensure that these units are affirmatively marketed to agencies and families as suitable housing for families with children under six years of age. The grantee must also notify the owner of the lead hazard evaluation and control information generated by activities under this grant, so that the owner will comply with disclosure requirements under 24 CFR part 35, Subpart A.

(8) Testing. In developing your application budget, include costs for lead paint inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(a) General. All testing and sampling shall conform to the current HUD Guidelines and federal, state, or tribal regulations developed as part of the appropriate contractor certification program, whichever is more stringent. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm*, and the EPA lead hazard standards rule at 40 CFR

part 745. All test results must be provided to the owner in a timely fashion.

(b) Lead-Based Paint and Lead-Based Paint Hazard Identification. A combined lead-based paint inspection and risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(c) Clearance Testing. Clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing Regulation (24 CFR part 35) for lead hazard control activities or other abatement. The clearance standards shall be the more restrictive of those set by the local jurisdiction, EPA, or HUD. In accordance with the HUD Guidelines, Table 7.3, for multi-family residential properties, clearance can be done on randomly selected units, and credit will be given for the entire project represented by the units that were randomly selected. If rehabilitation is conducted in conjunction with lead hazard control, clearance may be conducted either after the lead hazard control work is completed, and again after any subsequent rehabilitation work is completed, or after all of the lead hazard control and rehabilitation work is completed. Clearance shall be successfully completed before re-occupancy.

(d) Blood lead testing. Each occupant who is under six years of age should be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention (CDC) publications Preventing Lead Poisoning in Young Children (1991), and Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials (1997).

(9) Cooperation With Related Research and Evaluation. You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(10) Data collection. You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods. You should have a data archiving and electronic data backup system.

(11) Section 3 Employment Opportunities. Please refer to Section III.C of the General Section. The requirements of Section 3 of the Housing and Urban Development Act of 1968 are applicable to this program. In your application you should demonstrate how you will ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons. If you are funded, you will be required to submit Form HUD–60002 annually.

(12) Replacing Existing Resources. Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

(13) Certifications and Assurances. By submitting your application, you are making the certifications and assurances listed in section IV.B.1.b.

(14) Conducting Business in Accordance with HUD Core Values and Ethical Standards. Refer to the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

(15) Lead-Safe Work Practice Training Activities. Applicants are encouraged to provide resources to promote the expansion of a workforce properly trained in lead-safe work practices and which is available to conduct interim controls and/or lead hazard abatement as well as follow lead-safe work practices while performing work on HUD assisted housing units per the provisions of the HUD Lead-Safe Housing Rule, 24 CFR 35.1330(a)(4)(iii)(v), and to safely repair, rehabilitate, and maintain other privately-owned residential property.

(16) By September 30, 2006, grantees are to participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010, or are to assist in the development of such a plan in states or localities that do not have such a strategic plan. (Further guidance will be provided to grantees on developing a strategic plan.) Applicants shall demonstrate the nature of their collaboration with Centers for Disease Control and Prevention (CDC) funded Childhood Lead Poisoning Prevention grantees, which are now required to develop such plans, and the local CDC subgrantee(s), where they exist for the grant's proposed target area(s). A list of CDC childhood lead poisoning prevention programs can be downloaded from *www.cdc.gov/nceh/lead/grants/contacts/keyContacts.htm.* The CDC strategic elimination plans for state and local childhood lead poisoning prevention programs can be downloaded from *http://www.cdc.gov/nceh/lead/Strategic%20Elim%20Plans/strategicplans.htm.*

Applicants shall include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. At a minimum, the plan must include the following elements:

(a) Mission Statement;

(b) Purpose and Background on Lead Poisoning Prevalence;

(c) Goals, Objectives, and Activities; and

(d) Evaluation Plan.

(17) Coordination among Critical Agencies. Submit documentation of the existence and nature of formal cooperation regarding childhood lead poisoning prevention programs among health agencies, housing agencies, community development agencies, and code enforcement agencies (or equivalent) for their target area(s) local jurisdiction(s), and, for state or tribal applicants, for their state or tribal health agencies, housing agencies, development agencies. and code enforcement agencies (or equivalent). Documentation shall include memoranda of agreement, memoranda of understanding, operating plans, or similar materials that describe the coordinated childhood lead poisoning prevention effort. Where local or state governments have combined two or more of these functions into a larger organization, the documentation may be from either the individual component entities or the larger organization. As part of this documentation, describe how the health department and the housing and/or development agency will consider enrolling housing units (or multifamily buildings) in which one or more children under age 6 years have elevated blood lead levels, with priority to housing where repeated and/or severe cases of childhood lead poisoning have occurred. (Because of the presence of a variety of priorities, it is not a requirement that units with lead-poisoned children be enrolled, but the

process for giving such units high priority should be described and implemented.)

(18) Work Plan. For all grantees, the work plan shall consist of the goals and specific time-phased objectives established for each of the major activities and tasks required to implement the program. These major activities and tasks are outlined in the Quarterly Progress Reporting System (Form–HUD–96006) and include: Program Management and Capacity Building including data collection and program evaluation; Community Education, Outreach and Training; and Lead Hazard Activities including testing, interventions conducted, and temporary relocation.

(a) You should provide documentation that addresses your jurisdiction's Consolidated Plan for pursuing goals for community planning and development programs and housing programs, the Community is tasked to address lead and other housing-related issues that affect the health of residents. The Notice of Funding Availability (NOFA) under which you received federal funding requires that your program submit ''a copy of the lead hazard control element included in your current program year's Consolidated Plan. (This does not apply to Native American Tribes) You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.'' In accordance with the requirements set forth in the NOFA, your work plan must include a detailed strategy to:

(i) Obtain data from state or local health departments on the addresses of housing units in which children have been identified as lead poisoned, as required by 24 CFR 91.100(a)(2).

(ii) Formalize commitments, or provide documentation of commitments, with applicable state or local health and child welfare agencies, community development organizations, and housing agencies to team with the HUD Lead Hazard Control grantee to identify and address childhood lead poisoning in your jurisdiction collaboratively, and describe your methods for coordinating among these agencies.

(iii) Address issues of patient confidentiality raised by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as it relates to the release of addresses of units where children have been poisoned by lead-based paint hazards within your jurisdiction; in addition, provide thorough details of all security measures to be taken to ensure that the privacy of patient information obtained for the purposes of public health services conducted through the lead hazard control program will be safeguarded.

(iv) Describe how lead hazard units, especially those known to contain EBL children, will be identified, selected, prioritized, and considered for treatment under this grant and/or other programs of the grantee or grantee's team members. You must demonstrate how you consider housing units identified by local health and child welfare agencies where incidences of childhood lead poisoning have occurred, particularly those where multiple poisonings have been reported, for enrollment into lead hazard control treatment programs.

(b) Demonstration of specific steps and/or actions that will be taken to ensure that other resources in the community are utilized to increase funding, to locate and provide training, and to link with other local programs engaged in lead hazard control activities;

(c) The management plan that describes how the project will be managed, and the timeline for staffing the program, establishing a lead-based paint contractor pool, and obtaining HUD approval for the Release of Funds Request (HUD Form 7015.15);

(d) Detailed description of how assistance and funding will flow from the grantee to the actual performers of the hazard reduction work;

(e) Detailed description of the selection process for sub-grantees, sub-contractors, or sub-recipients;

(f) Description of the financing mechanism used to support lead hazard control work in units (name of administering agency, eligibility requirements, type of financing (grant, forgivable or deferred loans, private sector financing etc.), any owner matching requirement, and the terms, conditions, and amounts of assistance available (include affordability terms and forgiveness and recapture of funds provisions);

(g) Combined lead inspection and risk assessment testing procedures using EPA standards to identify lead hazards and to conduct clearance testing. [Dust wipe samples, soil samples and any paint samples to be analyzed by a laboratory must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP)];

(h) The process for developing work specifications and bids on properties selected for lead hazard control;

(i) The specific intervention methods and clearance procedures to be conducted for units enrolled;

(j) The number of rental-occupied, vacant, and owner-occupied units proposed for interim controls and hazard abatement;

(k) The relocation plan that will be carried out for residents required to be out of their homes during hazard control activities;

(l) The education, outreach, and training activities to be undertaken by the program;

(m) The blood lead testing and other health measures to be undertaken to protect children under six, and other occupants of units undergoing lead hazard control work; and

(n) The evaluation process used to measure program performance, with particular attention given to program performance in the five key areas evaluated by OHHLHC on a quarterly basis (cf. NOFA Rating Factor 5 response): number of units inspected and risk assessed; number of units cleared of lead hazards; the amount of grant funds disbursed through the LOCCS system; the number of persons reached through outreach and education efforts; and, the number of persons trained in lead hazard control courses.

(o) Objectives and Milestones. Measurable quarterly performance objectives include:

(i) The overall objectives for lead hazard control activities including the total number of lead hazard evaluations, units projected to be completed and cleared, and the expenditure of Federal grant funds (HUD Agreement Form HUD–1044). Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(ii) The overall objectives for community education, outreach, and training activities. Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(iii) Quarterly performance benchmarks. The benchmarks for a 36-month grant are on the Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months—Form HUD–96008. You can download Form HUD–96008 from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, and can also find it on the HUD OHHLHC web site at: *http://www.hud.gov/offices/lead/grantfrm/hudgrantee.cfm*. Development of your work plan should include and reflect the benchmark standards.

(19) A detailed budget submission which identifies the total budget (Federal share and matching

contribution) identified on Form HUD 424CB with supporting narrative and cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in Section IV.E of this NOFA. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for eligible direct costs. A minimum of 65 percent of the total federal amount requested must be dedicated to direct lead hazard control activities. (Applicants are to identify the direct lead hazard control costs that meet this requirement.) A table, ''Summary of Budget Category Funding Limits,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm,* shows the funding limits for the three categories, direct lead hazard identification and control activities, administrative costs, and total of other direct costs and indirect costs.

You must provide a detailed budget for any subcontractors, subgrantees, or subrecipients receiving greater than 10 percent of the federal budget request. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the Form SF–424 will govern as the correct value.

(19) If your program includes conducting research involving human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring under 24 CFR 60, which incorporates the Department of Health and Human Service's regulations at 45 CFR 46, subpart A, address how you will obtain such approval and your monitoring plan (before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's institutional assurance). Describe how you will provide informed consent (*e.g.*, from the subjects, their parents, or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits, and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of 'plain language' forms, flyers, and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families which include persons with disabilities.

IV. Application and Submission Procedures

A. Address To Request Application Package

See the General Section for specific procedures concerning the electronic application submission requirements. Be advised that there is no Application Kit for this Lead Hazard Control Grant Program. All the information required to submit an application is contained in this Notice of Funding Availability (NOFA).

Guidebook and Further Information. A guidebook to HUD programs entitled, ''Connecting with Communities: A User's Guide to HUD Programs and the FY2005 NOFA Process,'' is available from the HUD NOFA Information Center and the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The guidebook provides a brief description of all HUD programs, identifies eligible applicants for the programs, and provides examples of how programs can work in combination to serve local community needs. You can also get a copy from the NOFA Information Center at (800) HUD–8929, or for the hearing impaired, (800) HUD–2209 (TTY) (these are toll-free numbers). You can obtain copies of the guidebook from HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The Grants.gov support desk is 1–800–518–Grants or by e-mail at *support@Grants.gov*. This help desk provides information on accessing and submitting the application.

B. Content and Form of Application Submission

Application Submission Requirements for eligible Applicants (this includes General category applicants and those applicants qualifying for consideration under the Competitive Performance-based Renewal category). Applicants eligible to apply under this NOFA are to follow the submission requirements described in Section IV.B.1.a. below.

1. Applicant Information

a. *Application Format.* The application narrative response to the Rating Factors from new and eligible prior grantees is limited to a maximum of 15 pages (excluding appendices and worksheets) of size 8½″ x 11″ using a 12-point (minimum) font with not less than ¾″ margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the specific rating factor narrative. Information that is not referenced or does not directly apply to a specific narrative response may not be rated or ranked by reviewers.

b. *Application Checklist (Voluntary).* Your application must contain all of the required information noted in this NOFA and the General Section. These items include the standard forms, and the certifications and assurances listed in the General Section that are applicable to this NOFA. The forms required for application submission and instructions can be found in the application at *www.grants.gov*. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD–96011, Facsimile Transmittal. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. In the Checklist and Submission Table of Contents, note the corresponding page number where the response is located. Inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

Checklist and Submission Table of Contents—Lead-Based Paint Hazard Control Grant Program

- Application Checklist (Paper copy applications only)
- Applicant Abstract (limited to a maximum of 2 pages)
- Rating Factor Response (limited to a maximum of 15 narrative pages plus the following forms)

1. Capacity of the Applicant and Relevant Organizational Experience—Form HUD–96012

2. Needs/Extent of the Problem—Form HUD–96013

3. Soundness of Approach (Work Plan/Budget)—Form HUD–96014; and Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months—Form HUD–96008

4. Leveraging Resources—Form HUD–96015

5. Achieving Results and Program Evaluation—Logic Model—Form HUD–96010

- Required materials in response to rating factors (does not count towards 15-page limit)

Application for Federal Assistance—Form SF–424

Survey on Ensuring Equal Opportunity for Applicants—Form SF–424 Supplement

Grant Application Detailed Budget—HUD–424CB—Grant Application Detailed Budget Worksheet—HUD–424CBW, Total Budget (Federal Share

and Matching) with Supporting Narrative and Cost Justification

Disclosure and Update Report—Form HUD–2880

Certification of Consistency with the RC/EZ/EC–II Strategic Plan—Form HUD–2990

Certification of Consistency with the Consolidated Plan—Form HUD–2991

Disclosure of Lobbying Activities (if applicable)—Form SF–LLL

Facsimile Transmittal (for electronic applications)—Form HUD–96011

Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, including the required information (if applicable)—Form HUD–27300, including required documentation or URL references—

Acknowledgment of Application Receipt (for paper copy submissions only)—Form HUD–2993

Client Comments and Suggestions—Form HUD–2994 (optional)

• Threshold Requirements

Lead-Based Paint Element in Consolidated Plan 10 Percent Matching Contribution

• Material in support of the Rating Factors (20 page limit) Budget.

Matching Contribution. An itemized breakout of your required matching contribution, including:

Values placed on donated in-kind services;

Letters or other evidence of commitment from donors; and

The amounts and sources of contributed resources.

Grant Team Members. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating grassroots community-based nonprofit organizations, including faith-based organizations, local businesses, and others working with the program.

Consolidated Plan Element. A copy or URL reference to the lead hazard control element included in your current program year's Consolidated Plan. (This does not apply to Native American Tribes.) You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.

C. Submission Dates and Times

1. Application Submission Dates

The application submission date is June 7, 2005. Refer to the General Section for additional submission requirements including submission methods, proof of delivery, and other information regarding electronic application submission via Grants.gov.

D. Intergovernmental Review

Not required.

E. Funding Restrictions

1. Ineligible Activities

You may not use grant funds for the following ineligible activities:

a. Purchase of real property.

b. Purchase or lease of equipment having a per unit cost in excess of $5,000, except for the purchase of X-ray fluorescence analyzers.

c. Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-federal funds used to cover these costs may be counted as part of the required matching contribution.

d. Lead hazard control activities in publicly owned housing, or project-based Section 8 housing (This housing stock is not eligible under Section 1011 of the Lead-Based Paint Hazard Reduction Act).

e. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

f. Lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

2. Administrative Costs

There is a 10 percent maximum for administrative costs as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided below.

a. *Purpose.* The intent of this HUD grant program is to allow the grantee to be reimbursed for the reasonable direct and indirect costs, for the overall management of the grant. In most instances the grantee, whether a state or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting lead-hazard reduction work. Program planning and management costs of sub-grantees and other sub-recipients are not included in the 10 percent maximum for grantee administrative costs. Congress set a maximum of 10 percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of lead-hazard identification and reduction work including relocation. For purposes of the Lead-Based Paint Hazard Control Grant Program, lead hazard identification and reduction includes lead paint inspection/risk assessments, interim controls, and abatement of lead hazards, clearance testing, and relocation.

b. *Administrative Costs:* What They Are Not. For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low- and moderate-income, private target housing, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. *Administrative Costs:* What They Are: For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant

sum. Should the grantee's actual costs for overall management of the grant program exceed ten percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. *Administrative Costs Definition:* (1) General: Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers. (2) Specific. Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services: (a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 75 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall, grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(iii) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

3. Sixty-five percent (65 percent) of the total Federal funds requested must be used for direct lead hazard control activities. The remaining 35 percent of the funds can be used for other direct or indirect costs.

F. Other Submission Requirements

Beginning in FY2005, HUD requires applicants to submit applications electronically through Grants.gov. Applicants interested in applying for funding must submit their application electronically via the Web site *http://www.grants.gov* unless you request and are granted a waiver to the electronic submission requirements. This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The *www.grants.gov* Web site includes a simple, unified application process to enable applicants to apply for grants online. See section IV.F of the General Section for additional information on the electronic process and how to request a waiver from the requirement.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points Maximum)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. All applicants must respond to this Rating Factor. The rating of the ''applicant'' or the ''applicant's staff'' for technical merit or threshold compliance, unless otherwise specified, includes any grassroots community-based nonprofit organizations, including faith-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project.

In rating this factor, HUD will consider: the applicant's recent, relevant, and successful demonstrated experience (including working with governments, parent groups, and grassroots community-based nonprofit organizations, including faith-based organizations) to undertake eligible program activities. Applicants are to identify the organizations or entities that will assist the applicant in implementing the program. The applicant must describe the knowledge and experience of the current or

proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. The applicant must demonstrate that it has sufficient personnel or will be able to retain qualified experts or professionals, and be prepared to perform lead hazard evaluation, lead hazard control intervention work, and other proposed activities within 120 days of the effective date of the grant award. HUD reserves the right to terminate the grant if sufficient personnel or qualified experts are not retained within these 120 days. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel) or position descriptions for those key personnel to be hired, and a clearly identified organizational chart for the lead hazard control grant program effort (and for the overall organization) must be included in an appendix. Indicate the percentage of time that key personnel will devote to all lead hazard control projects (see Factor 1 Table—Key Personnel and Partners). The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, childhood lead poisoning prevention, or similar work involving project management, and must be dedicated to the proposed program for a minimum of 75 percent of the time. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

a. All Current or Previous HUD Lead-Based Paint Grantees (including Competitive Performance-Based Renewal applicants). If the applicant received previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). If the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. The applicant must provide a description of its progress and performance implementing the most recent grant award including the total number of housing units enrolled, assessed, and completed and cleared as a result of program efforts. The applicant must also describe outcomes, capacity building efforts and impediments experienced during a previous Lead Hazard Control Grant program. Other work plan activities and tasks associated with implementing HUD's Lead-Safe Housing Regulation, integrating lead-safe work practices into the private market, and promoting effective education, outreach, and other training activities should be described. The applicant should also describe specific instances where the program has contributed positive impacts in the community, and indicate what activities were undertaken to develop, enhance or expand the local infrastructure through collaboration.

HUD's evaluation process will consider an applicant's past performance record as reported to HUD in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, the timely use of funds received either from HUD or other Federal, State or local programs, and meeting performance milestones. HUD may also use other information relating to these items from sources at hand, including public sources such as newspapers, Inspector General or Government Accountability Office Reports or Findings, hotline complaints, or other sources of information that have been proven to have merit.

b. Eligible grantees applying for consideration as Competitive Performance-Based Renewal Applicants. Competitive Performance-Based Renewal applicants must include the number of units cleared and the percentage of the current total award amount disbursed through LOCCS, as of March 31, 2005, in their response to Rating Factor 1, as described above in Section V.A.1. All applicants eligible to compete in the Competitive Performance-Based Renewal category in accordance with the eligibility table in Section III.A.4 will be evaluated against other Competitive Performance-Based Renewal category applicants. If a current lead hazard control grantee does not meet the established threshold requirements for Competitive Performance-Based Renewal, the application will not be considered under this category.

(1) Rating Factor 1 will be scored according to the applicant's current grant performance using the Competitive Performance-Based Renewal Score Table below. Although the narrative response to Factor 1 will not be initially reviewed, you must state your LOCCS and Units Cleared performance data in the narrative response to Factor 1 to be considered under the Competitive Performance-based Renewal category. The Factor will be scored up to 20 points using the score tables below.

(a) Unit Production (15 points). The percentage of units completed and cleared as of March 31, 2005. Grantees whose percentage of units completed and cleared in their current agreement meets or exceeds the performance criteria in the table, ''Competitive Performance-Based Score Table for Units Completed and Cleared Based on Period of Performance End-Date,'' that can be downloaded from *www.hud.gov/offices/adm/grants/fundsavail.cfm*, will be awarded points based on the table. Points will be awarded for the percentage of housing units cleared, compared to the commitment in the existing lead hazard control grant, with the number of points depending on the 2005 calendar year quarter (second, third or fourth) in which the grant expires. A grantee whose performance does not meet the performance criteria for its ending performance period quarter is ineligible for a Competitive-Based Renewal grant.

(b) Cumulative LOCCS Drawdowns (5 Points). The cumulative drawdowns from LOCCS as a percentage of the federal funds awarded in their current agreement as of March 31, 2005. Grantees whose percentage of cumulative LOCCS drawdowns in their current agreement meets or exceeds the performance criteria below will be awarded points based in the table, ''Competitive Performance-Based Score Sheet for Federal Funds Reimbursed through the Line of Credit Control system (LOCCS) Based on Period of Performance End-Date,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, will be awarded points based on the table. Points will be awarded for the percentage of Federal funds reimbursed through LOCCS, compared to the commitment in the existing lead hazard

control grant, with the number of points depending on the 2005 calendar year quarter (second, third or fourth) in which the grant expires. A grantee whose performance does not meet the performance criteria for its ending performance period quarter is ineligible for a Competitive-Based Renewal grant.

(2) Once all eligible Competitive Performance-Based Renewal applicants have been evaluated, scored and ranked, any application not awarded funding in this category will receive consideration as a current or previously funded applicant in the General applicant category using the applicant's narrative responses to Rating Factors 1 through 5 according to V.A.1(a)(2). The Competitive Performance-Based Renewal Score Tables will not be used to figure scoring in this circumstance. The Factor will be scored up to 20 points.

d. All applicants are to complete the Factor 1 Table to support the narrative information submitted.

2. Rating Factor 2: Needs/Extent of the Problem (20 Points Maximum)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem related to lead-based paint and lead-based paint hazards in your identified target area(s). An applicant will be scored in this rating factor based on their documented need as evidenced by thorough, credible, and appropriate data and information. The evaluation will be based only on the applicant's documentation of the data submitted. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and/or in cooperation with the Centers for Disease Control and Prevention. The applicant is to complete the Factor 2 Table—Need/Extent of the Problem in Section IV of this NOFA.

A maximum of 20 Points will be awarded in this rating factor based on the information documenting the number of children with an elevated blood lead level, the number of pre-1978 housing units, and the number and percentage of families with incomes at or below 80% of the Area Medium Income as determined by HUD within your jurisdiction and/or target areas.

a. Documented Number of Children with an Elevated Blood Lead (EBL) (10 Points Maximum).

Provide the actual number of children documented as having an elevated blood lead (EBL) residing within the applicant's jurisdiction for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. States must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, the ''documented number of children'' with an EBL is based on the CDC level of concern. A child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider is considered to have an EBL. The actual number of children with an EBL (not an estimate) must be reported to HUD in order to receive points for this sub-factor. Do not send the children's names or addresses or other identifiers. Failure to provide this number in the application means that no points will be awarded for this sub-factor. For you to receive maximum points for this rating factor there must be a direct relationship between your proposed lead hazard control activities and the documented community needs. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting the identified need as it applies to any selected targeted area(s).

Applicants are to use the Factor 2 Table to document the target area(s) need:

Points based on the documented number of children with an EBL will be awarded based on the chart below.

(1) Applicants are to complete the Factor 2 Table to document the number of children with an elevated blood lead level. Points will be awarded based on the documented number of children with an elevated blood lead level according to the table, ''Points Awarded for Number of Children Under Age 6 Years with an Elevated Blood Lead Level in Target Area,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The table shows the number of points awarded based on the number of children with an elevated blood lead level in the grant target area(s).

b. Housing market data relevant to the specified target area(s) Housing Age for the following sub-categories: Pre-1940, 1940–1949, 1950–1959, 1960–1969, 1970–1979 and 1980 or newer (Census information includes 1970–1979 category). (5 Points Maximum). Points will be awarded for the number of pre 1940 occupied rental units in the applicant's jurisdiction according to the table, ''Points Awarded for Number of Pre-1940 Occupied Rental Housing Units in Target Area,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The table shows the number of points awarded based on the number of pre-1940 occupied rental housing units in the grant target area(s).

c. The number and percentage of very-low (income less than 50 percent of the area median) and low- (income less than 80 percent of the area median) income families, as determined by HUD (*http://www.huduser.org*), with adjustments for smaller and larger families (Very-Low and Low-Income Population) (5 Points Maximum). Points will be awarded for the percentage of very low (up to 50 percent of area median income for the jurisdiction) and low-income (up to 80 percent of area median income for the jurisdiction) families in the target area, according to the table, ''Points Awarded for Number of Very Low and Low-Income Percentages of Families in Target Area,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. The table shows the number of points awarded based on the number of very low and low-income percentages of families in target area(s).

3. Rating Factor 3: Soundness of Approach (30 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. Applicants should develop a work plan that includes specific, measurable, and time-phased objectives for each major program activity. The applicant's work plan should reflect benchmark standards for production, expenditures, and other activities that have been developed by the Office of Healthy Homes and Lead Hazard Control. These benchmark standards, as well as policy guidance on developing work plans have been included in this NOFA and are available at the HUD web site at: *http://www.hud.gov/offices/lead/grantfrm/hudgrantee.cfm*. This policy guidance provides a sample format and outline for developing the Lead Hazard Control Grant Program Work Plan.

Applicants should describe the proposed activities and provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant (*e.g.*, estimated number of units to be made lead-safe, estimated number of children living in units made lead-safe, estimated number of persons to be trained to perform lead hazard control activities, estimated number of educational programs to be presented and/or the

number of persons to be served by such programs, and the basis for these estimates). Each proposed activity must be eligible in accordance with the requirements of this NOFA and meet statutory requirements for assistance to low- and very low-income persons.

Your response to this factor must include the elements in paragraphs a. through d. described below:

a. Lead Hazard Control Work Plan Strategy (30 of 40 points). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 36-month or less period of performance for your lead hazard control grant program. You should provide the information described in paragraphs (1) and (2) of this factor.

(1) Implementing a Lead Hazard Control Program (15 points). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(a) How the project will be organized, managed, and staffed. You must also identify the specific steps that will be taken to train and ensure the availability of enough lead-based paint contractors and workers to conduct lead hazard control interventions, and to perform other program activities. In addition, you must provide a detailed description of the selection process for sub-grantees, subcontractors or sub-recipients, and how assistance and funding will flow from the grantee to those who will actually perform the work under the grant.

(b) The overall number of eligible privately owned housing units, especially those known to contain EBL children, scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Explain how you will obtain data from state or local health departments on the addresses of housing units in which children have been identified as lead poisoned. Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how you would target resources to maximize the return on investment from grant funding. As funding is a constraint for this program, it is imperative to maximize the impact of grant dollars. Include in this discussion your proposed technical approach and how this choice addresses local conditions and needs as well as attempting to maximize the number of children protected from lead hazards. As there are a variety of reduction techniques that grantees can apply to lead hazards, it is important for HUD to be able to assess the effectiveness of a grantee's choice of a technical strategy. Explain how referrals of eligible units will be obtained from childhood lead poisoning prevention programs, other health care or housing agencies or health providers that serve children. Also, discuss how referrals from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, HOME Investment Partnerships Program-funded housing programs or other sources will be made. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation in recruiting eligible units in the lead hazard control grant program; see Rating Factor 4 Leveraging Resources for additional information regarding referral agreements. Applicants are to complete the Factor 3 Table).

(c) The degree to which the work plan focuses on eligible privately owned housing units occupied or to be occupied by low-income families with children under six years of age. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level (EBL), including your capacity to rapidly complete lead hazard control work in their units. Demonstrate how you will consider housing units identified by local health and child welfare agencies where incidences of childhood lead poisoning have occurred, particularly those where multiple poisonings have been reported. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to affirmatively market and match these units made lead-safe with low-income families with children under six years of age in the future. Provide estimates of the number of low-income children you will assist through this program. You should describe how the program will respond to the needs of children with elevated blood lead levels (EBLs) located outside the target area(s).

(d) Discuss the lead hazard control financing strategy, including financing eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. Applicants must also describe how grant funds will be recaptured by the program in the event that a recipient of grant funds fails to comply with any terms and conditions of the financing arrangement (*e.g.* affordability, sale of property, etc.) You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (*e.g.* use of grants, deferred loans and/or forgivable loans and the basis and schedule for forgiveness), and the role of other resources, such as private sector financing). You should identify the entity that will administer the financing process and describe how coordination and payment between the program and contractors performing the work will be accomplished. Describe matching requirements, if any, proposed for assistance to rental property owners.

(e) Applicants shall incorporate in their application the approach of a Statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010 (7 points). Describe any formalized commitments, or provide documentation of commitments, with applicable State or local health and child welfare agencies, community development organizations, and housing agencies that have teamed with you to identify and address childhood lead poisoning in your jurisdiction collaboratively, and describe your methods for coordinating among these agencies. Address issues of patient confidentiality raised by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as it relates to the release of addresses of units where children have been poisoned by lead-based paint hazards within your jurisdiction; in addition, provide thorough details of all security measures to be taken to ensure that the privacy of patient information obtained for the purposes of public health services conducted through the lead hazard control program will be safeguarded. Applicants are encouraged to include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. Applicants are encouraged to collaborate with Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, who are now required to develop such plans. At a minimum, the plan must include the following elements:

(i) Mission Statement

(ii) Purpose and Background on Lead Poisoning Prevention Prevalence

(iii) Goals, Objectives, and Activities; and

(iv) Evaluation Plan

(f) Community-wide Learning Opportunity (3 points). The Lead-Based Paint Hazard Control Grant provides an opportunity for learning by community members, including families, workers,

small businesses and others, to help develop a strategic community health educational model that identifies lead-related health hazards and their solutions, and educates community members and affects wider efforts in the applicant's targeted area. Applicant shall discuss the opportunity-to-learn approach to educate children, parents, workers, businesspeople and other community members about lead poisoning prevention and lead hazard control. The applicant's proposed educational program shall continue to meet the needs of those children already living in units with eligible lead hazards.

(g) Consolidated Plan and Analysis of Impediments to Fair Housing Choice. You also must provide documentation of the priority that the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice has placed on addressing the needs you described. (This section does not apply to Native American Tribes. However, a Native American Tribe applicant may use the Indian Housing Plan to document how the Indian Housing Plan addresses the need for lead hazard control grant activities.) You should describe how your proposed program will contribute to satisfying the stated needs in the Consolidated Plan or Indian Housing Plan, and eliminating impediments identified in the Analysis of Impediments (AI). Also describe how your proposed program will further and support the policy priorities of the Department: including promoting healthy homes and the quality of housing. The applicant should describe its activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. In addition, applicants should describe how your strategy will provide long-term benefits to families with children under six years of age, and whether any of the proposed activities will occur in an Empowerment Zone (EZ), Renewal Community (RC), or Enterprise Community, designated by USDA in round II (EC–IIs), that are intended to serve the residents of these areas, and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan (TIUP), and how they will benefit the residents of those zones or communities.

(h) All test results related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR Part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

(2) Technical Approach/Performance (15 points).

(a) Describe your process for the conduct of a combined lead-based paint inspection and risk assessment lead hazard evaluation in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken.

(b) Describe your testing methods, schedule, and costs for performing blood lead testing in children under six, combined lead-based paint inspections and risk assessments and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (*e.g.*, less than 0.5 percent or 1.0 μg/square centimeter for lead in paint, or less than 40, 250, 400 μg/square foot for lead in dust on floors, sills and troughs, respectively); or 400 ppm in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) that will be used. All testing shall be performed in accordance with applicable regulations.

(c) Describe the lead hazard control methods and strategies you will undertake and the number of units you will treat for each method selected (interim controls or hazard abatement). Research has shown that interim controls generally yield the best benefit/cost ratio among technological approaches for eliminating lead hazards. Applicants should assume that interim controls are the preferred approach for their strategies and project unit output targets accordingly. If applicants maintain that approaches other than interim controls are necessary for their jurisdiction, they should explain why this is the case. For example, abatement might be justified in an area where significant amounts of low-income housing stock are highly distressed or where lead hazard work is being combined with rehabilitation. Where highly distressed stock is present, applicants should explain why options for households to move to lead-safe housing are not viable.

(i) Complete abatement of all lead painted surfaces in all units is generally not acceptable as a strategy. In cases where only a few surfaces have lead hazards in a specific unit and abatement is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy.

(ii) Describe the process for developing work specifications and bids on properties selected for lead hazard control.

(iii) Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(d) Schedule. Provide a realistic schedule for completing key activities, by quarter, so that all activities can be completed before or within the period of performance of the grant. Key production activities include enrollment of units, paint inspections/risk assessments, and completion/clearance of units. When developing the schedule, the applicant shall take into consideration their previous experience and performance in administering similar lead hazard control or rehabilitation programs.

(e) Timeframes. Describe the estimated elapsed timeframe for treating a typical unit that will receive lead hazard control, including referral/intake, enrollment (qualification of the unit as eligible), combined lead-based paint inspection/risk assessments, preparation of specifications or work write-up, selection of the contractor, lead hazard control intervention work activities, quality control and monitoring of work activities, and clearance. The timeframe should include an estimate of the staff and contractor time required to treat a typical unit that will receive lead hazard control. Describe the schedule for emergency referrals (*e.g.* unit occupied by a child under six years of age with an elevated blood lead level). List the type of unit (*e.g.*, owner-occupied, rental, or vacant) and the number of units projected in each of the following

categories: Lead-based paint inspections/risk assessments; interim controls; hazard abatement; and clearance examinations.

(f) Workflow and Production Control. Provide guidelines and/or flowcharts showing agency/team member responsibilities for each step in the process (from intake to clearance) and describe/show how coordination and hand-offs will be handled. Discuss how the actual production status of units, from intake to final clearance, will be monitored, and how and when production bottlenecks will be identified, remedied, and monitored.

(g) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities, including providing the training needed to create a workforce properly trained in lead-safe work practices for units assisted or rehabilitated under other HUD programs, and any collaboration with local housing or health departments, rehabilitation programs or community development corporations to stage lead hazard control and rehabilitation in the same units.

(h) Describe your contracting process, including development of specifications or adoption of existing specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(i) Describe your plan for occupant protection or the temporary relocation of the occupants of units selected and undergoing lead hazard control work. Describe any plan to avoid overnight relocation in small-scale projects consistent with 24 CFR 35.1345(a)(2) and HUD's Lead Safe Housing Rule (24 CFR part 35) Interpretive Guidance, including items J24, R18, and R19. Your work plan should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc.

b. Economic Opportunity (4 of 40 points).

(1) Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, rehabilitation specialists, and others in lead-safe work practices.

(2) Describe how you will help to integrate lead-safety into other housing activities, such as meeting the requirements of the HUD Lead-Safe Housing Regulation in housing units rehabilitated or assisted with federal funds.

(3) Describe the methods to be used to provide economic opportunities for residents and businesses throughout the community within the target area. This discussion should include information on how you will promote training, employment, business development, and contract opportunities as part of your lead hazard control program. Grantees must comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR part 135. Describe how you will accomplish the requirement by (a) providing training and employment opportunities for low and very low-income persons living within the grantee's jurisdiction, and by (b) providing business opportunities to businesses owned by low and very low-income persons living within the grantees jurisdiction. Applicants that provide training, employment or business opportunities for low- and very low-income persons will receive one point in this sub factor.

c. Lead Hazard Control Outreach and Community Private Sector Involvement (4 of 40 points). Applicants are encouraged to solicit participation of grassroots community-based and private sector organizations, including faith-based organizations; and other community-based and private sector organizations; to accomplish outreach and community involvement activities and to build long-term capacity to sustain accomplishments in the target area. Applicants that team with, fund, or subcontract with grassroots community-based nonprofit organizations, including faith-based organizations, will receive one point in this-sub factor. Your application must describe:

(1) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this would include making materials available in alternative formats to persons with disabilities (*e.g.*, Braille, audio, large type), and in other languages common to the community to the extent possible.

(2) Strategy for involving neighborhood or grassroots community based nonprofit organizations, including faith-based organizations, in your proposed activities. Your activities may include training (including training residents to screen houses through visual assessment and sampling), outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the proposed level of substantive involvement of such organizations during the review process.

(3) Strategies and methodologies that affirmatively further fair housing and increase access to lead-safe housing for all segments of the population: homeowners, owners of rental properties, and tenants. This outreach should address ways to avoid housing discrimination against families with young children, and ways to ensure that all families will have adequate, lead-safe housing choices in the future. These strategies could include your plans to develop and implement a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. The strategy could also include affirmatively marketing your services to those populations least likely to apply and who may not be served by any of the organizations working with you on the grantee team.

d. Data Collection and other Program Support Activities (2 of 40 points).

(1) Identify and discuss the specific methods you will use (in addition to HUD reporting requirements) to document activities, progress, program effectiveness, and how changes necessary to improve performance will be implemented. Describe how you will obtain, document and report on information collected.

(2) Provide a detailed description of any proposed participation in research activities, studies, or development of information systems designed to enhance the delivery, analysis, or conduct of lead hazard control activities, or that will facilitate the targeting and pooling of resources to further childhood lead poisoning prevention efforts. If you are proposing to participate in research activities, describe the objectives, methodology, and impact at the local level of the proposed research activities.

4. Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to obtain other community and private sector resources that can be combined with HUD's program resources to achieve program objectives. In evaluating this factor, HUD will consider the extent to which you have

established working relationships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program. Resources may be provided by governmental entities, public, or private organizations, and other entities teaming with you. Leveraging arrangements with rental property owners may have the benefits of increasing the efficiency of public lead hazard identification and control expenditures and creating a financial stake for rental property owners in the quality of lead hazard control work. Contractual or other formal relationships with grassroots community-based nonprofit organizations, including faith-based organizations, are a requirement for State and local government applicants. Documentation of relationships with grassroots community-based nonprofit organizations, including faith-based organizations, must be provided in this application in the form of either signed agreements or commitment letters from organization officials who have the authority to commit the organization. This requirement does not apply to Native American Tribe applicants. You also may team with other program funding recipients to coordinate the use of resources in your target area(s).

(1) You should detail any activities to increase the understanding of lead poisoning prevention in your community. This could include teaming with childhood lead screening programs, collaboration with ongoing health, housing or environmental research efforts which could result in a greater availability of resources, and efforts to build capacity for lead-safe housing.

(2) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. Refer to Section III. B. Cost Sharing or Matching Requirements for additional information. You may not include any federal funds as part of the 10 percent match, unless those funds are specifically permitted by statute to be used as matching funds, such as CDBG funds. Other resources from the private sector or other sources committed to the program that exceed the required 10 percent match will provide points for this rating factor. Contributions above the first 10 percent may include funds from other federally funded programs, and/or state, local, charity, nonprofit or for-profit entities. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter of commitment for the match from the applicant organization is not required; however, the applicant must submit a letter of commitment from each organization other than itself that is providing a match, whether cash or in-kind, both for the required minimum and additional amounts. The letter must describe the contributed resources that you will use in the program and their designated purpose. Staff in-kind contributions should be given a monetary value based on the local market value of the staff skills; you are responsible for tracking the number of labor hours provided in the match for each labor category. If you do not provide letters from contributors specifying details and the amount of the actual contributions, those contributions will not be counted. Contributions required of rental property owners may be included as part of your match. You should document and provide the amount of the match from each resource.

Applicants will not receive full points under this rating factor if they do not submit evidence of a firm commitment and the appropriate use of leveraged resources under the grant program. Such evidence must be provided in the form of letters of firm commitment, memoranda of understanding, or other signed agreements to participate from those entities identified as team members in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment, and the responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of grassroots community-based nonprofit organizations, including faith-based organizations, in specific program activities, such as: hazard evaluation and control; monitoring; and awareness, education, and outreach within the community. Describe how you will ensure that commitments to sub-grantees specified in your proposal will be honored and executed, contingent upon an award from HUD.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

(A) This factor emphasizes HUD's commitment to ensuring that applicants achieve the goals outlined in their work plan and other benchmark standards and assess their performance to ensure performance goals are met (5 points). Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going measure it and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. The degree to which benefits are maximized relative to cost is important. In particular, different technical approaches vary widely in cost, but also produce different levels of benefits. Evaluation should explore how well the technical strategy meets the conditions and needs found in the grantee's jurisdiction.

This rating factor reflects HUD's goal to embrace high standards of ethics, management, and accountability. Applicants are required to complete the HUD 96010 Logic Form included in the General Section.

(1) An applicant is to identify and describe specific methods, measures, and tools that you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document, and report the information. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program including:

(a) The degree to which lead hazard control work will be done in conjunction with other housing-related activities (*i.e.*, rehabilitation, weatherization, correction of code violations, and other similar work), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Plans to develop public/private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing such as the use of Community Reinvestment Act ''credits'' by lending institutions or other financing strategies.

(c) Results of any specific plans and objectives established to implement

and/or maintain a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Results could include how the information would be managed and affirmatively marketed to the public so that families (particularly low-income families with children under six years of age) can make informed decisions regarding their housing options. Prior grantee applicants must address any registry (listing) of lead-safe housing developed during the prior grant period by specifically discussing the availability, amount of information contained, and its maintenance.

(d) The extent to which affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. (This section does not apply to Native American Tribes.) Detail how your proposed work plan will support the community's efforts to affirmatively further affordable housing and how you will quantify results of affirmatively furthering fair housing activities. As part of the background for your fair housing element of your work plan under this grant, discuss the impact of prior activities that have contributed to enhanced lead-safe housing opportunities.

(e) The resulting impact of plans to adopt or amend statutes, regulations, or policies that will more fully integrate lead hazard control into community policies and priorities.

(f) How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

(B) Results of activities to coordinate and cooperate with other organizations that will lead to a reduction in lead risks to community residents (5 points). This could include documenting such activities as: free training to create a workforce properly trained in lead safe work practices; lead-safe work practices training for repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program. This factor should address the quantitative measures of the following:

(1) Community outreach education that focuses on the outcomes of a workforce properly trained in lead safe work practices.

(2) Effective outreach education aimed at families, health care members, and other professional colleagues.

(3) Effective outreach education assessing the needs of families and communities intended to receive lead hazard control assistance under this grant program

6. Bonus Points (2 Points)

HUD's FY2005 NOFAs provide for the award of two bonus points for eligible activities/projects that the applicant proposes to locate in federally designated Empowerment Zones (EZs), Renewal Community (RC), or Enterprise Community, designated by USDA in round II (EC–IIs). Applicants may also meet the requirements listed in the General Section of this NOFA for a possible award of two bonus points.

B. Reviews and Selection Process

1. Rating and Ranking

Please refer to the General Section. Only those applications that meet the threshold review requirements will be rated and ranked. HUD intends to fund the highest ranked applications in each category receiving a minimum score of 75 within the limits of funding.

a. A current grantee eligible to compete as a Competitive Performance-Based Renewal Grant applicant will be rated and ranked based on its demonstrated performance in terms of the number of housing units completed and cleared (as a percentage of units in current grant agreement), the cumulative Line of Credit Control System (LOCCS) drawdowns to date, and the applicant's response to Factors Two through Five. Performance will be evaluated based upon the quarterly progress data submitted to HUD for the period ending March 31, 2005 and other data available to HUD.

Current grantees that are eligible to submit a Performance-Based Renewal application and are successful applicants will have their current grant agreement modified to allow for an additional 36-months grant. The submission requirements for the Performance-Based Renewal grant can be found in Section IV of this NOFA.

b. Remaining Funds. Refer to the General Section of this NOFA for HUD's procedures if funds remain after all selections have been made within a category of the Lead Hazard Control Grant Program.

2. Factors for Award Used to Rate and Rank Applications

a. Implementing HUD's Strategic Framework and Demonstrating Results. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, and the quality of proposed Evaluation and Monitoring Plans.

HUD is encouraging applicants to undertake specific activities that will assist the Department in implementing its policy priorities. HUD's Strategic Goals and Policy Priorities are outlined in the General Section of this NOFA. For Lead Hazard Control Grant Program applicants, activities that promote economic opportunities for low-income persons support HUD's policy priority for Improving the Quality of Life in Our Nation's Communities. An applicant will be awarded one point under Rating Factor 3: Economic Opportunities for activities that are undertaken to specifically address this policy priority. Activities that promote the participation of grassroots community-based nonprofit organizations, including faith-based organizations, or community and parent organizations, support HUD's policy priority for providing full and equal access to grassroots community-based nonprofit organizations, including faith-based organizations. An applicant will be awarded one point under Rating Factor 3: Lead Hazard Control Outreach and Community Private Sector Involvement for activities undertaken that specifically addresses this policy priority. For initiatives that break down regulatory barriers that impede the production of affordable housing, an applicant will be awarded up to two (2) points under Rating Factor 3 for activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. Refer to the General Section for additional details pertaining to this policy priority. Applicants addressing this policy priority are to complete Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, and must include required documentation to receive policy priority points.

b. The maximum number of points to be awarded is 102. This maximum

includes two bonus points as described in the General Section.

c. The factors for rating and ranking eligible grantees under all categories, and the maximum points for each factor are stated below:

Rating factor	Maximum points
1. Capacity of the Applicant and Relevant Organizational Experience (or, Units Completed/ LOCCS Disbursed by deadline date for Competitive Performance-Based Renewal Applicants)	20
2. Needs/Extent of the Problem	20
3. Soundness of Approach	40
4. Leveraging Resources	10
5. Achieving Results and Program Evaluation	10
Empowerment Zone and Enterprise Community Bonus Points	2
Total	102

VI. Award Administration Information: Refer to the General Section for Additional Details on Award Administration

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the General Section.

2. Negotiation. Refer to the General Section for additional details.

3. Adjustments to Funding. Refer to the General Section for additional details.

B. Administrative and National Policy Requirements

Refer to the General Section for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. Flood Disaster Protection Act

Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use these grant funds for lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

a. The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

b. Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

2. National Historic Preservation Act

The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. The Model Agreement may be obtained from the HUD Web site at: *www.hud.gov/utilities/intercept.cfm?/offices/lead/grantfrm/pgi/95_06.pdf*

3. Waste Disposal

You must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines are available from the HUD Web site at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.*

4. Worker Protection Procedures

You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62, Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

5. Davis-Bacon Act

The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

6. Procurement of Recovered Materials

See the General Section for information concerning this requirement.

C. Reporting

Successful applicants will be required to submit quarterly, annual, and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Your quarterly, annual and final report must include a completed Logic Model form HUD–96010, *approved and incorporated into your award agreement,* showing specific outputs and outcome results against those proposed and accepted as part of your approved grant agreement. *For specific reporting requirements, see policy guidance: www.hud.gov/offices/lead.* Specific guidance and additional details will be provided to successful applicants.

VII. Agency Contact(s)

For Further Information and Technical Assistance: You may contact Jonnette Hawkins, Director, Program Management and Assurance Division, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street SW., Washington, DC 20410–3000, telephone (202) 755–1785, extension 126 (this is not a toll-free number) facsimile (202) 755–1000, e-mail: *Jonnette_G._Hawkins@hud.gov* (use underscores). If you are a hearing- or speech-impaired person, you may reach the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

VIII. Other Information

Other Office of Healthy Homes and Lead Hazard Control Information: For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead.*

BILLING CODE 4210–32–P

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of Time to be spent on other Activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Subgrantees, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 2 **Need/Extent Of The Problem**

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Jurisdiction	**Name of Target Area (s)**

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

*Attach copy of the downloaded information in appendix

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 3 **Soundness Of Approach**

A. Proposed Lead Hazard Control Activities **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 36-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Program — OMB Approval Number 2539-0015 (exp 1/31/2006)

Grant Number: Grantee Organization: Period of Performance: Feb 1, 2003 - January 31, 2006

ACTIVITY	Q1 2003 Jan - Mar	Q2 2003 Apr - Jun	Q3 2003 Jul -Sep	Q4 2003 Oct -Dec	Q5 2004 Jan - Mar	Q6 2004 Apr - Jun	Q7 2004 Jul - Sep	Q8 2004 Oct - Dec	*Q9 2005 Jan - Mar	Q10 2005 Apr - Jun	Q11 2005 Jul - Sep	Q12 2005 Oct - Dec	Q13 2006 Jan - Mar	Q14 2006 Apr-Jun
Applicant Capacity (0-120 days)														
Staff Hired	◆													
Approved Environmental Review and Release of Funds	◆													
Written Policies and Procedures	◆													
Lead Hazard Control Implementation Units in Grant Agreement = #														
Paint Inspections/Risk Assessments:		◆												
Performance Standard		5%	15%	30%	45%	55%	65%	85%	95%	100%				
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
** *Units in Progress*														
Units Completed and Cleared:			◆										◆	
Performance Standard			2%	5%	15%	30%	45%	55%	* 65%	85%	95%	100%		
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $				◆									◆	
Performance Standard				5%	10%	15%	20%	30%	* 45%	60%	80%	95%	100%	
LOCCS Drawdown Work Plan Milestone														
% Planned														
Actual LOCCS Drawdown														
Actual Cumulative LOCCS Drawdown %														
Community Outreach / Education/ Training														
Community Outreach and Education Work Plan Milestone														
Community Outreach and Education Milestone Achieved														
Skills Training Work Plan Milestone														
Skills Training Milestone Achieved														
Performance Measured Against Approved Work Plan Milestones													100% ◆	
Close-Out Feb 1 - Apr 30, 2006														◆
* Renewal Eligibility Milestone														
** No bench mark standard														

form HUD-96006 (04/2003)

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 4 **Leveraging Resources**

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
	Total Amount	$ 0.00	$ 0.00	$ 0

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

HEALTHY HOMES TECHNICAL STUDIES PROGRAM

Billing Code 4210-32-C

Healthy Homes Technical Studies Program

Overview Information

A. *Federal Agency Name.* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control (OHHLHC).

B. *Funding Opportunity Title.* Healthy Homes Technical Studies

C. *Announcement Type.* Initial announcement.

D. *Funding Opportunity Number.* The Funding Opportunity Number is: FR–4950–N–26. The OMB Paperwork Approval number is: 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s).* 14.906, Healthy Homes Technical Studies Grant Program.

F. *Dates.* The application submission date is June 8, 2005. See the General Section of the SuperNOFA Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information.*

a. *Purpose:* To fund technical studies to improve existing methods for detecting and controlling housing-related health and safety hazards, to develop new methods, and to improve our knowledge of housing-related health hazards.

b. *Available funding:* The total amount to be awarded is approximately $2 million.

c. *Anticipated awards:* The anticipated amounts and/or numbers of individual awards will be approximately 2 to approximately 8 awards, ranging from approximately $200,000 to approximately $1 million, plus an award to be made to correct a funding error under the fiscal year 2004 Healthy Homes Technical Studies Program NOFA.

d. *Type of awards:* The type of award instruments that will be used are grants or cooperative agreements, with substantial involvement of the government in the case of cooperative agreements (*see* Section II.C for a description of substantial involvement).

e. *Eligible applicants:* Academic, not-for-profit and for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes are eligible to apply.

f. Cost sharing is not required; however, applicant ''leveraging'' contributions are encouraged (*see* Section V.A.3.d).

g. There are no limitations on the number of applications that each applicant may submit.

h. The applications for this NOFA can be found at *http://www.grants.gov*. The application is an electronic application. You must register at *http://www.grants.gov* to be able to submit your application. The General Section contains information about submission requirements and procedures. Please carefully review the General Section before reading the program section so that you understand HUD's new electronic application process.

Full Text of Announcement

I. Funding Opportunity Description

A. Purpose of the Program

The overall goal of the Healthy Homes Technical Studies program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of multiple housing-related health and safety hazards.

B. Program Description

HUD is funding studies to improve HUD's knowledge of housing-related health hazards, and to improve or develop new hazard assessment and control methods, with a focus on the key residential health and safety hazards. Key hazards are described in Appendix A of this NOFA (the appendices to this NOFA are available on HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*).

The Healthy Homes Initiative (HHI), which includes the Healthy Homes Technical Studies Program and the Healthy Homes Demonstration Grant Program (*see* the separate funding announcement for this program), departs from the more traditional approach of attempting to correct one hazard at a time. In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the HHI. The preliminary plan (Summary and Full Report) and a description of the HHI are available on the HUD Web site at *http://www.hud.gov/offices/lead/hhi/index.cfm*.

HUD encourages applicants to consider using the ''community based participatory research'' approach, where applicable, in the design and implementation of your healthy homes technical studies application (*see e.g., http://www.niehs.nih.gov/translat/cbpr/cbpr.htm*).

A description of current and recently completed Healthy Homes Technical Studies projects and grantee contact information can be found on the HUD Web site at *http://www.hud.gov/offices/lead/hhi/hhigranteeinfo.cfm*.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (*e.g.,* asthma triggers). While such hazards will tend to be found disproportionately in housing that is substandard (*e.g.,* structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A of this NOFA briefly describes the key housing-associated health and injury hazards HUD considers targets for intervention. Appendix B of this NOFA lists the references that serve as the basis for the information provided in this NOFA (*see http://www.hud.gov/offices/adm/grants/fundsavail.cfm*). HUD has also developed resource papers on a number of topic areas of importance under the Healthy Homes Initiative, including mold, environmental aspects of asthma, carbon monoxide, and unintentional injuries. These papers can be downloaded from the HUD Web site at *www.hud.gov/offices/lead/hhi.* HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents, and in particular, low-income children.

1. Goals of the Healthy Homes Initiative

The overall goals and objectives of the HHI are to:

a. Mobilize public and private resources, involving cooperation among all levels of government, the private sector, grassroots community-based organizations, including faith-based organizations, and other non-profit organizations, to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards; and

b. Build local capacity to operate sustainable programs that will continue to prevent and minimize and control housing-based hazards in low- and very low-income residences when HUD funding is exhausted.

2. Objectives of the Healthy Homes Technical Studies Program

With this NOFA, HUD hopes to advance the recognition and control of residential health and safety hazards and more closely examine the link between housing and health. The overall objectives of Healthy Homes Technical studies projects to be funded

through this NOFA include, but are not limited to:

a. Development and assessment of low-cost test methods and protocols for identification and assessment of housing-related hazards;

b. Development and assessment of cost-effective methods for reducing or eliminating housing-related hazards;

c. Evaluation of the effectiveness of housing interventions and public education campaigns, and barriers and incentives affecting future use of the most cost-effective strategies;

d. Investigation of the epidemiology of housing-related hazards and illness and injuries associated with these hazards, with an emphasis on children's health;

e. Evaluation of residential health and safety hazard assessment and control methodologies and approaches (including both existing methods and the evaluation of improved or novel approaches);

f. Analysis of existing data or generation of new data to improve knowledge regarding the prevalence and severity of specific hazards in various classes of housing, with a focus on low-income housing. Specific examples include:

(1) The prevalence of carbon monoxide and other indoor air quality hazards;

(2) The prevalence and patterns of moisture problems and biological contaminants associated with excess moisture (*e.g.*, fungi, bacteria, dust mites);

(3) The prevalence of specific childhood injury hazards in housing; and

(4) Improved understanding of the relationship between a residential exposure and childhood illness or injury;

g. Low-cost analytical techniques and instruments for the rapid, on- and off-site determination of environmental contaminants of concern (*e.g.*, bioaerosols, pesticides, allergens). HUD's primary interest is in the improvement of existing instruments or methods, and not in the development of new technologies or instruments. Applicants seeking to develop new technologies/instruments should discuss why, if funded, their proposed project would be unlikely to experience significant delays in its completion. The OHHLHC has noted that these types of studies pose a high risk of experiencing significant delays.

h. Objectives of particular interest to HUD include:

(1) Improving or assessing the efficacy of current methods for residential Integrated Pest Management (IPM). IPM approaches focus on the use of economical means for managing pests, which incorporate information on the life cycles of pests and their interaction with the environment, while minimizing hazards to people, property, and the environment. HUD is particularly interested in IPM methods for reducing cockroach and/or rodent populations in multifamily housing;

(2) Controlling excess moisture by reducing migration through the building envelope and condensation of water vapor on interior surfaces, with an emphasis on low cost interventions for low income housing;

(3) Improving indoor air quality, such as through cost-effective approaches to upgrading residential ventilation or improving control/management of combustion appliances. Applicants should discuss how proposed approaches might affect residential energy costs (*e.g.*, increasing air exchange rates resulting in an increase in heating costs);

(4) Dust control measures (*e.g.*, preventing track-in of exterior dust and soil, improved methods for interior dust cleaning) have been identified as key areas in the HHI Preliminary Plan;

(5) Evaluating the effectiveness of education and outreach methods designed to provide at-risk families with the knowledge to adopt self-protective behaviors with respect to housing-related health hazards.

In proposing to conduct a study on a particular topic, applicants should consider:

(1) The ''fit'' of the proposed hazard assessment and/or control methods within the overall goal of addressing ''priority'' health and safety hazards in a cost-effective manner;

(2) The efficacy of the proposed methods for hazard control and risk reduction (*e.g.*, how long is effective hazard reduction maintained;

(3) Consider where and how these methods would be applied and tested, and/or perform demonstration activities; and

(4) The degree to which the study will help develop practical, widely applicable methods and protocols or improve our understanding of a residential health hazard.

Although HUD is soliciting proposals for technical studies on these broad topics, HUD will also consider funding applications for technical studies on topics that are relevant under the overall goals and objectives of this program, as described above. In such instances, it is especially important that the applicant indicate why the proposed study is needed and indicate how it is consistent with the overall goals and objectives of the program. Applications for a study for which the sole or primary focus is on lead-based paint hazards are ineligible for funding under this NOFA. Such studies should be submitted for funding under the ''Lead Technical Studies Program'' NOFA, which is also administered by the OHHLHC; see *www.grants.gov* for information on applying under that program.

Applicants should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD's Healthy Homes Demonstration and Lead Hazard Control grants, which are widely distributed throughout the U.S. Information on current grantees is available at *http://www.hud.gov/offices/lead*.

You may address one or more of the technical studies topic areas within your proposal, or submit separate applications for different topic areas.

C. Authority

These awards are authorized under sections 501 and 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 and 1701z–2); and the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2005).

II. Award Information

A. Funding Available

Approximately $2 million in fiscal year 2005 funds is available for grants or cooperative agreements under this Healthy Homes Technical Studies Program NOFA. Of this amount, HUD will award a grant for $365,736 in fiscal year 2005 funds to Edenspace Systems Corporation, 15100 Enterprise Court, Suite 100, Dulles, VA 20151–1217, to resolve a funding error under the fiscal year 2004 Healthy Homes Technical Studies Program NOFA, in accordance with Sec. VI.A.3 of the fiscal year 2004 General Section. The remaining amount, approximately $1.6 million, will be awarded on a competitive basis following evaluation of all eligible proposals according to the rating factors described in Section V of this NOFA. HUD anticipates awarding approximately two to approximately eight grants or cooperative agreements, ranging from approximately $200,000 to approximately $1 million each.

Applications for supplementation of existing projects are eligible to compete with applications for new awards (*i.e.*, for work outside of the scope of the original agreement).

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new awards is expected to be October 1, 2005. The

period of performance cannot exceed 36 months from the time of award. The proposed performance period should include adequate time for project components such as the Institutional Review Board process, the recruitment of study participants, and the development of new instrumentation or methods (*e.g.*, analytical methods), all of which have been found to delay projects in the past. Period of performance extensions for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 85.25(e)(2) or 24 CFR 85.30(d)(2), as applicable, and the OHHLHC Program Guide. If approved, grantees will be eligible to receive a single extension of up to 12 months in length. Applicants are encouraged to plan studies with shorter performance periods, however when developing your schedule you should also consider the possibility that issues may arise that could cause delays.

C. Type of Award Instrument

All awards in response to this NOFA will be made as grants or cooperative agreements. Anticipated substantial involvement by HUD on cooperative agreements may include, but will not be limited to:

1. Review and possibly suggest amendments to the study design, including: Study objectives; data collection methods; sample handling and preparation, and, sample and data analysis;

2. Review and provide technical recommendations in response to quarterly progress reports (*e.g.*, possible amendments to study design based on preliminary results);

3. Review and provide technical recommendations on the final study report.

III. Eligibility Information

A. Eligible Applicants

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (*i.e.*, no profit can be made from the project). Applications for supplementation of existing projects are eligible to compete with applications for new awards. Federal agencies and federal employees are not eligible to submit applications. The General Section of the SuperNOFA provides additional eligibility requirements.

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, you will receive a higher score under Rating Factor 5 if you provide evidence of significant cost leveraging.

C. Other

1. Threshold Requirements Applicable to All Applicants Under the SuperNOFA

To be scored and ranked under the Rating Factors, and thus be eligible to receive funds from HUD, you must meet all of the threshold requirements described in the General Section of the SuperNOFA. Threshold requirements include Eligibility, Compliance with Fair Housing and Civil Rights Laws, Conducting Business in Accordance with Core Values and Ethical Standards, Delinquent Federal Debts and Pre-Award Accounting System Surveys. Information about threshold requirements is provided in the General Section of the SuperNOFA.

2. Program Requirements

Applicants must agree to the following:

a. Comply with all relevant federal and state regulations regarding exposure to and proper disposal of hazardous materials;

b. Any blood lead testing and medical referral and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC), *Preventing Lead Poisoning in Young Children* (see Appendix B of this NOFA at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*);

c. HUD Healthy Homes Technical Studies funds awarded will not replace existing resources dedicated to any ongoing project;

d. Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program;

e. Standardized Dust Sampling Protocol and Quality Control Requirements. Grantees collecting samples of settled dust from participant homes for environmental allergen analyses (*e.g.*, cockroach, dust mite) will be required to use a standard dust sampling protocol, unless there is a strong justification to use an alternate protocol (*e.g.*, the study involves the development of an alternative sampling method). The HUD protocol will be posted on the OHHLHC Web site at: *http://www.hud.gov/offices/lead/hhi/hhiresources.cfm*. Grantees conducting these analyses will also be required to include quality control dust samples, provided by OHHLHC at no cost to the grantee, with the samples that are submitted for laboratory analyses. For the purpose of budgeting laboratory costs, you should assume that five percent of your total allergen dust samples will consist of QC samples.

f. Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60; and

g. The requirements of OSHA (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable) or the state or local occupational safety and health regulations, whichever are most stringent, will be met;

h. If an individual researcher or a research team submits the application, the institution administering the award will meet the civil rights threshold in the General Section of this NOFA

i. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). This program is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u). Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. The regulations may be found at 24 CFR part 135.

j. All test results in pre-1978 housing related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any

personal information that could identify any child affected.

3. DUNS Requirement

Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. A DUNS number must be provided for the institution that is submitting an application.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully the General Section of the SuperNOFA and the following additional information.

A. Addresses to Request Application Package

There is no Application Kit. All the information required to submit an application is contained in this program NOFA and the General Section of the SuperNOFA. Forms can be downloaded from the web at: *http://www.grants.gov*.

B. Content and Form of Application Submission

1. Applicant Data

Your application must contain the items listed in this Section. These items include the standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding announcement (collectively referred to as the ''standard forms''). The standard forms can be found in the General Section of the SuperNOFA. The required items are:

a. Application Abstract. An abstract describing the project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design (two-page maximum) must be included in the proposal.

b. All forms as required by the General Section of the SuperNOFA. A Certification of Consistency with the Consolidated Plan is not required for this application. Also, HUD Form-27061 (Race and Ethnicity Data) is not required with the application for this program.

c. A project description/narrative statement addressing the rating factors for award of funding under this program. The narrative statement must be identified in accordance with each factor for award (*i.e.*, Rating Factors 1 through 5). The project description must be included in the responses to the rating factors. The response to the rating factors should not exceed a total of 25 pages, single-sided (12-point font with at least ¾ inch margins on 8½″ by 11″ pages). Any pages in excess of this limit will not be read. The rating for each Rating Factor will be based on the Rating Factor's numbered portion of your narrative statement, supplemented by appendices referenced and discussed in that portion of your narrative statement; material located outside the Rating Factor's numbered portion of your narrative statement and its referenced and discussed appendices will not be rated. Additional materials (*e.g.*, appendices) must be submitted with your application according to the directions in the General Section of the SuperNOFA.

d. Evidence of leveraging/partnerships. Submit the following with your application: letters of firm commitment; memoranda of understanding; or agreements to participate from those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

e. In conformance with the Common Rule (Federal Policy for the Protection of Human Subjects) (required by HUD at 24 CFR part 60), if your research is subject to these regulations, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an Institutional Review Board (IRB) before you can initiate activities that require IRB approval. Before receiving such funds, you must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office for Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance, see the OHRP Web site at *http://www.hhs.gov/ohrp*.

f. Submit materials that are required in support of your application (*e.g.*, resumes of the principal investigator and other key personnel, letters of commitment). Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed technical studies. (This information will not be counted towards the page limit.)

g. Submit any optional materials (*e.g.*, figures, data, letters of support) in support of your application, following the directions in the General Section of the SuperNOFA. These additional optional materials must not exceed 20 pages. Any pages in excess of this limit will not be read.

h. Submit the required forms and a detailed total budget with supporting cost justification for all budget categories of the federal funding request. Use the budget format discussed in Section V(A), Rating Factor 3(c)(5), below. *In completing the budget forms and justification, address the following elements:*

(1) Direct Labor Costs. This should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on full time equivalent (FTE) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(2) Travel. Budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, with the first trip occurring shortly after award, for a stay of five or six days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(3) Subrecipients. Provide a separate budget proposal for any subrecipients receiving more than 10 percent of the total federal budget request;

(4) You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(5) Indirect Cost Rates. Organizations that have a federally negotiated indirect cost rate should use that rate and the appropriate base. Other organizations, not having a federally negotiated rate schedule, must obtain a rate from their cognizant federal agency, otherwise the organization will be required to obtain a negotiated rate through HUD; and

(6) Rate Agreements. Submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

i. Applicants are encouraged to use the following checklist to ensure that all required materials have been prepared and submitted. You are not required to submit this checklist with your application.

Checklist for Healthy Homes Technical Studies Program Applicants

Item

Applicant Abstract (Limited to 2-pages)

Rating Factor Responses (Total Narrative Response Limited to 25 Pages)

1. Capacity of the Applicant and Relevant Organizational Experience

2. Need/Extent of the Problem
3. Soundness of Approach
4. Leveraging Resources
5. Achieving Results and Program Evaluation

Required Materials in Response to Rating Factors (Does Not Count Towards 25-Page Limit)

—Resumes of Key Personnel (limited to 3 pages per resume)
—Organizational Chart
—Letters of Commitment (if applicable)
—Form HUD–96010 Logic Model Form

Optional Material in Support of the Rating Factors (20 Page Limit)

Required Forms and Budget Material

—Form SF 424 (Application for Federal Assistance)
—Form HUD–424–CB Grant Application Detailed Budget
—Form HUD–CBW (Budget Worksheet)
—Form SF 424 Supplement (Survey on Ensuring Equal Opportunity for Applicants) (to be completed by private nonprofit organizations only)
—Form SF LLL (Disclosure of Lobbying Activities)
—Form HUD 2880 (Applicant/Recipient Disclosure/Update Report)
—Form 2990 Certification of Consistency with the RC/EZ/EC–II Strategic Plan (required only for applicants who are seeking these bonus points)
—Form HUD 2994 Client Comments and Suggestions (Optional)
—Facsimile Transmittal (for electronic applications)—Form HUD–96011

C. Submission Dates and Times

Electronic applications must be submitted to and received by *www.grants.gov* or before 11:59:59 p.m. eastern time on June 8, 2005. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Refer to the General Section for additional submission requirements including acceptable submission methods, acceptable proof of submission and receipt procedures and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. eastern time on the application submission date. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD–96011, Facsimile Transmittal.

Applicants receiving a waiver to the electronic application submission requirement, must submit an original and the required number of copies of your application by the application submission date to the identified address in Appendix C of the General Section.

D. Intergovernmental Review

Funding received through this NOFA is not subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

The following restrictions apply to the use of funds awarded under this program:

1. *Administrative Costs*. There is a 10 percent maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix C of this NOFA that is available on HUD's Web site at: *www.hud.gov/offices/adm/grants/fundsavail.cfm*.

2. The purchase of real property is prohibited.

3. The purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

4. The use of grant funds for medical treatment costs is prohibited.

5. For-profit entities are not allowed to earn a fee.

6. You must comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

7. You may not conduct construction, reconstruction or lead based paint hazard control activities that fall below the threshold of building repair or improvement, as defined in Section 3(a)(4) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

F. Other Submission Requirements

If you have received a waiver to the electronic application submission requirement, please see Appendix C of the General Section of the SuperNOFA for specific procedures concerning the form of application submission.

V. Application Review Information

A. Criteria

1. Threshold Requirements

Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A.3 of this program NOFA. Your application must receive a total score of at least 75 points to remain in consideration for funding.

2. Rating and Ranking

Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below. The ARP chairperson selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their application of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members. If significant scoring discrepancies are identified among the reviewers of an application, the reviewers discuss their differences and are then given an opportunity to rescore the application among themselves and, if needed, with the full ARP. An average score is then computed for each application. The ARP chair may call upon an advisor (generally a scientist with another federal agency) to the ARP to review and comment on a proposal; however, the advisor does not score the application. Advisory comments that potentially affect the rating of an applicant are retained as part of the documentation of the review process. At a final meeting, the ARP identifies the top-ranking applications to be recommended for funding.

The factors for rating and ranking applicants and maximum points for each factor are provided below. Each factor is weighted as indicated by the number of points that are attainable for it. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below. A more detailed description of the factors follows.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 points).

Rating Factor 2: Need/Extent of the Problem (15 points).

Rating Factor 3: Soundness of Approach (45 points).

Rating Factor 4: Leveraging Resources (8 points).

Rating Factor 5: Achieving Results and Program Evaluation (10 points).

RC/EZ/EC–II Bonus Points (2 points).

Total: 102 points.

Applicants are eligible to receive two bonus points for projects located within federally designated Renewable Communities (RCs), Empowerment t Zones (EZs), or Enterprise Communities (ECs) designated by USDA in round II (EC–IIs) (collectively referred to as RC/EZ/EC–IIs), and which will serve the residents of these communities (see the General Section of the SuperNOFA).

You will receive one point under Rating Factor 3(c)(2) for each of the applicable FY2005 policy priorities that are adequately addressed in your application with the exception of ''Removal of Barriers to Affordable Housing,'' for which you can receive up to two points (see the General Section of the SuperNOFA). Policy priorities that are found in the General Section and applicable to the Healthy Homes Technical Studies NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to Grassroots Faith-based and other Community-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs, and (4) Removal of Barriers to Affordable Housing.

You may address more than one of the technical study topic area within your proposal or submit separate applications for technical studies in different topic areas.

3. Rating Factors

a. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 Points).* This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of your application will include any sub-grantees, consultants, sub-recipients, and members of a consortium that are firmly committed to the project (generally, ''subordinate organizations''). In rating this factor, HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (14 points). Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the technical study that is proposed under this program NOFA; and

(2) *Past performance of the study team in managing similar projects* (8 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (*i.e.*, projects completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

If applicable, describe the past performance of your organization in implementing a previously awarded Healthy Homes or Lead Hazard Control grant, or grants that your organization received from other sources to support research on relevant, related topics. Provide details about the nature of the project, the funding agency, and your performance (*e.g.*, timely completion, achievement of desired outcomes). If your organization has an active OHHLHC grant or cooperative agreement, provide a description of the progress and outcomes achieved under that award.

b. *Rating Factor 2: Need/Extent of the Problem (15 Points).* This factor addresses the extent to which there is a need for your proposed technical study. In responding to this factor, you should document in detail how your project would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for the Healthy Homes Technical Studies Program, as described in Section V.A.2 above. You should demonstrate how your proposed study addresses a need associated with an important housing-related health hazard, with an emphasis on children's health. Specific topics to be addressed for this factor include:

(1) Provide a concise review of the health hazard that is addressed in your study and why you consider it a ''high priority'' hazard. If available, include documented rates of illness or injury associated with the hazard, including local, regional, and national data;

(2) Discuss how your proposed project would significantly advance the current state of knowledge for your focus area, especially with respect to the development of practical solutions; and,

(3) Discuss how you anticipate your study findings will be used to improve current methods for assessing or mitigating the hazard that your study addresses. Indicate why the method/protocol that would be improved through your study would be widely adopted (*e.g.*, low cost, easily replicated, lack of other options).

c. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality of your proposed technical study plan. Specific components include:

(1) *Soundness of the study design* (20 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible your study should be designed to address testable hypotheses that are clearly stated. Your study design should be statistically based with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis and archiving. It is HUD's experience that studies can be subjected to considerable delay because of delays in the IRB approval process or because of unexpected difficulties with recruiting study participants. If applicable, describe actions that you will take to minimize the possibility that your study would experience delays in these areas (*e.g.*, understanding likely IRB requirements in advance, planning on additional avenues for recruitment).

(2) *Policy Priorities* (5 points). Indicate if your proposed study will address any of the FY2005 policy priorities that are applicable to this program that were described previously in Section V.A.2 of this program NOFA (see the General Section of the SuperNOFA for additional details regarding these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application, with the exception of ''Removal Of Barriers to Affordable Housing,'' for which you can receive a maximum of 2 points.

(3) *Quality assurance mechanisms* (8 points). You must describe the quality assurance mechanisms that will be

integrated into your project design to ensure the accuracy and reliability of the results. Applicants that receive awards will be required to submit a Quality Assurance Plan to HUD.

(a) Areas to be addressed include, but are not limited to: acceptance criteria for data quality; procedures for selection of samples/sample sites; sample handling; measurement and analysis; and any standard/nonstandard quality assurance/control procedures to be followed. Documents (*e.g.*, government reports, peer-reviewed academic literature) that provide the basis for your quality assurance mechanisms should be cited.

(b) For the collection of data using instruments, such as surveys and visual assessment tools, describe the procedures that you will follow to ensure accurate data capture and transfer. Also, indicate whether research was done (or is planned) to validate the instrument.

(c) If your project involves human subjects in a manner which requires IRB approval and periodic monitoring, address how you will obtain such approval and your monitoring plan. Before you can initiate activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's ''institutional assurance'' (see Section IV.B.1.f). Describe how you will provide informed consent (*e.g.*, from the subjects, their parents or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of ''plain language'' forms, flyers and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families including persons with disabilities.

(4) *Project management plan* (8 points). The proposal should include a management plan that provides a schedule for the completion of major tasks, with associated benchmarks and major study milestones, and major deliverables, with an indication that there will be appropriate resources (*e.g.*, personnel, financial) to successfully meet the proposed schedule. The major tasks and benchmarks/deliverables identified in the management plan should be consistent with those identified in the Logic Model (see description under Rating Factor 5). The management plan should clearly identify the specific responsibilities for each member of the project team. You should also include preparation of a final deliverable in your management plan. HUD encourages grantees to draft one or more articles for peer-reviewed academic journals as the major component of a final report. The final deliverable can be submitted to HUD during the period of performance of your grant or cooperative agreement or during the 90-day closeout period (*i.e.*, the 90-day period following award expiration).

(5) *Budget Proposal* (4 points).

(a) Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the General Section of this NOFA. HUD is not required to approve or fund all proposed activities. Your detailed budget should be submitted using Form HUD–424–CBW. You must thoroughly document and justify all budget categories and costs (see Form HUD–424–CB for the major budget categories) and all major tasks, for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. A separate detailed budget (*i.e.*, Form HUD–424–CBW) is required for subrecipients who will receive more than 10 percent of the federal budget request.

(b) Your narrative justification associated with these budgeted costs should be included as an attachment to the Total Budget (Federal Share and Matching), but does not count in the 25-page limit for this submission.

(c) The application will not be rated on the proposed cost; however, cost will be considered in addition to the rated factors to determine the proposal most advantageous to the federal government. Cost will be the deciding factor when proposals ranked under the listed factors are considered acceptable and are substantially equal.

d. *Rating Factor 4: Leveraging Resources (8 Points).* Your proposal should demonstrate that the effectiveness of HUD's Healthy Homes Technical Studies award is being increased by securing additional public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities, or equipment) allocated to the purpose(s) of your project. Staff and in-kind contributions should be given a monetary value.

You should provide evidence of leveraging/partnerships by attaching to your application the following: Letters of firm commitment; memoranda of understanding; or agreements to participate from those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

e. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their applications and assess their performance to ensure performance goals are met. Achieving results means you have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form included in the General Section of the SuperNOFA showing your proposed project long-term, mid-term, short-term and final results, and how they support HUD's departmental goals and objectives. Information about developing a Logic Model is available at *http://www.hud.gov*.

Also, in responding to this factor, you should:

(1) Identify benchmarks that you will use to track the progress of your study;

(2) Identify milestones that are critical for achieving study objectives (*e.g.*,

recruitment of study participants, developing a new analytical protocol), potential obstacles in meeting these objectives, and how you would respond to these obstacles. These milestones should be clearly indicated in your study timeline.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability.

B. Review and Selection Process

1. Corrections To Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

2. Rating and Ranking

Awards will be made separately in rank order for Healthy Homes Technical Studies applications, within the limits of funding availability for the program.

(a) *Partial Funding.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced award amount, you will have a maximum of 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

(b) *Remaining Funds.* See the General Section of this NOFA for HUD's procedures if funds remain after all selections have been made within the Healthy Homes Technical Studies Program.

C. Anticipated Announcement and Award Dates

The anticipated date for the announcement of awards under the Healthy Homes Technical Studies Program is September 30, 2005.

VI. Award Administration Information

A. Award Notices

1. Notice of Award

Applicants who have been selected for award will be notified by letter from the Grant or Cooperative Agreement Officer. The letter will state the program for which the application has been selected, the amount the grantee is eligible to receive, and the name of the Government Technical Representative (GTR). This letter is not an authorization to begin work or incur costs under the award. An executed grant or cooperative agreement is the authorizing document.

HUD may require that all the selected applicants participate in negotiations to determine the specific terms of the award budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the award, you must return your signed agreement by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the grant or cooperative agreement account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse; the address can be obtained from their Web site. The SF–SAC can be downloaded at *http://harvester.census.gov/sac/.*

2. Debriefing

The General Section of the SuperNOFA provides the procedures for requesting a debriefing.

B. Administrative and National Policy Requirements

1. Program Performance

Awardees shall take all reasonable steps to accomplish all HUD-funded activities within the approved period of performance. HUD reserves the right to terminate the grant or cooperative agreement prior to the expiration of the period of performance if the awardee fails to make reasonable progress in implementing the approved program of activities.

2. Conducting Business in Accordance With HUD Core Values and Ethical Standards

If awarded assistance under this NOFA, prior to entering into an agreement with HUD, you will be required to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See the General Section of the SuperNOFA for information about conducting business in accordance with HUD's core values and ethical standards.

3. Participation in HUD-Sponsored Program Evaluation

As a condition of the receipt of financial assistance under this NOFA, you will be required to cooperate with all HUD staff or contractors performing HUD-funded research and evaluation studies pertaining to the subject of the grant or cooperative agreement.

4. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1), (b)(3) and (b)(5), activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

5. Removal of Barriers to Affordable Housing

See the General Section of the SuperNOFA.

6. HUD Reform Act of 1989

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section of the SuperNOFA.

7. Audit Requirements

Any funding recipient that expends $500,000 or more in federal financial assistance in a single year must meet the audit requirements established in 24 CFR parts 84 and 85 in accordance with OMB Circular A–133.

8. Executive Order 13202

Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-Funded Construction Projects'', is a condition of receipt of assistance under this NOFA.

9. Procurement of Recovered Materials

See the General Section for information concerning this requirement.

C. Reporting

Post award reporting requirements include the following:

1. Final Budget and Work Plan

Final budget and work plans are due 60 days after the start date of the funding award.

2. Quality Assurance Plan (QAP)

Successful applicants will be required to submit a Quality Assurance Plan to HUD prior to initiating work under the award. This is a streamlined version of the format used by some other federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the agreement. You should plan for this and include it in your study work plan. (See

the HUD Office of Healthy Homes and Lead Hazard Control's Internet site, *http://www.hud.gov/offices/lead*, for the QAP template).

3. Progress Reporting

Progress reporting is done on a quarterly basis. Project benchmarks and milestones will be tracked using a benchmark spreadsheet that uses the benchmarks and milestones identified in the Logic Model form (HUD–96010) approved and incorporated into your award agreement. For specific reporting requirements, see policy guidance: *www.hud.gov/offices/lead.*

4. Racial and Ethnic Beneficiary Data

Successful applicants that conduct residential intervention studies (*i.e.*, physical or behavioral interventions) or other research that involves the occupants of homes (*e.g.*, survey research) must submit Form-27061, Racial and Ethnic Data Reporting Form, to HUD on an annual basis. Grantees conducting studies that do not involve people, such as those confined to the laboratory or certain types of environmental sampling, will not be required to submit Form-27061 to HUD. Form HUD–27061 and instructions for its use are found on *www.grants.gov.*

5. Final Report

The award agreement will specify the requirements for final reporting (*e.g.*, scientific manuscript, final technical report, and final project benchmarks and milestones achieved against the proposed benchmarks and milestones in the Logic Model (HUD–96010) approved and incorporated into your award agreement.

VII. Agency Contact(s)

For technical help in downloading an application from Grants.gov or submitting via Grants.gov, call the Grants.gov help desk at 800–518–GRANTS. For programmatic questions you may contact Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 115 (this is not a toll-free number) or via e-mail at *Peter_J._Ashley@hud.gov.* For administrative questions on grants or cooperative agreements, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov.* If you are a hearing-or speech-impaired person, you may reach the above telephone numbers by TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Other Office of Healthy Homes and Lead Hazard Control Information

For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead.*

B. Appendices

Appendices A through C to this NOFA are available on HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD TECHNICAL STUDIES PROGRAM

Billing Code 4210-32-C

Lead Technical Studies Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead Technical Studies.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The Funding Opportunity Number is: FR–4950–N–28. The OMB Paperwork Approval number is: 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.902, Lead Technical Studies Grant Program.

F. *Dates:* The application submission date is June 8, 2005. See the General Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. Additional Overview Content Information:

a. The funding opportunity is for technical studies to improve methods for detecting and controlling residential lead-based paint health and safety hazards.

b. The total amount to be awarded is approximately $3 million, of which $1 million is a set-aside for Historically Black Colleges and Universities (HBCUs).

c. The anticipated amounts and/or numbers of individual awards will be approximately 6 to 10 awards, ranging from approximately $200,000 to approximately $750,000.

d. The types of instruments awarded will be grants or cooperative agreements, with substantial involvement of the government for cooperative agreements (*see* Section II.C for a description of substantial involvement).

e. Academic, not-for-profit and for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes are eligible to apply. HBCUs are also eligible to apply under the set-aside.

f. Cost sharing is not required, but is encouraged.

g. There are no limitations on the numbers of applications that each applicant may submit, however, HBCUs should not submit the same application under both the set-aside and ''open'' categories, and,

h. The applications for this NOFA can be found at *http://www.grants.gov.* The application is an electronic application. You must register at *http://www.grants.gov* to be able to submit your application. The General Section contains information submission requirements and procedures. Please carefully review the General Section before reading the program section so that you understand HUD's new electronic application process.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of the Program. The purpose of the Lead Technical Studies program is to improve methods for detecting and controlling residential lead-based paint hazards.

A. Program Description

1. General Goals and Objectives

The overall goal of the Lead Technical Studies grant program is to gain knowledge to improve the efficacy and cost-effectiveness of methods for evaluation and control of residential lead-based paint hazards.

Through the Lead Technical Studies Program, HUD is helping to fulfill the requirements of sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (''Title X'') (42 U.S.C. 4854 and 4854a) which directs HUD to conduct research on topics which include the development of ''improved methods for evaluating [and] reducing lead-based paint hazards in housing,'' among others.

Brief descriptions of active and previously funded lead technical studies projects can be found on HUD's Web site at *http://www.hud.gov/offices/lead/techstudies/index.cfm.* Where it is appropriate, as an applicant, you are strongly encouraged to ensure that your proposed study builds upon HUD-sponsored work that has been previously completed, in addition to other relevant research (*i.e.*, that contained in government reports and in the published literature).

HUD encourages applicants to consider using the ''community based participatory research'' approach, where applicable, in the design and implementation of lead technical studies (see *e.g., http://www.niehs.nih.gov/translat/cbpr/cbpr.htm*).

2. Background

HUD has been actively engaged in a number of activities relating to lead-based paint hazard control as a result of the Lead-Based Paint Poisoning Prevention Act of 1971, as amended, 42 U.S.C. 4801–4856. Sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) (42 U.S.C. 4854 and 4854a) state that the Secretary of HUD, in cooperation with other federal agencies, shall conduct technical studies on specific topics related to the evaluation and mitigation of residential lead hazards. Section 1053 of Title X authorized HUD to spend funds to conduct these studies, under the Lead Hazard Control Grant Program's funding authorization in section 1011(o). The HUD-sponsored technical studies program also responds to recommendations by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. (42 U.S.C. 4852a). The Task Force presented its final report to HUD and the Environmental Protection Agency (EPA) in July 1995. The Task Force Report, entitled ''Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing'' (see Appendix A of this program NOFA, which is available on HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*), recommended that research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control.

The findings of technical studies will be used in part to update HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (*Guidelines*), which were published in June 1995 and partly amended in September 1997 (Chapter 7, Lead-Based Paint Inspection). For availability of the *Guidelines*, see ''Guidelines'' in Appendix A.

B. Eligible Activities

HUD is especially interested in the following lead technical studies topics:

1. *Development of alternative or improved cleaning methods.* Current methods for cleaning lead-contaminated dust from hard surfaces consist of a combination of HEPA vacuuming and wet cleaning. Research sponsored by both the U.S. EPA and HUD has shown that trisodium phosphate (TSP) is not more effective than other detergents in cleaning lead contaminated dust (USEPA 1998, Rich *et al.* 2002). Additional HUD-sponsored research showed that use of household vacuums without HEPA filtration for cleaning as an interim control measure (*i.e.*, not following lead abatement or other interim control activities) did not produce detectable airborne lead emissions (Public Health Institute/California Dept. of Health Services, unpublished data), and actually performed better than the HEPA vacuum that was tested in cleaning lead-contaminated dust from smooth surfaces. The same study also found that wet washing was considerably more

effective than vacuuming in removing dust-lead from smooth floors.

There are other cleaning techniques that might be effective in cleaning hard surfaces, but which have not been studied. The other cleaning techniques include the use of disposable cloths or towelettes (either used directly or at the end of a wand) or dry cleaning methods using disposable wipes that collect dust electrostatically. Important considerations include both efficacy in the removal of lead-contaminated dust and cost.

Additional ideas would be welcome, along with a clear description of approaches to evaluate the effectiveness of the cleaning techniques.

2. *Reducing exterior soil and dust-lead hazards.* Studies have shown that lead in exterior dust and soil can be an important source of lead exposure to young children, both through direct contact and indirectly when tracked or blown into the home. HUD has funded several studies that have assessed approaches to reducing the risk posed by this large environmental lead reservoir. Examples of these studies have focused on the following topics: Reducing the bioavailability (as determined using in vitro testing) of lead in soil through the addition of composted biosolids; reducing soil hazards in urban yards through targeted landscaping (*e.g.*, raised beds, improving ground cover); reducing exterior dust-lead levels through exterior building treatments and street and sidewalk cleaning; and, reducing surface soil-lead hazards by overlaying clean soil with grass cover.

Additional study is needed to assess the long-term effectiveness of interim controls to reduce soil and exterior dust-lead hazards. Research is also needed to develop interim controls and strategies for exterior dust and soil that are reasonable in cost, feasible to implement, and which do not require frequent maintenance to maintain their effectiveness.

3. *Potential exposure and contamination from floor sanding of lead-containing floor varnish.* A HUD-funded pilot study by the Wisconsin Division of Public Health, ''Potential Lead Exposures from Sanding Floors Containing Leaded Varnish,'' found that although no floor varnish was identified as lead-based paint using X-ray fluorescence (XRF), 52% of varnish samples exceeded the definition of lead-based paint based on laboratory analysis. Also, more than 70% of the settled dust samples (not dust wipe samples) exceeded the floor dust clearance level of 40 μg/ft^2 after floor sanding. Use of low-cost dust controls significantly reduced the amount of lead-contaminated dust on the floors. Hand-scraping of varnished stairs was also shown to be a high risk operation for occupational (personal) lead exposure.

HUD is interested in expanding this study to include a larger number of homes and floor refinishing contractors, and to include additional regions of the country. HUD is also interested in the ease of achieving clearance (using dust wipes) after floor sanding of varnishes that contain lead followed by cleaning, and in the development of procedures for minimizing the spread of lead-contaminated dust during sanding (*i.e.*, considering the large amount of dust produced during sanding).

4. *Approaches to streamlining performance of interim controls, abatement, and clearance in multi-family housing where repeat operations occur.* The performance of abatement or interim control of lead-based paint hazards in multi-family housing may result in repetitive operations (for example repetitive treatments in common areas such as hallways and stairwells) that hinder the movement, access, and exit of residents. For some of these areas, such as a hallway on each floor, or a stairwell or entranceways to buildings, repetitive operations such as interim controls may require relocation of residents until work can be completed, clean-up accomplished, and clearance attained.

There may be ways to show, with statistical significance, and through the use of existing or newly collected data that repeat operations may be defined with sufficient specificity to allow accelerated clean-up and clearance. HUD is interested in studies to determine whether repeat operations in multi-family housing can be sufficiently safe to allow return of residents to their units based on considered professional judgment and data collected from similar operations. This approach may be analogous to the approach taken to prove a negative exposure assessment for OSHA exposure determinations.

5. *Effectiveness of Ongoing Maintenance Program Activities in Controlling Lead-Based Paint Hazards.* While a variety of lead abatement and interim control techniques have been evaluated for their effectiveness in controlling lead-based paint hazards, there are few studies directly assessing the effectiveness of ongoing lead-based paint maintenance programs. HUD is interested in evaluating the effectiveness and feasibility of ongoing lead-based paint maintenance programs, identifying program components for which particular implementation difficulties exist, and evaluating proposed measures for overcoming those difficulties. Such an evaluation of program components could address whether and how technically-acceptable and cost-effective work practices are selected and implemented, how effectively supervisors monitor work activities to ensure that lead-based paint hazards are controlled and that dust and debris are contained and cleaned up during and after work, and how well clearance procedures (including necessary re-cleaning) are integrated into the maintenance program, among other factors.

6. *Use of Available Databases to Evaluate the Efficacy of Lead Hazard Control Activities.*

Public databases can be used to help target and assess the effectiveness of lead hazard control activities. Examples of this include the use of census data to identify neighborhoods that are at high risk for lead poisoning (*e.g.*, age and value of housing used in combination with indicators of socioeconomic status) and the use of blood-lead screening data to target dwellings that have been associated with repeated identification of resident children with elevated blood-lead levels. Geographic Information Systems (GIS) have also been successfully used as a tool to help target high risk housing. At a broader level, serial blood-lead screening data could be used to assess the effectiveness of lead hazard control activities or laws that require lead hazard control treatments in high risk housing (*e.g.*, by comparing community screening results before and after laws were enacted while accounting for the overall downward trend in blood lead levels). HUD is interested in studies that assess effective and creative uses of public databases to improve the efficacy of lead hazard control programs (*e.g.*, targeting neighborhoods), assess the effectiveness of enforcement and lead hazard control activities and regulations, and other uses of these data that further the goal of improving methods for the identification and control of residential lead-based paint hazards.

7. *Other Focus Areas that are Consistent with the Overall Goals of HUD's Lead Technical Studies Program.* Additional ideas will be considered with an open mind if proposed with novel techniques and applications. HUD will also consider funding applications for technical studies on topics which are relevant under the overall goals and objectives of the lead technical studies program, as described above. In such instances, the applicant should describe how the proposed activity addresses these overall goals and objectives.

C. Authority

These grants are authorized under sections 1011(g)(1), 1011(o), 1051–1053 of the Residential Lead Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, 42 U.S.C. 4851 *et seq.*); and the Consolidated Appropriations Act, 2005, (Pub. L. 108–477; approved December 8, 2004).

II. Award Information

A. Funding Available

Approximately $3 million in Fiscal Year 2005 funds is available for Lead Technical Studies. Of this amount, $1 million is set-aside for Historically Black Colleges and Universities (HBCUs). Cooperative agreements and/or grants will be awarded on a competitive basis following evaluation of all proposals according to the rating factors described in at Section V.A.3. HUD anticipates that approximately six to ten awards will be made, ranging from approximately $200,000 to approximately $750,000 each. In FY 2004, HUD awarded 4 grants averaging approximately $430,000.

Applications for additional work related to existing HUD-funded technical studies (*i.e.*, for work outside of the scope of the original agreement) are eligible to compete with applications for new awards. These applications will be evaluated in the same manner as new applicants.

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new awards is expected to be October 1, 2005. The period of performance cannot exceed 36 months from the time of award. The proposed performance period should include adequate time for project components such as the Institutional Review Board process, the recruitment of study participants, and the development of new instrumentation or methods (*e.g.*, analytical methods), all of which have been found to delay projects in the past. Period of performance extensions for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 85.25 and the OHHLHC Program Guide. If approved, grantees will be eligible to receive a single extension of up to 12 months in length. Applicants are encouraged to plan studies with shorter performance periods than 36 months; when developing your schedule, however, you should consider the possibility that issues may arise that could cause delays .

C. Type of Award Instrument

Awards in response to this NOFA will be made as grants or cooperative agreements. Anticipated substantial involvement for cooperative agreements may include, but will not be limited to:

1. Review and possibly suggest amendments to the study design, including: study objectives; field sampling plan; data collection; sample handling and preparation; and sample and data analysis.

2. Review and provide technical recommendations in response to quarterly progress reports (*e.g.*, amendments to study design based on preliminary results).

3. Review and provide technical recommendations on the final study report.

III. Eligibility Information

A. Eligible Applicants

Academic and not-for-profit institutions located in the U.S., state and local governments, and federally recognized Native American tribes are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (*i.e.*, no profit can be made from the project). HBCUs, that is, educational institutions that satisfy the requirements of 34 CFR 608.2, are also eligible to apply under the set-aside. Applications for supplementation of existing projects are eligible to compete with applications for new awards. Federal agencies and federal employees are not eligible to submit applications. The General Section identifies threshold requirements that must be met for an organization to receive an award.

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, you will receive a higher score under Rating Factor 4 if you provide evidence of significant cost sharing.

C. Other

1. *Threshold Requirements Applicable to All Applicants Under the SuperNOFA*

As an applicant, you must meet all of the threshold requirements described in the General Section. Threshold requirements include Eligibility, Compliance with Fair Housing and Civil Rights Laws, Conducting Business in Accordance with Core Values and Ethical Standards, Delinquent Federal Debts and Pre-Award Accounting System Surveys. Applicants that meet all of the threshold requirements will be eligible to receive funds from HUD.

2. Program Requirements

a. Program Performance. Grantees shall take all reasonable steps to accomplish all activities within the approved period of performance. HUD reserves the right to terminate the grant prior to the expiration of the period of performance if the grantee fails to make reasonable progress in implementing the approved program of activities or fails to comply with the terms of the grant agreement.

b. You must comply with all relevant federal and state regulations regarding exposure to and proper disposal of hazardous materials;

c. Any blood lead testing, blood lead level test results, and medical referral and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC), *Preventing Lead Poisoning in Young Children* (see Appendix A of this NOFA, available at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*);

d. HUD technical studies grant funds will not replace existing resources dedicated to any ongoing project;

e. Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) will be conducted by a laboratory recognized under the program;

f. Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, required by HUD at 24 CFR 60.101;

g. The requirements of the Occupational Safety and Health Administration (OSHA) (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable) or the state or local occupational safety and health regulations, whichever are most stringent, will be met;

h. If an individual researcher or a research team submits the application, the institution administering the grant must meet the civil rights threshold in the General Section.

i. *Privacy and Disclosure.* All test results in pre-1978 housing related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health

or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether Web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

3. *DUNS Requirement.* Refer to the General Section for information regarding the DUNS requirement. A DUNS number must be provided for the institution that is submitting an application.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully the General Section and the following additional information.

A. Addresses To Request Application Package

There is no Application Kit. All the information required to submit an application is contained in the program section of this NOFA and the General Section. Applications can be downloaded from the Web at: *http://www.grants.gov.* If you have difficulty accessing the information you may call the Grants.gov helpline toll-free at (800) 518–GRANTS or e-mailing *Support@grants.gov.* Helpline customer representatives will assist you in accessing the information.

B. Content and Form of Application Submission

1. Applicant Data.

Your application must contain the items listed in this section. These items include the standard forms listed in the General Section that are applicable to this funding announcement (collectively referred to as the ''standard forms''). The required items are:

a. Application Abstract. An abstract with the project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design (two-page maximum) must be included in the proposal. Applicants applying under the HBCU set-aside should indicate this by inserting ''(HBCU Set-aside)'' under the project title.

b. All forms as required by the General Section. A Certification of Consistency with the Consolidated Plan is not required for this application.

c. Applications that are submitted for funding under the HBCU set-aside should indicate this in box #11 (Descriptive Title of Applicant's Project) of form SF–424 (Application for Federal Assistance) by inserting ''HBCU Set-aside'' in parentheses under the project title.

d. A project description/narrative statement addressing the rating factors for award for this NOFA. The narrative statement must be identified in accordance with each factor for award (Rating Factors 1 through 5). Number the pages of your narrative statement and include a header and a footer that provides the name of the applicant and the name of the HUD program to which you are applying. The project description must be included in the responses to the rating factors. The response to the rating factors should not exceed a total of 25 pages, single-sided, (10- to 12-point font with at least ¾ inch margins on 8½″ by 11″ pages) for each technical study topic area. Any pages in excess of this limit will not be read. The rating for each rating factor will be based on the portion of your narrative statement that you submit in response to that particular factor, supplemented by any appendices that are referenced in your response. Supporting materials that are not referenced or discussed in your responses to the individual rating factors will not be rated. Additional materials (*e.g.*, appendices) must be submitted with your application according the directions in the General Section.

e. You should provide evidence of leveraging/partnerships by submitting the following with your application: letters of firm commitment; memoranda of understanding; or agreements to participate by those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

f. In conformance with the Common Rule (Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60.101), if your research involves human subjects, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an Institutional Review Board (IRB) before you can initiate activities that require IRB approval. Before initiating such activities you must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance see the OHRP web site at *http://ohrp.osophs.dhhs.gov/.*

g. With your application submission, include the resumes of the principal investigator and other key personnel and other materials that are needed in your response to the rating factors (*e.g.*, organizational chart, letters of commitment). Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed technical studies. This information will not be counted towards the page limit.

h. Submit other relevant information provided in support of your application following the directions in the General Section. These additional optional materials must not exceed 20 pages. Any pages in excess of this limit will not be read.

i. Include a detailed total budget with supporting cost justification for all budget categories of the federal grant request. Use the budget format discussed in Rating Factor 3, Section V.A.3.c, below. In completing the budget forms and justification, you should address the following elements:

(1) Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on full time equivalent (FTE) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(2) You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, with the first trip occurring shortly after grant award for a stay of two or three days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(3) A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request;

(4) You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(5) Organizations that have a federally negotiated indirect cost rate should use that rate and the appropriate base. Other organizations, not having a federally negotiated rate schedule, must obtain a

rate from their cognizant federal agency, otherwise the organization will be required to obtain a negotiated rate through HUD; and

(6) You should submit the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

j. Applicants are encouraged to use the following checklist to ensure that all required materials have been prepared and submitted. You are not required to submit this checklist with your application.

Checklist for Lead Technical Studies Program Applicants

Item

Applicant Abstract (limited to a 2-pages)

Rating Factor Responses (Total Narrative Response Limited to 25 Pages)

1. Capacity of the Applicant and Relevant Organizational Experience
2. Need/Extent of the Problem
3. Soundness of Approach
4. Leveraging Resources
5. Achieving Results and Program Evaluation

Required Materials in Response to Rating Factors (Does Not Count Towards 25-Page Limit)

—Resumes of Key Personnel (limited to 3 pages per resume)
—Organizational Chart
—Letters of Commitment (if applicable)
—Form HUD–96010 Logic Model Form

Optional Material in Support of the Rating Factors (20 page limit)

Required Forms and Budget Material

—Form SF 424 (Application for Federal Assistance)
—Form HUD–424–CB Grant Application Detailed Budget
—Form HUD–CBW (Budget Worksheet)
—Form SF 424 Supplement (Survey on Ensuring Equal Opportunity for Applicants) (to be completed by private nonprofit organizations only)
—Form SF LLL (Disclosure of Lobbying Activities)
—Form HUD 2880 (Applicant/Recipient Disclosure/Update Report)
—Form 2990 Certification of Consistency with the RC/EZ/EC–II Strategic Plan (required only for applicants who are seeking these bonus points)
—Form HUD 2994 Client Comments and Suggestions (Optional)
—Facsimile Transmittal (for electronic applications)—Form HUD-96011

C. Submission Dates and Times

Electronic applications must be submitted and received by Grants.gov on or before June 8, 2005. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Refer to the General Section for specific application submission instructions including acceptable submission dates, times, methods, acceptable proof of application submission and receipt procedures, and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. Eastern time on the application submission date. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD-96011, Facsimile Transmittal.

Applicants receiving a waiver to the electronic submission process must submit the required number of copies of the application by the application submission date to the identified address in Appendix C of the General Section.

D. Intergovernmental Review

Funding received through this NOFA is not subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

1. *Administrative Costs.* There is a 10 percent maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix B of this NOFA, which is available at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

2. Purchase of Real Property is not an allowable cost under this program.

3. Purchase or lease of equipment having a per unit cost in excess of $5,000 is not an allowable cost, unless prior written approval is obtained from HUD.

4. Medical treatment costs are not allowable under this program .

5. For profit institutions are not allowed to earn a fee.

6. You must comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

7. You may not conduct construction, reconstruction or lead based paint hazard control activities that fall below the threshold of building repair or improvement, as defined in Section 3(a)(4) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

F. Other Submission Requirements

See the General Section for specific procedures concerning the form of application submission.

V. Application Review Information

A. Criteria

1. *Threshold Requirements.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described in Section V.A.3 of this program NOFA. Your application must receive a total score of at least 75 points to remain in consideration for funding.

2. *Rating and Ranking.* Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below. The ARP chairperson selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their application of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members. If significant scoring discrepancies are identified among the reviewers of an application, the reviewers discuss their differences and are then given an opportunity to rescore the application among themselves and, if needed, with the full ARP. An average score is then computed for each application. The ARP chair may call upon an advisor (generally a scientist with another federal agency) to the ARP to review and comment on a proposal; however, the advisor does not score the application. At a final meeting, the ARP identifies the top-ranking applications to be recommended for funding.

3. *Award Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. Each factor is weighted

as indicated by the number of points that are attainable for it. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below (a more detailed description follows).

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 points).
Rating Factor 2: Need/Extent of the Problem (15 points).
Rating Factor 3: Soundness of Approach (45 points).
Rating Factor 4: Leveraging Resources (8 points).
Rating Factor 5: Achieving Results and Program Evaluation (10 points).
RC/EZ/EC–II Bonus Points (2 points).
Total: 102 points.

Applicants are eligible to receive up to two bonus points for projects located within federally designated Renewable Communities (RCs), Empowerment Zones (EZs), or Enterprise Communities (ECs) designated by USDA in round II (EC–IIs) (collectively referred to as RC/EZ/EC–IIs), and which will serve the residents of these communities (*see* the General Section). In order to be eligible for these bonus points, applicants must submit a completed HUD form 2990.

You will receive one point under Rating Factor 3(2) for each of the applicable FY 2005 policy priorities that are found in the General Section and applicable to the Lead Technical Studies NOFA that are adequately addressed in your application, with the exception of ''Removal of Barriers to Affordable Housing,'' for which you can receive up to two points (see the General Section). Policy priorities that are applicable to the Lead Technical Studies Program NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to Grass-Roots Faith-based and other Community-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs, and (4) Removal of Barriers to Affordable Housing.

You may address more than one of the technical study topic areas within your proposal or submit separate applications for different topic areas.

The following is a description of the five award factors and their associated subfactors. a. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (22 Points).* This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of you, the ''applicant,'' will include any sub-grantees, consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, ''subordinate organizations''). In rating this factor, HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* (14 points). HUD will assess your qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the technical study that is proposed under this NOFA; and

(2) *Past performance of the study team in managing similar projects* (8 points). Demonstrated ability to successfully manage various aspects of a complex technical study in such areas as logistics, study personnel management, data management, quality control, community study involvement (if applicable), and report writing, as well as overall success in project completion (*i.e.*, projects completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

If applicable, provide the past performance of the organization (applicant or partners) in another Healthy Homes or Lead Hazard Control grant, another grant related to environmental health and safety issues, or other experience in a similar program. Provide details about the nature of the project, the funding agency, and your performance.

If your organization is an existing Lead Technical Studies grantee, provide a description of the progress and outcomes achieved in that grant. If you received previous Lead Technical Studies funding, this experience will be evaluated in terms of cumulative progress and achievements under the previous grant.

b. *Rating Factor 2: Need/Extent of the Problem (15 Points).* This factor addresses the extent to which there is a need for your proposed technical study. In responding to this factor, you should document in detail how your project would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in Section I.B. You should demonstrate how your proposed study addresses a need with respect to the development of improved methods for the assessment and control of residential lead-based paint hazards. Specific topics to be addressed for this factor include:

(1) Provide a concise review of the research need that is addressed in your study and why it is high priority with respect to improving methods for lead hazard detection and control;

(2) Discuss how your proposed project would significantly advance the current state of knowledge for your focus area, especially with respect to the development of practical solutions; and,

(3) Discuss how you anticipate your study findings will be used to improve current methods for assessing or mitigating the lead hazard that your study addresses. Indicate why the method/protocol that would be improved through your study would likely be widely adopted (*e.g.*, low cost, easily replicated, lack of other options).

c. *Rating Factor 3: Soundness of Approach (45 Points).* This factor addresses the quality of your proposed technical study plan. Specific components include:

(1) *Soundness of the study design* (20 points). The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should clearly describe how your study builds upon the current state of knowledge for your focus area. If possible, your study should be designed to address testable hypotheses that are clearly stated. Your study design should be statistically based with adequate power to test your stated hypotheses. The study design should be presented as a logical sequence of steps or phases with individual tasks described for each phase. You should identify any important ''decision points'' in your study plan and you should discuss plans for data management, analysis and archiving. It is HUD's experience that studies can be subjected to considerable delay because of delays in the IRB approval process or because of unexpected difficulties with recruiting study participants. If applicable, describe actions that you will take to minimize the possibility that your study would experience delays in these areas (*e.g.*, understanding likely IRB requirements in advance, planning on additional avenues for recruitment).

(2) *Policy Priorities* (5 points). Indicate if your proposed study will address any of the FY 2005 policy priorities that are applicable to this program as identified in Section V.A.3 (see the General Section for additional details regarding these policy priorities). You will receive one point for each of the applicable policy priorities that are addressed in your application, with the exception of ''Removal Of Barriers to Affordable Housing,'' for which you can receive a maximum of 2 points.

(3) *Quality assurance mechanisms* (8 points). You must describe the quality assurance mechanisms that will be integrated into your project design to ensure the validity and quality of the results.

(a) Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, pre-testing and validation of questionnaires or surveys, measures to ensure accuracy during data management, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (*e.g.*, government reports, peer-reviewed academic literature) that provide the basis for your quality assurance mechanisms should be cited.

(b) If your project involves human subjects in a manner which requires IRB approval and periodic monitoring, address how you will obtain such approval. Before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's ''institutional assurance.'' Describe how you will provide informed consent (*e.g.*, from the subjects, their parents or their guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of ''plain language'' forms, flyers and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families including persons with disabilities.

(4) *Project management plan* (8 points). The proposal should include a management plan that provides a schedule for the completion of major tasks, with associated benchmarks and major study milestones, and major deliverables, with an indication that there will be adequate resources (*e.g.*, personnel, financial) to successfully meet the proposed schedule. The major tasks and benchmarks/deliverables identified in the management plan should be consistent with those identified in the Logic Model (see description under Rating Factor 5). You should include preparation of one or more articles for peer-reviewed academic journals and submission of the draft(s) to the journal(s) after HUD acceptance during the period of performance of your grant.

(5) *Budget Proposal* (4 points).

(a) Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the General Section. HUD is not required to approve or fund all proposed activities. You must thoroughly document and justify all budget categories and costs (Form HUD–424–CBW) and all major tasks, for yourself, sub-recipients, major subcontractors, joint venture participants, or others contributing resources to the project. A separate budget must be provided for partners who are proposed to receive more than 10 percent of the federal budget request.

(b) Your narrative justification associated with these budgeted costs should be submitted as part of the Total Budget (Federal Share and Matching), but is not included in the 25-page limit for this submission.

(c) The application will not be rated on the proposed cost; however, cost will be considered in addition to the rated factors to determine the proposal most advantageous to the Federal Government. Cost will be the deciding factor when proposals ranked under the listed factors are considered acceptable and are substantially equal.

d. *Rating Factor 4: Leveraging Resources (8 Points)* Your proposal should demonstrate that the effectiveness of HUD's Lead Technical Studies grant funds is being increased by securing other public and/or private resources or by structuring the project in a cost-effective manner, such as integrating the project into an existing study. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your project. Staff and in-kind contributions should be assigned a monetary value.

You should provide evidence of leveraging/partnerships by submitting the following: letters of firm commitment; memoranda of understanding; or agreements to participate from those entities identified as partners in the project efforts. Each letter of commitment, memorandum of understanding, or agreement to participate must include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

e. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points).* This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their applications and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form included in the General Section showing your proposed project long-term, mid-term, short-term and final results. Information about developing a Logic Model is available at *http://www.hud.gov*.

Also, in responding to this factor, you should:

(1) Identify benchmarks that you will use to track the progress of your study;

(2) Identify important study milestones (*e.g.*, the end of specific phases in a multiphased study), which

should also be clearly indicated in your study timeline;

(3) Identify milestones that are critical for achieving study objectives (*e.g.*, recruitment of study participants, developing a new analytical protocol), potential obstacles in meeting these objectives, and how you would respond to these obstacles;

(4) Identify how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program.

B. Review and Selection Process

1. *Corrections To Deficient Applications.* The General Section provides the procedures for correcting deficient applications.

2. *Rating and Ranking.* Awards will be made in rank order for Lead Technical Studies applications, within the limits of funding availability for the program.

(a) *Partial Funding.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award.

(b) *Remaining Funds.* See the General Section for HUD's procedures if funds remain after all selections have been made within a category of the Lead Technical Studies Program.

C. Anticipated Announcement and Award Dates

The anticipated date for the announcement of awards under the Lead Technical Studies Program is September 30, 2005.

VI. Award Administration Information

A. Award Notices

1. Notice of Award

Applicants who have been selected for award will be notified by letter from the Grant Officer. The letter will state the program for which the application has been selected, the amount the applicant is eligible to receive, and the name of the Government Technical Representative (GTR).

HUD may require that all the selected applicants participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the grant, you must return your signed grant agreement by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees expending $500,000 in Federal funds within a program or fiscal year must submit their completed audit-reporting package along with the Data Collection Form (SF-SAC) to the Single Audit Clearinghouse, the address can be obtained from their web site. The SF–SAC can be downloaded at *http://harvester.census.gov/sac/.*

2. Debriefing

The General Section provides the procedures that applicants should follow for requesting a debriefing.

B. Administrative and National Policy Requirements

1. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1), (b)(3) and (b)(5), activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

2. Conducting Business in Accordance with HUD Core Values and Ethical Standards

If awarded assistance under this NOFA, prior to entering into a grant agreement with HUD, you will be required to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. See the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

3. Participation in HUD-Sponsored Program Evaluation

See the General Section.

4. Removal of Barriers to Affordable Housing

See the General Section.

5. HUD Reform Act of 1989

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are explained in the General Section.

6. Audit Requirements

Any grant recipient that expends $500,000 or more in federal financial assistance in a single year must meet the audit requirements established in 24 CFR parts 84 and 85 in accordance with OMB Circular A–133.

7. Procurement of Recovered Materials

See the General Section for information concerning this requirement.

C. Reporting

1. Post Award Reporting Requirements

Final budget and work plans are due 60 days after the start date.

2. Quality Assurance Plan (QAP)

Successful applicants will be required to submit a Quality Assurance Plan to HUD prior to initiating work under the grant. This is a streamlined version of the format used by some other Federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the grant. You should plan for this and include it in your study work plan. (*See* the HUD Office of Healthy Homes and Lead Hazard Control's Internet site, *http://http://www.hud.gov/offices/lead*, for the QAP template for this program.)

3. Progress Reporting

Progress reporting is required on a quarterly basis. Project benchmarks and milestones will be tracked using a benchmark spreadsheet that uses the benchmarks and milestones identified in the Logic Model form (HUD–96010). For specific reporting requirements, see policy guidance at: *http://www.hud.gov/offices/lead*.

4. Racial and Ethnic Beneficiary Data

HUD does not require grantees to collect racial and ethnic beneficiary data for this program. If, however, racial and ethnic data are collected and reported as part of a study funded under this program NOFA, you must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data as presented on Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on *http://www.grants.gov*.

5. Final Report

The grant agreement will specify the requirements for final reporting (*e.g.*, scientific manuscript, report).

VII. Agency Contact(s)

For technical help in downloading an application from Grants.gov or submitting via Grants.gov, call the Grants.gov help desk at 800–518–GRANTS. For programmatic questions, you may contact Dr. Peter Ashley, Office of Healthy Homes and Lead Hazard Control, at (202) 755–1785, extension 115 (this is not a toll-free number) or via e-mail at *Peter_J._Ashley@hud.gov*. For grants administrative questions, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov*. If you are a hearing- or speech-impaired person, you may reach the above telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

VIII. Other Information

A. Other Office of Healthy Homes and Lead Hazard Control Information

For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead*.

B. Appendices

Appendices A and B to this NOFA are available from HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD OUTREACH GRANT PROGRAM

Billing Code 4210-32-C

Lead Outreach Grant Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead Outreach Grant Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** Number is: FR–4950–N–27. The OMB Approval Number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.904, Lead Outreach Grant Program.

F. *Dates:* The application submission date is June 14, 2005. See the General Section, Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information:*

1. *Purpose.* This funding opportunity is for non-profit grassroots community-based organizations, including faith-based organizations; other non-profit organizations; states; Tribes; and units of general local government to:

a. develop and distribute outreach and educations materials;

b. encourage occupants to identify potential paint hazards and report them to property owners; and

c. increase enrollment of low-income housing units in lead hazard control treatment programs.

2. *Available Funds.* Approximately $2 million is available under this program.

3. *Number of Awards.* Between 4 and approximately 10 grants will be awarded, with each grant ranging between approximately $200,000 and a maximum of $500,000.

4. *Type of Awards.* The awards will be made as grants.

5. *Eligible Applicants.* Grassroots community-based organizations, including faith-based organizations; other nonprofit organizations; states; Tribes; and units of general local government are eligible to apply for funding. Teaming arrangements are encouraged, including teaming with educational institutions and other entities such as groups of parents of lead-poisoned children, although the application must be made by a single entity.

6. *Matching Funds.* No match or cost sharing is required. However, leveraging is encouraged. See Section V, Rating Factor 4.

7. *Limitations on Applications.* Only one application per applicant will be permitted for this lead outreach grant program.

Full Text of Announcement

I. Funding Opportunity Description

A. Purpose of the Program

The purpose of this lead outreach grant program is to:

1. Increase enrollment of low-income housing units in lead hazard control treatment programs;

2. Develop and distribute outreach and educational materials to raise public awareness of childhood lead poisoning, its prevention, and proper lead hazard identification and control methods for at-risk communities, at-risk populations of children and workers in the housing maintenance or rehabilitation fields; and

3. Encourage occupants to identify potential lead-based paint hazards and report them to property owners, managers, and/or public health or housing officials, as appropriate.

B. Background

Childhood lead poisoning is the primary childhood environmental health problem in the United States today. The Centers for Disease Control and Prevention (CDC) has found that there are approximately 434,000 children under age 6 that have elevated blood lead levels, and those who are non-Hispanic blacks or Hispanics are more likely to have elevated blood lead levels than are non-Hispanic whites. The February 2000 report, ''Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards,'' sets forth action to be taken to prevent such poisoning. In addition to contributing to the elimination of lead hazards in housing occupied by low-income families with children, the federal government's public education and outreach activities should measurably increase the public's awareness of lead hazards and how to address them.

In keeping with the mandate of section 1011(g)(1) of Title X, the Residential Lead-Base Paint Hazard Reduction Act of 1992, Public Law 102–550, 106 Stat. 3672, October 28, 1992, for HUD to ''develop the capacity of eligible applicants * * * to carry out activities under'' lead hazard control grant programs, HUD has conducted outreach and public education initiatives through the Lead Hazard Control Grant program, the National Lead Information Center, and other training, education and outreach initiatives.

Lead Hazard Control grants are awarded to perform lead hazard reduction in low-income privately owned pre-1978 housing. Lead outreach activities encourage low-income occupants and owners to participate in HUD-funded lead hazard control programs. HUD's supplement to the Current Population Survey has determined that only a fraction of citizens are educated about how lead-based paint hazards are more common in older housing and threaten young children. This low level of awareness means that few construction and maintenance business owners are aware of the extent of lead-based paint hazards. Some general information on the background of lead and lead-based paint hazards can be found in Appendix A Background on Lead, posted at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

C. Authority

The authority for this program is section 1011(e)(8) and (g)(1) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992), and the Consolidated Appropriations Act, 2005 (Pub. L. 108–477; approved December 8, 2004).

II. Award Information

A. Available Funding

Approximately $2 million in fiscal year 2005 funds from the lead technical assistance set aside under the lead hazard reduction appropriation will be available for the Lead Outreach Program. Grants will be awarded on a competitive basis according to the Rating Factors described in Section V of this program section.

B. Anticipated Awards

Between four and approximately ten grants will be awarded, with each grant ranging between approximately $200,000 and a maximum of $500,000.

C. Award Instrument

1. Grants. Awards will be made as grants.

2. Start Date. The anticipated start dates for new awards is October 1, 2005.

D. Period of Performance

The period of performance cannot exceed 24 months from the date of the award. A period of performance extension for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 85.30(d)(2) or 24 CFR 84.25(e)(2), as applicable, and the Office of Healthy Homes and Lead Hazard Control (OHHLHC) Program Guide. Only one extension will be provided for a period not to exceed 12 months.

III. Eligibility Information

A. Eligible Applicants

Grassroots non-profit community-based organizations, including faith-based organizations; other non-profit organizations; states; Tribes; and units of general local government are eligible applicants. Teaming arrangements are encouraged, including teaming with educational institutions and other entities such as groups of parents of lead-poisoned children, although the application must be made by a single entity. Nonprofit organizations, grassroots community-based nonprofit organizations, including faith-based organizations; educational institutions; Fair Housing Organizations; and advocacy groups for children's health, minority and ethnic groups and persons with disabilities can also be sub-grantees or sub-contractors. We encourage both public and nonprofit groups to apply.

B. Cost Sharing or Matching Requirements

None required. In rating your application, however, you will receive a higher score under Rating Factor 4 if you provide evidence of significant cost sharing or leveraging.

C. Other

1. Eligible Activities

Eligible activities under this NOFA are:

a. Activities to publicize or conduct events which highlight lead hazards in the home environment and available lead hazard reduction programs;

b. Development and distribution of materials, including pamphlets, newsletters, flyers, etc., to be distributed in stores, schools, churches, community centers, or other neighborhood locations. References to outreach materials may be found in Appendix B, Lead Outreach Materials, posted at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

c. Conducting presentations or speaking engagements to inform the public and owners of housing of lead hazards in the home and programs that can assist in the abatement and control of the identified hazards;

d. Entering into working arrangements with local non profit organizations, including grassroots community-based organizations, including faith-based organizations; chambers of commerce; public and private social service agencies; and others to disseminate information to populations identified as being at-risk.

e. Establishing teams with non-profit organizations and associations, such as grassroots organizations, including faith-based, advocacy, and community-based non-profit organizations, or corporations, retailers, construction organizations, and unions for the purpose of coordinating or conducting joint outreach activities;

f. Preparing publications, including graphics, public service announcements, posters and entries for newspapers and magazines with local and/or regional distribution.

g. Training local residents and businesses on identifying potential lead-based paint hazards, and lead-safe maintenance and renovation work practices, etc.;

h. Making materials available in alternative formats for persons with disabilities (e.g., Braille, audio, large type) upon request, and providing materials in languages other than English that are common in the community, consistent with HUD's published Limited English Proficiency (LEP) Recipient Guidance, 68 FR 70968.

i. Program Administration in accordance with the guidelines established under funding restrictions.

j. Program evaluation and assessment activities to improve the effectiveness of present and future outreach efforts and to measure whether efforts have successfully been targeted to at risk populations.

2. *Threshold Requirements Applicable to all Applicants Under the SuperNOFA.* As an applicant, you must meet all of the threshold requirements described in the General Section.

3. Program Requirements

a. Outreach activities must: (1) Increase lead awareness;

(2) Encourage owners and low-income occupants to enroll their housing units in lead hazard control programs; and

(3) Encourage owners and low-income occupants to identify potential lead-based paint hazards and report them to property owners and managers, public health, and/or housing officials as appropriate.

b. All activities under this program must be targeted to at-risk populations or areas, and implement an outreach program to meet those populations' information needs.

c. *Media Products in Languages other than English.* Applicants are encouraged to utilize minority media in an effort to achieve diversity in outreach and educational efforts to minority target populations. Applications that include development and distribution of media products in languages other than English must include a discussion of the applicant's (or subcontractor's) expertise in those languages and in meeting the informational needs of non-English-speaking, underserved populations.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please carefully read the General Section and the following additional information.

A. Addresses To Request Application Package

1. There Is No Application Kit

All the information required to submit an application is contained in the program section of this NOFA and the General Section. Applications can be downloaded from the Web at: *http://www.grants.gov.*

2. Satellite Broadcast

HUD expects to hold an information broadcast via satellite for potential applicants to learn more about the program and the preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at: *http://www.hud.gov.*

B. Content and Form of Application Submission

1. Address for Submitting Applications

You, the applicant, must submit a complete application via Grants.gov. For additional information see the General Section.

2. Application Information

a. *Application Format.* Your application narrative response must be limited to a maximum of 25 pages (excluding additional materials and worksheets) equivalent to one-side only on 8½ x 11 inch paper using a standard 12-point font with not less than ¾ inch margins on all sides. Additional materials should be referenced and discussed in the narrative response and should directly apply to the rating factor to receive points. The rating for each Rating Factor will be based on the Rating Factor's numbered portion of your narrative statement, supplemented by materials referenced and discussed in that portion of your narrative statement.

b. *Applicant Data.* Your application must contain all of the required information as noted in this NOFA Section and the General Section. These items include the standard forms listed in the General Section that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in the application package on Grants.gov and

are referenced in the General Section. The application items are as follows:

(1) Application Abstract (limited to two-pages). An abstract that summarizes your proposed project, including the objectives and expected results, the dollar amount requested, and identifying the name, address and key contacts for you and your team members in the application. The abstract will be used for Congressional Release and Public Announcement if you are selected to receive an award.

(2) A narrative statement addressing the rating factors for award. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors must not exceed an equivalent of 25 pages. Any pages in excess of this limit will not be read. (The 25-page limit does not include the two-page abstract.) Key points to consider in preparing your application are provided in the General Section.

(3) Applicant should provide the resumes and position descriptions of your project director, project manager and up to three additional key personnel (in accordance with Rating Factor 1). These should not exceed three pages each. This information will not be counted towards the page limit.

(4) Any attachments, additional materials, references, or other relevant information that directly support the narrative statement may be included, but must not exceed 20 pages for your entire application. Any pages in excess of this limit will not be read.

(5) Provide a detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3. This information will not be counted towards the page limits. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10 percent of the federal budget request. Use the budget format discussed in Rating Factor 3 Section V(A)3.c(2)(b), below. *In completing the budget forms and justification, you should address the following elements:*

(a) Direct Labor. Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on full time equivalent (FTE) or hours per year (hours/year) (*i.e.*, one FTE equals 2,080 hours/year);

(b) Travel to HUD Meetings. You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, assuming the first trip occurring shortly after grant award for a stay of five or six days, depending on your location, and the remaining trips having a stay of one or two days, depending on your location;

(c) Sub-grantee and Subrecipient Budgets. A separate budget proposal should be provided for any subrecipients receiving more than 10 percent of the total federal budget request;

(d) Supporting Documentation for Salaries and Costs of Materials. You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request;

(e) Federally Negotiated Indirect Cost Rate. Organizations that have a federally negotiated indirect cost rate should use that rate and the appropriate base. Other organizations not having a federally negotiated rate schedule must obtain a rate from their cognizant federal agency. If HUD is the cognizant agency, HUD will establish the rates. If awarded a grant, you will be asked to submit your negotiated rate agreements for fringe benefits and indirect costs.

(6) Applicants are encouraged to use the following checklist to ensure that all required materials have been prepared and submitted. The checklist is not required to be submitted with the application. (See below.)

(7) Any information or materials that are not listed above will not be reviewed.

Checklist for Lead Outreach Grant Program Applicants

Applicant Abstract (limited to 2 pages)

Rating Factor Responses (Total narrative response limited to 25 pages.)

1. Capacity of the Applicant and Relevant Organizational Experience
2. Need/Extent of the Problem
3. Soundness of Approach
4. Leveraging Resources
5. Achieving Results and Program Evaluation

Required Materials in Response to Rating Factors (does not count towards 25-page limit)

- Resumes of Key Personnel (limited to 3 pages per resume)
- Organizational Chart
- Letters of Commitment (if applicable)
- Form HUD–96010 Logic Model Form

Optional Material in Support of the Rating Factors (20 page limit)

Required Forms and Budget Material

- Form SF 424 (Application for Federal Assistance)
- Form HUD–424–CB Grant Application Detailed Budget
- Form HUD–CBW (Budget Worksheet)
- Form SF 424 Supplement (Survey on Ensuring Equal Opportunity for Applicants) (to be completed by private nonprofit organizations only)
- Form SF LLL (if applicable) (Disclosure of Lobbying Activities)
- Form HUD 2880 (Applicant/Recipient Disclosure/Update Report)
- Form 2990 Certification of Consistency with the RC/EZ/EC–II Strategic Plan (required only for applicants who are seeking these bonus points)
- Form HUD 2994 Client Comments and Suggestions (Optional)
- Form HUD 27300 Removal of Regulatory Barriers (if applicable)
- HUD's Waiver from submitting electronically (if applicable)
- Form HUD 2993 Acknowledgment of receipt if making paper submittal (only if HUD waiver is granted)
- Form HUD–96011 Facsimile Transmittal (for electronic applications)

C. Submission Dates and Times

Electronic applications must be submitted to and received by *www.grants.gov* no later than 11:59:59 p.m. eastern time on the application submission date. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Please refer to the General Section for additional submission requirements including acceptable submission methods, acceptable proof of submission and receipt procedures, and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. eastern time on the application submission date. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD–96011, Facsimile Transmittal.

If you have received a waiver to the electronic application submission requirement, you must submit an original and three copies of your application on or before June 14, 2005 following the instructions in the General Section.

D. Intergovernmental Review

Not applicable to this program. See 24 CFR Part 52.

E. Funding Restrictions.

1. HUD will not fund the following ineligible activities:

a. Purchase of real property.

b. Purchase or lease of equipment having a per-unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

c. Hazard abatement, hazard reduction, rehabilitation, remodeling, repair, or other construction work.

2. Administrative Costs. No more than 10 percent of the funds can be used for administrative costs. Administrative costs that may be applicable to the program included in this NOFA are discussed below:

a. Purpose. The intent of this HUD grant program is to allow the grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In some instances the grantee principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting the lead outreach work. HUD has established a top limit of 10 percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum is reserved for sub-grantees or other direct-performers of lead outreach work.

b. Administrative Costs: What They Are Not. For the purposes of this HUD grant program for lead outreach, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the community relations program office or education program office, or, for governmental grantees, such offices as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. Administrative Costs: What They Are. For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is 10 percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed 10 percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. Administrative Costs: Definition

(1) General. Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead outreach activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the 10 percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under Section III(C) of this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under Section III(C) of this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90 percent of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

(2) Specific. Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the 10 percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65 percent of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other subrecipients;

(iii) Developing suitable agreements for use with sub-grantees and other subrecipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and subrecipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program (however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (i) through (ix) above.

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects

or operating departments such as salaries, office expenses and other related costs for a private-sector grantee's parent organization, or, for a governmental grantee, local officials (e.g., mayor and city council members, etc.), and expenses for a grantee's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

F. Other Submission Requirements

1. Submission Dates and Times

a. If you seek a waiver from submitting electronically, see the General Section.

b. Applicants who have received a waiver from submitting electronically must submit their paper copy applications for delivery following the instructions in the General Section, no later than 11:59:59 PM on the application submission date. Paper copy applications submitted without being granted a waiver will not receive funding consideration. Please read the General Section carefully as instructions have significantly changed for FY2005 application submissions.

2. Electronic Application Assistance

For technical assistance in downloading the electronic application or for other questions regarding the electronic application, please contact the Grants.gov help desk at (800) 518–GRANTS. The Grants.gov help desk can also be contacted by email at *Support@Grants.gov.* You can also get assistance on general questions from the NOFA Information Center at (800) HUD–8929. If you are hearing impaired, you may reach the numbers above at (800) HUD–2209 (TTY) or the Federal Information Relay Service at (800) 877–8339 (these are toll-free numbers).

V. Application Review Information

A. Criteria

1. Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a score based on the rating factors presented below.

2. Factors for Award Used to Evaluate and Rate Applications

The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points to be awarded is 102, including the potential for two RC/EZ/EC–II bonus points, as described in the General Section.

3. Award Factors

Each factor is weighted as indicated by the number of points that are attainable for it. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials. The five rating factors are listed below.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points).
Rating Factor 2: Need/Extent of the Problem (15 points).
Rating Factor 3: Soundness of Approach (40 points).
Rating Factor 4: Leveraging Resources (10 points).
Rating Factor 5: Achieving Results and Program Evaluation (15 points).
RC/EZ/EC–II Bonus Points (2 points, *see* below).
Total: 102 points.

HUD FY 2005 NOFAs provide for the award of two bonus points for eligible activities/projects that the applicant proposes to locate in federally designated Empowerment Zones (EZs), Renewal Communities (RCs), or Enterprise Communities, designated by USDA in round II (EC–IIs), that are intended to serve the residents of these areas, and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan (TIUP). (For ease of reference in this Notice, all of the federally designated areas are collectively referred to as ''RC/EZ/EC–IIs'' and residents of any of these federally designated areas as ''RC/EZ/EC–II residents.'') This Notice contains a certification that must be completed for the applicant to be considered for RC/EZ/EC–II bonus points. A list of RC/EZ/EC–IIs can be obtained from HUD's web page at *http://www.hud.gov/cr.* Applicants can determine if their program/project activities are located in one of these designated areas by using the locator on HUD's web site at *http://www.hud.gov/crlocator.* Please see the General Section.

You will receive points under Rating Factor 3(1) for each of the applicable FY2005 policy priorities that are adequately addressed in your application, up to a maximum of four points (see the General Section). Policy priorities that are applicable to the Lead Outreach grant NOFA and eligible for one point each are: (1) Improving our Nation's Communities (focus on distressed communities); and (2) Providing full and equal access to grass-roots faith-based and other community-based organizations in HUD program implementation. Removal of regulatory barriers to affordable housing is eligible for up to 2 points provided the required documentation, as specified in form HUD 27300 (Removal of Regulatory Barriers), is part of the application submission to HUD. Applicants may also provide a web site URL for a web site where the required documentation is readily accessible for use.

You are encouraged to plan projects that can be completed over a short time period (*e.g.*, 18 to 24 months from the date of award) so useful information generated from the outreach activities can be available for policy or program decisions and disseminated to the public as quickly as possible. The grant performance period is limited to 24 months.

a. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points).* This factor addresses your organizational capacity necessary to successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any grassroots nonprofit organizations, including faith-based nonprofit organizations and other community-based non-profit organizations, sub-contractors, consultants, subrecipients, and members of consortia that are firmly committed to your project. For all of the descriptions of personnel and organizational qualifications and experience in this factor, more points will be given for more recent relevant experience of high quality with this type of work, as documented below. Applicants who are funding or sub-contracting with grassroots nonprofit organizations, including faith-based nonprofit organizations, and other community-based nonprofit organizations, in conducting their outreach programs should include the qualifications and experience of these organizations in responding to this rating factor. In rating this factor HUD will consider:

(1) Your recent, relevant and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day project manager in planning and managing large and complex interdisciplinary outreach programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience, percentage commitment to the project, and position titles. You must provide resumes (or position descriptions and copies of job announcements including salary range, for vacant positions) of up to three pages each for the project

director, project manager, and up to three key personnel, and a clearly delineated organizational chart for the Lead Outreach project in your application. Indicate the name and the position of key personnel, the percentage of time that proposed staff will devote to your project and any salary costs to be paid by funds from this program. Include descriptions of the experience and qualifications of subcontractors and consultants. You may find it useful to include a table indicating the name, position and percentage contribution of staff members, specifying organizational affiliation.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, training, and/or relevant publications of project staff, and whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project immediately, and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in, or support, your project. You should thoroughly describe capacity, as demonstrated by experience in initiating, implementing and evaluating related health education, outreach and recruitment projects.

(3) Your past performance in previous projects with an emphasis on health education, outreach and recruitment. Provide details about the nature of the project, the funding agency, and your performance, relative to performance measures or the achievement of desired health outcomes. If a subgrantee or subcontractor is an existing HUD lead outreach grantee, provide a description of the progress and outcomes achieved in that grant.

HUD's evaluation process will consider an applicant's past performance in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, timely use of funds received either from HUD or other federal, state, Tribal, or local programs, and meeting performance milestones. This includes whether the applicant has requested no-cost time extensions for previous Office of Healthy Homes and Lead Hazard Control awards. HUD may use other information relating to these items from sources at hand, public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints, or other sources of information that have been proven to have merit.

(4) *Statement Regarding Other Grants and Applications.* You need to disclose all grants that you are currently receiving from OHHLHC, and a list of the applications you have submitted or plan to submit for FY2005 for other OHHLHC grants. This information will be used during evaluation of your application in regard to evaluating your capacity to conduct the activities under this grant program concurrently with activities under other OHHLHC grants.

b. *Rating Factor 2: Need/Extent of the Problem (15 Points)* This factor addresses the extent to which there is a need for your proposed project activities to address documented problems, target area(s) and target populations. Applications that demonstrate a greater need for lead outreach beyond existing levels as a mechanism for increasing enrollment in lead hazard treatment programs, or more thoroughly document this need will earn higher numbers of points.

(1) Your application should document a critical level of need for your proposed outreach activities in the area(s) where activities will be carried out. You should pay specific attention to documenting the need for outreach to increase enrollment of low- income housing units with children under six in lead hazard treatment programs as it applies to your target area(s) and target populations, rather than a larger geographic area or general population. Examples of information that *might* be used to demonstrate need, include:

(2) Economic or sociological information relevant to your target area(s). If this information is applied locally, the neighborhoods or type of neighborhoods to be targeted should be characterized with regard to populations and age of housing that the outreach activities are attempting to reach. Information on the number and percentage of very-low (income less than 50 percent of the area median) and low-(income less than 80 percent of the area median) income families, as determined by HUD is available at the HUDuser web site, *www.huduser.org*, with adjustments for smaller and larger families (Very-Low and Low-Income Population).

(3) Data documenting targeted populations that are traditionally underserved or have special needs. For a maximum score in this Rating Factor, data provided should specifically represent the target area. If the data presented in your response do not specifically represent your target area, you should discuss why the target areas are being proposed. If your application addresses needs that are in the Consolidated Plan or Analysis of Impediments (AI) to Fair Housing Choice (see the General Section), court orders or consent decrees, settlements, conciliation agreements, or voluntary compliance agreements, you will receive more points than applicants that do not relate their project to an identified need.

(4) Information from the local (or state or Tribe, if applicable) health department, if available, on actual (not estimated) rates of elevated blood lead levels among children residing in your target area(s).

(5) Readily available information on the presence of existing outreach and educational resources in your target area(s).

c. *Rating Factor 3: Soundness of Approach (40 Points)* This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on your proposed approach for increasing the public's awareness and knowledge about lead poisoning and lead-based paint hazards, for encouraging owners and low-income family occupants to identify potential lead-based paint hazards, and enrolling their housing units in lead hazard control treatment programs. Applications containing approaches with clear activities and sub-activities that will result in increasing the enrollment in lead hazard treatment programs, that include a range of approaches that address the needs of populations with limited English proficiency, persons with disabilities, persons with low literacy, etc., that demonstrate a logical progression of implementation steps, that include more appropriate mechanisms for reaching audiences, and that provide better documentation of the methodology of the proposed approach will receive higher numbers of points. Applicants shall identify their approaches to overcoming recruitment difficulties, including over-recruiting efforts, incentives to increase enrollment, and any other options. Applicants will receive higher rating points for approaches that include higher percentages of funding or sub-contracting for substantive work by grassroots organizations, including faith-based and other community-based non-profit organizations, Fair Housing Organizations and advocates for various minority and ethnic groups and for persons with disabilities.

You should describe how proposed activities would help HUD achieve its goals for this program area. You should demonstrate your knowledge of the

outreach methodology relevant to your approach. You should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity, accompanied by a complementary schedule indicating proposed date(s) of completion.

There must be a direct relationship between the proposed activities, community needs, the purpose of the project, and the number of low-income housing units enrolled in lead hazard treatment programs. Your response to this factor should include the following elements:

(1) *Approach for Developing the Project.* (30 points) Describe your overall approach for your proposed project. The description must include a discussion of specific planned project activities:

(a) Provide the estimated total number of low-income housing units that you expect to be enrolled in lead hazard treatment programs. Describe in detail how you will identify and track participants receiving outreach under your project, especially participants in high-risk groups and communities, vulnerable populations and persons traditionally underserved. (6 points)

(b) Describe your process for developing outreach materials, or using existing materials. (3 points)

(c) Describe your management processes to be used to ensure the cost-effectiveness of expenditures of funds. (2 points)

(d) Describe any measurement tools you would employ to evaluate the effectiveness of your outreach and educational activities for occupants of housing units enrolled in lead hazard treatment programs before and after treatment. (2 points)

(e) Describe the methods of community education you would use including community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate. (3 points)

(f) Proposed involvement of grassroots organizations, including faith-based and other community-based non-profit organizations in the proposed activities. HUD strongly encourages you to substantively use grassroots organizations, including faith-based, and other community-based non-profit organizations. (10 points)

(g) Indicate if, and describe how, you will address any of HUD's departmental policy priorities. (*See* the General Section for a fuller explanation of HUD's policy priorities.) Policy priorities that are potentially applicable to this NOFA include: (i) Improving our Nation's Communities, (ii) Providing Full and Equal Access to Faith-based and other Community-based Organizations in HUD Program Implementation, and (iii) Removal of Regulatory Barriers to Affordable Housing. You will receive one point for each of the first two applicable policy priorities that are adequately addressed in your application, and up to two points for Removal of Regulatory Barriers to Affordable Housing. If your application addresses all three policy priorities, you could get up to four points. (4 points)

(2) *Approach for Implementing the Project.* (10 points) Describe your project goals, objectives and the strategy you will use in executing the project. You should provide information on the general approach and overall plan employed.

(a) *Baseline Plan for Project Management.* (5 points) Include a management plan that:

(i) Lists the outreach project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing.

(ii) Incorporates appropriate performance goals with projected outputs and outcomes of the outreach program's activities.

(iii) Identifies major milestones and provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery, including reports and other proposed deliverables of the outreach activity.

(iv) Designates resources and identifies responsible entities for performing work.

(b) Budget Justification. (5 points) Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the outreach project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. You must thoroughly document and justify all budget categories and costs (Form HUD–424–CB) and all major tasks, for yourself, subrecipients (grassroots organizations, including faith-based, and other community-based non-profit organizations), partners, major subcontractors, joint venture participants, or others contributing resources to the project, especially those proposed to receive greater than 10 percent of the federal budget request. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

d. *Rating Factor 4: Leveraging Resources (10 Points).* This factor addresses your ability to secure other community and/or private sector resources (such as financing, supplies, or services) that can be combined with HUD's resources to achieve project purposes. These community resources may be contributions from organizations such as the applicant, subrecipients, partners, or other organizations not directly involved in the project.

(1) In evaluating this factor, HUD will consider the extent to which you have developed partnerships to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (such as labor, fringe benefits, services, supplies, or equipment) budgeted for your proposed project. Resources may be provided by state, Tribal, and local governmental entities, public or private organizations, or other partners.

(2) Each source of contributions (financial or in-kind) must be supported by a letter of commitment from the contributing entity, whether the applicant, a partner organization, or a public or private source. The letter must describe the contributed resources that will be used in your project and the dollar value of that contribution. Staff in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment with specific details including the amount of the actual contributions, you will not get points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed project. The commitment must be signed by an official legally able to make commitments on behalf of the organization. See the General Section for instructions on how to submit third party documents using the electronic submission process. Letters of support (letters that indicate support but do not specify a monetary commitment to the project) will not be considered in the scoring of this Rating Factor.

Include information to address the following elements:

(a) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives.

e. *Rating Factor 5: Achieving Results and Program Evaluation (15 points).*

This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their application and assessing their performance to ensure performance goals are met. Achieving results means the applicant has clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals; for this lead outreach grant program, the major outcome is increasing the number of low-income housing units that house young children enrolled in lead hazard treatment programs as a result of the grant activity. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that the applicant identifies program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

This rating factor reflects HUD's goal to embrace high standards of ethics, management, and accountability. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program.

In your response to this Rating Factor you are to discuss the performance goals for your project and identify specific outcome measures. You are also to describe how the outcome information will be obtained, documented, and reported. You must complete and return the Logic Model Form, HUD 90610, included in the General Section, showing your proposed project long-term, mid-term, short-term, and final results, and how they support HUD's departmental goals and objectives. Information about developing a Logic Model is available at: *www.hud.gov.*

In evaluating this factor, HUD will consider how you have related your needs statement and your proposed activities, with clearly defined objectives, outputs and outcomes.

f. *Bonus Points for Federally Designated Zones and Communities. (2 points)* This Section of the NOFA provides for the award of two bonus points for eligible activities/projects that the applicant proposes to be located in federally designated Empowerment Zones (EZs), Renewal Communities (RCs), or Enterprise Communities, designated by USDA in round II (EC–IIs). A list of RCs, EZs, and EC–IIs is available from HUD's Web site at: *http://www.hud.gov.* See also the General Section.

B. Reviews and Selection Process

1. Rating and Ranking

Awards will be made in rank order for Lead Outreach applications.

2. Partial Funding

In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of 14 calendar days to accept such a reduced award. If you fail to respond within the 14-day limit, you shall be considered to have declined the award. Please see the General Section for a discussion of adjustments to funding that may be made by HUD during the selection process.

3. Remaining Funds

See the General Section for HUD's procedures if funds remain after all selections have been made.

4. Minimum Points for Award

Your application must receive a total score of at least 75 points to be considered for funding. Applications will not be rated or ranked if they do not meet the threshold requirements of the General Section.

C. Anticipated Announcement and Award Dates

HUD anticipates announcing awards under this program on or about September 30, 2005.

VI. Award Administration Information

A. Award Notices

1. Notice of Award

Applicants who have been selected for award will be notified by letter from the Grant Officer. The letter will state the program for which the application has been selected, the amount the grantee is eligible to receive, and the name of the Government Technical Representative (GTR). This letter is not an authorization to begin work or incur costs under the grant.

2. Negotiations

HUD may require that selected applicants participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the grant, you must return your signed grant agreement by the date specified during negotiation.

3. LOCCS Payment System

After receiving the letter, additional instructions on how to have the grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms and program requirements will also be provided.

4. Start of Work

All awardees are expected to commence activity immediately upon completion of budget and work plan negotiations, and execution of the grant agreement.

5. Applicant Debriefing

See the General Section for information regarding applicant debriefing.

B. Administrative and National Policy Requirements

1. Environmental Review

In accordance with 24 CFR 50.19(b)(2), (b)(3), and (b)(9) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

2. HUD Reform Act of 1989

Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) as defined in the General Section.

3. Audit Requirements

Any grant recipient that expends $500,000 or more in federal financial assistance in a single year must meet the audit requirements established in 24 CFR parts 84 and 85 in accordance with OMB Circular A–133. In accordance with OMB Circular A–133 (Audits of States, Local Governments and Non-Profit Organizations), grantees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse, at the address obtained from their Web site. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/.*

4. Corrections to Deficient Applications

See the General Section for information about corrections to deficient applications.

5. Timely Hiring of Staff

HUD reserves the right to terminate grant awards made to applicants that fail to timely hire (within 90 days of award) staff to fill key positions identified in the applicant's proposal as vacant.

6. Procurement of Recovered Materials

See the General Section for information concerning this requirement.

7. Privacy and Disclosure

All test results in pre-1978 housing related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR Part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

8. Conducting Business in Accordance with HUD Core Values and Ethical Standards

Refer to the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

C. Reporting

The following items are Post Award Reporting Requirements.

1. Final Budget and Work Plan

Final budget and work plans are due 60 days after the effective date of the grant (start date).

2. Progress Reporting

Progress reporting is done on a quarterly basis. Project benchmarks and milestones will be tracked using a benchmark spreadsheet that uses the benchmarks and milestones identified in the Logic Model form (HUD–96010) approved and incorporated into your award agreement. For specific reporting requirements, see policy guidance at: *http://www.hud.gov/offices/lead.*

3. Final Report

An overall final grant report, due at the completion of the grant, will detail activities (*e.g.*, the number of low-income housing units enrolled in lead hazard treatment programs as a result of activities performed under this grant, number and type of materials produced, activities conducted, evaluation of the various outreach and educational methods used, findings, and recommended future actions at the conclusion of grant activities). The final report shall include final project benchmarks and milestones achieved against the proposed benchmarks and milestones in the Logic Model (HUD–96010) approved and incorporated into your award agreement.

VII. Agency Contacts

For programmatic questions, you may contact Jonnette Hawkins, Office of Healthy Homes and Lead Hazard Control; telephone (202) 755–1785, extension 126 (this is not a toll-free number) or via e-mail at *Jonnette_G._Hawkins@hud.gov.* For grants administrative questions, you may contact Ms. Curtissa L. Coleman, Office of Healthy Homes and Lead Hazard Control; telephone (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at *Curtissa_L._Coleman@hud.gov.* If neither of these individuals is available, you may contact the Office's general Lead Regulations hotline, at (202) 755–1785, extension 104, for which your call will be forwarded in one business day for subsequent response by the appropriate staff. If you are a hearing- or speech-impaired person, you may reach the above telephone numbers through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

Other Office of Healthy Homes and Lead Hazard Control Information: For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead.*

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of Time to be spent on other Activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Subgrantees, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 2 — Need/Extent Of The Problem

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Jurisdiction	**Name of Target Area (s)**

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		**100%**
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

*Attach copy of the downloaded information in appendix

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 3	**Soundness Of Approach**

A. Proposed Lead Hazard Control Activities

Total Units To Be Completed and Cleared

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 36-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Program — OMB Approval Number 2539-0015 (exp 1/31/2006)

Grant Number: **Grantee Organization:** **Period of Performance: Feb 1, 2003 - January 31, 2006**

ACTIVITY	Q1 2003 Jan - Mar	Q2 2003 Apr - Jun	Q3 2003 Jul -Sep	Q4 2003 Oct -Dec	Q5 2004 Jan - Mar	Q6 2004 Apr - Jun	Q7 2004 Jul - Sep	Q8 2004 Oct - Dec	*Q9 2005 Jan - Mar	Q10 2005 Apr - Jun	Q11 2005 Jul - Sep	Q12 2005 Oct - Dec	Q13 2006 Jan - Mar	Q14 2006 Apr-Jun
Applicant Capacity (0-120 days)														
Staff Hired														
Approved Environmental Review and Release of Funds														
Written Policies and Procedures														
Lead Hazard Control Implementation Units in Grant Agreement = #														
Paint Inspections/Risk Assessments:														
Performance Standard		5%	15%	30%	45%	55%	65%	85%	95%	100%				
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
** *Units In Progress*														
Units Completed and Cleared:														
Performance Standard			2%	5%	15%	30%	45%	55%	* 85%	85%	95%	100%		
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $														
Performance Standard				5%	10%	15%	20%	30%	* 45%	60%	80%	95%	100%	
LOCCS Drawdown Work Plan Milestone														
% Planned														
Actual LOCCS Drawdown														
Actual Cumulative LOCCS Drawdown %														
Community Outreach / Education/ Training														
Community Outreach and Education Work Plan Milestone														
Community Outreach and Education Milestone Achieved														
Skills Training Work Plan Milestone														
Skills Training Milestone Achieved														
Performance Measured Against Approved Work Plan Milestones													100%	
Close-Out Feb 1 - Apr 30, 2006														
* Renewal Eligibility Milestone														
** No bench mark standard														

form HUD-96008 (04/2003)

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 4 **Leveraging Resources**

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				
	Total Amount	$	$	$

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

form **HUD-96015**
(2/2005)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

LEAD HAZARD REDUCTION DEMONSTRATION GRANT PROGRAM

Billing Code 4210-32-C

Lead Hazard Reduction Demonstration Grant Program

Overview Information:

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Lead Hazard Reduction Demonstration Grant Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The funding opportunity number for this program is FR–4950–N–30; The OMB Approval Number for this program is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.905; Lead Hazard Reduction Demonstration Grant Program.

F. *Dates:* The application submission date is June 14, 2005. For 2005, HUD is accepting electronic applications utilizing Grants.gov. See the General Section for specific instructions for application submissions procedures and timely filing.

G. Additional Overview Content Information:

1. *Purpose of the Program.* The purpose of the Lead Hazard Reduction Demonstration Grant Program is to assist areas with the highest lead paint abatement needs in undertaking programs for abatement, inspections, risk assessments, temporary relocations, and interim control of lead-based paint hazards in eligible privately owned, single family housing units, and multifamily buildings that are occupied by low-income families.

2. *Available Funds.* Approximately $49.4 million.

3. *Eligible Applicants.* To be eligible to apply for funding under this program, the applicant must be a city, county, or similar unit of local government. States and Indian Tribes may apply on behalf of units of local government within their jurisdiction, if the local government designates the state or the Indian Tribe as their applicant. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an EPA approved State Program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745 in effect on the application deadline date to be eligible to apply for Lead Hazard Reduction Demonstration Grant funds.

4. *Match.* A statutory minimum of 25 percent match is required.

Full Text of Announcement:

I. Funding Opportunity Description

A. *Program Description.* The Lead Hazard Reduction Demonstration Grant Program is authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub. L. 108–477; approved December 8, 2004). The Lead Hazard Reduction Demonstration Grant Program assists States, Native American Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately owned rental and owner-occupied housing units. Refer to Section IV.E.3 of this NOFA for instructions on downloading the table, ''Eligibility of HUD Assisted Housing'' that lists the HUD-associated housing programs that meet the definition of eligible housing under this program.

1. Because lead-based paint is a national problem, these funds will be awarded to programs which:

a. Maximize the combination of children protected from lead poisoning and housing units where lead-hazards are controlled;

b. Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

c. Stimulate cost-effective approaches that can be replicated;

d. Emphasize lower cost methods of hazard control;

e. Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

f. Affirmatively further fair housing and environmental justice.

2. The objectives of this program include:

a. Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

b. Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, including grassroots community-based nonprofit organizations, including faith-based organizations or other community-based organizations including fair housing organizations and advocates for Fair Housing Act protected classes to develop cost-effective methods for identifying and controlling lead-based paint hazards;

c. Development of comprehensive community approaches which result in integration of all community resources (governmental, grassroots community-based nonprofit organizations, including faith-based organizations or other community-based organizations, and private businesses) to address lead hazards in housing;

d. Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs that will continue after the grant period ends;

e. Establishment of a public registry (listing) of lead-safe housing or inclusion of the lead-safe status of properties in another publicly accessible address-based property information system and affirmatively marketed to families with young children; and

f. To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ minorities and low-income persons as defined in 24 CFR 135.5 (*see* 59 FR 33881, June 30, 1994).

3. Changes in FY 2005 Competitive NOFA:

a. Applicants must have at least 7,000 pre-1940 occupied rental housing units in order to apply under this NOFA. The threshold requirement was increased from 3200 under the FY2003 Lead Hazard Reduction Demonstration Grant Program NOFA and reflects the intent of Congress to provide funds to areas with the greatest need.

b. Engineering and architectural activities that are required for, and in direct support of, lead hazard control work are direct costs that can be reimbursed from the 90 percent of the funds available that are to be used exclusively for lead-based paint abatement, interim controls, combined lead-based paint inspection and risk assessment, clearance testing, and relocation. These activities were eligible support costs that could be reimbursed through matching, leveraged or other available funds in FY 2004.

c. The purchase or lease of a maximum of two X-ray fluorescence analyzers for use by this program, if not already available, can be reimbursed from the 90 percent of the funds available that are to be used exclusively for lead-based paint abatement, interim

controls, combined lead-based paint inspection and risk assessment, clearance testing, and relocation. These activities were eligible support costs that could be reimbursed through matching, leveraged or other available funds in FY 2004.

d. For 2005, HUD is accepting electronic applications utilizing Grants.gov. See the General Section for specific instructions for application submissions procedures and timely filing. Applicants are to complete and submit the Rating Factor Tables included in Section IV of this NOFA.

II. Award Information

Funding Available. Approximately $49.4 million in Fiscal Year 2005 funds is available. The minimum award amount shall be $2 million per grant. The maximum award amount shall be $4 million per grant. Approximately 13 to approximately 25 grants will be awarded. The period of performance is 36 months. Period of performance extensions for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 85.30(d)(2) and the Office of Healthy Homes and Lead Hazard Control (OHHLHC) Program Guide. Such extensions, when granted, are one time only, and for no longer than a period of one year. Applicants are encouraged to plan studies with shorter performance periods than 36 months. When developing your schedule you should consider the possibility that issues may arise that could cause delays.

III. Eligibility Information

See the General Section for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

1. To be eligible to apply for funding under this program, the applicant must be a city, county, or similar unit of local government. States and Indian Tribes may apply on behalf of units of local government within their jurisdiction, if the local government designates the state or the Indian Tribe as their applicant. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a lead applicant that will be responsible for ensuring compliance with all requirements specified in this NOFA. State government and Native American tribal applicants must have an EPA approved State Program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745 in effect on the application deadline date to be eligible to apply for Lead Hazard Reduction Demonstration Grant funds.

2. Eligible applicants may submit only one application. In the event that multiple applications are submitted, this will be considered a technical deficiency and the application review process will be delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned without being rated or ranked.

If you or any member of your consortium also applied for funding under the fiscal year 2005 Lead Hazard Control Grant Program Notice of Funding Availability or received funds under the fiscal year 2004 Lead Hazard Reduction Demonstration NOFA, you must discuss how both programs will operate concurrently and how program activities will be combined to achieve maximum benefits. If you achieve a score of 75 or higher in this competition and in the FY 2005 Lead Hazard Control Grant Program competition and fall within the fundable range in both competitions, prior to selection, HUD will evaluate your responses to Rating Factor 1—Capacity of the Applicant and Relevant Organization Experience and Rating Factor 3—Soundness of Approach (Work Plan/Budget), and determine whether you have the ability and capacity to successfully implement both grant programs concurrently. If you cannot demonstrate to HUD that you have the capacity to successfully implement both grant programs, HUD reserves the right to fund only one application.

The applications for this NOFA can be found at *http://www.grants.gov.* The application is an electronics application. You must register at *http://www.grants.gov* to be able to submit your application. The General Section contains information submission requirements and procedures. Please carefully review the General Section before reading the program section so that you understand HUD's new electronic application process.

B. Cost Sharing or Matching

Matching Contribution. You must provide a matching contribution of at least 25% of the requested grant sum. This may be in the form of cash, including private sector funding, or in-kind (non-cash) contributions or a combination of these sources. With the exception of Community Development Block Grant (CDBG) funds, Federal Revenue Sharing programs, or other programs which by statute allow their funds to be considered local funds and therefore eligible to be used as matching funds, Federal funds may not be used to satisfy the statutorily required 25 percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter of commitment for the match from the applicant organization is not required; however, the applicant must submit a letter of commitment from each organization other than itself that is providing a match, whether cash or in-kind. The letter must describe the contributed resources that you will use in the program and their designated purpose.

C. Other

1. Threshold Requirements. As an eligible applicant, you must also meet all of the threshold requirements in Section III. C of the General Section as well as the specific threshold requirements listed in this subsection. Applications will not be funded if they do not meet the threshold requirements.

a. Applicants must provide a minimum of 25% of the grant funds requested as a matching contribution.

b. Applicants must have at least 7,000 pre-1940 occupied rental housing units in order to apply under this NOFA. Failure to provide the number of pre-1940 occupied rental units in the Factor 2 Table will result in the application not being rated or ranked.

c. Provide the actual number of children with documented elevated blood lead levels residing within the applicant's jurisdiction(s) for the most recent complete calendar year and identify the source of the data. Failure to provide these data will result in the application not being rated or ranked.

d. State government and Native American tribal applicants must have an EPA approved State Program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745 in effect on the application deadline date to be eligible to apply for Lead Hazard Reduction Demonstration Grant funds. The approval date in the **Federal Register** notice published by the EPA will be used in determining the Training and Certification status of the applicant state or Indian (Native American) Tribal government. If you do not have an EPA authorized program, the application will not be rated and ranked.

2. Program Requirements.

a. Environmental Requirements. Recipients of lead-based paint hazard reduction demonstration grants must comply with 24 CFR part 58,

''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.'' Recipients and other participants in the project are prohibited from committing or expending HUD and non-HUD funds on the project until HUD approves the recipient's Request for the Release of Funds (form HUD 7015.15) or the recipient has determined that the activity is either Categorically Excluded, not subject to the related Federal laws and authorities pursuant to 24 CFR 58.35(b) or exempt pursuant to 24 CFR 58.34. For part 58 procedures, see *http://www.hud.gov/offices/cpd/energyenviron/environment/index.cfm.* For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 534–2458 (this is not a toll free-number) or the HUD Environmental Review Officer in the HUD Field Office serving your area. If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

b. *Executive Order 13202.* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-Funded Construction Projects,'' is a condition of receipt of assistance under this NOFA.

c. Lead Hazard Control work must be conducted in compliance with HUD's Lead-Safe Housing Regulation, 24 CFR part 35.

d. Prohibited Practices. You must not engage in the following prohibited practices:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1,100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

e. Written Policies and Procedures. You must have clearly established written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation, and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

f. Continued Availability of Lead-Safe Housing to Low-Income Families. Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income families for at least three years as required by Title X (Section 1011). You must maintain a publicly available registry (listing) of units in which lead hazards have been controlled and ensure that these units are affirmatively marketed to agencies and families as suitable housing for families with children under six years of age. The grantee must also notify the owner of the information that is collected so that the owner will comply with disclosure requirements under 24 CFR part 35, subpart A.

g. Testing. In developing your application budget, include costs for lead paint inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) General. All testing and sampling shall conform to the current HUD Guidelines and Federal, state, or tribal regulations developed as part of the appropriate contractor certification program whichever is more stringent. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Testing must be conducted according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm*, and the EPA lead hazard standards rule at 40 CFR part 745. All test results must be provided to the owner in a timely fashion, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers under 24 CFR part 35, subpart A.

(a) Lead-Based Paint and Lead-Based Paint Hazard Identification. A combined lead-based paint inspection and risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(b) Clearance Testing. Clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing Regulation (24 CFR part 35) for lead hazard control activities or other abatement. In the case of multifamily housing for which random sampling of units for clearance is done after lead hazard control work, all units represented by the randomly selected units successfully cleared shall be credited toward the number of units controlled under this grant. The clearance standards shall be the more restrictive of those set by the local jurisdiction or by EPA or HUD.

(c) Blood lead testing. Before lead hazard control work begins, each occupant who is under six years of age should be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention (CDC) publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials* (1997).

h. Cooperation with Related Research and Evaluation. (1) You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators, or HUD. This may also include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(2) If your program includes conducting research involving human subjects in a manner which requires Institutional Review Board (IRB) approval and periodic monitoring, address how you will obtain such approval and your monitoring plan (before you can receive funds from HUD for activities that require IRB approval, you must provide an assurance that your study has been reviewed and approved by an IRB and evidence of your organization's institutional assurance). Describe how you will provide informed consent (*e.g.*, from the subjects, their parents, or their guardians, as applicable) to help ensure their understanding of, and consent to,

the elements of informed consent, such as the purposes, benefits, and risks of the research. Describe how this information will be provided and how the consent will be collected. For example, describe your use of 'plain language' forms, flyers, and verbal scripts, and how you plan to work with families with limited English proficiency or primary languages other than English, and with families which include persons with disabilities.

i. Data collection. You will be required to collect and maintain the data necessary to document the various lead hazard control methods used and the cost of these methods.

j. Section 3 Employment Opportunities. Please refer to Section III.C. of the General Section. The requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) are applicable to this program. In your application you should demonstrate how you will ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons. If you are funded, you will be required to submit Form HUD–60002 annually.

k. Replacing Existing Resources. Funds received under this grant program shall not be used to replace existing community resources dedicated to any ongoing project.

l. Conducting Business in Accordance with HUD Core Values and Ethical Standards Refer to the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

m. Procurement of Recovered Materials. See the General Section for information concerning this requirement.

3. DUNS Requirement. Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

V. Application and Submission Information

A. Web Address To Access an Application Package

Copies of this published NOFA and application forms for this program may be downloaded from the Grants.gov Web site at *http://www.grants.gov.* If you have difficulty accessing the information you may call the Grants.gov help line toll-free at (800) 518–GRANTS or e-mailing *support@grants.gov.* Help line customer representatives will assist you in accessing the information. For further general information, you can contact the NOFA Information Center at (800) HUD–8929. If you are hearing impaired, you may reach the numbers above through (800) HUD–2209 (TTY) (these are toll-free numbers).

B. Content and Form of Application Submission

1. The application must be submitted no later than June 14, 2005. See the General Section for specific instructions for application submissions procedures and timely filing.

a. Applicant Information.

(1) Application Format. The application narrative response to the Rating Factors from new and eligible prior grantees is limited to a maximum of 15 pages (excluding attachments and worksheets) of size 8½″ x 11″ using a 12-point font with not less than ¾″ margins on all sides. Attachments should be referenced and discussed in the narrative response. Materials provided in the attachments should directly apply to the specific rating factor narrative. Information that is not referenced or does not directly apply to a specific narrative response will not be rated or ranked by reviewer.

(The forms required for application submission and instructions can be found in the application at *http://www.grants.gov.* and in the General Section.)

(2) Applicants are encouraged to use the following checklist to ensure that all required materials have been prepared and submitted. You are not required to submit this checklist with your application.

Checklist and Submission Table of Contents

Lead Hazard Reduction Demonstration Grant Program

- Applicant Abstract (limited to a maximum of 2 pages).
- Rating Factor Response (limited to a maximum of 15 pages).

1. Capacity of the Applicant and Relevant Organizational Experience—Form HUD–96012.

2. Needs/Extent of the Problem—Form HUD–96013.

3. Soundness of Approach—Form HUD–96014; and Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months—Form HUD–96008.

4. Leveraging Resources—Form HUD–96015.

5. Achieving Results and Program Evaluation—Form HUD–96010 Logic Model.

- Required materials in response to rating factors (does not count towards 15-page limit).

Form SF–424.

Form SF–424 Supplemental.

Form HUD–424CB.

Form HUD–424CBW, Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification.

Form HUD–27300 Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, including any documentation required (note that currently validated Web site (URL) references to any such documents may be provided in place of providing copies of them in the application).

Form HUD–2880 Disclosure and Update Report.

Form HUD–2990 Certification of Consistency with the RC/EZ/EC–II Strategic Plan.

Form HUD–2991 Certification of Consistency with the Consolidated Plan.

Form SF–LLL Disclosure of Lobbying Activities Required (if required).

Form HUD–96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.

HUD's Waiver from submitting electronically (if applicable).

Form HUD–2993 Acknowledgment of Application Receipt (if waiver was granted).

Form HUD–2994 Client Comments and Suggestions (completion of this form is optional).

Threshold Requirements

Copy of Lead-Based Paint Element in Consolidated Plan.

25 Percent Matching Contribution, including any documentation required.

- Optional material in support of the Rating Factors (20 page limit).

(3) The following are instructions on the items to be submitted as part of the application. See the General Section for instructions for submitting third party documents and electronic files:

(a) Abstract Summary. An abstract describing the goals and objectives of your proposed program (2-page limit, single-spaced, 12-point standard font, ¾-inch margins) must be included in the proposal. The abstract should include the title of your proposed project, the name, mailing address and telephone number of the principal contact person for the primary entity and the same information for sub-contractors, partners, etc.

(b) Budget. A detailed budget (total budget is the Federal share and matching contribution (Form HUD

424CBW) with supporting narrative and cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in Section IV.E.2. of this NOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. Applicants are to identify the direct lead hazard control costs that meet this requirement. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10 percent of the Federal budget request. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF–424 will govern as the correct value.

(c) Matching Contribution. An itemized breakout (using the HUD 424 CBW) of your required matching contribution, including:

(i) Values placed on donated in-kind services;

(ii) Letters or other evidence of commitment from donors; and

(iii) The amounts and sources of contributed resources.

(d) Application Forms. See unit IV.B.1.a.(2), above, for the list of application forms.

(e) Grant Partners. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating grassroots community-based nonprofit organizations, including faith-based organizations and other community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(f) Consolidated Plan Element. (This Consolidated Plan requirement does not apply to Native American Tribes.) If your jurisdiction has a current HUD-approved Consolidated Plan, you must submit, as an attachment (or a currently validated Web site (URL) reference, instead), a copy of the lead-based paint element included in the approved Consolidated Plan. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments (AI) to fair housing, particularly as it addresses your target areas. If you (the applicant agency) also submitted an application as an eligible applicant for the fiscal year 2005 Lead Hazard Control Grant Program NOFA you may refer to this Consolidated Plan and AI material in your other application for proof of documentation, and you are not required to resubmit this material for this NOFA. If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(g) Rating Factor Response. You should include a narrative statement addressing the rating factors for award. Number the pages of your narrative statement and include a header and a footer that provides the name of the applicant and the name of the program to which you are applying. Narrative statements provided as part of the application should be individually labeled to identify the rating factor to which the narrative is responding (*e.g.* Factor 1, Capacity, etc.). The overall response to the rating factors must not exceed a total of 15 pages including all rating factors (single-sided, single-spaced, 12 point standard font, ¾-inch margins). Any pages in excess of this limit will not be read.

(h) Objectives and Milestones Specific and measurable performance objectives and milestones to be developed in support of the work plan narrative include:

(1) The overall objectives for lead hazard control activities including the total number of lead hazard evaluations, units projected to be completed and cleared, and the expenditure of Federal grant funds (HUD Agreement HUD–1044). Quarterly performance milestones are to be developed to achieve the overall objectives for these activities.

(2) Performance benchmarks for the 36-month grants in this program that have been developed shall be used. The benchmark worksheet included in this NOFA can be downloaded from the HUD Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* Development of your work plan must include and reflect these benchmark standards.

b. Your application must contain all of the required information noted in this Program Section and the General Section. The forms required for application submission and instructions can be found in the application at *http://www.grants.gov.*

C. Submission Dates and Times

1. Application Due Dates: Applications submitted through *http://www.grants.gov* must be received by Grants.gov no later than 11:59:59 p.m. eastern time on June 14, 2005. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Refer to the General Section for additional submission requirements including acceptable submission dates, times, methods, acceptable proof of application submission and receipt procedures, and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. on the application submission date. Make sure you see the General Section for how to submit third party letters and other documents as part of your electronic submission utilizing form HUD–96011, Facsimile Transmittal. Applicants receiving a wavier of the electronic submission requirement must submit their application to the United States Postal Service for delivery no later than 11:59:59 p.m. eastern time on the application due date.

D. Intergovernmental Review

Not required.

E. Funding Restrictions

1. Eligible Activities. HUD is interested in promoting lead hazard control approaches that result in the reduction of elevated blood lead levels in children for the maximum number of low-income families with children under six years of age, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and replicable elsewhere. Copies of HUD's Lead-Safe Housing Regulation, and the companion publication ''Interpretive Guidance: The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold,'' are available from the National Lead Information Clearinghouse at 1–800–424–LEAD (this is a toll-free number). If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Copies are also available from the Office of Healthy Homes and Lead Hazard Control Web site at: *http://www.hud.gov/offices/lead.*

a. Not less than 90 percent of the funds made available shall be used exclusively for abatement and/or interim controls (with clearance testing), inspections, risk assessments, and temporary relocations. These include Direct Project Elements (1)–(5) listed below and undertaken directly or through sub-recipients:

(1) Performing dust testing, combined lead-based paint inspections and risk assessments, and engineering and

architectural activities that are required for, and in direct support of, interim control and lead hazard abatement work of eligible housing units constructed prior to 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil through the use of acceptable testing procedures. The purchase or lease of a maximum of two X-ray fluorescence analyzers used by the grant program, if not already available, are eligible costs. All test results must be provided to the owner of the unit, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(2) Conducting lead hazard control activities that may include any combination of the following:

(a) Interim controls of lead-based paint hazards including lead-contaminated soil in housing that must include specialized cleaning techniques to address lead dust, according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.*

(b) Abatement. The complete abatement of all lead-based paint hazards in a unit or structure is acceptable if it is cost-effective. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.* drip line or foundation of the unit being treated, and children's play areas. All lead hazards identified in a housing unit enrolled in this grant program must be controlled or eliminated by any combination of these strategies.

(3) Carrying out temporary relocation of families and individuals to decent, safe and sanitary housing during the period in which hazard control is conducted and until the time the affected unit receives clearance for re-occupancy. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)(D)(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(4) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. These grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD encourages integration of this grant program with housing rehabilitation, maintenance, weatherization, and other energy conservation activities.

(5) Conducting clearance dust-wipe testing and laboratory analysis (the laboratory must be recognized by the National Lead Laboratory Accreditation Program (NLLAP) as being capable of performing lead analyses of samples of paint, dust-wipes, and/or soil).

2. Ineligible Activities. You may not use grant funds for:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, except for the purchase of X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing (this housing stock is not eligible under Section 1011 of the Lead-Based Paint Hazard Reduction Act).

(5) Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

(6) Hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), as having special flood hazards unless:

(a) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

d. Program Specific Requirements.

(1) Work Activities. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR part 35, and as clarified in HUD's Interpretive Guidance about the rule located at *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm.* Activities must also comply with any additional requirements in effect under a state or Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

(2) Direct Lead Hazard Identification and Control Activities. Not less than 90 percent of the funds made available shall be used exclusively for abatement, inspections, risk assessments, temporary relocations, and interim control of lead-based hazards.

(3) By September 30, 2006, applicants that received a Lead Hazard Reduction Demonstration grant under the FY 2005 competition are to participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010, or are to assist in the development of such a plan (further guidance will be provided to grantees on developing the elimination plan). New applicants are encouraged to include an outline of the steps that they will take to participate in or develop a statewide or jurisdiction-wide strategic plan. Applicants are encouraged to collaborate with Centers for Disease Control and Prevention (CDC) Childhood Lead Poisoning Prevention grantees, which are now required to develop such plans. At a minimum, the plan must include the following elements:

(a) Mission Statement;
(b) Purpose and Background on Lead Poisoning Prevalence;
(c) Goals, Objectives, and Activities; and
(d) Evaluation Plan.

2. Administrative Costs. There is a 10 percent maximum for administrative costs as specified in Section 1011(j) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, Public Law 102–550). Additional information about allowable administrative costs is provided below.

a. *Purpose.* The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, for the overall management of the grant. In most instances the grantee, whether a State or a local government, principally serves as a conduit to pass funding to sub-grantees, which are to be responsible for conducting lead-hazard reduction work. Congress set a maximum of ten percent of the total grant sum for the grantee to perform the function of overall management of the grant program, including passing on funding to sub-grantees. The cost of that function, for the purpose of this grant, is defined as the ''administrative cost'' of the grant, and is limited to ten percent of the total grant amount. The balance of ninety percent or more of the total grant sum

is reserved for sub-grantees or other direct-performers of lead-hazard identification and reduction work including relocation. For purposes of the Lead-Based Paint Hazard Reduction Demonstration Grant Program, lead hazard identification and reduction includes lead paint inspection/risk assessments, interim controls, abatement of lead hazards, clearance testing, and relocation.

b. *Administrative Costs: What They Are Not.* For the purposes of this HUD grant program for States and local governments to provide support for the evaluation and reduction of lead-hazards in low- and moderate-income, private target housing, the term ''administrative costs'' should not be confused with the terms ''general and administrative cost,'' ''indirect costs,'' ''overhead,'' and ''burden rate.'' These are accounting terms usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department, the Police Department, the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

c. *Administrative Costs: What They Are.* For the purposes of this HUD grant program, ''Administrative Costs'' are the grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the total grant sum. Should the grantee's actual costs for overall management of the grant program exceed ten percent of the total grant sum, those excess costs shall be paid for by the grantee. However, excess costs paid for by the grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

d. *Administrative Costs Definition:*

(1) General. Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than 10 percent of the total HUD grant sum may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. The grantee shall take care not to mix or attribute administrative costs to the *direct* project cost centers.

(2) Specific. Reasonable costs for the grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten percent limit, such costs include, but are not limited to, necessary expenditures for the following goods, activities and services:

(a) Salaries, wages, and related costs of the grantee's staff, the staff of affiliated public agencies, or other staff engaged in grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(i) Preparing grantee program budgets and schedules, and amendments thereto;

(ii) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(iii) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(iv) Developing systems for assuring compliance with program requirements;

(v) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(vi) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(vii) Evaluating program results against stated objectives;

(viii) Providing local officials and citizens with information about the overall grant program; however, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity);

(ix) Coordinating the resolution of overall grant audit and monitoring findings; and

(x) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(b) Travel costs incurred for official business in carrying out the overall grant management;

(c) Administrative services performed under third party contracts or agreements, for services directly allocable to grant management such as: legal services, accounting services, and audit services;

(d) Other costs for goods and services required for and directly related to the overall management of the grant program; and including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

(e) The fair and allocable share of grantee's general costs that are not directly attributable to specific projects or operating departments such as salaries, office expenses and other related costs for local officials (*e.g.*, mayor and city council members, etc.), and expenses for a city's legal or accounting department which are not charged back to particular projects or other operating departments. If a grantee has an established burden rate, it should be used; if not, the grantee shall be assigned a negotiated provisional burden rate, subject to final audit.

3. Eligibility of HUD-Assisted Housing. The table, ''Eligibility of HUD-Assisted Housing,'' available at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, lists the ''eligible'' housing units that may participate under the Lead Hazard Reduction Demonstration Grant Program

F. Other Submission Requirements: Other Submission Requirements

Beginning in FY 2005, HUD requires applicants to submit applications electronically through *Grants.gov*. Applicants interested in applying for funding must submit their application

electronically via the Web site *http://www.grants.gov* unless you request and are granted a waiver to the electronic submission requirements. This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The *http://www.grants.gov* Web site includes a simple, unified application process to enable applicants to apply for grants online. See section IV.F of the General Section for additional information on the electronic process and how to request a waiver from the requirement.

V. Application Review Information

A. Criteria

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's staff'' for technical merit or threshold compliance, unless otherwise specified, includes any grassroots community-based nonprofit organizations, including faith-based organizations sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. In rating this factor, HUD will consider:

a. The applicant's recent, relevant and successful demonstrated experience (including working with governmental, parent groups, and grassroots community-based nonprofit organizations, including faith-based organizations and other community-based partners) to undertake eligible program activities. Applicants are to identify the organizations or entities that will assist the applicant in implementing the program. The applicant must describe the knowledge and experience of the current or proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. The applicant must demonstrate that it has sufficient personnel or will be able to retain qualified experts or professionals, and be prepared to perform lead hazard evaluation, lead hazard control intervention work, and other proposed activities within 120 days of the effective date of the grant award. HUD reserves the right to terminate the grant if sufficient personnel or qualified experts are not retained within these 120 days. In the narrative response for this factor, you should include information on your program staff, their experience, their commitment to the program, salary information, and position titles. Resumes (for up to three key personnel) or position descriptions for those key personnel to be hired, and a clearly identified organizational chart for the lead hazard control grant program effort (and for the overall organization) must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project (see Factor 1 Table—Key Personnel and Partners). The applicant's day-to-day program manager must be experienced in the management of housing rehabilitation or lead hazard control, childhood lead poisoning prevention, or similar work involving project management. Ideally, the program manager should be available at the inception of the program in order to implement this comprehensive program within the 120-day period after the effective date of the grant award. The applicant should provide a description of any previous experience in enrolling units and in completing lead hazard control work, housing rehabilitation or other work in a timely and effective manner. Describe how any other principal components of your agency, other public entities, or other organizations will participate in implementing or otherwise supporting or participating in the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead Hazard Reduction Demonstration Grant Program.

b. The applicant should discuss their plans to participate in or develop a statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010.

c. If the applicant received any previous HUD Lead-Based Paint Hazard Control Grant funding, this past experience will be evaluated in terms of cumulative progress and achievements under the previous grant(s). Where the applicant has received multiple HUD Lead Hazard Control Grants, performance under the most recent grant award will be primarily evaluated. If you are a current or prior grantee, you must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work. The applicant must provide a description of its progress and performance implementing the most recent grant award including the total number enrolled, assessed, and completed and cleared as a result of program efforts. The applicant must also describe outcomes, capacity building efforts and impediments experienced during a previous Lead Hazard Control Grant program. Other work plan activities and tasks associated with implementing HUD's Lead-Safe Housing Regulation, integrating lead-safe work practices into the private market, and promoting effective education, outreach, and other training activities should be described. The applicant should also describe specific instances where the program has contributed positive impacts in the community, and indicate what activities were undertaken to develop, enhance or expand the local infrastructure through collaboration.

HUD's evaluation process will consider an applicant's past performance record as reported to HUD in effectively organizing and managing their grant operations, in meeting performance and work plan benchmarks and goals, and in managing funds, including their ability to account for funds appropriately, the timely use of funds received either from HUD or other Federal, state or local programs, and meeting performance milestones. HUD may also use other information relating to these items from sources at hand, including public sources such as newspapers, Inspector General or Government Accounting Office Reports or Findings, hotline complaints, or other sources of information that have been proven to have merit. Applicants are to complete the Factor 1 Table to support the narrative information submitted.

2. Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem related to lead-based paint and lead-based paint hazards in your identified target area(s). An applicant will be scored in this rating factor based on their documented need as evidenced by thorough, credible, and appropriate data and information. The evaluation will be based only on the applicant's documentation of the data requested. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and/or in cooperation with the Centers for Disease Control and Prevention. The applicant is to complete the Factor 2 Table—Need/Extent of the Problem in Section IV of this NOFA.

A maximum of 15 Points will be awarded in this rating factor based on the information documenting the number of children under age 6 years with an elevated blood lead level (EBL, that is a level of 10 µg/dL or more) and the number of pre-1940 occupied rental housing units in the applicant's jurisdiction.

a. Documented Number of Children with an Elevated Blood Lead Level (EBL) (10 Points). Provide the actual number of children under age 6 with an elevated blood lead level residing within the applicant's jurisdiction(s) for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. States must report the number in the city, county, or other area where funds will actually be used. Consortia of local governments must report the number in the cities or counties making up the consortium. For the purposes of this application, a ''documented case'' of childhood lead poisoning is a child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider. The actual number of children with an elevated blood lead level (not an estimate) in the applicant's jurisdiction must be reported to HUD in order to be eligible for this grant program. Do not send the children's names or addresses or other identifiers. Failure to provide this number in the application means that the application will not be rated or ranked.

(1) Applicants are to complete the Factor 2 Table to document the number of children with an elevated blood lead level. Points will be awarded based on the documented number of children with an elevated blood lead level according to the table, ''Points Awarded for Number of Children Under Age 6 Years with an Elevated Blood Lead Level in Target Area,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The table shows the number of points awarded based on the number of children with an elevated blood lead level in the grant target area(s).

b. Housing market data relevant to the applicant's jurisdiction Housing Age (5 Points). Housing Age for the following sub-categories: pre-1940, 1940–1949, 1950–1959, 1960–1969, 1970–1979, and 1980 or newer, are to be provided using the Factor 2 Rating Factor Table provided in Section IV.B.c.

(1) Points will be awarded for the number of pre 1940 occupied rental units in the applicant's jurisdiction according to the table, ''Points Awarded for Number of Pre-1940 Occupied Rental Housing Units in Target Area,'' that can be downloaded from *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The table shows the number of points awarded based on the number of pre-1940 occupied rental housing units in the grant target area(s).

3. Rating: Soundness of Approach/Work Plan/Budget (45 points).

This factor addresses the quality and cost-effectiveness of your proposed work plan. Applicants should develop a work plan that includes specific, measurable, and time-phased objectives for each major program activity. The applicant's work plan should reflect benchmark standards for production, expenditures, and other activities that have been developed by the Office of Healthy Homes and Lead Hazard Control. These benchmark standards, as well as policy guidance on developing work plans have been included in the Section IV of this NOFA and are available at the HUD Web site at: *http://www.hud.gov/offices/lead/lhc/pgi/index.cfm.* This policy guidance provides a sample format and outline for developing a Lead Hazard Reduction Demonstration Grant Program Work Plan.

a. An applicant is to identify and describe specific methods, measures, and tools that you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document, and report the information. In evaluating this, HUD will consider how you have described outcome measures and benefits of your program including:

b. How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan.

c. Applicants should describe the proposed activities and provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant (*e.g.*, estimated number of units to be made lead-safe, estimated number of children living in units made lead-safe, and the basis for these estimates). Each proposed activity must be eligible as described in the NOFA and meet statutory requirements for assistance to low- and very low-income persons.

(1) Lead Hazard Control Work Plan Strategy (20 points). Describe your work plan goals and specific time-phased strategy to complete work under the grant within the 36-month period of performance for your lead hazard control grant program. You should provide information on:

(a) Implementing a Lead Hazard Control Program. Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How the project will be organized, managed, and staffed. You must also identify the specific steps that will be taken to train and ensure the availability of enough lead-based paint contractors and workers to conduct lead hazard control interventions, and to perform other program activities. In addition, a detailed description of the selection process for sub-grantees, subcontractors or sub-recipients, and how assistance and funding will flow from the grantee to those who will actually perform the work under the grant.

(ii) The overall number of eligible privately owned housing units scheduled for lead hazard control intervention work and the strategy for their identification, selection, prioritization, and enrollment in the selected target area(s). Discuss the eligibility criteria for unit selection and how the program will identify units that meet these criteria. Explain how you would target resources to maximize the return on investment from grant funding. As funding is a constraint for this program, it is imperative to maximize the impact of grant dollars. Include in this discussion your proposed technical approach and how this choice addresses local conditions and needs as well as attempting to maximize the number of children protected from lead hazards. As there are a variety of reduction techniques that grantees can apply to lead hazards, it is important too that HUD be able to assess the effectiveness of a grantee's choice of a technical strategy. Explain how referrals of eligible units will be obtained from childhood lead poisoning prevention programs, other health care or housing agencies, or health providers that serve children. Also discuss how referrals are made from the Section 8/Housing Choice Voucher programs and other agencies that provide housing assistance to low-income households with children including CDBG, HOME Investment Partnerships Program-funded housing programs, or other

sources. (Include as attachments any referral agreements, commitment letters or other documents from other entities that describe their participation recruiting eligible units in your program.

(iii) The degree to which the work plan focuses on eligible privately owned housing units occupied by low-income families with children under six years of age. Describe your planned approaches to control lead hazards in vacant and/or occupied units before children are poisoned and your plans to ensure that the program will continue to affirmatively market and match these units made lead-safe with low-income families with children under six years of age in the future. Discuss strategies to control lead hazards in units where children have already been identified with an elevated blood lead level (EBL), including your process for referring and tracking children with EBLs, and your capacity to rapidly complete lead hazard control work in their units. Provide estimates of the number of low-income children you will assist through this program.

(iv) Discuss the lead hazard control financing strategy, including eligibility requirements, terms, conditions, dollar limits, and amounts available for lead hazard control work. Applicants must also describe how the program will recapture grant funds in the event that a recipient of grant funds fails to comply with any terms and conditions of the financing arrangement (e.g. affordability, sale of property, etc.). You must discuss the way assistance from the grant funds will be administered to or on behalf of property owners (e.g. use of grants, deferred loans and/or forgivable loans and the basis and schedule for forgiveness, and the role of other resources, such as private sector financing). You should identify the entity that will administer the financing process and describe how coordination and payment between the program and contractors performing the work will be accomplished. Describe matching requirements, if any, proposed for assistance to rental property owners.

(v) Describe how your proposed program will satisfy the stated needs in the Consolidated Plan or Indian Housing Plan and eliminate impediments identified in the Analysis of Impediments (AI). Also describe how your proposed program will further and support the policy priorities of the Department: including promoting healthy homes and the quality of housing. Applicants should describe activities undertaken that remove barriers to affordable housing within their communities or support such efforts at the State and local level.

(vi) Describe how, by September 30, 2006 you will participate in an established statewide or jurisdiction-wide strategic plan to eliminate childhood lead poisoning as a major public health problem by 2010, or will assist in the development of such a plan in states or localities which do not have such a strategic plan (7 points). (Further guidance will be provided to grantees on developing a strategic plan.) Applicants shall demonstrate the nature of their collaboration with Centers for Disease Control and Prevention (CDC) funded Childhood Lead Poisoning Prevention grantees, which are now required to develop such plans, and the local CDC subgrantee(s) where they exist for the grant's proposed target area(s). A list of CDC childhood lead poisoning prevention programs can be downloaded from *http://www.cdc.gov/nceh/lead/grants/contacts/keyContacts.htm.* The CDC strategic elimination plans for state and local childhood lead poisoning prevention programs can be downloaded from *http://www.cdc.gov/nceh/lead/Strategic%20Elim%20Plans/strategicplans.htm.*

(vii) Community-wide Learning Opportunity (3 points). The Lead-Based Paint Hazard Control Grant provides an opportunity for learning by community members, including families, workers, small businesses and others, to help develop a strategic community health educational model that identifies lead-related health hazards and their solutions, and educates community members and affects wider efforts in the applicant's targeted area. Applicant shall discuss the opportunity-to-learn approach to educate children, parents, workers, businesspeople and other community members about lead poisoning prevention and lead hazard control. The applicant's proposed educational program shall continue to meet the needs of those children already living in units with eligible lead hazards.

(viii) Coordination Among Critical Agencies. Submit documentation of the existence and nature of formal cooperation regarding childhood lead poisoning prevention programs among health agencies, housing agencies, community development agencies, and code enforcement agencies (or equivalent) for their target area(s) local jurisdiction(s), and, for state or tribal applicants, for their state or tribal health agencies, housing agencies, development agencies. and code enforcement agencies (or equivalent). Documentation shall include memoranda of agreement, memoranda of understanding, operating plans, or similar materials that describe the coordinated childhood lead poisoning prevention effort. Where local or state governments have combined two or more of these functions into a larger organization, the documentation may be from either the individual component entities or the larger organization. As part of this documentation, describe how the health department and the housing and/or development agency will consider enrolling housing units (or multifamily buildings) in which one or more children under age 6 years have elevated blood lead levels, with priority to housing where repeated and/or severe cases of childhood lead poisoning have occurred. (Because of the presence of a variety of priorities, it is not a requirement that units with lead-poisoned children be enrolled, but the process for giving such units high priority should be described and implemented.)

2. Technical Approach/Performance (20 pts.). Describe your process for the conduct of lead hazard evaluation (risk assessments and/or inspections) in units of eligible privately owned housing to confirm that there are lead-based paint hazards in the housing units where lead hazard control is undertaken.

(1) Describe your testing methods, schedule, and costs for risk assessments, paint inspections, and clearance examinations to be used. If you propose to use a more restrictive standard than the HUD/EPA thresholds (e.g., less than 0.5 percent or 1.0 mg/ square centimeter for lead in paint, or less than 40, 250, 400 μg/square foot for lead in dust on floors, sills and troughs, respectively); or 400 parts per million (ppm) in bare soil in children's play areas and 1200 ppm for bare soil in the rest of the yard), identify the standard(s) that will be used. All testing shall be performed in accordance with applicable regulations.

(2) Describe the lead hazard control methods and strategies you will undertake and the number of units you will treat. In cases where only a few surfaces have lead hazards in a specific unit and complete abatement of all lead paint is cost-effective, the applicant must provide a detailed rationale for selecting complete abatement as a strategy. Provide an estimate of the per unit costs (and a basis for those estimates) and a schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods. Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost

effectiveness. Research has shown that interim controls generally yield the best benefit/cost ratio among technological approaches for eliminating lead hazards. Applicants should assume that interim controls are the preferred approach for their strategies and project unit output targets accordingly. If applicants maintain that approaches other than interim controls are necessary for their jurisdiction, they should explain why this is the case. For example, abatement might be justified in an area where significant amounts of low-income housing stock are highly distressed or where lead hazard work is being combined with rehabilitation. Where highly distressed stock is present, applicants should explain why options for households to move to lead-safe housing are not viable.

(3) Schedule. Provide a realistic schedule for completing key activities, by quarter, so that all activities can be completed within the period of performance of the grant. Key production activities include enrollment of units, paint inspections/risk assessments, and completion/clearance of units. When developing the application, the applicant shall take into consideration previous experience and performance in administering similar kinds of lead hazard control or rehabilitation programs.

(4) Time frames. Describe the estimated elapsed time frame for treating a typical unit that will receive lead hazard control, including referral/intake, enrollment (qualification of the unit as eligible), combined paint inspection/risk assessments, preparation of specifications or work write-up, selection of the contractor, lead hazard control intervention work activities, quality control and monitoring of work activities, and clearance. The time frame should include an estimate of the staff and contractor time required to treat a typical unit that will receive lead hazard control. Describe the schedule for emergency referrals (e.g., unit occupied by a child under six years of age with an elevated blood lead level). List the number of units projected in each of the following categories: Lead-based paint inspections/risk assessments, hazard control, and clearance inspections.

(5) Workflow and Production Control. Provide guidelines and/or flowcharts showing agency/partner responsibilities for each step in the process (from intake to clearance) and describe/show how coordination and hand-offs will be handled. Discuss how the actual production status of units, from intake to final clearance, will be monitored, and how and when production bottlenecks will be identified, remedied, and monitored.

(6) Describe your contracting process, including development of specifications or adoption of existing specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units, and requirements for coordination among lead hazard control, rehabilitation, weatherization, and other contractors.

(7) Describe your plan for occupant protection or the temporary relocation of the occupants of units selected for lead hazard control work. Describe any plan to avoid overnight relocation in small-scale projects consistent with 24 CFR part 35.1345 (a)(2) and HUD's Interpretive Guidance of 24 CFR part 35, including J24, R18, and R19 (see *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm).* Your work plan should address the use of safe houses and other temporary housing arrangements, storage of household goods, stipends, incentives, etc. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)(D)(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal.

(8) Describe your strategy for involving neighborhood or including grassroots community-based non-profit organizations, including faith-based organizations or other community-based organizations in your proposed activities. Priority activities should include increasing the enrollment of eligible privately owned housing units to receive lead treatments, but may also include inspection (including dust lead testing) and the conduct of lead hazard control activities. HUD will evaluate the proposed level of substantive involvement of such organizations during the review process.

(9) Identify and discuss the specific methods you will use (in addition to HUD reporting requirements) to document activities, progress, program effectiveness, and how changes necessary to improve performance will be implemented. Describe how you will obtain, document, and report on information collected.

(10) If you are a current or prior grantee or you have also applied to the fiscal year 2005 Lead Hazard Control Grant Program Notice of Funding Availability, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with other ongoing lead hazard control grant work.

3. Budget (5 points)

Describe your budget within the 36-month (or less) period of performance for your lead hazard control grant program. You should provide information on:

(1) Allocation of Funds. You should describe your detailed total budget (total budget is the federal share and matching contribution) with supporting narrative and cost justifications for all budget categories of your grant request. The budget shall include not more than 10 percent for administrative costs and not less than 90 percent for direct project elements. The applicant is to provide adequate details on the 90 percent of the Federal funds that are required for abatement, combined lead-based paint inspections and risk assessments, temporary relocations, and interim control of lead-based paint hazards. In addition, the applicant is to provide details on the activities that will be conducted with the remaining 10 percent of Federal funds.

4. Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to obtain other community and private sector resources that can be combined with HUD's program resources to achieve program objectives. In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions of services, equipment, or supplies allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, and other entities partnering with you. Leveraging arrangements with rental property owners may have the benefits of increasing the efficiency of public lead hazard identification and control expenditures and creating a financial stake for rental property owners in the quality of lead hazard control work. Contractual or other formal relationships with grassroots community-based nonprofit organizations, including faith-based

organizations and other community-based organizations are a requirement for State and local government applicants. Documentation of relationships with grassroots community-based nonprofit organizations, including faith-based organizations, and community-based organizations must be provided in this application either in the form of signed agreements or commitment letters. This requirement does not apply to Native American Tribe applicants. You also may partner with other program funding recipients to coordinate the use of resources in your target area(s).

(1) You should detail any activities to increase the understanding of lead poisoning prevention in your community. This could include partnerships with childhood lead screening programs, collaboration with ongoing health, housing or environmental research efforts which could result in a greater availability of resources, and efforts to build capacity for lead-safe housing.

(2) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. Refer to Section III. B. entitled, Cost Sharing or Matching Requirements for additional information. You may not include any federal funds as part of the 25 percent match, unless those funds are specifically permitted by statute to be used as matching funds, such as CDBG or Federal Revenue Sharing funds. Other resources from the private sector or other sources committed to the program that exceed the required 25 percent match will provide points for this rating factor. Contributions above the first 25 percent may include funds from other federally funded programs, and/or state, local, charity, and nonprofit or for-profit entities.

Applicants will not receive full points under this rating factor if they do not submit evidence of a firm commitment and the appropriate use of leveraged resources under the grant program. Such evidence must be provided in the form of letters of firm commitment, memoranda of understanding, or other signed agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and the responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of nonprofit grassroots community-based organizations including faith-based organizations. and other community-based organizations in specific program activities, such as: hazard evaluation and control; monitoring; and awareness, education, and outreach within the community. Describe how you will ensure that commitments to sub-grantees specified in your proposal will be honored and executed, contingent upon an award from HUD.

The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter from the applicant organization is not required; however, the applicant must submit a letter of commitment from each organization other than itself that is providing a match, whether cash or in-kind. Staff in-kind contributions should be given a monetary value based on the local market value of the staff skills; you are responsible for tracking the number of labor hours provided in the match for each labor category. If you do not provide letters from contributors specifying details and the amount of the actual contributions, those contributions will not be counted. Contributions required of rental property owners may be included as part of your match. You should document and provide the amount of the match from each resource.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

(A) This factor emphasizes HUD's commitment to ensuring that applicants achieve the goals outlined in their work plan and other benchmark standards and assess their performance to ensure performance goals are met (5 points). Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going measure it and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. The degree to which benefits are maximized relative to cost is important. In particular, different technical approaches vary widely in cost, but also produce different levels of benefits. Evaluation should explore how well the technical strategy meets the conditions and needs found in the grantee's jurisdiction.

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. Applicants are required to complete the HUD 96010 Logic Form included in the General Section.

(1) An applicant is to identify and describe specific methods, measures, and tools that you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program including:

(a) The degree to which lead hazard control work will be done in conjunction with other housing-related activities (*i.e.*, rehabilitation, weatherization, correction of code violations, and other similar work), or your plan for the integration and coordination of lead hazard control activities into those activities in the future.

(b) Plans to develop public/private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing such as the use of Community Reinvestment Act ''credits'' by lending institutions or other financing strategies.

(c) Results of any specific plans and objectives established to implement and/or maintain a registry (listing) of lead-safe housing that is available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Results could include how the information would be managed and affirmatively marketed to the public so that families (particularly low-income families with children under six years of age) can make informed decisions regarding their housing options. Prior grantee applicants must address any registry (listing) of lead-safe housing developed during the prior grant period by specifically discussing the availability, amount of information contained, and its maintenance.

(d) The extent to which affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. (This section does not apply to Native American Tribes.)

Detail how your proposed work plan will support the community's efforts to affirmatively further affordable housing and how you will quantify results of affirmatively furthering fair housing activities. As part of the background for your fair housing element of your work plan under this grant, discuss the impact of prior activities that have contributed to enhanced lead-safe housing opportunities.

(e) The resulting impact of plans to adopt or amend statutes, regulations, or policies that will more fully integrate lead hazard control into community policies and priorities.

(f) Results of activities to coordinate and cooperate with other organizations that will lead to a reduction in lead risks to community residents (5 points). This could include documenting such activities as: Free training to create a workforce properly trained in lead safe work practices; lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program. This factor should address the quantitative measures of the following:

(1) Community outreach education that focuses on the outcomes of a workforce properly trained in lead safe work practices.

(2) Effective outreach education aimed at families, health care members and other professional colleagues.

(3) Effective outreach education assessing the needs of families and communities intended to receive lead hazard control assistance under this grant program.

(g) How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

B. Reviews and Selection Process

1. Rating and Ranking. Please refer to the General Section of this SuperNOFA for details. Only those applications that meet the threshold review requirements will be rated and ranked. HUD intends to fund the highest ranked applications receiving a minimum score of 75 within the limits of funding.

a. Remaining Funds. Refer to the General Section of this SuperNOFA for HUD's procedures if funds remain after all selections have been made within a category of the NOFA.

2. Factors for Award Used to Rate and Rank Applications. The factors for rating and ranking applicants, and maximum points for each factor, are stated below.

a. Implementing HUD's Strategic Framework and Demonstrating Results. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, and the quality of proposed Evaluation and Monitoring Plans.

HUD is encouraging applicants to undertake specific activities that will assist the Department in implementing its policy priorities that are found in the General Section and applicable to the Lead Hazard Reduction Demonstration NOFA. Activities that promote the participation of including grassroots community-based nonprofit organizations including faith-based organizations and community organizations support HUD's policy priority for: *Providing Full and Equal Access to grassroots community-based nonprofit organizations, including faith-based organizations.* An applicant will be awarded one point under Rating Factor 3 d.(8) for activities undertaken that specifically address this policy priority. For initiatives that break down regulatory barriers that impede the production of affordable housing, an applicant will be awarded up to two points under Rating Factor 3c(1)(a)(v) for activities that remove barriers to affordable housing within their communities or support such efforts at the state and local level. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. Applicants addressing this policy priority are to complete Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, and are to include any documentation required. Note that currently validated Web site (URL) references to any such documents may be provided in place of providing copies of them in the application). Refer to the General Section for additional details pertaining to this policy priority.

b. Bonus Points (2 Points).

HUD's FY2005 NOFAs provide for the award of two bonus points for eligible activities/projects that the applicant proposes to locate in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), or Renewal Communities (RCs) designated by USDA in round II (EC–IIs) (collectively referred to as RC/EZ/EC–IIs), and which will serve the residents of these communities. In order to be eligible for the bonus points, applicants must submit a completed Form HUD 2990.

The maximum number of points to be awarded is 102. A minimum score of 75 is required for fundable applications.

Rating factor	Maximum points
1. Capacity of the Applicant and Relevant Organizational Experience	20
2. Demonstrated Need/Extent of the Problem	15
3. Soundness of Approach/Work Plan (20 Points); Technical Approach (20 Points); Budget (5 Points)	45
4. Leveraging Resources	10
5. Achieving Results and Program Evaluation	10
Bonus Points—RC/EZ/EC–IIs	2
Total	102

VI. Award Administration Information

Refer to the General Section for additional details on award administration.

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional

data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the SuperNOFA.

2. Negotiation. Refer to the General Section for additional details.

3. Adjustments to Funding.

Refer to the General Section for additional details.

4. Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of their respective programs.

B. Administrative and National Policy Requirements

Refer to the General Section for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. Administrative Requirements.

a. Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992). Section 1011 of Title X Section 217 of Public Law 104–134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows:

Sec. 1011. Grants for Lead-Based Paint Hazard Reduction in Target Housing

(1) General Authority. The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(a) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

(b) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting;

For the purposes of complying with Section 1011(1)(b) above, a unit occupied by a pregnant woman meets the Congressional intent of promoting primary prevention and maybe assisted under this program.

b. Certified and Trained Service Providers. Funded activities must be conducted by persons qualified for the activities according to 24 CFR part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

c. National Historic Preservation Act. The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. The Model Agreement may be obtained from the HUD Web site, *http://www.hud.gov*, or the Office of Healthy Homes and Lead Hazard Control Web site, *http://www.hud.gov/offices/lead/grantfrm/pgi/95_06.pdf*

d. Waste Disposal. You must handle waste disposal according to the requirements of the appropriate local, state, and federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines are available from the HUD Web site at: *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm.*

e. Worker Protection Procedures. You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Safety and Health Administration (OSHA) (29 CFR 1926.62, Lead Exposure in Construction), or applicable state or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

f. Davis-Bacon Act. The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

g. Work Plan. The work plan shall consist of the goals and specific time-phased objectives established for each of the major activities and tasks required to implement the program. These major activities and tasks are outlined in the Quarterly Progress Reporting System (Form–HUD–96006) and include: (1) Program Management and Capacity Building including data collection and program evaluation; (2) Community Education, Outreach and Training; and (3) Lead Hazard Activities including testing, interventions conducted, and relocation.

(1) The work plan narrative shall include:

(a) The management plan that describes how the project will be managed, and the timeline for staffing the program, establishing a lead-based paint contractor pool, and obtaining HUD approval for the Release of Funds Request (Form HUD 7015.15);

(b) A detailed description of how assistance and funding will flow from the grantee to the actual performers of the hazard reduction work;

(c) The selection process for sub-grantees, sub-contractors and/or sub-recipients;

(d) The identification, selection, and prioritization process for the particular properties where lead hazard control interventions are to be conducted;

(e) A description of the financing mechanism used to support lead hazard control work in units (name of administering agency), eligibility requirements, type of financing (grant, forgivable or deferred loans, private sector financing, etc), any owner

contribution requirement, and the terms, conditions and amounts of assistance available (include affordability terms and forgiveness and recapture of funds provisions);

(f) The inspection/risk assessment testing procedures using EPA standards to identify lead hazards and to conduct clearance testing. (Dust wipe samples, soil samples and any paint samples to be analyzed by a laboratory must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP));

(g) The process for developing work specifications and bids on properties selected for lead hazard control;

(h) The levels of intervention and clearance procedures to be conducted for units enrolled;

(i) The number of rental-occupied, vacant, and owner-occupied units proposed for each intervention level;

(j) The relocation plan that will be carried out for residents required to be out of their homes during hazard control activities;

(k) The evaluation process used to measure program performance.

h. *Privacy and Disclosure.* All test results in pre-1978 housing related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether Web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

i. Procurement of Recovered Materials. See the General Section for information concerning this requirement.

C. Reporting

Successful applicants will be required to submit quarterly, annual, and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Project benchmarks and milestones will be tracked using a benchmark spreadsheet that uses the benchmarks and milestones identified in the Logic Model form (Form HUD–96010; available in the General Section) approved and incorporated into your award agreement. For specific reporting requirements, see policy guidance: *http://www.hud.gov/offices/lead.* Specific guidance and additional details will be provided to successful applicants.

VII. Agency Contact(s)

For Further Information and Technical Assistance: You may contact Jonnette Hawkins, Director, Program Management and Assurance Division, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street SW., Washington, DC 20410–3000, or by telephone: (202) 755–1785, extension 126 (this is not a toll-free number), fax: (202) 755–1000; or e-mail: *Jonnette_G._Hawkins@hud.gov* (use underscores). If you are a hearing-or speech-impaired person, you may reach the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

VIII. Other Information

For technical assistance in downloading the electronic application or for other questions regaining the electronic application, including registration with Grants.gov, please contact the Grants.gov Support Desk at 800–518–GRANTS. Also refer to the General Section.

Other Office of Healthy Homes and Lead Hazard Control Information: For additional general, technical, and grant program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/offices/lead.*

BILLING CODE 4210–32–P

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
X	

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed
X	

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of Time to be spent on other Activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Subgrantees, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-001
(expires 4/30/2007

Factor 2 **Need/Extent Of The Problem**

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Jurisdiction	Name of Target Area (s)

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en

Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html

Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

*Attach copy of the downloaded information in appendix

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 3 **Soundness Of Approach**

A. Proposed Lead Hazard Control Activities **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 36-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Program													OMB Approval Number 2539-0015 (exp 1/31/2006)	
Grant Number:	**Grantee Organization:**									**Period of Performance: Feb 1, 2003 - January 31, 2006**				
ACTIVITY	Q1 2003 Jan - Mar	Q2 2003 Apr - Jun	Q3 2003 Jul -Sep	Q4 2003 Oct -Dec	Q5 2004 Jan - Mar	Q6 2004 Apr - Jun	Q7 2004 Jul - Sep	Q8 2004 Oct - Dec	*Q9 2005 Jan - Mar	Q10 2005 Apr - Jun	Q11 2005 Jul - Sep	Q12 2005 Oct - Dec	Q13 2006 Jan - Mar	Q14 2006 Apr-Jun
Applicant Capacity (0-120 days)														
Staff Hired	◆	◆												
Approved Environmental Review and Release of Funds	◆	◆												
Written Policies and Procedures	◆	◆												
Lead Hazard Control Implementation Units in Grant Agreement = #														
Paint Inspections/Risk Assessments:		◆	◆	◆	◆	◆	◆	◆	◆	◆				
Performance Standard		5%	15%	30%	45%	55%	65%	85%	95%	100%				
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
** *Units in Progress*														
Units Completed and Cleared:			◆	◆	◆	◆	◆	◆	◆	◆	◆	◆		
Performance Standard			2%	5%	15%	30%	45%	55%	* 65%	85%	95%	100%		
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $				◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	
Performance Standard				5%	10%	15%	20%	30%	* 45%	60%	80%	95%	100%	
LOCCS Drawdown Work Plan Milestone														
% Planned														
Actual LOCCS Drawdown														
Actual Cumulative LOCCS Drawdown %														
Community Outreach / Education/ Training														
Community Outreach and Education Work Plan Milestone														
Community Outreach and Education Milestone Achieved														
Skills Training Work Plan Milestone														
Skills Training Milestone Achieved														
Performance Measured Against Approved Work Plan Milestones	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	100% ◆	
Close-Out Feb 1 - Apr 30, 2006														◆
* Renewal Eligibility Milestone														
** No bench mark standard														

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 4 **Leveraging Resources**

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
	Total Amount	$ 0.00	$ 0.00	$ 0

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. outreach, training, risk Assessments/paint Inspections, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

HEALTHY HOMES DEMONSTRATION PROGRAM

Billing Code 4210-32-C

Healthy Homes Demonstration Program

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Healthy Homes Demonstration Program.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is: FR–4950–N–29. The OMB Paperwork approval number is 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.901 Healthy Homes Demonstration Program.

F. *Dates:* Your application submission date is June 15, 2005. See the General Section, Section IV, Application and Submission Information, regarding application submission procedures and timely filing requirements.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The purpose of the Healthy Homes Demonstration Program is to develop, demonstrate, and promote cost-effective, preventive measures to correct multiple safety and health hazards in the home environment that produce serious diseases and injuries in children of low-income families. Through the Healthy Homes Demonstration program, HUD will initiate projects to promote implementation of available risk reduction techniques for the control of key hazards described in Appendix B. Appendices B, C and D to this Healthy Homes Demonstration Program NOFA can be found on HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* Appendix A, which contains required forms, is attached to this NOFA.

2. *Available Funds.* HUD anticipates that approximately $5 million in fiscal year 2005 funds will be available.

3. *Number of Awards.* Approximately four to six cooperative agreements or grants will be awarded, ranging from approximately $250,000 to $1,000,000. The average award in 2004 was $958,625.

4. *Eligible Applicants.* Not-for-profit institutions and for-profit firms, located in the U.S. are eligible to apply. State and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to propose a fee or profit in their cost proposal (*i.e.*, no profit can be made from the project).

5. *Type of award.* Cooperative Agreement or Grant.

6. *Match.* None required, but strongly encouraged.

7. *Limitations.* There are no limitations on the number of applications that each applicant can submit.

8. *Information on application.* The applications for this NOFA can be found at *http://www.grants.gov*. The application is an electronic application. You must register at *http://www.grants.gov* to be able to submit your application. The General Section contains information about submission requirements and procedures. Please carefully review the General Section before reading the program section so that you understand HUD's new electronic application process. Information and procedures for completing an application are provided below.

Full Text of Announcement

I. Funding Opportunity Description

A. Background

The Healthy Homes Demonstration Program is a part of HUD's Healthy Homes Initiative (HHI). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the HHI. This description (Summary and Full Report) is available on the HUD Web site at: *http://www.hud.gov*; this site also contains additional information on the HHI and a link to its Web site.

The HHI builds upon HUD's existing housing-related health and safety issues, including lead hazard control, building structural safety, electrical safety, and fire protection to address multiple childhood diseases and injuries, such as asthma, mold-induced illness, carbon monoxide poisoning, and other conditions related to housing in a coordinated fashion. The HHI departs from the more traditional approach of attempting to correct one hazard at a time (*e.g.*, asbestos, radon). A coordinated effort is feasible because a limited number of building deficiencies contribute to multiple hazards. Substantial savings are possible using this approach, because separate visits to a home by an inspector, public health nurse, or outreach worker can add significant costs to efforts to eliminate hazards.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment. While such health hazards will tend to be found disproportionately in housing that is substandard (*e.g.*, structural problems, lack of adequate heat, etc.), such housing-related environmental health hazards may also exist in housing that is otherwise of good quality. Appendix B of this NOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix C lists some of the references that serve as the basis for the information provided in the Healthy Homes Demonstration Program NOFA (appendices B–D to this NOFA are available at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*).

B. Healthy Homes Initiative Goals

1. Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and grassroots community-based nonprofit organizations, including faith-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based health hazards;

2. Build local capacity to operate sustainable programs that will prevent and control housing-based health hazards in low- and very low-income residences when HUD funding is exhausted; and

3. Affirmatively further fair housing and environmental justice.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents and, in particular, for children in low-income families. In addition, HUD encourages applicants to undertake specific activities that will assist the Department in implementing its Policy Priorities. HUD's fiscal year 2005 Policy Priorities are discussed in the General Section.

C. Healthy Homes Demonstration Objectives

HUD will support projects that implement housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors, disseminate healthy homes information and replicate successful interventions. The objectives of the Healthy Homes Demonstration Program include:

1. Identification of target areas and homes where assessment and interventions will occur;

2. Identification and evaluation of effective methods of health hazard abatement and risk reduction;

3. Development of appropriately scaled, flexible, cost-effective and efficient assessment and intervention strategies that take into account the

range of unhealthy conditions likely to be encountered in housing, and that maximize the number of housing units that receive interventions;

4. Development of methodologies for evaluating intervention effectiveness;

5. Development of local capacity in target areas and training programs for target groups to operate sustainable programs to prevent and control housing-based health hazards, especially in low- and very low-income residences;

6. Development of cost-effective protocols for identifying homes that are candidates for interventions, identifying health hazards in these homes, and screening out homes where structural or other factors (*e.g.*, cost) make interventions impractical;

7. Development and delivery of public outreach programs that provide information about effective methods for preventing housing-related childhood diseases and injuries and for promoting the use of these interventions;

8. Targeting, through education and outreach, specific high-risk communities and other identified audiences such as homeowners, landlords, health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers, and low-income minority families;

9. Implementation of media strategies to use print, radio and television to increase public awareness of housing-related health hazards that threaten children, including the use of minority media, grassroots community based nonprofit organizations, including faith-based organizations that work with persons with disabilities (including providing materials in alternative formats), advocates for racial and ethnic minorities (including providing materials in other languages for populations with Limited English Proficiency (LEP));

10. Dissemination of tools currently used by the applicant and/or tools available from other sources and, as needed, tools to be developed, to inform parents and caregivers about housing-related health hazards and enable them to take prompt corrective action; and

11. Development of training programs for Healthy Homes activities to emphasize assessment and intervention methods applicable to public and private housing in target areas.

Specific project activities applicable to these objectives can be found under Rating Factor 3.1.b.

D. Authority

The authority for this program is sections 501 and 502 of the Housing and Urban Development Act of 1970 and the Consolidated Appropriations Act, 2005 (Pub. L. 108-477; approved December 8, 2004).

II. Award Information

A. Funding Available

Approximately $5 million in fiscal year 2005 funds are available for the Healthy Homes Demonstration Program cooperative agreements or grants. Cooperative agreements or grants will be awarded on a competitive basis. HUD anticipates that approximately four to six cooperative agreements or grants will be awarded, ranging from approximately $250,000 to approximately $1,000,000. In fiscal year 2004, the average award was $958,625. The rating factors and selection process are discussed in Section V.

Abstracts of currently funded grants are available on the Healthy Homes Web site at: *http://www.hud.gov/healthyhomes*. Applicants may wish to review these for program content and may also contact Project Directors of currently funded projects for additional information.

B. Anticipated Start Date and Period of Performance for New Grants

The start date for new Cooperative Agreements or Grants is expected to be October 1, 2005, with a period of performance not to exceed 36 months. The proposed performance period should include adequate time for project components such as the Institutional Review Board process, the recruitment of study participants, and the development of new methods (*e.g.*, survey forms, data base, etc), all of which have been found to delay projects in the past. Period of performance extensions for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 84.25(e)(2) or 85.30(d)(2), as applicable, and the Office of Healthy Homes and Lead Hazard Control (OHHLHC) Program Guide. Such extensions, when granted, are one time only, and for no longer than a period of one year. Applicants are encouraged to plan studies with shorter performance periods than 36 months. When developing your schedule you should consider the possibility that issues may arise that could cause delays.

C. Type of Award Instrument

Awards in response to this NOFA will be made as cooperative agreements or grants. HUD will require quarterly reporting and will work closely with awardees to monitor projects.

III. Eligibility Information

A. Eligible Applicants

Not-for-profit institutions and for-profit firms, located in the U.S. are eligible to apply. State and local governments, and federally recognized Indian Tribes are eligible to apply. For-profit firms are not allowed to propose a fee or profit in their cost proposal (*i.e.*, no profit can be made from the project).

B. Cost Sharing or Matching

Cost sharing or matching is not required. In rating your application, however, HUD will award a higher score under Rating Factor 4 (see Section V.A.2.d) if you provide evidence of significant cost sharing.

C. Other

1. *Threshold Requirements Applicable to all Applicants Under the SuperNOFA.*

As an applicant, you must meet all the threshold requirements described in the General Section. These requirements include the requirement to affirmatively further fair housing (AFFH). Applications that do not address the threshold items will not be funded. Cooperative agreements or grants will be awarded on a competitive basis following evaluation of all proposals according to the rating factors described in this NOFA. A minimum score of 75 out of a possible 102, *which includes up to 2 bonus points for activities proposed to be located in RC/EZ/EC–II communities (see Section V.A.1, below)*, is required for award consideration.

2. *Eligible Activities.*

The following activities and support tasks are eligible under the Healthy Homes Demonstration Program.

a. Performing evaluations of housing to determine the presence of housing-based health hazards (*e.g.*, moisture intrusion, mold growth, pests and allergens, unvented appliances, exposed steam pipes or radiators, deteriorated lead-based paint) through the use of accepted assessment procedures.

b. Conducting housing interventions to remediate existing housing-based health hazards and address conditions that could result in their recurrence. Refer to the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (Guidelines) for information about conducting such remediation for lead-based paint hazards. The Guidelines and/or applicable regulations may be downloaded from HUD's Web site at *http://www.hud.gov*.

c. Undertaking housing rehabilitation activities that are specifically required to carry out effective control of housing-based health hazards, and without which the intervention could not be completed and maintained. Funds under this program may also be used to control lead-based paint hazards; however, such controls may not be a principal focus of the cooperative agreement or grant. Lead hazard control activities are carried out under HUD's Lead-Based Paint Hazard Control Grant Program.

d. Carrying out temporary relocation of families and individuals, when necessary, during the period in which the intervention is conducted and until the time the affected unit receives clearance for re-occupancy. See Section VI.B.5 for discussion of regulations that apply when relocating families.

e. Conducting medical examinations, when such examinations of young children for conditions caused or exacerbated by exposure to residential hazards are demonstrated to be critical to the outcome of your project, and alternative sources to cover these costs are not available. If you budget for such costs, you must provide documentation to the effect that other resources, such as Medicaid, SCIP or neighborhood clinics are not available to conduct these examinations. See Section III C.3.b for information on Institutional Review Board approval and HIPAA authorization where applicable.

f. Environmental sampling and medical testing recommended by a physician or applicable occupational or public health agency to protect the health of the intervention workers, supervisors, and contractors, unless reimbursable from another source.

g. Conducting testing, analysis, and mitigation for lead, mold, carbon monoxide and/or other housing-related health hazards as appropriate, with respect to generally accepted standards or criteria, or if standards are unavailable, other appropriate levels justified in conjunction with the project. A laboratory recognized by the Environmental Protection Agency's (EPA's) National Lead Laboratory Accreditation Program (NLLAP) must analyze clearance dust samples related to lead-based paint. It is recommended that samples to be analyzed for fungi be submitted to a laboratory accredited in the Environmental Microbiological Laboratory Accreditation Program (EMLAP), administered by the American Industrial Hygiene Association (AIHA).

h. Carrying out architectural, engineering and work specification development and other construction management services to control and remediate existing housing-based health hazards.

i. Providing training on Healthy Homes practices to homeowners, renters, painters, remodelers, and housing maintenance staff working in low- or very low- income housing.

j. Providing cleaning supplies for hazard intervention and hazard control to grassroots community-based nonprofit organizations, including faith-based organizations, for use by homeowners and tenants in low-income housing, or to such homeowners and tenants directly. (See the General Section for more information about grassroots community-based nonprofit organizations, including faith-based organizations.)

k. Providing modest incentives (financial or other, *i.e.* coupons for a video rental, coupons for groceries; stipends for completion of surveys, child care, cleaning kits, etc.) subject to approval by HUD, to encourage recruitment and retention in the interventions, participation in educational and training activities and other program-related functions.

l. Conducting general or targeted community education programs on environmental health and safety hazards. This activity would include, but not be restricted to, training on Healthy Homes maintenance and renovation practices. It would also include making materials available in alternative formats for persons with disabilities (*e.g.*, Braille, audio, large type) upon request, and providing materials in languages other than English that are common in the community, consistent with HUD's published ''Limited English Proficiency (LEP) Recipient Guidance''.

m. Securing liability insurance for housing-related health hazard evaluation and control activities to be performed. This is not considered an administrative cost.

n. Supporting data collection, analysis, and evaluation of project activities. (As a condition of the receipt of financial assistance under this NOFA, all successful applicants will be required to cooperate with all HUD staff and contractors performing HUD funded research and evaluation studies.)

3. *Program Requirements.*

a. Work Activities. All lead hazard control activities must be conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Rule, 24 CFR part 35, especially § 35.1325 for abatement and § 35.1330 for interim controls and as clarified in HUD's Interpretive Guidance about this rule. Grantees must also comply with any additional requirements in effect under a state or Native American Tribal Lead-Based Paint Training and Certification Program that has been authorized by the EPA pursuant to 40 CFR 745.320.

b. Institutional Review Board (IRB) Approval. In conformance with the Common Rule (Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR 60.101), if your grant activities include research involving human subjects, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an IRB before you can initiate activities that require IRB approval. You must also provide the number for your organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance see the OHRP Web site at: *http://www.hhs.gov/ohrp.*

c. HIPAA Authorization. The Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 requires covered entities that transmit health information electronically (health care providers, health plans, etc.) to protect that information. This may be accomplished by obtaining authorization from the patient or parent, obtaining a waiver of authorization from an IRB or HIPAA Privacy Board or de-identifying data. You should identify whether your proposal will fall under the HIPAA Privacy Rule and if so how you plan to address these requirements. Additional information on HIPAA and the Privacy Rule can be found at *http://www.hhs.gov/ocr/hipaa.*

d. Program Performance. Awardees shall take all reasonable steps to accomplish all healthy homes activities within the approved period of performance. HUD will closely monitor the awardee's performance with particular attention to completion of specified activities, deliverables and milestones, and number of units proposed to be assessed or to receive interventions within the approved period of performance. HUD reserves the right to terminate the cooperative agreement or grant prior to the expiration of the period of performance if the awardee fails to meet 25 percent of the milestones, including all deliverables, as scheduled in their work plan. Any previous requests for no cost extensions will be taken into account when evaluating the capacity of the

applicant to do the work under Rating Factor 1.

e. Certified and Trained Providers. Lead hazard control activities must be conducted by persons qualified for these activities according to 24 CFR Part 35 (possessing certification as abatement contractors, risk assessors, inspectors, abatement workers, or sampling technicians, or others having been trained in a HUD-approved course in lead-safe work practices).

f. Clearance Testing for Lead Hazard Control Activities. Clearance dust testing must be conducted according to the EPA Lead Hazards Standards Rule (40 CFR part 745) for abatement projects and the Lead-Safe Housing Rule (24 CFR part 35) for lead hazard control activities other than abatement. These are available at: *http://www.epa.gov/lead* and *http://www.hud.gov*, respectively.

g. All test results related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR Part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether Web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

h. All pest control activities shall incorporate the principles and methods of integrated pest management (IPM). In technical terms, IPM is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment. The IPM approach emphasizes a targeted use of pesticides that limits the possibility of human exposure (*e.g.*, as opposed to wide-spread applications) and includes interventions based on the behavior of the target pest (*e.g.*, preventing access to food or water). One source for information on IPM is Environmental Health Watch; you can download information from its Web site: *http://www.ehw.org/Asthma/ASTH_Cockroach_Control.htm.*

i. Awardees collecting samples of settled dust from participant homes for environmental allergen analyses (*e.g.*, cockroach, dust mite) will be required to use a standard dust sampling protocol, unless there is a strong justification to use an alternate protocol. The HUD protocol is posted on the OHHLHC Web site at: *http://www.hud.gov/offices/lead/hhi/hhiresources.cfm.* Awardees conducting these analyses will also be required to include quality control dust samples, provided by OHHLHC at no cost, with the samples that are submitted for laboratory analyses. For the purpose of budgeting laboratory costs, assume that 5% of your total allergen dust samples would consist of QC samples.

j. You must follow procedures for hazardous waste disposal as required by the Occupational Health and Safety Administration (OSHA) (*e.g.*, 29 CFR part 1910 and/or 1926, as applicable), the EPA (*e.g.*, 40 CFR parts 61, 260–282, 300–374, and/or 700–799, as applicable), the Department of Transportation (*e.g.*, 49 CFR parts 171–177), and/or appropriate state or local regulatory agencies and applicable EPA, HUD, state, and local regulatory agency guidance. You must handle disposal of wastes from hazard control activities that contain lead-based paint, but are not classified as hazardous in accordance with state or local law or the Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines may be downloaded from the HUD Web site at: *http://www.hud.gov.*

k. Worker Protection Procedures. You must comply with the procedures for worker protection established in the HUD Guidelines as well as the requirements of OHSA, *e.g.*, 29 CFR part 1910 and/or 1926, as applicable, or the state or local occupational safety and health regulations, whichever are more stringent.

l. Written Policies and Procedures. You must have written policies and procedures for all phases of interventions, including evaluation, development of specifications, financing, occupant relocation, independent project inspection, and clearance testing (e.g., for mold, lead, carbon monoxide or other hazards, as applicable). You and all your subcontractors, sub-recipients, and their contractors must comply with these policies and procedures.

m. Data Collection and Provision. You must collect, maintain, and provide to HUD the data necessary to document the various approaches used to evaluate and control housing-based health hazards, including evaluation and control methods, building conditions, medical and familial information (with confidentiality of individually-identifiable information ensured) in order to determine the effectiveness and relative cost of these methods.

n. Section 3 Employment Opportunities. Recipients of assistance in the Healthy Homes Demonstration Program must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements of subpart E. See Sec.V.c, Rating Factor 3.3, for recommendations for implementing Section 3 Employment Opportunities.

o. Certifications and Assurances. By signing the SF–424 you are agreeing to the certifications and assurances listed in the General Section and this NOFA. A Certification of Consistency with the Consolidated Plan is not required for the Healthy Homes Demonstration NOFA.

p. Conducting Business in Accordance with HUD Core Values and Ethical Standards. If awarded assistance under the Healthy Homes Demonstration NOFA, you will be required, prior to entering into a cooperative agreement or grant with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct. If you previously submitted your Code of Conduct to HUD and it appears in the listing on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, you do not have to resubmit the information unless there has been a change in the legal name, address or authorizing official for your organization. See the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

4. *DUNS Requirement.*

Refer to the General Section for information regarding the DUNS requirement.

IV. Application and Submission Information

If you are interested in applying for funding under this program, please review carefully all sections in this Notice of Funding Availability.

A. Web Address To Access an Application Package

Copies of this published NOFA and application forms for this program may be downloaded from the Grants.gov Web site at *http://www.grants.gov*. If you have difficulty accessing the information you may call the Grants.gov helpline toll-free at (800) 518–GRANTS or e-mail *Support@grants.gov*. Helpline customer representatives will assist you in accessing the information.

B. Content and Form of Application Submission

The following provides instructions on the items to be submitted as part of the application. See the General Section for instructions for submitting third party documents and electronic files.

1. An abstract describing the goals and objectives of your proposed program (2-page limit, single-spaced, 12-point standard font, ¾-inch margins) must be included in the proposal. The abstract should include the title of your proposed project, the name, mailing address and telephone number of the principal contact person for the primary entity and the same information for sub-contractors, partners, etc.

2. A narrative statement addressing the rating factors for award. Number the pages of your narrative statement and include a header and a footer that provides the name of the applicant and the name of the program to which you are applying. Narrative statements provided as part of the application should be individually labeled to identify the rating factor to which the narrative is responding (e.g. Factor 1, Capacity, etc.). The overall response to the rating factors must not exceed a total of 25 pages including all rating factors (single-sided, single-spaced, 12 point standard font, ¾-inch margins). Any pages in excess of this limit will not be read.

3. The score for each rating factor will be based on the rating factor's numbered portion of your narrative statement, supplemented by materials referenced and discussed in that portion of your narrative statement; supplemental material that is not referenced and discussed within the narrative statements will not be rated.

4. The position descriptions and resumes, if available, of your project director and project manager and up to three additional key personnel (in accordance with Rating Factor 1), not to exceed 3 pages each (single-spaced, 12-point font with ¾-inch margins). This information will not be counted toward the page limit.

5. Any attachments, materials, references, or other relevant information that directly support the narrative must not exceed 20 pages for your entire application. Any pages in excess of this limit will not be read. See the General Section for instructions for submitting third party documents or material not readily available in electronic format.

6. A detailed budget with supporting justification for all budget categories of your funding request, in accordance with Rating Factor 3, (2)(b). This information will not be counted towards the page limits. In completing the budget forms and justification, you should address the following elements:

a. Direct Labor costs should include all full- and part-time staff required for the planning and implementation phases of the project. These costs should be based on full time equivalent (FTE) or hours per year (hours/year) (i.e., one FTE equals 2,080 hours/year).

b. You should budget for three trips to HUD Headquarters in Washington, DC, planning each trip for two people, assuming that the first trip will occur shortly after funding, for a stay of five or six days, depending on your location, and the remaining trips will have a stay of one or two days, depending on your location.

c. A separate budget proposal should be provided for any sub-recipients receiving more than 10 percent of the total Federal budget request.

d. You should be prepared to provide supporting documentation for salaries and prices of materials and equipment upon request.

e. Organizations that have a federally negotiated indirect cost rate should use that rate and the appropriate base. Other organizations should submit their proposal with their suggested indirect rate. If they are funded and HUD is the cognizant agency, it will set a rate; otherwise HUD will request the cognizant federal agency to set the rate.

f. You should submit a copy of the negotiated rate agreements for fringe benefits and indirect costs, if applicable, as an attachment to the budget sheets.

7. Applicants are encouraged to use the following checklist to ensure that all required materials have been prepared and submitted. You are not required to submit this checklist with your application.

Checklist for Healthy Homes Demonstration Program Applicants

- Applicant Abstract (limited to 2 pages).
- Rating Factor Responses (Total narrative response limited to 25 pages).

1. Capacity of the Applicant and Relevant Organizational Experience—Form HUD 96012.
2. Need/Extent of the Problem-Form HUD–96013.
3. Soundness of Approach—Form HUD–96014.
4. Leveraging Resources—Form HUD–96015.
5. Achieving Results and Program Evaluation—Form HUD–96010 Logic Model.

- Required materials in response to rating factors (does not count towards 25-page limit).

Form SF 424 Application for Federal Assistance.
Form HUD–424–CB Grant Application Detailed Budget.
Form HUD–CBW Budget Worksheet.
Form SF–424 Supplement Survey on Ensuring Equal Opportunity for Applicants (to be completed by private nonprofit organizations only).
Form SF–LLL Disclosure of Lobbying Activities.
Form HUD–2880 Applicant/Recipient Disclosure/Update Report.
Form HUD–2990 Certification of Consistency with the RC/EZ/EC–II Strategic Plan (if applicable).
Form HUD–96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.
HUD's Waiver from submitting electronically (if applicable).
Form HUD–2993 Acknowledgment of Application Receipt (only if waiver from electronic submission has been obtained).
Resumes of Key Personnel (limited to 3 pages per resume).
Organizational Chart.
Letters of Commitment (if applicable).
Form HUD–2994 Client Comments and Suggestions (Optional).

- Optional material in support of the Rating Factors (20 page limit).

C. Submission Dates and Times

Electronic applications must be submitted and received by Grants.gov on or before 11:59:59 p.m. eastern time on June 15, 2005. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Refer to the General Section for additional submission requirements including acceptable submission dates, times, methods, acceptable proof of application submission and receipt procedures, and other information regarding application submission. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. eastern time on the application submission date.

Applicants receiving a waiver to the electronic submission process must submit the required number of copies of the application by the application submission date to the identified address in Appendix C of the General Section.

D. Intergovernmental Review

Not required for this submission.

E. Funding Restrictions

1. Administrative Costs. There is a 10 % maximum allowance for administrative costs. Additional information about allowable administrative costs is provided in Appendix D of this NOFA at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

2. Purchase of Real Property is not permitted.

3. Purchase or lease of equipment having a per unit cost in excess of $5,000 is not permitted, unless prior written approval is obtained from HUD.

4. Medical costs, except as specified above in Section III.C.2, are not permitted.

5. For-profit organizations cannot receive a fee or profit.

6. You must comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

7. Hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), as having special flood hazards unless:

(a) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

F. Other Submission Requirements

Beginning in FY 2005, HUD requires applicants to submit applications electronically through *http://www.grants.gov*. Applicants interested in applying for funding must submit their application electronically via the Web site *http://www.grants.gov* unless you request and are granted a waiver to the electronic submission requirements. This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The *http://www.grants.gov* feature includes a simple, unified application process to enable applicants to apply for grants online. Refer to the General Section for other application submission requirements including instructions on how to request a waiver to the electronic application submission requirement.

V. Application Review Information

A. Criteria

1. *Rating and Ranking.* Applications will be reviewed by an Application Review Panel (ARP) which will assign each application a numerical score based on the rating factors presented below. The ARP chairperson initially selects and provides at least one application to panel members to score during a calibration round to ensure that all panel members are consistent in their interpretation of the rating factors. When the calibration round is completed, each application is reviewed and scored by at least two panel members who will assign a score based on the rating factors presented in section V.A.2 below. Each factor is weighted as indicated by the number of points that are attainable for it. An average score is then computed for each application. The ARP chair may call upon an advisor to the ARP to review and comment on a proposal; however, the advisor does not score the application. Nonetheless, advisor comments will be documented and retained as a part of the record. The ARP holds a final meeting to identify the top-ranking applications to be recommended for funding. Awards will be made separately in rank order within the limits of funding availability. The maximum score that can be assigned to an application is 102 points. Applicants should be certain that these factors are adequately addressed in the project description and accompanying materials.

a. *Five rating factors*:

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 points);
Rating Factor 2: Need/Extent of the Problem (15 points);
Rating Factor 3: Soundness of Approach (40 points);
Rating Factor 4: Leveraging Resources (10 points);
Rating Factor 5: Achieving Results and Program Evaluation (15 points);
RC/EZ/EC–II Bonus Points (2 points);
TOTAL: 102 points.

Applicants are eligible to receive up to two bonus points for projects located within federally designated Renewable Communities (RCs), Empowerment Zones (EZs), or Enterprise Communities (ECs) designated by USDA in round II (EC–IIs) (collectively referred to as RC/EZ/EC–IIs), and which will serve the residents of these communities (see the General Section). In order to be eligible for the bonus points, applicants must submit a completed Form HUD–2990.

2. *Rating Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points).

This factor addresses your organizational capacity necessary to successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any grassroots community-based nonprofit organizations, including faith-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. HUD strongly encourages the formation and development of consortia in implementing your project goals. Applicants that either are or propose to partner, fund, or sub-contract with grassroots community-based nonprofit organizations, including faith-based organizations, in conducting their work programs will receive higher rating points as specified in the General Section. In rating this factor, HUD will consider the four items listed below.

(1) Capacity and Qualifications of Principal Investigator and Key Personnel. Describe your recent, relevant, and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day project manager in planning and managing large and complex interdisciplinary programs, especially those involving housing, public health, or environmental programs. In your narrative response for this factor, you should include information on your project staff, their experience with housing and health programs, percentage commitment to the project, and position titles. Resumes of up to three pages each and position descriptions for up to three key personnel in addition to the project director and project manager, and a clearly delineated organizational chart for the Healthy Homes project you propose, must be included in your application submission. Position descriptions and copies of job announcements (including salary range)

should be included for any key positions that are currently vacant or contingent upon an award. Indicate the name of the position, the percentage of time that proposed staff will devote to your project and any salary costs to be paid by funds from this program. Successful applicants must hire all key staff positions identified in the proposal as vacant or required in the award agreement within 120 days of award. Include descriptions of the experience and qualifications of subcontractors and consultants. You may find it useful to include a table indicating the name, position and percentage contribution of staff members, specifying organizational affiliation. This table may be incorporated into the text of your proposal or included with the supporting materials.

(2) Qualifications of Applicant and Partner Organizations. Discuss your qualifications to carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of project staff. Document whether you have sufficient personnel, or will be able to quickly retain qualified experts or professionals to begin your proposed project immediately, and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in, or support, your project and how you propose to coordinate with your partners. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

(3) Past Performance of the Organization. This section refers to applicants who have any prior experience in another Healthy Homes or Lead Hazard Control grant, another grant related to environmental health and safety issues, or other experience in a similar program. Provide details about the nature of the project, the funding agency, and your performance, relative to performance measures and the achievement of desired housing- and health-related outcomes.

(4) Performance as a Healthy Homes Grantee. If your organization is an existing Healthy Homes grantee, provide a description of the progress and outcomes achieved in that grant. Current grantees that are on or ahead of target, may earn one point based on their demonstrated ability to date. If you received previous Healthy Homes Demonstration funding, you will be evaluated in terms of cumulative progress and achievements under the previous grant.

You must complete and submit the Factor 1, Table 1, Capacity of the Applicant and Relevant Organizational Experience, posted at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*, to support narrative information submitted. Include this table in supporting materials for your application. It will not be counted towards your page limit.

b. Rating Factor 2: Need/Extent of the Problem (15 Points).

This factor addresses the extent to which there is a need for your proposed project activities to address documented problems related to healthy homes issues and housing-related hazards in your target area(s) and target group(s).

(1) Specifically identify a target area for your proposed activities. Document a critical level of need for your proposed activities in this target area. You should pay specific attention to documenting the need as it applies to your target area(s), and provide statistics for this area, if available, rather than general statistics or information pertinent to a larger geographic area. As noted above, if your target area comprises a Renewal Community, Enterprise Community or Empowerment Zone, indicate the location of this area in the narrative for this rating factor and submit Form HUD–2990, found in the General Section. (2) bonus points are awarded if your target area is located in a Renewal Zone/Empowerment Zone/Enterprise Community–II)

(2) Your documentation should summarize available data linking housing-based health hazards to disease or injuries to children in your target area(s), if available. Examples of data that might be used to demonstrate need include:

(a) Economic and demographic data relevant to your target area(s), including poverty and unemployment rates;

(b) Rates of childhood illnesses (*e.g.*, asthma, elevated blood lead levels) or injuries (*e.g.*, falls, burns) among children residing in your target areas that could be caused or exacerbated by exposure to conditions in the home environment; and

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan and the Analysis of Impediments to Fair Housing Choice (AI) or Indian Housing Plan or derived from current census data or from other sources. Provide and reference data that address the following:

(a) The age and condition of housing;

(b) The number and percentage of low- and very low-income families with incomes less than 50 percent and 80 percent of the median income, respectively, as determined by HUD, for the area. Statistics that describe low- and very-low income families are available at: *http://www.census.gov/housing/saipe/estmod00/est00ALL.dat*. Additional census statistics are available at: *http://www.census.gov/hhes/www/income00.html*, *http://www.census.gov/hhes/income/income00/statemhi.html*, and *http://www.huduser.org/datasets/il/fmr00/index.html*. Applicants should also consult local data sources, such as city government Web sites, for target area data.

(c) To the extent that statistics and other data contained in your community's Consolidated Plan or AI support the extent of the problem, you should include references to the Consolidated Plan or AI in your response; and

(d) Data documenting targeted groups that are traditionally underserved or have special needs. For a maximum score in this rating factor, data provided should specifically represent the target area. If the data presented in your response do not specifically represent your target area, you should discuss why the target areas are being proposed.

c. Rating Factor 3: Soundness of Approach (40 Points).

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present detailed information on the proposed approach for addressing housing-based health hazards and describe how proposed activities would help HUD achieve its goals for this program area. For you to receive maximum points for this factor, there must be a direct relationship between the proposed activities, documented and demonstrated community needs, and the purpose of the project. Your application will be evaluated according to the comprehensiveness of addressing activities that are applicable to your project. The response to this factor should include details about your technical approach and project activities. HUD is looking for a clear statement of activities, timeline for completing the work and expected deliverables.

(1) *Approach for Implementing the Project* (25 points).

(a) Technical Approach. Describe your overall technical approach for strategizing and implementing your proposed project. Your narrative response to this sub-factor will be used to assess how well your proposed project will be executed. In this factor, describe the methods, schedule, milestones, and quality assurance

activities that will be carried out to identify and control housing-based health hazards and to achieve the desired project outcomes. Include summary information about the estimated numbers of clients to be contacted, clients enrolled, units to be assessed, units to receive interventions, individuals to be trained and individuals to be reached through education/outreach activities.

(b) Project Activities. Your project description must include a discussion of specific planned project activities that address one or more of the following activities.

(i) Describe in detail how you will identify, select, prioritize, and enroll units of housing in which you will undertake housing-based health hazard interventions, targeting low-income families with young children under six to the extent feasible, and how you will integrate safe work practices into housing maintenance, repair, and improvements. Describe impediments that you anticipate for recruitment, measures you will perform to sustain recruitment, including incentives, and the staff responsible for both monitoring recruitment status and implementing the measures identified to sustain recruitment. Discuss possible recruitment problems, probability of dropouts and plans to over-recruit to compensate for dropouts. If you anticipate the Health Insurance Portability and Accountability Act (HIPAA) to impact on your recruitment, discuss strategies to address these issues.

(ii) Describe any assessment tools you would employ to establish baseline data. These tools include questionnaires, visual assessment protocols and environmental sampling and analysis. Include a description of the process you intend to follow for obtaining IRB approval, if necessary. In particular, describe how you will provide informed consent (*e.g.*, from the subjects, and their parents and guardians, as applicable) to help ensure their understanding of, and consent to, the elements of informed consent, such as the purposes, benefits and risks of the research activities. Describe how this information will be provided and how the consent will be collected. For example, describe the use of ''plain language'' forms, flyers, and verbal scripts, and discuss your plans to work with persons with limited English proficiency and their families, and with families including persons with disabilities.

(iii) Describe your process for evaluating units of housing in which you will undertake housing-based health hazard interventions. Provide the estimated total number of owner-occupied and/or rental units in which you will perform assessments and conduct interventions.

(iv) Describe any specialized testing, if applicable, or visual assessment that you will conduct during assessment of units and provide a reference to source(s) of the protocol(s). Provide a description of protocols or include protocols with the supporting materials for your application.

(v) Discuss efforts to incorporate cost-effective methods to address multiple environmental health and safety hazards, and describe the specific interventions you will employ to control housing-based health hazards before children are affected; and/or to control these hazards in units where children have already been treated for illnesses or injuries associated with housing-based health hazards (*e.g.*, burns, lead poisoning, asthma). Provide an estimate of the cost of each intervention (material costs and labor costs associated with installation) and an estimate of costs projected per unit. Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions.

(vi) Describe the process to be followed for referring children for medical case management when needed, and indicate organizations that will be involved in this process.

(vii) Describe your process for the development of work specifications for the selected interventions.

(viii) Discuss your process to select and obtain contractors for conducting interventions in selected units and provide details about the competitive bidding process, if applicable.

(ix) Describe your plan for the relocation of occupants of units selected for intervention, if temporary relocation is necessary. Describe criteria that will determine the need for relocation and identify staff that will make relocation decisions. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc., and the source of funding for relocation.

(x) Describe your plan for ensuring right of return and/or first referral for occupants of units selected for intervention who have had to move for intervention to occur.

(xi) Describe how you will affirmatively further fair housing, which would include, but not be limited to: Affirmative marketing of the program to those least likely to apply based on race, color, sex, familial status, national origin, religion, disability, especially when persons in these demographic groups are generally not served by the grassroots community-based nonprofit organizations, including faith-based organizations or other partner organizations; providing materials in alternative formats for persons with disabilities; providing materials in languages other than English for individuals with limited English proficiency and their families; assuring long-term residency by families currently living in the community; and assuring that priority for treated units go to those who need the features (treatment) of the unit.

(xii) Describe the financing strategy, including eligibility requirements, terms, conditions, and amounts available, to be employed for conducting housing interventions. You must discuss the way funds will be administered (*e.g.*, use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.) as well as the agency that will administer the process.

(xiii) Describe your proposed methods for community and/or targeted education and training. These should include community awareness, education, training, and outreach programs that support your work plan and are culturally sensitive and targeted appropriately. Provide information about specific educational/outreach activities with quantitative data (number of individuals to be reached, etc.) and a description of the intended audience. Describe proposed activities to deliver culturally appropriate educational materials and methods to the target population and communities. Describe efforts to understand and incorporate culturally sensitive approaches to assessment and interventions.

(xiv) Provide detailed information about training staff or other organizations to provide the knowledge and skills required to address Healthy Homes issues that are essential for successfully implementing your project (*e.g.*, education, assessments and interventions). Include an outline of training curricula, a description of qualifications of trainers, and selection of individuals or groups who will receive the training. Discuss if Healthy Homes training programs will be expanded to include public housing agencies or Tribally Designated Housing Entities and other potential collaborators, such as grassroots community-based nonprofit organizations, including faith-based organizations, and if so, your plan for doing this.

(xv) Describe your proposed involvement of grassroots community-

based nonprofit organizations, including faith-based organizations, in the proposed activities including the development of consortia. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(xvi) Describe your proposed methods to reach high-risk groups and communities, vulnerable populations and persons traditionally underserved. Discuss how you will verify that participants reside in your target area, identified by socio-economic statistics, *i.e.* low or very low-income levels. Discuss your efforts to include families with children under six in your targeted interventions.

(xvii) Indicate if, and describe how, you will address any of HUD's departmental policy priorities (see General Section for a fuller explanation of HUD's policy priorities). You will receive points under Rating Factor 3 for each of the applicable FY 2005 policy priorities that are adequately addressed in your application to a maximum of six points (see the General Section). Policy priorities that are applicable to the Healthy Homes Demonstration NOFA are: (1) Improving our Nation's Communities (focus on distressed communities); (2) Providing Full and Equal Access to Grassroots Community-based Nonprofit Organizations, including Faith-based Organizations in HUD Program Implementation; (3) Participation of Minority-Serving Institutions in HUD Programs; (4) Removal of Regulatory Barriers to Affordable Housing and (5) Promoting Energy Efficiency and Energy Star. (For information on Energy Star Programs and Appliances, see *http://oaspub.epa.gov/webi/meta_first_new2.try_these_first*. HUD expects the applicant to implement Energy Star building techniques and utilize Energy Star appliances whenever activities of the grant afford the opportunity.

Each policy priority is worth one point, except for policy priority (4), Removal of Regulatory Barriers to Affordable Housing, which is worth up to 2 points, provided the applicant responds to this policy priority as described in this NOFA and submits the required documentation as described in Form HUD 27300. Applicants may also provide a URL Web site address where the documentation can be readily found. Applicants that include work activities that specifically address one or more applicable policy priorities will receive higher rating scores than applicants that do not address these HUD priorities, up to a maximum of 6 points.

(2) *Approach for Managing the Project.* (12 points). Describe your project goals and objectives and the strategy you will use in managing and executing the project. You should provide information on the general approach and overall plan employed.

(a) *Project Management Plan* (10 points). Include a management plan that:

(i) Incorporates appropriate performance goals;

(ii) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task.

(iii) Provides a schedule for the assignment, tracking and completion of major tasks and activities, and a timeframe for delivery;

(iv) Ensures that quality assurance activities and corrective actions are managed;

(v) Designates resources and identifies responsible entities (project staff/partner organizations);

(vi) Describes the strategy and methods for coordination and communication between partners; and

(vii) Describes the management processes to manage costs and ensure that cost-effective housing interventions will be implemented.

(b) *Budget Justification* (2 points). Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. Your detailed budget should be submitted using Form ''HUD–CBW''. An electronic copy of this and other budgetary forms are available at: *http://www.grants.gov*. You must thoroughly document and justify all budget categories and costs (form HUD–424–CB) and all major tasks for yourself, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project. Include a 2-page narrative that describes clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan. (You may include this narrative along with the budget forms; it will not count toward the 25-page limit of the narrative.) Include a separate, detailed budget for any sub-grantee who receives 10% or more of the grant funding. HUD–424–CB and HUD 424 CBW are available at *http://www.grants.gov* in the electronic submission process.

(3) *Economic Opportunity* (3 points). To the greatest extent feasible, your project should promote job training, employment, and other economic opportunities for low-income and minority residents and businesses which are owned by, and/or employ, low-income and minority residents as defined in 24 CFR 135.5. You should:

(a) Describe how you or your partners will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and HUD's implementing rules at 24 CFR part 135. Describe how you will accomplish this requirement by:

(i) providing training and employment opportunities for low- and very low-income persons living within the awardee's jurisdiction, and by

(ii) providing business opportunities to businesses owned by low- and very low-income persons living within the targeted jurisdiction; information about Section 3 requirements is available by searching HUD's Web site, *http://www.hud.gov*;

(b) Describe how your proposed project will provide opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs, or providing educational and job training opportunities; and

(c) Describe the extent to which your proposed activities will occur within a federally designated Renewable Community (RC), Empowerment Zone (EZ), or Enterprise Community designated by USDA in round II (EC–II) as defined in the General Section.

d. Rating Factor 4: Leveraging Resources (10 Points).

This factor addresses your ability to secure other community resources (*e.g.*, financing, supplies, or services) that can be combined with HUD's resources to achieve project purposes. These community resources may be contributions from organizations such as the applicant, partners, or other organizations not directly involved in the project.

(1) In evaluating this factor, HUD will consider the extent to which you have developed partnerships or consortia to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (*e.g.*, labor, fringe benefits, services, supplies, or equipment) budgeted for your proposed project. Resources may be provided by state and local governmental entities, public or private organizations, or other partners.

(2) The signature of the authorized official on the Form SF–424 commits matching or other contributed resources of the applicant organization. A separate letter of commitment for the match from

the applicant organization is not required; however, the applicant must submit a letter of commitment from each organization other than itself that is providing a match, whether cash or in-kind. The letter must describe the contributed resource(s) that will be used in your project and the dollar value of each contribution. Staff and in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment, from other organizations, with specific details, including the amount of the actual contributions, you will not get points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed project. The commitment must be signed by an official legally able to make commitments on behalf of the organization. See the General Section for instructions on how to submit third party documents using the electronic submission process. Letters of support (letters that indicate support, but do not specify a monetary commitment to the project) will not be considered in the scoring of Rating Factor 4. Include information to address the following elements.

(a) The extent to which you have coordinated your activities with other known organizations that are not directly participating in your proposed work activities, but with which you share common goals and objectives.

(i) Describe your plan for integrating and coordinating housing-based health hazard interventions with other housing-related activities (*e.g.*, rehabilitation, weatherization, correction of code violations, and other similar work).

(ii) Describe your plans to generate and use public subsidies or other resources, such as loan funds, to finance future interventions to prevent and control housing-based health hazards, particularly in families with children under six years of age living in low- and very low-income housing.

(b) The extent to which your project exhibits the potential to be financially self-sustaining by decreasing dependence on federal funding and relying more on state, local and private funding to continue healthy homes activities after the funding period is completed.

Applicants are to complete the Factor 4 table, Leveraging Resources that is posted at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

e. Rating Factor 5: Achieving Results and Program Evaluation (15 points).

This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. HUD is committed to ensuring that applicants keep promises made in their applications and assess their performance to ensure that performance goals are met. Achieving results means you have clearly identified the benefits or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you identify program outcomes, interim benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established time frames.

In your response to this rating factor, you are to discuss the performance goals for your project, and identify specific outcome measures. Identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of assessments and interventions, and evaluate the effectiveness of interventions; identify important project milestones (*e.g.*, the end of specific phases in a multi-phased project) and deliverables specific to your project timeline; and identify milestones that are critical to achieving project objectives (*e.g.*, developing questionnaires or protocols, hiring staff, recruitment of participants, and IRB approval and/or HIPAA Authorization, if applicable); identify benchmarks such as number of units that received intervention, percent of interventions that occurred in high-risk communities, etc., that you will use to track the progress of your project.

You should also identify how your project will be held accountable for meeting project goals, objectives, and the actions undertaken in implementing the program. You should provide assurances that work plans and performance measures developed for your project will be achieved in a timely and cost-effective manner.

You must complete and return the Form HUD-96010, Logic Model, showing your proposed project long-term, mid-term, short-term, and final results, and how they support HUD's departmental goals and objectives. The Logic Model and instructions for completing the form are located in the General Section. Information about developing a Logic Model is available at: *http://www.grants.gov.*

In evaluating Rating Factor 5, HUD will consider how you have described the benefits and outcome measures of your program. HUD will also consider the proposed objectives and performance objectives relative to cost and achieving the purpose of the program, as well as the evaluation plan, to ensure the project is on schedule and within budget.

B. Reviews and Selection Process

Information on the review and selection process is provided in the General Section. The General Section also provides the procedures for correcting deficient applications.

C. Anticipated Announcement and Award Dates

The anticipated award date for this NOFA is September 30, 2005.

VI. Award Administration Information

A. Award Notices

1. *Applicants Selected for Award.* Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer. The letter will provide additional details regarding the effective start date of the cooperative agreement or grant and any additional data and information to be submitted to execute a cooperative agreement or grant. This letter is not an authorization to begin work or incur costs under the cooperative agreement or grant.

HUD may require that all the awardees participate in negotiations to determine the specific terms of the cooperative agreement or grant and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant. If you accept the terms and conditions of the cooperative agreement or grant, you must return your signed cooperative agreement or grant by the date specified during negotiation.

After receiving the letter, additional instructions on how to have the cooperative agreement or grant account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided. Other forms

and program requirements will also be provided.

In accordance with OMB Circular A–133 (Audits of States, Local Governments and Nonprofit Organizations), awardees will have to submit their completed audit-reporting package along with the Data Collection Form (SF–SAC) to the Single Audit Clearinghouse. The address can be obtained from their web site. The SF–SAC can be downloaded at: *http://harvester.census.gov/sac/.*

2. *Debriefing.* The General Section provides the procedures for unsuccessful applicants to request a debriefing.

B. Administrative and National Policy Requirements

Refer to the General Section for additional details regarding the Administrative and National Policy Requirements applicable to HUD Programs.

1. Environmental Requirements. Under the Consolidated Appropriations Act, 2005, the provisions of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, implemented by HUD regulations at 24 CFR part 58, ''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,'' are applicable to properties assisted with Healthy Homes Demonstration Grant funds. In accordance with part 58, applicants under this NOFA that are States, units of general local governments or Indian Tribes must act as the responsible entity and assume the environmental review responsibilities for activities funded under this NOFA. Other applicants must arrange for the unit of general local government or Indian Tribe to act as the responsible entity. Under 24 CFR 58.11, if a non-recipient responsible entity objects to performing the environmental review, or if a recipient that is not a responsible entity objects to the local or tribal government performing the environmental review, HUD may designate another responsible entity to perform the review or may perform the environmental review itself under the provisions of 24 CFR part 50. Healthy Homes Demonstration grant applicants and other participants in activities under this NOFA may not undertake, or commit or expend Federal or non-Federal funds (including HUD-leveraged or match funds) for, housing interventions, related rehabilitation or other physical activities until the responsible entity completes an environmental review and the applicant submits and obtains HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with part 58 (or until HUD has completed an environmental review under part 50). The results of environmental reviews on individual projects may require that proposed activities be modified or proposed sites rejected. For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 534–2458 (this is not a toll-free number) or the HUD Environmental Review Officer in the HUD Field Office serving your area. If you are a hearing-or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Recipients of a cooperative agreement under this NOFA will be given guidance in these responsibilities.

2. *Executive Order 13202.* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-Funded Construction Projects'' is a condition of receipt of assistance under a HUD Program NOFA.

3. *Procurement of Recovered Materials.* See the General Section for information concerning this requirement.

4. *Relocation.* Any person (including individuals, partnerships, corporations, or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property, in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-assisted activity, is covered by federal relocation statutes and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, and the implementing government wide regulation at 49 CFR part 24. The relocation requirements of the URA and the government wide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of acquisition, rehabilitation or demolition for an activity undertaken with HUD assistance. While the Healthy Homes Demonstration Grant Program is not HUD assistance, the grantee must relocate families to decent, safe and sanitary housing, and should use the URA as guidance for doing so. If families or individuals are temporarily relocated in a project which utilizes Community Development Block Grant funds, the guidance and requirements of 24 CFR 570.606(b)(2)(i)(D)(1)–(3) must be met. HUD recommends you review these regulations when preparing your proposal. (They can be downloaded from the Government Printing Office Web site at *http://www.gpoaccess.gov/cfr/* by entering ''24CFR570.606'' in quotes without any spaces in the Quick Search box.) See Section III.C of the General Section for additional information about relocation.

5. *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if program funds are used in conjunction with other federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other federal programs.

6. *Audit Requirements.* Any grant recipient that spends $500,000 or more in federal financial assistance in a single year must meet the audit requirements established in 24 CFR part 84 or 85, as applicable, in accordance with OMB Circular A–133.

C. Reporting

Successful applicants will be required to submit quarterly and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants. The following items are a part of OHHLHC reporting requirements.

1. Final Work Plan and Budget are due prior to the effective start of the cooperative agreement or grant.

2. Quality Assurance Plan (QAP). Successful Healthy Homes Demonstration applicants that will be collecting housing, demographic or environmental data in a formalized manner for use in assessing effectiveness of the approaches being demonstrated under the cooperative agreement or grant will be required to submit a Quality Assurance Plan (QAP) to HUD prior to initiating work under the cooperative agreement or grant. This is a streamlined version of the format used by some other Federal agencies, and is intended to help ensure the accuracy and validity of the data that you will collect under the cooperative agreement or grant. (See the HUD Office of Healthy Homes and Lead Hazard Control's Internet site, *http://www.hud.gov/offices/lead*, for the QAP template). Your proposed project activities should include developing

this QAP. The QAP will be submitted to HUD as a part of your work plan.

3. Progress reports are due on a quarterly basis. Project benchmarks and milestones will be tracked using a benchmark spreadsheet that uses the benchmarks and milestones identified in the Logic Model form (HUD–96010) approved and incorporated into your award agreement. For specific reporting requirements, see policy guidance: *http://www.hud.gov/offices/lead.*

4. A final report is due at the end of the project period, which includes final project benchmarks and milestones achieved against the proposed benchmarks and milestones in the Logic Model (HUD–96010) approved and incorporated into your award agreement. Specific information on all reporting requirements will be provided to successful applicants.

5. Racial and Ethnic Beneficiary Data. HUD does not require Healthy Homes Demonstration Grantees to report ethnic and racial beneficiary data as part of their initial application package. However, such data must be reported on an annual basis, at a minimum, during the implementation of your grant. You must use the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data to report these data, using Form HUD–27061, Racial and Ethnic Data Reporting Form, found on *http://www.grants.gov*, along with instructions for its use.

VII. Agency Contacts

For questions related to the application process, you may contact the Grants.gov helpline at 800–518–GRANTS. For programmatic questions, you may contact by writing: Emily Williams, Director; Healthy Homes Division; Department of Housing and Urban Development; Office of Healthy Homes and Lead Hazard Control; 451 Seventh Street, SW., Room P3206; Washington, DC 20410–3000; or by telephone by calling (336) 547–4002, extension 2067 (this is not a toll-free number); or via e-mail at: *Emily_E._Williams@hud.gov.* For administrative questions, you may contact Curtissa L. Coleman, Grants Officer, at the address above or by telephone at: (202) 755–1785, extension 119 (this is not a toll-free number) or via e-mail at: *Curtissa_L._Coleman@hud.gov.* If you are hearing or speech-impaired, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. HUD Reform Act

The provisions of the HUD Reform Act of 1989 that apply to this NOFA are discussed in the General Section. Refer to the General Section for details regarding other information on submitting a complete application that meets HUD requirements. For additional general, technical, and program information pertaining to the Office of Healthy Homes and Lead Hazard Control, visit: *http://www.hud.gov/healthyhomes.*

B. Appendices

Appendix A, which contains forms that are required to be completed and submitted as part of your response to the rating factors that are discussed in Section V, and Appendices B through D to this Healthy Homes Demonstration Program NOFA, can be found and downloaded from HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

BILLING CODE 4210–32–P

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-001
(expires 4/30/2007

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of Time to be spent on other Activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Subgrantees, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Healthy Homes and Lead Hazard Programs

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Factor 2 **Need/Extent Of The Problem**

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Jurisdiction	Name of Target Area (s)

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en

Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html

Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

*Attach copy of the downloaded information in appendix

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OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 3 **Soundness Of Approach**

A. Proposed Lead Hazard Control Activities **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

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Factor 4 **Leveraging Resources**

Name Of The Organization Or Entity That Will Contribute Match Or Leveraged Funds And If The Organization Will Be a Subgrantee/Subrecipient	Work To Be Accomplished In Support Of The Program.	Value Of In-Kind Or Cash Match Contribution*	Additional Leveraged Funds Contribution	Total Of Match And Leveraged Contributions
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
Name: Type of Organization: Subgrantee/Subrecipient: ☐ Yes ☐ No				$0.00
	Total Amount	$ 0.00	$ 0.00	$ 0

Name of the organization or entity that will contribute match or leveraged funds and if they are to be a subgrantee/subrecipient: Self explanatory.
Work to be accomplished in support of the program: The type of activities that will be accomplished in support of the program (i.e. *outreach, training, risk Assessments/paint Inspections*, relocation, etc.)
Value of In-kind or Cash Match Contribution: As required by statute or appropriation.
Additional Leveraged Funds Contribution: Additional funds above the match contribution required by statute or appropriation
Total of Match and Leveraged Contributions: The total of an applicant's In-kind or Cash Match Contribution and any additional Leveraged Funds Contribution

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES AND LEAD HAZARD CONTROL PROGRAMS

OPERATION LEAD ELIMINATION ACTION PROGRAM (LEAP)

Billing Code 4210-32-C

Operation Lead Elimination Action Program (LEAP)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control.

B. *Funding Opportunity Title:* Operation Lead Elimination Action Program (LEAP).

C. *Announcement Type:* Initial Announcement.

D. *Funding Opportunity Number:* FR–4950–N–31, OMB Approval Number 2539–0015.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.903, Operation Lead Elimination Action Program.

F. *Dates:* For 2005, HUD is accepting electronic applications utilizing Grants.gov. The application submission date is June 9, 2005. See the General Section for specific instructions for application submissions procedures and timely filing.

G. *Additional Overview Content Information:*

1. *Purpose of the Program.* The purpose of the Operation Lead Elimination Action Program (LEAP) is to provide grants to private sector and nonprofit organizations to leverage funds for addressing lead hazards in privately owned housing units and eliminating lead poisoning as a major public health threat to young children.

2. *Available Funds.* Approximately $8 million in fiscal year (FY) 2005 funds.

3. *Eligible Applicants.* To be eligible to apply for funding under this program, the applicant must be a tax-exempt nonprofit (501(c)(3)), or other non-profit or for-profit entity or firm. For-profit institutions are not allowed to earn a fee. Colleges and Universities are also eligible to apply. National and local parent groups are encouraged to apply. States and units of general local government and their departments are not eligible.

Full Text of Announcement

I. Funding Opportunity Description

Program Description. Operation LEAP funds are for grants to private sector and non-profit organizations for activities that leverage additional funding for addressing lead hazards in eligible privately owned housing units and eliminating lead poisoning as a major public health threat to young children. HUD's authority for making funding available under this NOFA is the Consolidated Appropriations Act, 2005 (Pub. L. 108–447; approved December 8, 2004). Leveraged funds must be spent exclusively on addressing lead hazards in eligible privately owned housing units. Applicants are encouraged to employ creativity and initiative in mobilizing resources expeditiously for lead hazard control prevention efforts. Based upon the responses provided to the rating factors criteria described below, grants will be awarded to those entities that submit a detailed plan and strategy that demonstrates adequate capacity to implement the program and demonstrates the ability to generate and use private sector resources for lead hazard control prevention efforts.

LEAP funds may also be used to eliminate lead-based paint hazards in low-income privately owned housing as well as implementing other lead hazard control strategies as defined by Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et seq.*). However, these activities are only eligible if they are tied directly to a leveraging strategy. For example, LEAP funds could be used to fund the replacement of windows that are determined to be a lead-based paint hazard, while leveraged funds from owners could be used to do paint stabilization elsewhere in the unit (or in other units) where lead-based paint hazards are present.

II. Award Information

Funding Available: Approximately $8 million in fiscal year (FY) 2005 funds. The maximum award shall be $2 million per grant. HUD anticipates that approximately 4 to 6 grants will be awarded. The period of performance is 36 months. The first 18 months shall be used for obtaining the leveraged private sector resources. A period of performance extension for delays due to exceptional conditions beyond the grantee's control will be considered for approval by HUD in accordance with 24 CFR 84.25(e)(2) and the Office of Healthy Homes and Lead Hazard Control Program Guide. Only one extension will be provided for a period not to exceed 12 months.

III. Eligibility Information

See the General Section for additional eligibility requirements applicable to HUD Programs.

A. Eligible Applicants

To be eligible to apply for funding under this program, the applicant must be a tax-exempt nonprofit (501(c)(3)), or other non-profit or for-profit entity or firm. For-profit institutions are not allowed to earn a fee. Colleges and Universities are also eligible. National and local parent groups are encouraged to apply. States and units of general local government and their departments are not eligible. Applicants who received awards under the fiscal year 2004 Notice of Funding Availability published in the **Federal Register** on May 14, 2004 are eligible to apply under this NOFA.

B. Cost Sharing or Matching

There is no match requirement for this grant.

C. Other

To be eligible for funding under this NOFA, the applicant must meet all federal statutory and regulatory requirements applicable to this program including 24 CFR part 84 and applicable OMB circulars (*i.e.*, cost principal, uniform administrative requirements, audits). In addition, you will be required to comply with all state and local statutes, regulations or other applicable requirements.

1. *Threshold Requirements.* As an applicant, you and any sub-recipient must meet all of the threshold requirements in Section III.C of the General Section. Applications that do not address the threshold items will not be funded.

2. *Eligible Activities.* Activities conducted for the purpose of developing and implementing local or regional strategies designed to leverage or mobilize resources from the private sector are eligible activities. These activities may include, but are not necessarily limited to:

a. Providing technical lead safety training to workers or supervisors regarding lead safe work practices;

b. Conducting outreach and related activities that are directly tied to a leveraging strategy, and that will result in increased lead hazard control activities in low-income privately owned or owner occupied housing with lead-based paint hazards.

c. Lead hazard control activities tied directly to a leveraging strategy and conducted in low- and very low-income eligible privately-owned rental and occupied housing units, including:

(1) Performing dust, paint or soil testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil;

(2) Conducting lead hazard control, which may include interim control of lead based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); or abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods, where necessary. Unless there are only

a few surfaces coated with lead paint, complete abatement of all lead-based paint or lead-contaminated soil is not usually acceptable as a cost-effective strategy unless justification is provided and subsequently approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.*, drip line or foundation of the structure being treated, and children's play areas. All hazard control activities must comply with 24 CFR part 35, subpart R, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and all applicable Federal, state and local regulations; in the case of a conflict between any of the above, the more stringent shall apply;

(3) Carrying out temporary relocation of families and individuals during the period in which lead hazard control is conducted and until the time the affected unit receives clearance for re-occupancy;

(4) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors; and

(5) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Operation LEAP grant funds and leveraged funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation, weatherization, and other energy conservation activities.

(6) Conducting clearance dust-wipe testing and associated laboratory analysis.

(7) Purchasing or leasing no more than two (2) X-ray fluorescence analyzers for use by the Program, if not already available.

d. Eligible costs that include providing all necessary administrative and indirect support, including rent, equipment, materials, travel expenses and logistics, and subcontractor/consultant costs necessary to carryout grant activities.

3. *Program Requirements.* In general, applicants conducting lead hazard control activities must ensure that work is conducted in compliance with the applicable requirements of HUD's Lead-Safe Housing Regulation, 24 CFR part 35, and as clarified in HUD's Interpretive Guidance about the rule located at *http://www.hud.gov/offices/lead/guidelines/leadsaferule/index.cfm.*

a. Eligible Housing Units. LEAP funds may be used to support lead hazard control work in eligible low- and very low-income privately owned rental and occupied housing units. Refer to Section III.C.5 below about downloading a list (Eligibility of HUD-Assisted Housing) of the HUD-associated housing programs that meet the definition of eligible housing under this program.

b. Continued Availability of Lead-Safe Housing to Low-Income Families. Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income families for at least three years as required by Title X (Section 1011). Affirmative marketing to families (particularly low-income families with children under six years of age) is encouraged, as described under Rating Factor 5. The grantee must also notify the owner of information on lead hazard evaluation and control generated during grant activities in the housing, so that the housing owner will comply with disclosure requirements under 24 CFR part 35, subpart A.

c. Testing. For applicants conducting lead hazard control activities, all testing and sampling shall conform to the current HUD Guidelines and federal, state, or tribal regulations developed as part of the appropriate contractor certification program whichever is more stringent. Testing must be conducted according to the HUD Guidelines, located at *http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm,* and the EPA lead hazard standards rule at 40 CFR part 745. All units undergoing lead hazard control must have clearance testing performed.

(1) Lead-Based Paint and Lead-Based Paint Hazard Identification. For applicants conducting lead hazard control activities, an inspection or risk assessment is required. You should ensure that lead paint inspection and risk assessment reports are conducted in accordance with established protocols and sufficient to support hazard control decisions.

(2) Clearance Testing. For applicants conducting lead hazard control activities, clearance testing shall be completed in accordance with Chapter 15 of the HUD Guidelines and the EPA lead hazards standards rule at 40 CFR part 745 for abatement projects and the Lead-Safe Housing Rule (24 CFR part 35) for lead hazard control activities or other abatement. The clearance standards shall be the more restrictive of those set by the local jurisdiction or by EPA or HUD.

(3) Blood Lead Testing: HUD recommends testing each occupant who is under six years of age for lead poisoning prior to proceeding with the housing intervention. Any child with an elevated blood lead level should be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention (CDC) publications *Preventing Lead Poisoning in Young Children* (1991), and *Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials* (1997).

d. Written Policies and Procedures. For applicants conducting lead hazard control activities, you must have clearly established written policies and procedures for eligibility, program marketing, unit selection, expediting work on homes occupied by children with elevated blood lead levels, and all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation, and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

e. Prohibited Practices. For applicants conducting lead hazard control activities, you must not engage in the following prohibited practices:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydro blasting or high-pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1,100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride or other volatile hazardous chemicals in a poorly ventilated space; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

f. Research. In conformance with the Common Rule (*Federal Policy for the Protection of Human Subjects,* codified by HUD at 24 CFR part 60), for applicants conducting blood lead testing as part of a research effort, your organization must provide an assurance (*e.g.*, a letter signed by an appropriate official) that the research has been reviewed and approved by an Institutional Review Board (IRB) before you can receive funds from HUD for activities that require IRB approval. Before receiving such funds, you must also provide the number for your

organization's assurance (*i.e.*, an ''institutional assurance'') that has been approved by the Department of Health and Human Service's Office of Human Research Protections (OHRP). For additional information on what constitutes human subject research or how to obtain an institutional assurance see the OHRP Web site at *http://ohrp.osophs.dhhs.gov/.*

g. Conducting Business in Accordance with HUD Core Values and Ethical Standards. Refer to the General Section for information about conducting business in accordance with HUD's core values and ethical standards.

h. Applicants must also comply with HUD's Section 3 requirements as stated at 24 CFR 135.3(a)(2)(i).

4. DUNS Requirement. Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

5. Eligibility of HUD-Assisted Housing. The chart ''Eligibility of HUD-Assisted Housing'' available at *http://www.hud.gov,* lists the ''eligible'' housing units that may participate under LEAP when lead hazard control is tied directly to a leveraging strategy.

IV. Application and Submission Information

A. Addresses To Request Application Package

1. Application Submission. See the General Section for specific procedures for application submission and timely receipt procedures. Be advised there is no Application Kit for the Operation Lead Elimination Action Program. All the information required to submit an application is available in the application and instructions at *http://www.grants.gov.*

a. Guidebook and Further Information. Copies of the General Section and this Program Section are also available from the NOFA Information Center at 800–HUD–8929 or 800–HUD–2209 (TTY). When requesting information, please refer to the name of the program you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code).

B. Content and Form of Application Submission

1. Applicants should follow the submission requirements for the Operation Lead Elimination Action Program (LEAP). Applicants should follow the submission requirements described below.

a. Application Information.

(1) Application Format. The application narrative response to the Rating Factors are limited to a maximum of the equivalent of 15 pages. Your word processing response must be prepared as a single-sided document, using 8½″ x 11″ paper, using a 12-point font with not less than ¾″ margins on all sides. Additional materials should be referenced and discussed in the narrative response. These additional materials should directly apply to the rating factor narrative.

(2) Application Checklist (voluntary). Your application must contain all of the required information noted in this Program Section and the General Section. See the General Section for specific procedures for application submission and timely receipt procedures. The ''Checklist and Submission Table of Contents'' below includes a listing of the required items needed for submitting a complete application and receiving consideration for funding. You are to assemble the application to include the items shown in the Checklist and Submission Table of Contents. For paper copy applications, inclusion of this Checklist and Submission Table of Contents with your proposal is recommended but not required.

Checklist and Submission Table of Contents Lead Elimination Action Program (LEAP)

- Applicant Abstract (limited to a maximum of 2 pages).
- Rating Factor Response (limited to a maximum of 15 pages).

1. Capacity of the Applicant and Relevant Organizational Experience—Form HUD–96012.

2. Need/Extent of the Problem—Form HUD–96013.

3. Soundness of Approach—Form HUD–96014; and Work Plan development Worksheet—36 Month Period of Performance—Form HUD–96008;.

4. Leveraging Resources.

5. Achieving Results and Program Evaluation—Form HUD–96010 Logic Model.

6. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990) if applicable;.

- Application Forms.

SF–424.

SF–424 Supplement.

Facsimile Transmittal (HUD–96011).

Form HUD–424CB.

Form HUD–424CBW—Total Budget (Federal Share and Matching) with Supporting Narrative and Cost Justification.

Form HUD–2880 Disclosure and Update Report.

Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (include any documentation required).

Form SF–LLL Disclosure of Lobbying Activities Required (if applicable).

HUD's Waiver from submitting electronically (if applicable).

Form HUD–2993 Acknowledgment of Application Receipt (only if wavier from electronic submission has been obtained).

Form HUD–2994 Client Comments and Suggestions (completion of this form is optional).

- Other Rating Factor Related Materials.

The following are instructions on the items to be submitted as part of the application. See the General Section for instructions for submitting third party documents and electronic files.

(a) Abstract Summary. Provide an abstract summary describing the goals and objectives of the proposed program (two-page maximum); including.

(i) the total amount of the Federal request and the amount of the matching contribution for the entire period of performance;

(ii) the specific activities that will be conducted;

(iii) the organization(s) that will participate in the program; and

(iv) your prior activities, experience and achievements in related work.

(b) Forms. See the General Section for specific instructions for application submissions procedures and timely receipt. You can download Form HUD–96008, Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months, from *http://www.hud.gov*.

(c) Budget. A total budget summary (total budget is the Federal share and leveraged contribution) with supporting narrative and cost justifications for all budget categories of your grant request. A maximum of ten percent of the Federal share can be for administrative costs. Provide a detailed budget with supporting cost justification for all budget categories of your funding request, in accordance with Rating Factor 3. This information will not be counted towards the page limits. A detailed budget must also be provided for any subcontractors, subgrantees, or subrecipients receiving greater than 10 percent of the Federal budget request. An itemized breakout (using the Form HUD–424CBW) of leveraged contributions that are directly received by the project or sub recipients should be documented including:

(i) Values placed on donated in-kind services;

(ii) Letters or other evidence of commitment from donors; and

(iii) The amounts and sources of contributed resources.

(d) Teaming. Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation must describe the proposed roles of agencies, local broad-based task forces, participating faith-based or other community- or neighborhood-based groups or organizations, local businesses, and others working with the program. For-profit entities and/or firms must clearly demonstrate and document how activities, including the lead-based paint hazard identification and control measures to be undertaken by the applicant, will be coordinated with local organizations, state(s) or units of general local government to carry out lead hazard control and other program activities.

b. Other leveraged resources not received directly by the project and sub recipients but used to support program activities should be included in the narrative response to Rating Factor 3, but not on Form HUD–424–CBW. Applicants should describe their methodology for tracking leveraged resources not directly received by the project or sub recipients.

c. Rating Factor Responses—Proposed Activities. All applications must respond to the rating factors for award, and numbered in accordance with each factor for award (Rating Factors 1 through 4).

C. Submission Dates and Times

Application submission. The submission date is June 9, 2005. Electronic applications must be submitted and received by grants.gov on or before 11:59:59 p.m. eastern time on the submission date. All narrative files and any scanned documents must be submitted as a zip file, single attachment to the electronic application. Refer to the General Section for additional submission requirements including acceptable submission methods, acceptable proof of delivery and other information to assist the applicant. Materials associated to your electronic application submitted by facsimile transmission must also be received by 11:59:59 p.m. eastern time on the application submission date.

Applicants receiving a waiver to the electronic submission process must submit the required number of copies of the application by the application submission date to the identified address in Appendix C of the General Section.

D. Intergovernmental Review

Not applicable.

E. Funding Restrictions

1. Ineligible Activities. You may not use grant funds for any of the following:

a. Purchase of real property;

b. Chelation or other medical treatment costs related to children with elevated blood lead levels; and

c. Lead hazard abatement activities in public housing, or project-based Section 8 housing.

d. Activities that do not comply with the Coastal Barrier Resources Act (16 U.S.C. 3501).

e. Lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

F. Other Submission Requirements

Refer to the General Section for other application submission requirements.

V. Application Review Information

A. Criteria

The factors for award used to evaluate and rate applications include:

Rating Factor 1: Organizational Capacity—Form HUD 96012.

Rating Factor 2: Need/Extent of the Problem—Form HUD 96013.

Rating Factor 3: Approach—Soundness of Approach—Form HUD 96014; and Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months—Form HUD–96008.

Rating Factor 4: Leveraging Resources.

Rating Factor 5: Achieving Results and Program Evaluation—Logic Model—Form HUD–96010.

RC/EZ/EC–II—Bonus Points (2 Points).

Applicants are encouraged to employ creativity and initiative in mobilizing resources expeditiously for lead hazard control prevention efforts. Based upon the responses provided to the rating factors described below, grants will be awarded to those entities who submit a detailed strategy that demonstrates adequate capacity to carry out the proposed use of funds and who demonstrate the ability to generate and use private sector resources for lead hazard control prevention efforts. The factors for rating and ranking applicants, and maximum points for each factor, are delineated below. The maximum number of points to be awarded is 102, which includes up to 2 bonus points for activities proposed to be located in RC/EZ/EC–II communities (See Section V.A.6. below).

1. Rating Factor 1: Organizational Capacity (20 points)

This factor addresses the applicant's organizational capacity to successfully implement the proposed activities in a timely manner.

a. Staff Experience (10 points).

Describe the knowledge and experience of the staff responsible for the following functions: Executive Direction; Finance, Marketing; and Program Coordination. The applicant must have sufficient qualified personnel or be able to quickly retain qualified experts or professionals in financial/grant management, marketing, and/or lead-based paint programs that will allow you to immediately begin your proposed work program and to perform your proposed activities within the 36 month period of performance (Form HUD–96008). The applicant's narrative should include information about your organizational and staff capacity in raising and/or leveraging funds, and in recent success in garnering private sector support (*e.g.*, within the past five years). Include a discussion of staff knowledge and expertise in raising and/or leveraging funds, possessing the prerequisite organizational skills, and lead poisoning prevention activities.

The discussion on capacity should include the depth, experience, the commitment of time to the program, salary information, and position titles of the program staff.

Resumes or detailed job announcements for the above key positions must be included in your application. Indicate the percentage of time key personnel will devote to the proposed project. An applicant may demonstrate capacity by thoroughly describing prior experience in this type of activity and/or how the applicant will develop the necessary capacity to carry out proposed activities.

b. Grants Management (4 points).

Describe your agency's or organization's ability to manage grants

and leveraged program funds and activities.

c. Team Expertise (4 points).

Describe project knowledge and experience by participants and team members regarding lead poisoning as a public health threat to children, and/or lead-based paint issues and hazard control. Use of staff with more recent, relevant, and demonstrated successful experience will result in a higher rating.

d. Removal of Barriers to Affordable Housing (2 points).

A new applicant will be awarded up to two points under Rating Factor 1 for activities that remove barriers to affordable housing within their communities; support state and local efforts to streamline processes and procedures; and eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. This priority relates to HUD's Strategic Goals for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. For more details refer to section V.B.1.

2. Rating Factor 2: Need/Extent of the Problem (10 points)

This factor addresses the extent to which there is a need for the proposed program to address a documented problem related to lead-based paint and lead-based paint hazards in your identified target area(s). An applicant will be scored in this rating factor based on their documented need as evidenced by thorough, credible, and appropriate data and information. The evaluation will be based only on the applicant's documentation of the data submitted. The data submitted in response to this rating factor will be verified using data available from the Census, HUDuser, other data available to HUD and/or in cooperation with the Centers for Disease Control and Prevention. The applicant is to complete the Factor 2 Table—Need/Extent of the Problem in Section IV of this NOFA.

A maximum of 10 Points will be awarded in this rating factor based on the information documenting the number of children with an elevated blood lead level, the number of pre-1978 housing units, and the number and percentage of families with incomes at or below 80% of the Area Median Income as determined by HUD within your target areas.

a. Documented Number of Children with an Elevated Blood Lead (EBL) (3 Points Maximum).

Provide the actual number of children documented as having an elevated blood lead (EBL) residing within the target area for the most recent complete calendar year and identify the source of the data. Data prior to calendar year 2001 will not be accepted. For the purposes of this application, the ''documented number of children'' with an EBL is based on the CDC level of concern. A child under six years of age with a blood lead level test result equal to or greater than 10 micrograms of lead per deciliter of blood, which was performed by a medical health care provider is considered to have an EBL. The actual number of children with an EBL (not an estimate) must be reported to HUD in order to receive points for this sub-factor. Do not send the children's names or addresses or other identifiers. Failure to provide this number in the application means that no points will be awarded for this sub-factor. For you to receive maximum points for this rating factor there must be a direct relationship between your proposed lead hazard control activities and the documented community needs. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting the identified need as it applies to any selected targeted area(s).

Applicants are to use the Factor 2 Table to document the target area(s) need:

Points will be awarded based on the documented number of children with an elevated blood lead level according to the table, ''Points Awarded for Number of Children Under Age 6 Years with an Elevated Blood Lead Level in Target Area,'' that can be downloaded from *http://www.hud.gov*. The table shows the number of points awarded based on the number of children with an elevated blood lead level in the grant target area(s).

b. Housing market data relevant to the specified target area(s). Housing Age for the following sub-categories: Pre-1940, 1940–1949, 1950–1959, 1960–1969, 1970–1979 and 1980 or newer (Census information includes 1970–1979 category). (3 Points Maximum). Points will be awarded for the number of pre 1940 occupied rental units in the applicant's jurisdiction according to the table, ''Points Awarded for Number of Pre-1940 Occupied Rental Housing Units in Target Area,'' that can be downloaded from *http://www.hud.gov*. The table shows the number of points awarded based on the number of pre-1940 occupied rental housing units in the grant target area(s).

c. The number and percentage of very-low (income less than 50 percent of the area median) and low- (income less than 80 percent of the area median) income families, as determined by HUD (*http://www.huduser.org*), with adjustments for smaller and larger families (Very-Low and Low-Income Population) (4 Points Maximum). Points will be awarded for the number of very low and low-income percentages of families in the target area according to the table, ''Points Awarded for Number of Very Low and Low-Income Percentages of Families in Target Area,'' that can be downloaded from http://www.hud.gov. The table shows the number of points awarded based on the number of very low and low-income percentages of families in target area(s).

3. Rating Factor 3: Approach (40 points).

This factor addresses the approach and strategy that the applicant intends to follow in meeting the goals and objectives of the program. This strategy should address the following:

a. Selection Process for Team Organization (5 points).

Describe the selection process for those organizations that are to conduct or coordinate work activities for lead hazard control, outreach, evaluation, etc and discuss how you intend to involve faith-based or other community-based organizations in your proposed activities.

b. Strategy and Approach (35 points).

(1) Leveraging Strategy. Describe the proposed strategy for leveraging private sector resources including:

(a) Target audiences/constituencies;

(b) Use of contractors/subgrantees/team organizations and their method of selection;

(c) Methods of outreach/promotion;

(d) Types of leveraging to be employed;

(e) Proposed use and distribution of funds/resources leveraged;

(f) Overall project management and coordination; and

(g) Proposed schedule of activities within the 36-month period of performance.

(2) Work Plan Strategy. A successful applicant's award is contingent upon budget negotiation and approval of a work plan. The work plan strategy narrative shall include:

(a) The management plan that describes how the project will be managed, and the timeline for staffing the program. Applicants should develop a work plan that includes specific, measurable and time-phased objectives for each major program activity. The applicant's work plan should reflect the benchmark standards with quarterly milestones for proposed program activities and expenditures, and should provide HUD with measurable outcome results to be achieved with the requested funds. Measurable outcome results should be stated in terms

relevant to the purpose of the program funds as a direct result of the work performed within the performance period of the grant.

(b) A detailed description of how assistance and funding will flow from the grantee to the actual performers of the work;

(c) The selection process for sub-grantees, sub-contractors and/or sub-recipients (if any);

(d) The evaluation process used to measure program performance;

(e) The overall objectives for activities. Quarterly performance milestones are to be developed to achieve the overall objectives for these activities;

(f) Development of your work plan should include and reflect the benchmark standards referred to in Section III.C.5, above. The benchmark categories should be modified to reflect the activities proposed in your application and subsequent work plan. The LOCCS and Leveraged Funds categories are standard and may not be changed;

(3) Strategies/Approaches. The applicant is encouraged to employ creativity and initiative in achieving the objectives of the program. Some examples of possible strategies/approaches include the following:

(a) Enlisting the support and resource commitment of financial institutions, foundations, private industry, the general public, property owners, and others to make residential housing lead-safe and eliminate lead poisoning as a public health threat to children;

(b) Soliciting the support of national building materials providers, building component manufacturers, and housing-related national retail outlets to donate money and/or materials to lead hazard control programs in housing and health departments, landlords and owner-occupants to eliminate lead-based paint hazards in privately owned low-income dwellings: For example, a window, wallboard, or paint manufacturer/retailer could donate or coordinate the donation and distribution of windows or paint to lead-based paint hazard control and/or lead hazard control elements of rehabilitation projects throughout the country. This strategy could also include the distribution of discount coupons for purchases of paint or other materials from national suppliers for lead-based paint hazard control projects;

(c) Forming teams with banks or other mortgage or financial institutions willing to provide no or low-interest home improvement loans to finance lead hazard control activities and abatement measures among low-income recipients who would not otherwise be served. By participating, banks could fulfill a major element of their responsibilities under the Community Reinvestment Act;

(d) Forming teams to facilitate the coordination and distribution of donated building materials, such as windows, trim molding, or paint, etc. to local projects involved in lead hazard control programs;

(e) Identifying and facilitating the availability and use of temporary relocation facilities for families who need to move out of their dwellings while lead hazard control work is being undertaken. For example, hotel chains, colleges, and other lead-safe sites could be contacted to make housing available for the temporary relocation of families during lead hazard control;

(f) Working with landlords, tenant groups and others to form consortia or otherwise engage landlords and owner-occupants to enroll their eligible housing units in local lead hazard control or rehabilitation programs. The applicant should obtain commitments from landlords to provide matching resources for work to be done on their units. For example, the lead hazard control program could offer landlords grant funds for replacement windows if the landlords contribute the cost of additional repairs (such as basic system upgrades, or other rehabilitation work including painting and maintenance) that is associated with lead hazard control. To encourage such commitments, efforts should be made to educate landlords about the primary benefits (effect on children's health) and supplementary benefits that can result from lead hazard reduction work such as improving an apartment's physical condition and marketability;

(g) Expanding dust testing and clearance testing, especially in high-risk communities;

(h) Promoting homebuilder, remodeler, or contractor associations to coordinate efforts to reduce lead hazards by contributing technical assistance, training, presentations and materials and/or labor to lead hazard control efforts;

(i) Encouraging landscaping firms, nurseries, and landscape architects to contribute lead-safe soil, mulch, and other forms of vegetation cover and shrubbery designed to mitigate lead contamination of soil around the exterior/perimeter and play areas of affected housing units;

(j) Working with health, housing, and community development organizations or other entities to conduct lead poisoning prevention activities, including efforts to plan, participate in, and/or facilitate or participate in strategic planning to eliminate lead poisoning as a public health threat to young children by 2010. As part of this effort, the applicant should describe the process for considering enrolling housing units (or multifamily buildings) in which one or more children under age 6 years have elevated blood lead levels, with priority to housing where repeated and/or severe cases of childhood lead poisoning have occurred. (Because of the presence of a variety of priorities, it is not a requirement that units with lead-poisoned children be enrolled, but the process for giving such units high priority should be described and implemented.);

(k) Working with grassroots nonprofit community organizations, including faith-based or other community-based organizations, that are committed to improving the quality of life of young children in high risk housing; and

(l) Providing training for significant numbers of trades people to implement lead-safe work practices, such as window replacement and weatherization work.

The applicant is to complete the Factor 3 Table—Soundness of Approach, and the Work Plan Development Worksheet with Minimum Benchmark Standards for 36 Months—Form HUD–96008.

4. Rating Factor 4: Leveraging Resources (20 points).

This factor addresses the applicant's ability to obtain and use private sector resources or leverage private sector activities that can be combined with HUD and other program resources to achieve program objectives. Private funds/resources do not include any public sector funds, e.g., funds provided by states and units of general local government including Community Development Block Grant (CDBG)/Home Investment Partnership (HOME) funds. Applicants are encouraged to use such funds as part of the program but these funds are not considered under this rating factor. Describe the types of private sector commitments, if any, currently available to devote to Operation LEAP grant program activities, and the anticipated future amounts to be generated. Based upon the estimated amount of funding anticipated for leveraging over the life of the award, identify the general geographic locations of the units that will be treated by this increased funding or leveraged resources. Also provide an estimate of the number of eligible housing units that can be expected to be treated and the number of low and very

low-income families that will benefit under LEAP. Generated resources may include cash or in-kind contributions of personnel, services, equipment, or supplies. In evaluating this factor, HUD will consider the extent to which the applicant has established working teams, memoranda of understanding and/or firm agreements with other identified entities for the commitment of additional resources. Resources may be provided by any private source, including contributions of investor-owners. However, the donations of resources, goods and services considered as leveraged resources should be based on market values and documented. Applicants that do not have such teams at the time of application will be required to establish teams immediately following notification of grant award. Only contributions that have a stated monetary value with supporting documentation from the contributing organization/entity, signed by an official authorized to make such commitment will be counted as leveraged funds. Applications with firmly established commitments will be rated more highly than applications with just expressions of interest. The most advantageous agreements will be those not solely dependent on LEAP funding, including those that create long-term commitments for leveraged funds beyond the period of the LEAP grant. Therefore it is preferable that LEAP funds act as ''seed'' funds so any future funding streams can be used to stimulate additional leveraging agreements and not simply support prior agreements. In evaluating this factor, HUD will examine the extent to which agreements provide for sustained contributions from non-public sources and allow for non-LEAP funds to support such leveraging in the future. Applicants that have targeted specific high-risk neighborhoods or geographic locations for leveraging/fundraising and hazard control activities will receive a higher number of rating points. Describe what the organization has done in the recent past (e.g., within the past five years) that gives evidence of its ability and experience to leverage substantial private sector resources. Describe specific activities, the amount of funds or resources leveraged, and what the leveraged funds will be used to support. If an applicant has experience in generating funds or resources for purposes similar to addressing lead paint abatement or control measures, the applicant should describe those activities and the results achieved.

5. Rating Factor 5: Achieving Results and Program Evaluation. (10 Points).

This factor emphasizes HUD's commitment to ensuring that applicants achieve the goals outlined in their work plan and other benchmark standards and assess their performance to ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals.

Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your Evaluation Plan should identify what you are going to measure, how you are going to measure it and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes.

Applicants are required to complete the HUD Logic Form to supplement the narrative response to this rating factor.

a. An applicant is to identify and describe specific methods, measures, and tools that you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information. In evaluating this factor, HUD will consider how you have described outcome measures and benefits of your program including:

(1) Ability to generate substantial private sector resources. The main objective of Operation LEAP is to leverage private sector resources to eliminate lead poisoning as a major public health threat to young children. The key terms here are ''leverage private sector resources.'' HUD is looking for those applicants that demonstrate the most realistic and successful fund raising and/or leveraging skills to mobilize substantial private sector resources for addressing lead hazards in housing.

(2) Ability to demonstrate or develop a national and/or regional (multi-state) strategy for leveraging resources from the private sector is essential. Those resources should be realistic and achievable and made part of the work plan and benchmark activities of this proposal. The proposed budget should demonstrate how these leveraged funds will be used to address lead hazards in housing and make residential housing lead-safe and eliminate lead poisoning as a public health threat to children.

(3) Results of any specific plans and objectives to implement and/or maintain a registry (listing) of lead-safe housing available to the public, or to incorporate the inclusion of the lead-safe status of properties in another publicly accessible address-based property information system. Results could include how the information would be managed and affirmatively marketed to the public so that families (particularly low-income families with children under six years of age) can make informed decisions regarding their housing options.

(4) The extent to which affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how the proposed work plan will support the community's efforts to affirmatively further affordable housing and discuss the impact of prior activities that have contributed to enhanced lead-safe housing opportunities.

(5) How your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. Applicants should provide a description of the mechanism to assess progress and track performance in meeting the goals and objectives outlined in the work plan. Applicants should provide assurances that work plans and performance measures developed for the program will assist intended beneficiaries, and that work will be conducted in a timely and cost-effective manner.

6. Bonus Points for Federally Designated Zones and Communities. In addition, applicants should describe whether any of the proposed activities will occur in an Empowerment Zone (EZ), Renewal Community (RC), or Enterprise Community, designated by USDA in round II (EC-IIs), that are intended to serve the residents of these areas, and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan (TIUP), and how they will benefit the residents of those zones or communities.

B. Reviews and Selection Process

1. *HUD's Strategic Goals.* HUD is encouraging applicants to undertake specific activities that will assist the Department in implementing its policy priorities. HUD's Strategic Goals and Policy Priorities applicable to the

Operation LEAP NOFA are outlined in the General Section. Applicants will be awarded up to two points under Rating Factor 1 for activities that remove barriers to affordable housing within their communities, support state and local efforts to streamline processes and procedures, eliminate redundant requirements, statutes, regulations, and codes which impede the availability of affordable housing. This priority relates to HUD's Strategic Goal for Increasing Homeownership Opportunities and Promoting Decent Affordable Housing. Refer to the General Section for additional details pertaining to this policy priority. Applicants addressing this policy priority are to complete Form HUD–27300—Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, and are to include any documentation required.

2. *Rating and Ranking.* Please refer to the General Section for details. Only those applications that meet the threshold review requirements will be rated and ranked according to their response to the Rating Factor Criteria included in this NOFA. The maximum number of points to be awarded is 102. A minimum score of 75 is required for fundable applications.

Rating factor	Maximum points
Rating Factor 1: Organizational Capacity	20
Rating Factor 2: Need/Extent of the Problem	10
Rating Factor 3: Approach	40
Rating Factor 4: Leveraging Resources	20
Rating Factor 5: Achieving Results and Program Evaluation—Form HUD–96010 Logic Model	10
RC/EZ/EC–II—Bonus Points	2
Total	102

VI. Award Administration Information

A. Award Notices

1. Successful applicants will receive a letter from the Office of Healthy Homes and Lead Hazard Control Grant Officer indicating that they have been selected for an award. This letter will provide additional details regarding the effective start date of the grant and any additional data and information to be submitted to execute a grant agreement. This letter is not an authorization to begin work or incur costs under the grant. A fully executed grant agreement is the authorizing document. Unsuccessful applicants will also be notified that their application was not selected for an award and will be afforded an opportunity to request a debriefing on the unsuccessful application according to the procedures outlined in the General Section.

2. Negotiation. Refer to the General Section for additional details.

3. Adjustments to Funding. Refer to the General Section for additional details.

B. Administrative and National Policy Requirements

1. *Environmental Requirements.* Under the Consolidated Appropriations Act, 2005, the provisions of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, implemented by HUD regulations at 24 CFR part 58, ''Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,'' are applicable to properties assisted with Operation LEAP funds. Under part 58, a responsible entity, usually the unit of general local government, must assume the environmental review responsibilities for activities funded under this NOFA. Under 24 CFR 58.11, if a responsible entity or the recipient objects to the responsible entity performing the environmental review, HUD may designate another responsible entity to perform the review or may perform the environmental review itself under the provisions of 24 CFR part 50. Applicants and other participants in activities under this NOFA may not undertake, or commit or expend Federal or non-Federal funds (including HUD-leveraged or match funds) for, lead hazard control, related rehabilitation or other physical activities until the responsible entity completes an environmental review and the applicant submits and obtains HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with part 58 (or until HUD has completed an environmental review under part 50). The results of the environmental reviews may require that proposed activities be modified or proposed sites rejected. For assistance, contact Karen Choi, the Office of Healthy Homes and Lead Hazard Control Environmental Officer at (213) 534–2458 (this is not a toll-free number) or the HUD Environmental Review Officer in the HUD Field Office serving your area. If you are a hearing- or speech-impaired person, you may reach the telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Recipients of a grant under this funded program will be given additional guidance in these responsibilities.

2. *HUD Reform Act.* Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) as defined in the General Section.

3. *Executive Order 13202.* Compliance with HUD regulations at 24 CFR 5.108 that implement Executive Order 13202, ''Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-Funded Construction Projects,'' is a condition of receipt of assistance under this NOFA.

4. *Other Requirements.* Please review the General Section for information on Statutory and Regulatory Requirements, Affirmatively Furthering Fair Housing, ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses, OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs, Conflicts of Interest, Prohibition Against Lobbying Activities, Accessible Technology, Improving Access to Services for Persons with Limited English Proficiency, Compliance with Fair Housing and Civil Rights Laws, and Executive Orders pertaining to this NOFA.

a. Participation in HUD Sponsored Program Evaluation. As a condition of the receipt of financial assistance under this NOFA all successful applicants will be required to cooperate with all HUD staff or contractors performing HUD funded research and evaluation studies.

5. *Privacy and Disclosure.* All test results in pre-1978 housing related to lead-based paint or lead-based paint hazards must be provided to the owner of the unit, together with a statement describing the owner's legal duty to disclose the results to tenants (before initial leasing, or before lease renewal with changes) and buyers (before sale) if the housing was constructed before 1978 (24 CFR part 35, subpart A). This information provided to owners may only be used for purposes of remediation of lead-based paint and other hazards in the unit. Disclosure of other identified housing-related health or safety hazards to the owner of the unit, for purposes of remediation, is encouraged but not required. Submission of any information on the properties to databases (whether Web site, computer, paper, or other format) of addresses of identified, treated or cleared housing units is subject to the protections of the Privacy Act of 1974, and shall not include any personal information that could identify any child affected.

C. Reporting

Successful applicants will be required to submit quarterly, annual, and final program and financial reports according the requirements of the Office of Healthy Homes and Lead Hazard Control. Specific guidance and additional details will be provided to successful applicants. All applicants must also report progress against the proposed benchmarks and milestones in the Logic Model (form HUD–96010) approved and incorporated into your award agreement part of each required report for the grant program.

VII. Agency Contact(s)

For Further Information and Technical Assistance. You may contact Jonnette G. Hawkins, Director, Program Management and Assurance Division, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street SW., Washington, DC 20410–3000 or by telephone, fax, or e-mail: *Jonnette_G._Hawkins@hud.gov* (use underscores), Telephone: (202) 755–1785, extension 126 (this is not a toll-free number), facsimile (FAX): (202) 755–1000. If you are a hearing-or speech-impaired person, you may reach the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

VIII. Other Information

Refer to the General Section for details regarding other information on submitting application that meets HUD requirements.

BILLING CODE 4210–32–P

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 1 Capacity Of The Applicant And Relevant Organizational Experience

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A. Key Personnel

Name and Position Title (please include the organization position titles in addition to those shown). Resumes or position descriptions are to be included in appendix.	Percent of Time Proposed for this Grant (HUD Funded or In-Kind)	Percent of Time to be spent on other LHC HUD grants	Percent of Time to be spent on other Activities
	Note: These three columns should total 100%		
A.1 Overall Project Director			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.2 Day-to-Day Program Manager ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			
A.3 Other ☐ To be hired ☐ On staff			
Name:			
Organization Position Title:			
Phone Number: Fax Number:			
Email:			

B. Partners

Name of the organization or entity that partners or will partner with applicant and if partner will be subgrantee/subrecipient	Description of Commitment and Status	Proposed Activities To Be Conducted by Partner	Amount of HUD Grant Funds (If Subgrant)
B.1 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.2 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.3 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.4 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.5 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.6 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			
B.7 Name:			
Type of Organization			
Subgrantee/Subrecipient: ☐ Yes ☐ No			
☐ Current Partner ☐ Partnership to be developed			

Definitions:
Partner Name: Name of organization or entity that will partner with applicant in conducting program activities.
Type of Organization or Program: Health, Housing, Environmental, Community Development Department, Planning Department, Grassroots Faith-Based or Community-Based Organization, Childhood Lead Poisoning Prevention Program, Financial Institution, Job Training and Economic Opportunity Organization, etc.
Description of Commitment: Memorandum of Understanding/Agreement, Contract, Subgrantees, Letter, etc.
Proposed Activities to be Conducted by Partner: The type of activities that will be conducted by the grant partner in support of program efforts (i.e. rehabilitation, testing, training, education and outreach, specification writing, relocation, etc.)
Amount of HUD Grant Funds if Subgrantee/Subrecipient: The dollar amount subgrantee/subrecipient will be receiving for the services they will provide.

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 2 — Need/Extent Of The Problem

Public reporting burden for this collection of information is estimated to average 17 hours. This includes the time for collecting, reviewing, and reporting the data. This information collection is collected during the application process and is used to select grantees under a competitive selection process. Section 1011 of Title X of the Housing and Community Development Act of 1992 authorizes this collection. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Name of Jurisdiction	Name of Target Area (s)

A. Documented Blood Lead Level (BLL)

A.1 Total Number of Children <6 Years (72 months) of Age in Jurisdiction: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

A.2 Total Number of Children <6 Years (72 months) of Age in Target Area: % of Total Population:

Blood Lead Level	Number of Children Under 6 Years	% Of Total
< 10 µg/dL		
≥10 µg/dL and ≤19 µg/dL		
≥ 20 µg/dL		
Total Tested		100%
Source and Date Documented (Indicate Period Covered)*		

*Attach documentation in appendix - State or local health department may be a good source for this information

B. Housing Age and Tenure

B.1 Jurisdiction

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

B.2 Target Area (s)

Year Built	Number	% of Total	Owner	Renter
Pre-1940				
1940-1949				
1950-1959				
1960-1969				
1970-1977				
1979 or newer				
Total				

Source: 2000 Census - http://factfinder.census.gov/servlet/DatasetMainPageServlet?_ds_name=DEC_2000_SF3_U&_program=DEC&_lang=en
Instructions:

1. Select "Census 2000 Summary File 3 (SF3) – Sample Data"
2. Click on "Detailed Tables" on the side menu
3. On the next page, select "Place" from the pull-down menu next to "Select a geographic type"
4. Select the "State" from the pull-down menu next to "Select a State"
5. Select one or more "cities" of interest from the selected state and click "Add"
6. Click the button that says "Next"
7. On the next page, select "H36. Tenure by Year Structure Built" from the pull-down menu, then "Select one or more tables" and click "Add"
8. Click "Show Tables"

*Attach copy of the downloaded information in appendix.

C. Very Low and Low-Income Population – As Determined by HUD

C.1 Jurisdiction

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI*	%

C.2 Target Area (s)

Number of Families ≤50% of AMI	%	Total Number of Families <80% of AMI	%

Source: Income Limits As Determined by HUD- http://www.huduser.org/datasets/il.html
Instructions:

1. Select the appropriate State
2. Click on the link that says "Open PDF file"
3. Search for appropriate location

*Attach copy of the downloaded information in appendix

Healthy Homes and Lead Hazard Programs

U.S. Department of Housing and Urban Development
Office of Lead Hazard Control

OMB Approval No. 2539-0015
(expires 4/30/2007)

Factor 3 **Soundness Of Approach**

A. Proposed Lead Hazard Control Activities **Total Units To Be Completed and Cleared**

Activity	Who Will Perform This Activity (Name or Agency/Organization)	Number of Units	Housing Tenure			Estimated Timeline to Complete Work	Estimated Per Unit Cost
			Owner Occupied	Rental	Vacant		
Identification, Selection, Prioritization of Units (Referrals)*							
Intake/Enrollment							N/A
Financing (Grant, Loan, Other)							N/A
Pre-Hazard Control Blood Lead Testing			N/A	N/A	N/A		
Paint Inspections/Risk Assessments							
Laboratory Analysis of Samples			N/A	N/A	N/A		
Work Specifications			N/A	N/A	N/A		
Bid Process/ Contractor Selection			N/A	N/A	N/A		
Temporary Relocation							
Interim Controls							
Hazard Abatement							
Quality Control–Contractor Performance			N/A	N/A	N/A		N/A
Clearance Evaluations			N/A	N/A	N/A		
Maintenance Plan – Unit Follow Up			N/A	N/A	N/A		N/A
Community Outreach/ Education		N/A	N/A	N/A	N/A		N/A
Training		N/A	N/A	N/A	N/A		N/A

Activity:
*Identification, Selection, Prioritization of Units (Referrals) This should be a higher number than the number of units that are projected to be completed and cleared by the program
Who Will Perform This Activity: Applicant Agency, Partner Organization, Contractor, Grassroots Faith-Based or Community-Based Non-Profit Organization.
Number of Units: Number of units to receive program services.
Housing Tenure: Number of units to receive program services according to housing tenure status (i.e. owner occupied, renter occupied, vacant)
Estimated Time to Complete Work for each unit: Hours, days, weeks required to complete an activity
Estimated Unit Cost: Self explanatory

WORK PLAN DEVELOPMENT WORKSHEET
WITH MINIMUM BENCHMARK PERFORMANCE STANDARDS
FOR 36-MONTH PERIOD OF PERFORMANCE

Healthy Homes and Lead Hazard Program — OMB Approval Number 2539-0015 (exp 1/31/2006)

Grant Number: **Grantee Organization:** **Period of Performance: Feb 1, 2003 - January 31, 2006**

ACTIVITY	Q1 2003 Jan - Mar	Q2 2003 Apr - Jun	Q3 2003 Jul -Sep	Q4 2003 Oct -Dec	Q5 2004 Jan - Mar	Q6 2004 Apr - Jun	Q7 2004 Jul - Sep	Q8 2004 Oct - Dec	*Q9 2005 Jan - Mar	Q10 2005 Apr - Jun	Q11 2005 Jul - Sep	Q12 2005 Oct - Dec	Q13 2006 Jan - Mar	Q14 2006 Apr-Jun
Applicant Capacity (0-120 days)														
Staff Hired	———	◆												
Approved Environmental Review and Release of Funds	———	◆												
Written Policies and Procedures	———	◆												
Lead Hazard Control Implementation Units in Grant Agreement = #														
Paint Inspections/Risk Assessments:		———	———	———	———	———	———	———	———	◆				
Performance Standard		5%	15%	30%	45%	55%	65%	85%	95%	100%				
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
** *Units in Progress*														
Units Completed and Cleared:			———	———	———	———	———	———	———	———	———	◆		
Performance Standard			2%	5%	15%	30%	45%	55%	* 65%	85%	95%	100%		
Work Plan Milestone														
% Planned														
Actual # Completed														
Actual % Completed														
Cumulative LOCCS DRAWDOWNS Grant Award Amount = $				———	———	———	———	———	———	———	———	———	◆	
Performance Standard				5%	* 10%	15%	20%	30%	* 45%	60%	80%	95%	100%	
LOCCS Drawdown Work Plan Milestone														
% Planned														
Actual LOCCS Drawdown														
Actual Cumulative LOCCS Drawdown %														
Community Outreach / Education/ Training														
Community Outreach and Education Work Plan Milestone														
Community Outreach and Education Milestone Achieved														
Skills Training Work Plan Milestone														
Skills Training Milestone Achieved														
Performance Measured Against Approved Work Plan Milestones	·····	·····	·····	·····	·····	·····	·····	·····	·····	·····	·····	·····	100% ◆	
Close-Out Feb 1 - Apr 30, 2006														——◆
* Renewal Eligibility Milestone														
** No bench mark standard														

form HUD-96008 (04/2003)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

Brownfields Economic Development Initiative (BEDI)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. *Funding Opportunity Title:* Brownfields Economic Development Initiative.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number is FR–4950-N–02. The OMB approval number is 2506–0153.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Brownfields Economic Development Initiative (BEDI), 14.246.

F. *Dates:* The application submission date is June 17, 2005. Applications submitted through *http://www.grants.gov* must be received by grants.gov no later than 11:59:59 eastern time on the application submission date. Applicants receiving a waiver of the electronic submission requirement must submit their application to the United States Postal Service for delivery no later than 11:59:59 eastern time on the application submission date.

G. Optional, Additional Overview Content Information: BEDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Housing and Community Development Act of 1974, as amended, for the same brownfields economic development project, or to improve the viability of a brownfields economic development project financed with the Section 108-guaranteed loan, in order to stimulate economic development by local governments and private sector parties at brownfields sites and to return those sites to productive, economic reuse. All BEDI grants must be used in conjunction with a new Section 108-guaranteed loan commitment.

HUD encourages brownfields economic development projects that propose the redevelopment of a brownfield site through new investments by identified private sector parties in addition to BEDI/Section 108 financing and that will directly result in new business or job creation, increases in the local tax base or other near-term, measurable economic benefits.

Those interested in applying for funding under this program should review carefully the General Section and the following additional information.

Full Text of Announcement

I. Funding Opportunity Description

A. Authority

BEDI is authorized pursuant to Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301); 24 CFR part 570.

B. Program Description

BEDI is designed to help local governments redevelop brownfields, defined in this NOFA as abandoned, idled, or underutilized real property, including industrial and commercial facilities, where expansion or redevelopment is complicated by the presence or potential presence of environmental contamination. A BEDI grant award will be conditioned upon, and must be used in conjunction with, a new (*i.e.*, not previously approved) Section 108-guaranteed loan commitment. Both Section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to units of general local government eligible for assistance under HUD's Community Development Block Grant (CDBG) program (specifically, the Entitlement and State programs, certain jurisdictions in the state of Hawaii under the Small Cities program, and for the first time in Fiscal Year 2005, the insular areas of Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands). A local government may re-loan the Section 108 loan proceeds and provide BEDI funds to a business or other public entity eligible to carry out a specific approved brownfields economic development project, or the public entity may carry out the eligible project itself, as provided in the approved application. In either case, BEDI grant funds and the Section 108 proceeds must be used to support the same eligible BEDI project.

Under this program, CDBG entitlement and nonentitlement grantees (and states for state-assisted nonentitlement jurisdictions) pledge their continuing CDBG allocations as security for the Section 108 loans guaranteed by HUD. BEDI grant funds are intended to reduce grantees' potential loss of future CDBG allocations by:

1. Strengthening the economic feasibility of a project financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

2. Directly enhancing the security of the Section 108-guaranteed loan; or

3. Employing a combination of these or other risk mitigation techniques.

BEDI funds must be used as the stimulus for local governments and/or private sector parties to commence redevelopment or continue phased redevelopment efforts of brownfields sites where contamination is present or potentially present and a redevelopment plan exists. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that involve investment in the brownfields site by an identified private sector party that will provide near-term results and measurable economic benefits, such as job creation and increases in the local tax base.

C. Program Definitions

Unless otherwise defined herein, terms defined in this NOFA shall have the same respective meanings as provided for in 24 CFR part 570.

Act means Title I Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents, including a request for Section 108 loan guarantee assistance, submitted by an eligible applicant for BEDI grant funds, in accordance with the provisions of this NOFA to finance a brownfields economic development project. Section IV.B.1(c) of this NOFA provides additional information on the nature and forms of Section 108 loan guarantee requests that must be submitted to HUD along with each BEDI application.

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by the presence or potential presence of contamination.

Brownfields Economic Development Initiative (BEDI) funds means the appropriated funds made available for the competition under this NOFA from any available appropriation.

Brownfields Economic Development Initiative (BEDI) project or brownfields economic development project means a single activity, or a group of activities constituting a planned, continuous, single undertaking, that is eligible under Section 108(q) of the Act and under 24 CFR 570.703 and projected to create or retain businesses or jobs, provide area or housing benefit to low- and moderate-income persons, redevelop blighted areas or sites, or otherwise lead to measurable economic benefits from redevelopment of one or more brownfields sites within five years.

CDBG funds means those funds collectively so defined at 24 CFR 570.3, including grant funds received pursuant to Section 108(q) and this NOFA.

Economic Development Initiative (EDI) grant means the provision of economic development grant assistance under Section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub. L. 103–233, approved April 11, 1994).

EPA means the U.S. Environmental Protection Agency.

Firm Commitment means either a written agreement or letter of understanding by which an applicant or a third party:

(1) Agrees to perform an activity or provide resources as specified in the application, and demonstrates their relationship to the proposed BEDI/Section 108 project;

(2) Specifies the dollar value of the commitment and demonstrates that it has the financial and organizational capacity to deliver the resources necessary to successfully complete the activity; and

(3) Irrevocably commits the resources to the activity either through cash or in-kind services or contributions; if any portion is to be financed through a grant or loan from another public or private organization, that institution's grant or loan commitment must be firmly committed as well.

Any such agreement or letter of understanding shall be understood as being contingent upon receipt of the BEDI grant. Funds expended prior to the submission of the BEDI application will not be considered as firmly committed funds for purposes of this NOFA.

Additional information related to firm commitments of other resources is provided in Section V.A.1 of this NOFA, Rating Factor 4 (Leveraging of Other Financial Resources). See Section IV.F. of the General Section for instructions on how third party documents are to be submitted electronically.

Showcase Community means an applicant chosen by the Federal government's Brownfields National Partnership for inclusion in the Federal government's Brownfields Showcase Communities program. A list of the federally designated Brownfield Showcase Communities is provided in Appendix C in Section VIII of this NOFA and is also available from the NOFA Information Center or through the HUD Web site, *http://www.hud.gov*.

Strategic Plan means a strategy or course of action developed and agreed to by the nominating local government(s) and state(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone, Enterprise Community, or a Renewal Community, designated pursuant to 24 CFR parts 597, 598 or 599.

D. Program Background

HUD has multiple programs that are intended to stimulate economic and community development and promote economic revitalization of distressed areas, and which can be effectively employed to address and remedy brownfields conditions. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

1. *CDBG.* The CDBG program provides grant funds by formula to local governments (either directly or through states) to carry out community and economic development activities ($4.1 billion appropriated in FY2005). The Section 108 loan guarantee program provides CDBG-eligible communities with a source of financing for economic development, public facilities, and other eligible large-scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the CDBG States' program, as well as certain non-entitlement units of general local government in the state of Hawaii funded under 24 CFR part 570, subpart F. The Section 108 program is subject to the regulations applicable to the CDBG program at 24 CFR part 570 as described in 24 CFR part 570, subpart M. BEDI grants must support Section 108 loan guarantees as generally described in this NOFA.

2. *Section 108 Loan Guarantees.* For FY2005, the loan guarantee authority for the Section 108 program is estimated at $481 million including $258 million in loan guarantee authority for FY2005 and loan guarantee authority that is still available under the FY2004 appropriation. The full faith and credit of the United States is pledged to the payment of all guarantees made under Section 108. Under this program, communities (states and insular areas, as applicable) are required to pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable ''Contract for Loan Guarantee Assistance''). This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

3. *Additional Security for Section 108 Loan Guarantees.* Applicants should be aware of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity (and the corresponding state for a state-assisted nonentitlement entity) is required by the Act to pledge its current and future CDBG allocations as security for the Section 108 loan guarantee, it will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (*e.g.*, a loan made to a business as part of an economic development project and the related mortgage from the business). Applications proposing uses for BEDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s) will satisfy the additional collateral requirements.

4. *Integration of Other Government Economic Development and Brownfields Programs.* HUD encourages local governments which are assisted by (a) other Federal or state economic development programs, (b) other Federal brownfields programs (*e.g.*, the federal Brownfields Showcase Community program, EPA's Assessment, Revolving Loan Fund Cleanup or Grant programs), or (c) state-supported brownfields programs, to integrate efforts arising from those programs in developing projects for assistance under HUD's BEDI and Section 108 programs. Applicants should elaborate upon these ties in their response to the rating factors, where appropriate, in Section V.A.1 of this NOFA (*e.g.*, ''Capacity of the Applicant,'' ''Soundness of Approach,'' or ''Leveraging Resources,''—Rating Factors 1, 3, and 4, respectively.)

II. Award Information

A. Available Funds

HUD has available approximately $24,458,130 for grant awards under this BEDI NOFA, consisting of $23,808,000 through appropriations under the FY2005 Consolidated Appropriations Act (Pub. L. 108–447, approved December 8, 2004); $500,000 of unobligated appropriated funds from the FY2001 HUD Appropriations Act under the ''Brownfields Redevelopment'' heading (Pub. L. 106–377, approved October 27, 2000); and $150,130 of unobligated appropriated funds under the ''Brownfields Redevelopment'' heading in the Consolidated Appropriations Act, 2004 (Pub. L. 108–199, approved January 23,

2004, referred to as the FY2004 Appropriations Act). These funds are authorized by Section 108(q) of the Act (as described above). If any additional funds become available for the BEDI program during FY2005, including through the deobligation and recapture of previous BEDI awards, HUD may either fund additional applicants in accordance with this NOFA, or may add these funds to funds available for future competitions pursuant to Section 108(q) of the Act.

B. Maximum Award

The maximum amount of a BEDI award under this competition is $2 million per project. An application in excess of $2 million will be reduced to the extent HUD determines that such a reduction is appropriate and the project remains feasible.

C. Limitations on Grant Amounts

1. *Ratio of Section 108-Guaranteed Loan to BEDI Grant.* HUD expects to approve BEDI grant amounts for approvable applications with a range of ratios of BEDI grant funds awarded to new Section 108-guaranteed loan commitments for the same project, but the minimum ratio must be $1.00 of Section 108-guaranteed loan commitments for every $1.00 of BEDI grant funds in order to receive consideration for funding. Section V.A.1, Rating Factor 4 (Leveraging of Resources), provides additional information on the required ratio of BEDI to Section 108 funds.

2. Reduction or Deobligation of BEDI Grant Award.

a. After selection, but prior to grant award, if HUD determines that an application can be funded at a lesser BEDI grant amount than requested and still be feasible and consistent with the proposed plan and the purposes of the Act, it reserves the right to reduce the amount of the BEDI award and/or increase the required Section 108 loan guarantee commitment.

b. In the event a BEDI grant is awarded and has been reduced below the original request (*e.g.*, the application contained some activities that were ineligible, exceeded the $2 million cap, or there were insufficient funds to fund the last competitive application at the full amount requested), the applicant will be required to modify the project plans and application to conform to the terms of HUD approval before HUD will execute a grant agreement.

c. HUD also may proportionately reduce or deobligate the BEDI award if a grantee does not submit an approvable Section 108 loan guarantee application, issue Section 108-guaranteed obligations, and receive loan guarantee proceeds on a timely basis (including any extension authorized by HUD) in the amount required by the BEDI/108 leveraging ratio, which will be approved by HUD as a special condition of the BEDI grant award (see Section IV.B.1(c)(2) of this NOFA).

3. Increased Request for Section 108 Loan Guarantee Assistance. In the case of a requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV.B.1(c)(4) below), the BEDI assistance approved will be based only on the additional amount of Section 108 loan guarantee assistance requested.

III. Eligibility Information

A. Eligible Applicants

Any public entity eligible to apply for Section 108 loan guarantee assistance in accordance with 24 CFR 570.702, including Guam, the Northern Marianas, American Samoa, and the Virgin Islands for FY 2005, may apply for BEDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for BEDI funds; units of general local government that participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR part 570, subpart F (which applies only to the state of Hawaii), applicants are required to provide evidence in the BEDI application from an authorized official of the state agency responsible for administering the State CDBG program stating that it supports the related Section 108 loan with a pledge of its CDBG allocations pursuant to the requirements of 24 CFR 570.705(b)(2). Such evidence must be provided by form HUD–40122, titled ''Section 108 Loan Guarantee: State Certifications Related to Nonentitlement Public Entities.'' This form is included in Section VIII of this NOFA, or may be downloaded as part of the application package from the Internet at *http://www.grants.gov*. Non-entitlement public entities in 49 states and Puerto Rico are eligible to participate in the Section 108 and BEDI programs, with assistance of the state's or commonwealth's pledge of CDBG allocations. The nonentitlement entities in Hawaii are able to make their own repayment pledge since they now receive a fixed amount of annual CDBG funding.

For application submission requirements, see Section IV.B. of this NOFA regarding mandatory submission requirements. See also Sections III.C.1 and IV.E. of this NOFA, respectively, regarding eligible and ineligible uses of grant funding.

B. Cost Sharing or Matching

As described further in Section V.A.1 of this NOFA, under Rating Factor 4 (Leveraging of Resources), applications which evidence a greater level of other funds firmly committed to the BEDI project will receive more points under Rating Factor 4, to the extent consistent with the points available under Rating Factor 4. In addition, a BEDI grant must be used with at least an equal amount of Section 108 loan guarantee proceeds for the same brownfields economic development project.

C. Program Threshold Requirements

1. *Eligible Activities and National Objectives.*

a. As described further in Section V.A.1 of this NOFA, under Rating Factor 3 (Soundness of Approach), to be rated and ranked or considered for funding by HUD, applications for BEDI grant funds and Section 108 loan guarantee funds must demonstrate that funds will be used for activities listed at 24 CFR 570.703 and carried out as part of a BEDI project as defined in this NOFA and meet the CDBG requirements at 24 CFR Sections 570.200, 570.208 and 570.209, as applicable. All applicants must clearly identify in their narrative response to Rating Factor 3 (Soundness of Approach) in Section V.A.1 of this NOFA each of the eligible activities that will be carried out under 24 CFR 570.703.

With respect to BEDI projects that include a housing component, applicants are cautioned that the eligible activities at 24 CFR 570.703 do not allow BEDI and Section 108 funds to be used to finance the costs of the construction of housing, unless such construction is undertaken by a Community Based Development Organization (CBDO) as part of a community economic development project, in accordance with 24 CFR 570.703(i)(2) and 24 CFR 570.204(a)(2). Provisions of 24 CFR 570.703(j) that authorized the use of BEDI or Section 108 funds for housing construction have expired and are no longer applicable, as the statute referenced therein is no longer in effect. For projects that include the construction of housing, BEDI and Section 108 funds may be used to finance activities necessary to

construct such housing, such as acquisition and related demolition and clearance on the acquired site, site improvements, public facilities and other eligible activities subject to each of the eligible activity provisions at 24 CFR 570.703; and

b. As described in Section V.A.1 of this NOFA, in the response to Rating Factor 3 (Soundness of Approach), to be rated and ranked or considered by HUD, applicants must demonstrate that each activity assisted with Section 108 loan guarantee or BEDI funds will meet a national objective of the CDBG program as described in 24 CFR 570.208.

All applicants must clearly identify in their narrative response to Rating Factor 3 (Soundness of Approach) in Section V.A.1 of this NOFA, the CDBG national objective to be achieved by the proposed project and provide the appropriate CDBG national objective regulatory citation found at 24 CFR 570.208. Applicants must also address, when applicable, how the proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209.

c. A grantee's aggregate use of its CDBG funds, including any Section 108 loan guarantee proceeds and Section 108(q) (BEDI) funds provided pursuant to this NOFA, must comply with the CDBG primary objective requirements as described in Section 101(c) of the Act and 24 CFR 570.200(a)(3) for entitlement grantees, or 24 CFR 570.484 in the case of a recipient under a state's program, requiring that, over the period of time specified in the applicant's (or State's) CDBG certification, not less than 70 percent of the aggregate expenditures of CDBG funds be expended for activities benefiting low- and moderate-income persons under the criteria of 24 CFR 570.208(a) or 570.208(d)(5) or (6).

d. HUD may deny funding consideration to all applicants that fail to submit a full and complete Section 108 loan application pursuant to 24 CFR 570.704(b) in connection with a prior award of BEDI or competitive EDI grants on or before the application submission deadline under this NOFA.

2. *Brownfields Redevelopment.* As described further in Section V.A.1 of this NOFA, in order to be rated and ranked or considered by HUD, in the narrative response to Rating Factor 3 (Soundness of Approach) in Section V.A.1 of this NOFA, applicants must: (1) Describe the nature and extent of the brownfields problem(s) actually or potentially affecting the site and/or structure(s) already on the site and; (2) how the proposed activities will contribute to redevelopment of the site and/or structures.

3. *General Section Threshold Requirements.*

a. Applications that fail to meet the threshold requirements found in Section III.C. of the General Section will not be eligible for an award under this program. Applicants for BEDI grant funds must comply with the statutory, regulatory, threshold, and public policy requirements listed in the General Section, except as otherwise specifically provided in this NOFA. In particular, applicants should carefully review those provisions that could result in the failure to receive funding, including the DUNS Number Requirement at Section III.C. of the General Section, Compliance with Fair Housing and Civil Rights Laws (Section III.C.), provisions relating to Delinquent Federal Debts (Section III.C.), and the Name Check Review (Section III.C.).

b. The Dun and Bradstreet Universal Numbering System (DUNS) Number Requirement. Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. You will also need a DUNS number to complete your *Grants.gov* registration, and *Grants.gov* registration is required for electronic submission. See the General Section also for a discussion of the Grants.gov registration process.

c. The maximum number of points to be awarded under this NOFA is 104. To be eligible for funding, a BEDI application must obtain a total score of at least 75 points. All applications meeting program and General Section threshold requirements will be rated under the selection criteria provided in Section V.A.1 below.

4. *Other Program Requirements.*

a. *BEDI Funding Request.* A single BEDI application must contain a request for funds for a single BEDI/108 project. The application must propose activities expected to result in redevelopment of one or more brownfields sites. An applicant may submit an additional application for each additional unrelated BEDI/108 project, but in no event will HUD rate and rank more than one BEDI project per application.

b. *Related Section 108 Loan Guarantee Request.* Each BEDI application must be accompanied by a request for a new Section 108 loan guarantee assistance as described in Section IV.B.1(c) of this NOFA. The request for Section 108 Loan Guarantee assistance must provide for a minimum ratio of $1.00 of requested Section 108 loan guarantee commitments for every $1.00 of BEDI grant funds requested, or a higher ratio, as needed for the project.

c. *CDBG National Objectives and Eligible Activities.* Each BEDI application must include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives (See Section III.C.1 of this NOFA).

d. *Nonentitlement Applications.* Applications submitted by nonentitlement public entities (except for those in Hawaii and the insular areas which now receive fixed amounts of CDBG funds annually) must provide for the state or commonwealth's certification agreeing to pledge its CDBG allocations to receive funding consideration, as evidenced by form HUD–40122, available in Section VIII, Appendix B, of this NOFA. See the General Section instructions for submission of third party documents.

e. *Narrative Response to Rating Factors.* Each BEDI application must provide narrative statements in response to each of the rating factors below in Section V.A.1 of this NOFA.

f. *Time Frame for Submission of Section 108 Applications.* All applications for Section 108 Loan Guarantee Assistance required for approved BEDI projects must be submitted within 60 days of written notice of BEDI selection, as provided for in Section IV.B.1(c)(2) of this NOFA.

g. *HUD Environmental Requirements.* Beginning with the submission of a BEDI application through and after HUD's award of BEDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58. This includes limitations on the commitment of HUD and non-HUD funds by the BEDI grantee and Section 108 public entity, as well as other participants in the development process, prior to the completion of environmental review, notification, and release of funds. Neither grant nor loan funds can be disbursed by HUD until a request for release of funds is submitted and the requirements of 24 CFR part 58 have been met. All public entities, including non-entitlement public entities, shall submit the request for release of funds and related certification, required pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

h. *Compliance with Environmental and Other Laws.* An award of BEDI funding does not, in any way, relieve the applicant or third party users of BEDI funds from compliance with all applicable federal, state, and local laws and regulations, particularly those

addressing the environment. Applicants are further advised that HUD may require evidence that any project involving remediation has been or will be carried out in accordance with applicable law, including voluntary clean up programs.

i. *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), 570.702 (Eligible applicants), and 570.703 (Eligible activities), the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews), also govern the use of BEDI funds, as applicable.

j. *Obligation to Affirmatively Further Fair Housing.* All BEDI grantees are obliged to affirmatively further fair housing, even when the proposed activities do not appear to be directly related to housing. Therefore, applicants that propose to use BEDI funds must include in their applications an explanation of how they propose to further fair housing opportunities for persons on the basis of race, color, national origin, sex, religion, familial status, or disability. Applicants should respond to this requirement in Section V.A.1 of this NOFA, under Rating Factor 3, subfactor (1)(b). Affirmative activities include, but are not limited to: initial and periodic assessments of the extent to which affordable and accessible housing opportunities are provided or denied to persons by race, color, national origin, sex, religion, familial status, or disability; outreach to persons in underserved population groups or advocacy organizations representing such persons; affirmative fair marketing of job or housing opportunities; furthering housing choice; addressing environmental justice concerns; or ensuring that employment, housing and other benefits of the BEDI grant are made available to those individuals and families living at or near the brownfields site prior to its redevelopment.

k. *Policy Priorities.* Applicants are reminded of the Department's Policy Priorities for FY2005 found in Section V.B. of the General Section, several of which apply to this NOFA, as described in Section V.A.1 of this NOFA below, under Rating Factor 5 (Achieving Results and Program Evaluation).

l. *Ineligible Sites.* Applicants must propose sites that currently meet the definition of brownfields in this program section. Applicants may not propose projects on sites which are: (i) Listed or proposed to be listed on EPA's National Priority List (NPL); (ii) subject to unilateral administrative orders, court orders, administrative consent orders or judicial consent decrees issued or entered into by parties under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA); or (iii) subject to the jurisdiction, custody, or control of the United States Government. In order to be eligible to receive an award under this program, applicants will be required in Section V.A.1 of this NOFA, Rating Factor 3, Soundness of Approach, to indicate that the proposed BEDI project will not be undertaken at an ineligible site as provided herein.

m. *Prior Approved Section 108-Guaranteed Loans.* BEDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of a BEDI grant pursuant to this SuperNOFA, unless the applicant requests to deobligate previously approved commitment authority as provided in Section IV.B.1(c)(5) of this NOFA. In no event, however, may a previously approved Section 108 commitment to be used with a prior BEDI or EDI award be subject to such deobligation. In an instance where a pending application for Section 108 assistance is to be leveraged by the proposed BEDI grant, the BEDI grant may be awarded before HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act.

n. *Use of Section 108 Solely for Security.* A BEDI award will not be made if the Section 108 request contained in the application (See Section IV.B.1(c) of this NOFA) calls for the use of the Section 108-guaranteed obligation solely as security for other financing on the project.

IV. Application and Submission Information

A. Addresses To Request Application Package

1. Copies of the published NOFAs and application forms for HUD programs announced through NOFA may be downloaded from the grants.gov Web site at *http://www.grants.gov/Find;* if you have difficulty accessing the information you may receive customer support from Grants.gov by calling their Support Desk at (800) 518–GRANTS, or sending an e-mail to *support@grants.gov*. The operators will assist you in accessing the information. If you do not have Internet access and you need to obtain a copy of the NOFA you can contact HUD's NOFA Information Center toll-free at (800) HUD–8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD–2209.

2. *Satellite Broadcasts.* HUD will hold informational broadcasts via satellite for potential applicants to learn more about the BEDI program and the preparation of BEDI application(s). For more information about the date and time of the broadcast, consult the Web site *http://www.hud.gov*.

B. Content and Form of Application Submission

1. *Content of Application.*

A complete application for a BEDI grant under this NOFA must contain the items listed below. The standard forms that are required for the BEDI application (and listed in Section IV.B.2 below), can also be found in the General Section. Applicants by signing the SF–424 are also agreeing to the Certifications and Assurances found in the General Section and this NOFA. Additional program forms, excluding such items as narratives or letters, etc. also referred to as the ''non-standard forms'', HUD–40122 and HUD–40123, are included with this NOFA. All forms required for application submission can be found in the application package and instructions on *http://www.grants.gov* for the Brownfields Economic Development Initiative (BEDI) program.

a. *Checklist and Submission Table of Contents* indicating the submission items included in the application can be found in Section VIII, Appendix A, of this NOFA. Applicants submitting an electronic application are not required to submit the Checklist. Applicants submitting a paper copy application are requested to include a copy of the checklist in their application submission.

b. *EDI/BEDI/Section 108 Funding Eligibility Statement.* A completed BEDI Section 108 Funding Eligibility Statement (Exhibit D of form HUD–40123).

c. *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, with the project name clearly identified (and the same as the name of the BEDI project being applied for), as further described below. Full application requirements for the Section 108 program are found at 24 CFR 570.704.

Nonentitlement applicants (except those in Hawaii and the insular areas) must accompany this request with the State Certifications Related to Nonentitlement Public Entities (form HUD–40122) in order to be considered for BEDI funding.

The request for loan guarantee assistance may take any of the five forms defined in paragraphs (1), (2), (3),

(4) or (5) below. Notwithstanding the form of the request for new Section 108 loan guarantee assistance, the applicant must include citations to the specific regulatory subsection supporting activity eligibility and National Objectives compliance for the Section 108 funds described in the application. (See Section III.C.1 of this NOFA.) Both the BEDI and Section 108 funds must be used in conjunction with the same BEDI project. Applicants are encouraged to consult with HUD's Financial Management Division in Headquarters CPD (Paul Webster, Director, at (202) 708–1871, extension 4563) before submission of 108 and/or BEDI applications if unsure of CDBG national objectives, eligibility of activities, program benefits citations and the tests thereof. The request for new Section 108 guarantee assistance may be presented through a:

(1) Concurrent Application Submitted Under Separate Cover. A complete application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b), submitted under separate cover in accordance with the procedures in Section IV.F.3 below. Any full application for loan guarantee assistance under Section 108 must also be submitted to the appropriate HUD field office concurrently with its submission to Headquarters. As described further in Section V.A.1, in Rating Factor 3 (Soundness of Approach), two points will be awarded for the submission of a full Section 108 loan guarantee application with a BEDI application.

(2) Subsequent Application. A brief description (not to exceed three pages) of the project to be applied for in a subsequent new Section 108 loan guarantee application(s). Such a 108 application(s) shall be submitted within 60 days of written notice of BEDI selection, with HUD reserving the right to extend such period on a case-by-case basis where HUD determines there is evidence of good cause. BEDI awards will be conditioned on approval of actual Section 108 loan commitments and loan guarantee proceeds in a specific ratio of BEDI funds to Section 108 funds as approved by HUD in the BEDI award. The description provided in the BEDI application must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III.C.1 of this NOFA.)

(3) Pending, Unapproved Application. A request to use the BEDI grant award in conjunction with a pending, unapproved Section 108 loan guarantee application. The request must identify the project name associated with the pending application and the date of submission. Any proposed amendment to the pending Section 108 application must be submitted under separate cover, as provided for in Section IV.F.3 below. An applicant's request to use the BEDI award in conjunction with a pending application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related BEDI award.

(4) Increase to a Project Assisted Under a Previously Approved Application. A request for Section 108 loan guarantee assistance (analogous to Section IV.B.1(c)(1) or (2) above of this section) that proposes new Section 108 guarantee assistance in addition to the amount of Section 108 assistance for a project assisted under a previously approved Section 108 application. However, any amount of Section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project is not eligible to be used in conjunction with a BEDI grant under this NOFA.

(5) Deobligation of Previously Approved Section 108 Authority Plus a New Request. A request to deobligate a previous commitment of Section 108 loan guarantee authority to the applicant that is no longer to be used by the applicant (except for an amount required as a condition of a previously approved BEDI or EDI award), combined with a new request or application for Section 108 loan guarantee assistance. Such request or application may be a full application as provided for in paragraph (1) above, a request for 108 assistance submitted within 60 days as provided for in paragraph (2) above, a pending unapproved application as provided for in paragraph (3) above, or an increase to a project assisted under a previously approved application as provided in paragraph (4) above.

(6) In no event may a Section 108 loan guarantee amount that is required to be used in conjunction with a previously approved BEDI or EDI grant award as of the date of the submission of the application, whether or not the Section 108 loan guarantee has been approved as of the date of this NOFA, be used in conjunction with a new BEDI award under this NOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded a BEDI grant of $1 million and had agreed to submit a Section 108 loan application for $10 million in support of that BEDI grant, the public entity's application under this NOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts to which it has previously agreed (*i.e.,* the $12 million or $10 million Section 108 loan guarantee commitments in this example).

d. *Narrative Responses to Factors for Award* (not to exceed 15 double-spaced, 8½ x 11 inch single-sided pages, with one inch margins on all sides, for all responses):

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating the capacity of the applicant's organization and staff and any known third parties to perform the work for which it is requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting the statement of need, accompanied by a completed Exhibit A of form HUD–40123. (See the General Section for instructions for submitting documentation not in electronic format.)

(3) Rating Factor 3: Soundness of Approach. Include the CDBG eligible activities, the CDBG National Objective, the source and nature of the present or potential environmental contamination, the budget, and the time frame for conducting activities and providing project benefits to address the needs identified in Rating Factor 2 in the narrative response, accompanied by Exhibits B and C of form HUD–40123.

(4) Rating Factor 4: Leveraging Resources. The response to this factor should include any letters of firm commitment as defined in Section I.C of this NOFA, and any evidence of financial capacity or CDBG resolutions, as appropriate. Such letters, evidence or resolution must be submitted under the procedures provided for in Section IV.F of the General Section.

(5) Rating Factor 5: Achieving Results and Program Evaluation. Provide a narrative response to this factor, accompanied by the logic model provided in the General Section (Form HUD–96010) and, if applicable, form HUD–27300, relating to the removal of regulatory barriers to affordable housing, with required documentation.

2. *Forms, Certifications, and Assurances.*

a. In addition to any forms submitted in response to Section IV.B.1 above (which may be found in Section VIII, Appendix B, of this NOFA), the following forms and certifications must also be submitted in accordance with

the General Section and may be found in the General Section:

(1) Application for Federal Assistance (SF–424);

(2) Applicant/Recipient Disclosure/ Update Report, HUD–2880; and, if applicable,

(3) Certification of Consistency With RC/EZ/EC–II Strategic Plan, HUD–2990, if applicable;

(4) Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;

(5) Disclosure of Lobbying Activities (SF–LLL); if applicable;

(6) Acknowledgement of Application Receipt (HUD–2993) (For use with paper application submissions);

(7) Client Comments and Suggestions (HUD–2994) (Optional);

(8) Program Outcome Logic Model (HUD–96010);

(9) Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300) with supporting documentation or URL references;

(10) Facsimile Transmittal (HUD–96011) (For use with electronic applications to provide third party letters and other documentation in accordance with the instructions found in the General Section;

(11) Section 108 Loan Guarantee (State Certifications Related to Nonentitlement Public Entities) (HUD–40122), if applicable, and

(12) Responses to BEDI Application Rating Factors (HUD–40123, Exhibits A through D).

FORMS, CERTIFICATIONS, AND ASSURANCES

What to submit	Required content	Required form or format	When to submit it
Application:			
EDI/BEDI/Section 108 Funding Eligibility Statement.	Described in Section IV.B.1(b) of this NOFA.	Exhibit D of Form HUD–40123, found in Section VIII (Appendix B) of this NOFA and available in the application instructions on line at *http://www.grants.gov* for the BEDI Program.	Applications submitted through *http://www.grants.gov* must be received by Grants.gov no later than 11:59:59 eastern time on the application submission date. Applicants receiving a waiver of the electronic submission requirement must submit their application to the United States Postal Service no later than 11:59:59 on the application submission date. See the General Section for detailed application submission and timely receipt instructions.
Request for Loan Guarantee Assistance.	Described in Section IV.B.1(c)of this NOFA.	Described in Section IV.B.1.(c) of this NOFA. Nonentitlement applicants must also submit form HUD–40122, found in Section (Appendix B) of this NOFA and available in the application instructions on line at *http://www.grants.gov* for the BEDI Program.	
Narrative Responses to Factors for Award.	Described in Section IV.B.1(d) of this NOFA.	Described in Section V.A.1 of this announcement and accompanied by Exhibits A, B and C of Form HUD–40123, found in Section VIII (Appendix B) of this NOFA; form HUD 96010, and form HUD–27300 (if applicable), found in the General Section and available in the application instructions on line at *http://www.grants.gov* for the BEDI Program.	
Standard Forms, Certifications and Assurances.	Described in Section IV.B.2 of this NOFA.	Forms SF–424, SF–LLL if applicable, HUD–2994, HUD–96010 and HUD–2880; also HUD–2990 and HUD–2991, if applicable. All above forms are found in the General Section and available in the application instructions on line at *http://www.grants.gov* for the BEDI Program.	
Facsimile Transmittal	Described in the General Section for third party letters and required documentation to be submitted with an electronic application.	Form HUD–96011 is found in the General Section and is available in the on-line application. Please carefully follow the instructions for downloading and using this form as part of your electronic application submittal.	

C. Submission Dates and Times

1. Application Submission Date

Applications submitted through *http://www.grants.gov* must be received by Grants.gov no later than 11:59:59 p.m. Eastern time on the application submission date of June 17, 2005. Applicants receiving a waiver of the electronic submission requirement must submit their application to the United States Postal Service for delivery no later than 11:59:59 on the application submission date. Please see the General Section for further information on application submission and timely receipt requirements.

Be sure to provide a Project Name in Line 11 of the SF–424 (Application for Federal Assistance), and all references to the related Section 108 application should use the same project title. Be sure to complete the SF–424 cover page first and then download the rest of the forms, as the information from the cover page will be pre-populated. In addition a brief (one or two paragraph) description of all the activities (not just those to be funded with BEDI and 108 funds) comprising the proposed project should be provided, preceding the narrative statements in response to the Rating Factors. This project description does not count against the 15-page overall limitation.

2. Proof of Timely Submission. Please see Section IV.2 of the General Section for information regarding proof of timely submission.

D. Intergovernmental Review

BEDI is not subject to the provisions of Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

E. Funding Restrictions

1. *Eligible CDBG Activities.*

Applicants shall not propose the use of BEDI and Section 108 funds for ineligible activities listed at 24 CFR 570.207, and as provided below. BEDI grant funds and Section 108 loan guarantee funds may be used only for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this NOFA and meet the CDBG requirements at 24 CFR 570.200, 570.207, 570.208 and 570.209.

2. *Repayment of Section 108 Principal.*

The planned use of BEDI funds for the specific purpose of repayment of the principal amount of a Section 108-guaranteed loan is not an eligible activity under 24 CFR. 570.703 and therefore should not be proposed in a BEDI application. Under the ''debt service reserve'' eligible activity at 24 CFR 570.703(k), however, the planned use of a limited amount of BEDI funds for the repayment of the principal of a Section 108-guaranteed loan is permissible if justified and approved by HUD under a particular application. Such a debt service reserve may be justified in the context of a loan loss reserve set up to support a ''loan pool'' consisting of a number of smaller third party loans. In that context, the corresponding principal amount of the Section 108 loan might be repaid from a debt service reserve when a third party loan defaults and liquidation of security for the third party loan by or on behalf of the Section 108 borrower/BEDI grantee does not yield enough cash to redeem or defease the amount of Section 108 principal corresponding to the defaulted third party loan. A debt service reserve may also be proposed and set up in an amount reasonable to pay principal and/or interest on a Section 108-guaranteed loan for a limited period, such as the start up period for an assisted business, or a construction period, when the cash flow resulting from the primary Section 108 or BEDI-funded activity would not be sufficient to support repayment. In any case, HUD requires the applicant to provide information sufficient to support the reasonableness of the amount of a debt reserve in relation to its purpose. For any Section 108- and BEDI-assisted project, HUD will have rights under the Section 108 Contract for Loan Guarantee Assistance to use undisbursed BEDI funds to make payment on, or to defease, the Section 108 loan if HUD deems that action necessary in order to avoid the need for HUD to make a payment under its Section 108 loan guarantee from non-CDBG funds.

3. *Subordination of Section 108 Obligations.* Section 108 loan obligations may not be subordinated, directly or indirectly, to federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Rev.) Appendix A, Sections II.2.c. and d., (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108-guaranteed loan funds may not, directly or indirectly, support federally tax-exempt obligations.

4. *Remediation by Responsible Parties.* BEDI grant funds shall not be used in any manner by grantees to provide public or private sector entities with funding to remediate conditions caused by their own actions, where the public entity (or other known prospective beneficiary of the proposed BEDI grant) has been determined responsible for causation and remediation by order of a court or a Federal, state, or local regulatory agency, or is responsible for the remediation as part of a settlement approved by such a court or agency. Applicants will be required in Section V.A.1 of this NOFA, Rating Factor 3, Soundness of Approach, to indicate that the proposed BEDI project will not be used to provide assistance as prohibited herein.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedure.* Beginning in FY2005, HUD requires applicants to submit applications electronically through *http://www.grants.gov.* Applicants interested in applying for funding must submit their applications electronically via the Web site *http://www.grants.gov* unless you request and are granted a waiver to the electronic submission requirements. This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The *http://www.grants.gov* feature includes a simple, unified application process to enable applicants to apply for grants online.

Please read the General Section carefully and completely for the submission and receipt procedures for all applications because failure to comply may disqualify your application.

2. *Wavier of Electronic Submission Requirements.* Please refer to Section IV.F of the General Section for instructions on how to seek a waiver to the electronic submission requirement.

3. *Submission of Concurrent Section 108 Application Under Separate Cover.*

Applicants that apply via Grants.gov should submit the Section 108 Loan Guarantee application using the same procedures as those for applicants receiving a waiver of the electronic application requirement. The Section 108 Loan Guarantee application must be submitted using the mailing instructions below.

a. The Section 108 Loan Guarantee application should have the Project Title in Box 11 of the SF–424 as the related BEDI project.

b. Concurrent Section 108 Application Submission Date. Applicants choosing to submit a concurrent and complete Section 108 application as provided for in Section IV.B.1(c) of this NOFA above, must submit such application on or before the BEDI application submission date, to the addresses shown below, in order to receive points under Section V.A.1, Rating Factor 3, of this NOFA.

The concurrent Section 108 application must be submitted no later than 11:59:59 p.m. to the United States Postal Service in accordance with the instructions in the General Section. The required number of copies should be sent to the locations indicated below. If HUD receives at least one completed concurrent Section 108 application at either HUD Headquarters or the appropriate HUD Field Office, HUD will utilize the complete application for its review purposes, provided it meets the deadline and timely submission requirements.

c. Proof of Timely Submission. Proof of timely submission of a concurrent Section 108 application shall be determined under the provisions of the General Section related to mailed applications.

d. Address for Submitting Concurrent Section 108 Applications to HUD Headquarters. Submit the concurrent Section 108 application to: HUD Headquarters; Robert C. Weaver Federal Building; 451 Seventh Street, SW., Room 7251; Washington, DC 20410, Attention: BEDI/Section 108 Application.

When submitting the concurrent Section 108 application, please specify BEDI/Section 108 Application on any label or mailing container, and include the applicant's name, mailing address (including zip code), street address (if different from mailing address), and zip code, and voice and facsimile telephone numbers (including area code), along with the contact person's name, and voice and facsimile telephone numbers (including area code), and email address, if available.

e. Concurrent Section 108 Applications to HUD Field Offices. At the same time the concurrent Section 108 application is submitted to HUD Headquarters, an additional copy should be submitted to the Community Planning and Development Division of the appropriate HUD field office for the applicant's jurisdiction. A listing of CPD Offices and mailing addresses can be found on HUD's website at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

f. Concurrent Section 108 Application Submission Procedures. A concurrent Section 108 application submitted pursuant to this NOFA shall be subject to the application submission procedures for other mailed applications provided for in Section IV.F of the General Section. Proof of timely submission of a concurrent Section 108 application shall be determined under the provisions of Section IV.F of the General Section related to mailed applications.

V. Application Review Information

A. Criteria

1. *Factors for Award Used to Evaluate and Rate Applications.*

a. Response to Factors for Award. The applicant must provide in narrative form responses to each of the rating factors below. HUD will evaluate all applications for funding assistance based on the following factors, the responses to which demonstrate the quality of the proposed project or activities, and the applicant's capacity and commitment to use the BEDI funds in accordance with the purposes of the Act. HUD local field offices may be consulted to verify information submitted by the applicant as part of the review of applications.

b. Responses to Rating Factors 1–5. Responses to Rating Factors 1–5 below shall not exceed 15 double-spaced, 8 ½ x 11 inch single-sided pages, with one-inch margins on all sides, for all responses.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points Maximum)

This Factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' will include any subcontractors, consultants, and sub-recipients that are firmly committed (see definition in Section I.C above) to participate in the activities described in the application. In responding to subfactors (1) and (2) of this Factor, applications that merely summarize the amount of funds received, spent, or managed will receive fewer points than those providing specific measurable information on program activities undertaken, outcomes of these activities and their accomplishments. In rating this Factor, HUD will consider the following:

(1) Applicant Capacity (Up to 10 points). The applicant should demonstrate that it has the organization, the staff, and the financial resources in place to implement the specific steps required to successfully carry out its proposed BEDI/Section 108 project. The applicant should offer evidence of this capacity through a description that includes:

(a) Performance in the administration of its CDBG, HOME, or other HUD programs, including a description of successfully completed projects and other outcomes or accomplishments under these programs. In addition to citing specific projects, outcomes, or accomplishments, CDBG entitlement recipients must also indicate the extent to which the applicant has met the HUD standard that the total amount of its undisbursed entitlement grant funds may not be more than 1.5 times the entitlement grant amount for the current program year (see 24 CFR 570.902(a)(1)(i). All applicants must also identify any unresolved monitoring or audit findings by HUD with respect to the applicant's administration of HUD programs.

(b) Performance, if any, in carrying out economic development projects similar to that proposed, including brownfields economic development or redevelopment projects, if any, and if applicable, the ability to conduct prudent underwriting;

(c) If applicable because the applicant has such designation, the capacity to achieve state and local commitments identified in its local implementation plan, including maximizing the federal tax benefits made available as a result of a Federal Renewal Community/Empowerment Zone/Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation). Applicants that have been designated as a Renewal Community (RC), Empowerment Zone (EZ), or Enterprise Community (EC/EEC) must respond to this subfactor even if the proposed brownfields economic development project is not to be located within the boundaries of the designated RC/EZ/EC-II; and

(d) An applicant that has previously received a BEDI or a competitive EDI grant award or, within the past five years, a Section 108-guaranteed loan commitment, must describe the status of the implementation of those project(s) assisted with any BEDI or competitive EDI funds or with any Section 108-guaranteed loan funds so approved within the last five years. An applicant must address any delays that have been encountered and the actions it is taking to overcome any such delays in carrying out the project(s) in a timely manner.

If HUD has not applied the performance standard applicable to all previous BEDI grantees referenced in Section III.C.1.(d), then for any such previously funded BEDI or competitive EDI grant projects, or for those Section 108-guaranteed loan projects committed within the past five years, HUD will award more rating points for applications providing evidence of achievement of specific measurable outcomes in carrying out approved activities funded with such guaranteed loan or grant funds.

If any of the rating criteria listed under (a) through (d) above do not apply

to an application, the rating for this subfactor (1) shall be based solely upon the other applicable criteria.

(2) Partner Capacity (Up to 10 points). In response to this subfactor (2), the applicant should describe the experience and performance of subrecipients, private developers and other businesses, nonprofit organizations (including grassroots faith-based and other community-based organizations), and other entities, if any, that have a role in implementing the proposed BEDI/108 program. Applicants are encouraged to identify specific economic development or other projects undertaken by each entity, which reflect the capacity of each entity to fulfill its responsibilities under the proposed brownfields economic development project, including the location, scale, and timeframe for completion of other relevant projects. If there are no third parties participating with the applicant in the proposed project, the 10 points available under this subfactor (2) will be added to the 10 points available under subfactor (1), with a maximum of 20 possible points then available under subfactor (1).

Experience will be judged in terms of recent (*i.e.*, within the past 5 years) and successful performance of activities relevant to those proposed in the BEDI application. The more recent and extensive the positive experience, the greater the number of points that will be awarded for this Factor.

In addition to the application, HUD also may rely on information at hand or available from public sources such as newspapers, from performance and/or monitoring reports, Inspector General or Government Accounting Office reports or findings, hotline complaints that have been proven to have merit, audit reports, and other reliable public information in rating this Factor.

Rating Factor 2: Distress/Extent of the Problem (15 Points Maximum)

This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress in both the jurisdiction of the public entity that is the applicant *and* the geographic or target area that will benefit from the project. Applications will be evaluated on the extent to which the level of distress for the target area is documented and compared with national data and data for the jurisdiction.

In applying this Factor, HUD will consider current levels of distress in the target area, as defined in standard geographic terms by the applicant. This may be Census Tract(s) or Block Groups immediately surrounding the project site up to a radius of one-half mile, or it may be the target area to be served by the proposed project. HUD will also consider the current levels of distress in the applicant public entity's jurisdiction, if different from the target area. The applicant should describe the nature of the distress that the project is designed to address and the rationale for its definition of the area to be benefited. Examples of project beneficiaries may include: (a) Those receiving or using products or services produced by the project, and (b) those employed by the project.

Notwithstanding the above, an applicant proposing a project to be located outside the target area for which benefit is claimed or the applicant's jurisdiction could still receive points under this Factor if a clear rationale is provided linking the proposed project location and the benefits to be derived by persons living in the target area or the applicant jurisdiction.

To the extent that the applicant's Consolidated Plan, its Analysis of Impediments to Fair Housing choice (AI), and/or its Anti-Poverty Strategy found therein identify the level of distress in the jurisdiction and the target area in which the project is to be carried out, references to such documents should be included in preparing the response to this Factor. Applications that fail to reference these sources will receive fewer points under this Factor.

Applicants should provide data that address the following specific indicators of distress:

(1) Poverty Rate (Up to 5 points). Data should be provided in both absolute and percentage form (*i.e.*, whole numbers and percents) for both the target area and the applicant's jurisdiction as a whole; an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(a) A poverty rate in the target area that is less than the national average, but that is greater than the rate for the applicant's jurisdiction: (2 points);

(b) A poverty rate in the target area that is at least equal to, but less than twice, the national average: (3 points);

(c) A poverty rate in the target area that is twice or more the national average: (5 points).

(2) Unemployment Rate (Up to 5 points). An application that compares the local unemployment rate for the applicant's jurisdiction and the target area in the following manner to the national average at the time of submission will receive points under this subfactor as follows:

(a) An unemployment rate in the target area that is less than the national average, but that is greater than the rate for the applicant's jurisdiction: (2 points);

(b) An unemployment rate in the target area that is at least equal to, but less than twice, the national average: (3 points);

(c) An unemployment rate in the target area that is twice or more the national average: (5 points).

(3) Other Indicators of Social and/or Economic Decline (Up to 5 points). Applicants should provide other indicators of social or economic decline that best capture the applicant's local situation. Examples that could be provided under this section include information demonstrating the target area and the jurisdiction's stagnant or falling tax base, including recent (within the last three years) commercial or industrial closings, downturns or layoffs; housing conditions, such as the number and percentage of substandard and/or overcrowded units; rent burden (defined as average housing cost divided by average income) for both the target area and jurisdiction; local crime statistics. The response to this subfactor (3) should paint a picture of the extent of need and distress in the target area and jurisdiction.

HUD requires use of sound and reliable data (*e.g.*, U.S. Census data, state statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

Unemployment rate: Unemployment rates are estimated monthly for counties, with a two-month lag, while census tract unemployment rates are available through the 2000 U.S. Census;

Poverty rate: Poverty rates are provided through the 2000 U.S. Census and are estimated every two years, with a three-year lag. Census and other relevant data can be accessed through *www.ffiec.gov*. In rating applications under this Factor, HUD reserves the right to consider sources of available objective data other than, or in addition to, those provided by applicants, in order to compare such data to those provided by applicants.

Rating Factor 3: Soundness of Approach (35 Points Maximum)

This Factor addresses the quality and cost-effectiveness of the proposed plan for the brownfields economic development project. Applications that do not propose the productive reuse of

a specific, identified site or sites and that do not result in near-term, measurable economic benefits, such as projects that involve only the preparation of a site for potential future reuse by an unidentified party, or the capitalization of a loan pool for loans to unidentified borrowers, will receive fewer points under this Factor. The relationship between the proposed site or sites, the proposed eligible activities and the community needs and purposes of the program funding must be clearly described, as set forth below, in order to receive points for this Factor. In rating this Factor, HUD will consider the following:

(1) Consistency/Appropriateness of Proposed Activities with Identified Needs (Up to 3 points). In response to this subfactor, the applicant should describe:

(a) The extent to which the proposed plan for use of BEDI grant/Section 108-guaranteed loan funds will address the needs described in Rating Factor 2 above regarding the distress and extent of the problem in the target area or area to be benefited and the long-term benefit for current residents of the target area. The applicant should provide a clear and quantified explanation of this relationship;

(b) any unmet needs identified in the jurisdiction's Consolidated Plan and pursuant to Section III.C.4(j) of this NOFA, any impediments to fair housing identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice, that will be directly addressed by the proposed project. See Section III.C.4(j) of this NOFA for examples of general affirmative fair housing actions that may be undertaken to address a jurisdiction's Analysis of Impediments to Fair Housing Choice; and

(c) the activities that will be carried out with the BEDI grant funds, and the nature and extent of the brownfields problem(s) actually or potentially affecting the site and/or structure(s) already on the site. This response must also indicate that the proposed assistance will not be used to provide funding to parties to remediate conditions caused by their own actions for which they have been determined to be legally responsible, and that the proposed brownfields site is not ineligible, as provided in Section IV.E.4 of this NOFA. This information relates to a threshold factor as well as a rating factor, as described in Section III.C.2 of this NOFA. Applications that fail to respond satisfactorily to this subfactor (c) shall not be receive funding consideration.

(2) Eligible Activities and CDBG National Objectives (Up to 10 points). The applicant must describe how the proposed uses of BEDI funds will qualify as eligible activities under 24 CFR 570.703 governing the Section 108-guaranteed loan program, and also will meet the National Objectives of the CDBG program under 24 CFR 570.208. In describing how the proposed uses will meet the National Objectives of the CDBG program and the activity eligibility requirements of the Section 108 program, *applications must also include citations to the specific regulatory subsections supporting eligibility of activities and compliance with National Objectives.* (See Section III.C.1 of this NOFA). This information relates to a threshold factor as well as a rating factor, as described in Section III.C.1 of this NOFA. Applications that fail to respond satisfactorily to this subfactor (2) shall not receive funding consideration.

(3) Project Readiness (Up to 10 points). In responding to this subfactor (2), the applicant should demonstrate the extent to which the redevelopment plan for the brownfields site is logical, feasible, and likely to achieve its stated purpose and the extent to which the project will directly result in the productive reuse of the site and the delivery of near-term, measurable economic benefits. The applicant's response should demonstrate the extent to which the project is likely to be completed within a maximum of five years from the date of the BEDI award and will produce near-term, measurable economic benefits. Points for this subfactor will be awarded based upon the extent to which the following critical benchmarks for the redevelopment plan have been met or are approaching completion. The applicant's response to this subfactor should address:

(a) Environmental Investigation. This subfactor (a) will consider the extent to which the presence or potential presence of environmental contamination of the project site is known or understood. Proposed projects on sites where the nature and degree of environmental contamination is not well-quantified, where no environmental investigation has commenced, or that are the subject of on-going litigation or environmental enforcement actions will receive fewer points under this subfactor (a). Similarly, fewer points will be awarded to proposed projects at sites with exceptionally expensive contamination problems that may be beyond the scope of the BEDI and Section 108 programs' financial resources or other resources firmly committed to the project as described in the application, and sites subject to pending and current litigation that may not be available for remediation and development or redevelopment in a time frame that will produce near-term and measurable economic benefits through the use of BEDI and Section 108 funds. Alternatively, any applicant indicating the completion of environmental assessment or review and the issuance of HUD approval for a Request for Release of Funds for the project under 24 CFR part 58 will receive more points under this subfactor.

(b) Site Control. This subfactor (b) will consider the extent to which control of the proposed project site has been secured or is being sought. Points for this subfactor (b) will be awarded based upon the degree of site control secured by the applicant or its development partner. Projects, for instance, in which negotiation or litigation related to site control are underway or continuing will receive fewer points than projects in which an option to purchase has been secured. Projects in which the applicant or its development partner has secured site control through acquisition, long-term lease, eminent domain or other means at the time of application will receive full points under this subfactor (b). In responding to this subfactor (b), applicants are encouraged to accompany their narrative response with a map indicating the boundaries of the proposed site or sites on which BEDI-assisted improvements are proposed. Any map included as part of the application must be submitted in accordance with the submission procedures provided for in the General Section and will not be counted in the fifteen page limitation on the narrative response to the Rating Factors as provided in Section V.A.1(b) of this NOFA.

(c) Legislative, Regulatory, and Other Approvals. This subfactor (c) will consider the extent to which any required local legislative approvals, regulatory permits, zoning classifications, environmental regulatory approvals, waivers, general, and special use permits, assessment district designations, public easements or rights-of-way, or other similar approvals have been secured or are being sought. The greater the number of outstanding legislative, regulatory, or other approvals required and not yet secured, the fewer points will be awarded. In the case of a CDBG entitlement unit of general local government, such as a county, proposing to undertake a BEDI project within the jurisdiction of another CDBG entitlement unit of general local

government, such as a city or other jurisdiction within that county, the applicant should also include a letter of support from the jurisdiction in which the BEDI project would be located.

(d) User Agreements. This subfactor (d) will consider the extent to which any development agreements, tenant leases, memoranda of understanding, or other agreements integral to returning the site to productive reuse and producing near-term measurable economic benefits, have been secured or are being sought. Applicants proposing projects that do not provide for new investment by an identified, committed private entity and the return of a brownfields site to productive reuse, with accompanying near-term, measurable economic benefits, will receive fewer points under this subfactor (d).

(e) Delivery of Economic Benefits. The response to this subfactor (e) must include the time frame in which the measurable economic benefits are to be delivered. For multi-phase projects, the response to this subfactor (e) must clearly delineate the different phases of the project and indicate whether or not they are to be funded by BEDI/Section 108 funds. Brownfields economic development projects that provide near-term, measurable economic benefits directly through the creation or retention of jobs will receive a greater number of points under this subfactor (e). In response to this subfactor (2), the applicant should also provide a specific time schedule (with both beginning and end dates) for carrying out the project and identify all interim measurable benchmarks (acquisition, demolition, site improvements, relocation, construction, etc.) to be accomplished. The applicant should also include a proposed schedule for drawing down all funds necessary to complete the project, including BEDI and Section 108 funds.

A timeline form is provided in Appendix B to this NOFA for the purpose of illustrating the project schedule (Exhibit C of form HUD–40123), but HUD will consider the timeline form only as an illustration of the narrative response to this subfactor (e).

(4) Section 108 Application (Up to 2 points). BEDI applications accompanied by a request for new Section 108 Loan Guarantee assistance as evidenced by a full *and* complete Section 108 application as provided for in 24 CFR 570.704, and submitted concurrently under separate cover as provided for in Section IV.F.3 of the NOFA, will receive up to two points for this subfactor (4). BEDI applications accompanied by a request to use the BEDI grant award in conjunction with a currently pending but unapproved Section 108 loan guarantee application (together with any amendments needed for consistency with the BEDI application) for the same project described in the BEDI application, will also receive up to two points under this subfactor (4).

(5) Financial Feasibility/Need (Up to 10 points). The applicant should demonstrate the economic necessity of the proposed BEDI and Section 108 funds and the extent to which the project is not financially feasible in the absence of such funds. In responding to this subfactor (5), applicants are encouraged to accompany their narrative response, as appropriate, with development and operating ''pro formas'' or similar analyses of the proposed project financing. Such pro forma or other financial analysis will not be counted in the fifteen page limitation on the narrative response to the Rating Factors as provided in Section V.A.1(b) of this NOFA. In the narrative response, applicants must clearly address the question of why the BEDI funds are critical to the success of this project by providing the following items:

(a) Use of BEDI and Section 108 Funds to Fill Financing Gaps. The applicant must provide an economic rationale that demonstrates how the use of the BEDI and Section 108 funds will directly impact the financial feasibility of the proposed project. The response should discuss the critical gaps that exist in financing the proposed project, why those gaps exist and how the BEDI and Section 108 funds will be used to fill those gaps. The narrative response, including any pro forma or similar analysis, should demonstrate how the proposed BEDI and Section 108 financing will yield economic benefits critical to the success of the project, including, for example, increased rates of return or debt coverage ratios, reduced rents or other similar financial outcomes necessary to attract private investment.

(b) Project Costs and Financial Requirements. A funding sources and uses statement must also be provided that specifies the source of funds for each identified use or activity (Exhibit C of form HUD–40123), along with the derivation of project costs.

Rating Factor 4: Leveraging Resources (15 Points Maximum)

In evaluating this Factor, HUD will consider the extent to which the response demonstrates the likelihood that the project will leverage both Section 108 loan and other public or private funds as part of the total project resources. Points for this Factor will be awarded in two parts, for the following:

(1) Leverage of Section 108 funds (Up to 8 points).

The minimum ratio of Section 108 funds to BEDI funds in any project may not be less than 1:1. Points will be awarded based upon the extent to which the proposed project leverages an amount of Section 108 funds greater than a 1:1 ratio. If the application has a ratio of 1:1, it will not receive any points under this subfactor. The higher the ratio of additional new Section 108 funds to BEDI funds proposed in an application, the more points it will receive under this subfactor, consistent with the points available hereunder. (See Sections II.C.1 and Section VI.B.1(a) of this NOFA regarding the conditioning of BEDI awards on achievement of a specific BEDI/Section 108 leveraging ratio.)

(2) Leverage of Other Financial Resources (Up to 7 points).

HUD will evaluate the extent to which other funds (public or private) are leveraged by BEDI grant funds, and the extent to which such other funds are firmly committed to the project. This could include the use of CDBG funds, other federal or state grants or loans, local general funds, project equity or commercial financing provided by private sources or funds from nonprofits or other sources. In order to receive points for other public and privately committed funds under this subfactor (2), letters of firm commitment, evidence of financial capacity and, for CDBG funds, the resolution of the local governing body, must be submitted for the proposed BEDI project in accordance with the submission procedures for third party documents provided in Section IV.F. of the General Section. In addition:

(a) Applicants must provide evidence that such funds are ''firmly committed'' as defined in Section I.C. of this NOFA.

(b) Each agreement or letter of commitment must include the name of the organization making the commitment, the proposed total level of commitment, and the responsibilities of the organization as they relate to the proposed BEDI project.

(c) Each commitment—including the donation or purchase of real property or the provision of in-kind services—must be assigned a monetary value by the party making the commitment, accompanied by an indication of the basis for that assigned value.

(d) The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization, with a statement confirming that authority, and

remain in effect for a period stated in the commitment.

(e) If a commitment is to be self-financed, such as a commitment by a private developer to provide a specified amount of equity investment in the project, the party making that commitment must evidence its financial capacity through the submission of a corporate or personal financial statement or other appropriate means in order to receive points under this subfactor (2).

(f) *For Applicants Committing CDBG Funds:* In order for an applicant's commitment of CDBG funds to be accepted by HUD as additional financing for a BEDI project, a resolution from the local governing body (*e.g.*, city/borough council) authorizing the amount and permitted uses of the funds must be provided.

All such funds may also be committed subject to completion of a satisfactory environmental review required under 24 CFR part 58 for the project for purposes of this section.

Rating Factor 5: Achieving Results and Program Evaluation (15 Points Maximum)

This Factor emphasizes HUD's commitment to ensuring that applicants maintain commitments made in their applications and assess their performance to ensure that performance goals are met. This Factor also evaluates the extent to which the results of the proposed BEDI project will address the policy priorities of the Department. In addition to a narrative response, applicants must complete the logic model provided in the General Section (form HUD–96010) in order to receive points under this Factor. Applicants seeking policy priority points for the removal of regulatory barriers to affordable housing as provided for in subfactor (2)(v) of this Factor, must also complete form HUD–27300 in order to receive points for that policy priority.

(1) Performance Measurement Plan (Up to 12 points). HUD requires applicants to develop an effective, quantifiable, outcome oriented performance measurement plan for measuring performance and determining that BEDI project goals have been met. The applicant's response to this subfactor (1) should identify: (a) Each of the specific project outcomes for the proposed BEDI project; (b) all interim benchmarks or outputs of the project and the associated time frames for meeting each interim benchmark or output, *i.e.*, the near-term measurable economic benefits to be achieved, such as the number of jobs created or retained and the time frame for creation or retention; and (c) the performance indicators selected by the applicant to measure its achievement of the identified project outputs and project outcomes. The performance indicators selected by the applicant should be objectively quantifiable and measure actual achievements against anticipated results. The response to this subfactor (1) should identify what will be measured, how it will be measured, and the procedures or plans that are in place to make adjustments to the project redevelopment plan if performance targets are not met within established time frames.

In response to this subfactor (1), applicants should address any of the applicable outcomes or ultimate goals identified for the BEDI project. Examples of such outcomes or goals include increased property values, or home sales prices, as a result of a series of coordinated neighborhood activities; the amount of increased wages resulting from the creation or retention of jobs; increased business sales volume in revitalized neighborhoods; or the amount of any increased land value that results from the BEDI project. Applicants should propose quantifiable outcomes or goals related to the benefits expected for the neighborhood or for persons assisted, as part of the evaluation plan.

(2) Policy Priorities (Up to 3 points). The applicant's response to this subfactor (2) should address how the project will address any of the following policy priorities of the Department, as further detailed in Section V.B. of the General Section. A maximum of three points shall be awarded to applicants that demonstrate how the proposed BEDI project addresses two or more of the following policy priorities, with the number of points afforded to each policy priority indicated below:

(i) The extent to which the proposed project will improve the quality of life in the nation's communities, by bringing private capital to distressed communities (1 point);

(ii) The extent to which the proposed project will finance business investments that will grow new businesses or maintain and expand existing businesses (1 point);

(iii) The extent to which the proposed project will create decent jobs for low-income persons (1 point).

(iv) The extent to which the project will increase affordable housing and homeownership opportunities for low- and moderate-income persons, persons with a disability, the elderly, minorities, and persons with limited English proficiency, whether through the provision of housing or employment which will enable residents to access affordable housing and have a choice of such housing in environmentally healthy and revitalized neighborhoods (1 point);

(v) The extent to which the project will assist in breaking down regulatory barriers that impede the availability of affordable housing, accompanied by form HUD–27300). To receive points for this factor the applicant must submit the required documentation or reference to a URL(s) where the information can be found. (up to 2 points); and,

(vi) The extent to which the project will utilize energy-efficient solutions in the design or operating phases, including the purchase and use of Energy Star-labeled products and/or combined heat and power (CHP, or cogeneration) in buildings, where applicable.) (*See* Section V.B of the General Section, Promoting Energy Efficiency and Adopting Energy Star, for more information (1 point).

Bonus Points

An application may receive up to four bonus points, until the maximum of four points are achieved. Two bonus points may be awarded for each of the following:

(1) Projects that are located either in federally designated Empowerment Zones (EZs), Enterprise Communities designated by USDA in Round II (EC–IIs), or Renewal Communities (RCs) (*see* Section V.A. of the General Section for advice on locating a list of designated communities) that are intended to serve the residents of these areas, and that are certified to be consistent with the area's strategic plan or RC Tax Incentive Utilization Plan (TIUP);

(2) Projects that are located in Brownfields Showcase Communities designated by EPA. A list of the federally designated Brownfields Showcase Communities is listed in Appendix C of Section VIII of this NOFA and is also available from the SuperNOFA Information Center or through the HUD Web site, *http://www.hud.gov.*

B. Reviews and Selection Process

1. *Reviews and Selection Process.* All applications meeting BEDI program and other threshold requirements will be rated under the selection criteria in Section V.A. of this NOFA. Applications will be selected for funding as follows:

a. Fundable BEDI grant applications must meet the program threshold and submission requirements of this NOFA and the other threshold requirements stipulated in Section III.C. of the General Section or they will not be ranked.

b. All BEDI grant applications that meet threshold requirements will be ranked separately in order of points assigned with the applications receiving more points ranked above those receiving fewer points.

c. In the event two or more applications are given the same score, but there are insufficient funds to fund all of the tied applications, the application(s) with the highest score(s) on Rating Factor 3 (Soundness of Approach) shall be selected. If there is still a tie, the following Factors will be considered sequentially, with the application having the high score on each Factor in the following order taking precedence until the tie is broken: Rating Factor 1 (Capacity and Experience), Rating Factor 2 (Distress/Extent of the Problem), Rating Factor 4 (Leveraging Resources), and Rating Factor 5 (Achieving Results and Program Evaluation).

d. Fundable BEDI applications will be funded in rank order until the total aggregate amount of the approvable applications funded is equal to the maximum amount available in the competition (subject to the limitations described in Section II.C above).

e. In the event an insufficient number of applications meeting the program thresholds are received to award the full amount of BEDI funds appropriated and available under this NOFA, HUD may consider for funding those applications that did not meet the performance standards found in Section III.C.1.(d) above.

2. *Corrections to Deficient Applications.* Section V.B. of the General Section provides the procedures for corrections to deficient applications.

C. Anticipated Announcement and Award Dates

Historically, BEDI awardees have been notified of the approval of BEDI applications within approximately 90 days of the application deadline.

VI. Award Administration Information

A. Award Notices

1. Notice of Award and Obligation

BEDI award recipients will receive written notice of approval of their applications and the related terms and conditions of the award. An authorized official of the applicant receiving a BEDI award will be required to sign and return an acceptance of the BEDI award. BEDI funds shall be obligated for an approved application upon the return of a signed acceptance of the award to HUD and a countersignature of that acceptance by an authorized HUD official.

2. Award Disbursements and Amendments

a. *Timing of Section 108 Approval and BEDI Grant Disbursements.*

(1) To the extent a full and complete Section 108 application is submitted with the BEDI grant application, HUD will evaluate the Section 108 application immediately following the competition for BEDI grant funds. Note that for those applicants that are granted a waiver to the electronic submission process, the 108 application must be submitted to the appropriate HUD field office concurrently with submission to Headquarters.

(2) Notwithstanding any earlier obligation or award of BEDI funds to a grantee, or execution of a grant agreement, HUD will not permit the grantee to draw down BEDI funds before the issuance and at least partial funding of the obligations evidencing the related Section 108-guaranteed loan.

(3) Pursuant to the Consolidated Appropriations Act, 2005 (under the ''Brownfields Redevelopment'' heading) and 31 U.S.C. 1552, FY2005 BEDI funds must be obligated (*i.e.*, awarded) by HUD by September 30, 2006, and must be disbursed by HUD to the grantee by September 30, 2011. FY2004 BEDI funds must be obligated by September 30, 2005, and must be disbursed by HUD to the grantee by September 30, 20010. HUD reserves the right, however, to require earlier disbursement under a BEDI grant agreement. Accordingly, a BEDI awardee must ensure the timely submission of its Section 108 Loan Guarantee application, the execution of the Section 108 Contract for Loan Guarantee Assistance and BEDI Grant Agreement, and the issuance of the Section 108 Loan Guarantee Note.

3. Applicant Debriefing

Section VI.A. of the General Section provides information on applicant requests for a debriefing. Applicants requesting to be debriefed must send a written request to the contact person for the BEDI program, Mr. William Seedyke, at the address listed in Section VII of this NOFA.

B. Administrative and National Policy Requirements

1. Terms and Conditions

a. Ratio of BEDI to Section 108 Loan Guarantee Funds. Because the proposed ratio of BEDI funds to Section 108 funds presented in an approved BEDI application represents an applicant's financial commitment to a BEDI project, HUD will condition the BEDI grant award on the grantee's achievement of that specific ratio. The failure of the grantee to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio may result in the cancellation and recapture of all or a proportionate share of the BEDI grant award.

b. Approval of Section 108 Loan Guarantee Application and Disbursement of Funds. As a condition of any award under this NOFA, if the related Section 108 application has not been submitted and approved within 10 months of written HUD notification of selection for potential funding under this NOFA, HUD may deobligate the BEDI funds. BEDI grant awards and grant agreements will contain conditions requiring grantees to adhere to time frames mutually agreed on by the applicant/grantee and HUD for implementing proposed projects and drawing Section 108 and BEDI funds. If BEDI grant funds and Section 108 loan proceeds are not disbursed to the applicant within the time frames specified in the BEDI grant agreement, HUD reserves the right to cancel the award and recapture all or a portion of the BEDI funds, as applicable under the grant agreement.

c. BEDI Application Amendments. Any modifications or amendments to an application approved pursuant to this NOFA, whether requested by the applicant or by HUD, must be within the scope of the approved original BEDI application in all respects material to rating the application, unless HUD determines that the revised application remains within the competitive range and is otherwise approvable under this NOFA. In addition, if the applicant proposes an amendment after the period during which appropriated funds are available for obligation (for FY2054 BEDI funds, after September 30, 2006), HUD will be unable to approve any amendment which materially changes the scope, purpose, or need for the original award, as determined by HUD. In such a case, the unused BEDI funds must be deobligated and returned to the U.S. Treasury.

2. Environmental Justice

a. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in

policies and programs addressing this issue.

b. HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide measurable economic benefits for affected communities and their current residents for the long term.

3. Economic Opportunities for Low- and Very Low-Income Persons (Section 3)

Recipients of assistance under this NOFA must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701 (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons.

4. Other National Requirements

BEDI applicants are directed to the Section III.C of the General Section, which provides the statutory, regulatory, threshold, and public policy requirements applicable to all HUD grantees. In particular, BEDI applicants should carefully review provisions relating to Executive Order 13202 (Preservation of Open Competition and Government Neutrality Toward Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects) and federal laws governing the procurement of recovered materials.

C. Reporting

CDBG regulations at 24 CFR 570.507 (for metropolitan city and urban counties) and 24 CFR 570.491 (for state grantees) require the submission of a Consolidated Annual Performance Evaluation Report (CAPER) describing the use of CDBG funds during the program year. 24 CFR 570.3 defines CDBG funds to include BEDI grants, and accordingly, grantees must report specifically on the use of BEDI grant funds and Section 108 loan guarantee proceeds in the CAPER. CAPER requirements for the collection and reporting of racial and ethnic data also apply to the use of BEDI and Section 108 guaranteed loan proceeds. These data are to be reported in the CAPER using the Race and Ethnic Data Reporting form (HUD–27061). For each reporting period, as part of the required report to HUD, grant recipients must also include a completed Logic Model (form HUD–96010), which identifies output and outcome achievements.

VII. Agency Contact

For technical assistance in completing your registration with Grants.gov or in using the electronic application, please contact the Grants.gov Support Desk by calling 800–518–GRANTS or sending an email to *Support@Grants.gov.* For assistance with program related questions, please contact William Seedyke, BEDI Program Coordinator; Office of Economic Development; U.S. Department of Housing and Urban Development; 451 Seventh Street, SW., Room 7140; Washington, DC 20410; telephone (202) 708–3484, extension 4445 (this is not a toll-free number). Hearing or speech challenged persons may call the Federal Information Relay Service at 800–877–8339 (this is a toll-free number). Before the application submission date, HUD staff will be available to provide general guidance and assistance about this BEDI NOFA. However, HUD staff are not permitted to assist in preparing a BEDI application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD. In addition, the Section 108 Loan Guarantee program is not a competitive program and therefore is not subject to those provisions of the HUD Reform Act pertaining to competitions that do not permit HUD staff to assist in the preparation of applications. HUD staff are available to provide advice and assistance to develop Section 108 loan applications.

VIII. Other Information

Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0153. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to, a collection of information unless the collection displays a current OMB control number. Public reporting burden for the collection of information is estimated to average xx hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing and reporting the data for the application and for the annual report. The information will be used for grantee selection and monitoring and the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendices

BILLING CODE 4210–32–P

APPENDIX A

BEDI CHECKLIST AND SUBMISSION TABLE OF CONTENTS

This checklist identifies application submission requirements. Applicants are requested to use this checklist when preparing an application to ensure submission of all required elements. Applicants filing electronically do not need to submit this checklist. Applicants receiving a waiver of the electronic submission must submit the checklist and place the application in the order listed in the checklist. Standard forms and required certifications are found in the **General Section**. All forms can be downloaded from the application and instructions at www.grants.gov/Apply for the BEDI NOFA

Check Off

- ☐ Application for Federal Assistance (form SF-424)

- ☐ BEDI Checklist and Submission Table of Contents
- ☐ BEDI/Section108/CDBG Funding Eligibility Statement, Pages 1 and 2, (form HUD 40123-Exhibit D)
- ☐ **Request for Loan Guarantee Assistance** (check one of five options)
  - ☐ Concurrent Application Submitted Under Separate Cover
  - ☐ Subsequent Application
  - ☐ Pending, Unapproved Application
  - ☐ Increase to a Project Assisted Under Previously Approved Application
  - ☐ Deobligation of Previously Approved Section 108 Authority

Response to Rating Factors

- ☐ 1. Capacity of the Applicant and Relevant Organizational Experience
- ☐ 2. Distress/Extent of the Problem
- ☐ Distress/Extent of Problem (form HUD-40123-Exhibit A)
- ☐ 3. Soundness of Approach
- ☐ Project Timeline (form HUD-40123-Exhibit C)
- ☐ Financial Feasibility (form HUD-40123-Exhibit B)
- ☐ 4. Leveraging of Resources/Financial Need
- ☐ 5. Achieving Results and Program Evaluation
- ☐ Logic Model (form HUD-96010)
- ☐ America's Affordable Communities Initiative (form HUD-27300) with required documentation or URL references, if applicable.

Application Forms and Certifications

- ☐ Applicant/Recipient Disclosure Update Report (HUD-2880)
- ☐ Certification and Disclosure Form Regarding Lobbying (SF-LLL) (if applicable)
- ☐ RC/EZ/EC-II Certification of Consistency with Strategic Plan (HUD-2990) (if applicable)
- ☐ Section 108 Certifications (if submitting full 108 application) Certification of Consistency with the Consolidated Plan (HUD-2991), (if applicable)
- ☐ Client Comments and Suggestions (HUD-2994) (optional)

OMB Approval No. 2506-0153 (exp. 10/31/2007)

U.S. Department of Housing and Urban Development

Office of Community Planning and Development

Brownfields Economic Development Initiative (BEDI) Application Form

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Brownfield Economic Development Initiative are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Brownfield Economic Development Initiative (BEDI) funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit A
Rating Factor 2: Distress/Extent of Problem

Applicant:_____

Project Name/Title:_____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which the BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

Required Indicator	Target Neighborhood	Jurisdiction	Data Source and Date
1 Poverty Rate			

Optional Indicators	Target Neighborhood	Jurisdiction	Data Source and Date
2 Unemployment			
3 Median Income			
4			
5			
6			
7			
8			

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Target Neighborhood: _____

_____

Jurisdiction: _____

Exhibit B
Rating Factor 3: Soundness of Approach/Financial Feasibility

Applicant:_____

Project Name/Title:_____

Instructions: Use this table to show all sources and uses of funds for the proposed project through the time when the project goes into service for its intended purpose. Add additional uses in the blank spaces at the end of the column labeled Uses of Funds.

	SOURCES OF FUNDS						
USES OF FUNDS	**BEDI**	**SECTION 108**	**CDBG**	**OTHER PUBLIC**	**PRIVATE EQUITY**	**PRIVATE DEBT**	**TOTAL**
SITE ACQUISITION							
RELOCATION							
SITE-PREP / INFRASTRUCTURE							
ENVIRONMENTAL CLEAN-UP							
M & E							
CONSTRUCTION / REHAB							
NON-RESIDENTIAL							
RESIDENTIAL							
WORKING CAPITAL							
PROJECT DELIVERY COSTS							
CONTINGENCY							
RESERVES *							
LAND WRITEDOWN							
INTEREST WRITEDOWN							
TOTAL							

- e.g., Loan Loss, Debt Service, Letter of Credit, etc.

Exhibit C
Rating Factor 3: Soundness of Approach/Project Timeline

Applicant:_____

Project Name/Title:_____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of "BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe on the form, please attach a justification or description of the project term. Use as many attachments as necessary to show beginning - - end timeframes for all phases.

		YEAR 1				YEAR 2				YEAR 3					
	Task/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	**BEDI/108 Funds for Task**	**Other Funds for Task**
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
11															
12															
	TOTAL														

Exhibit D
BEDI/Section 108/CDBG Funding Eligibility Statement
Page 1 of 2

Applicant:_____

Project Name/Title:_____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities[1]	BEDI	Section 108	CDBG[2]	Total
1 Acquisition of Real Property 24 CFR 570.703(a)				
2 Rehabilitation of Publicly Owned Real Property 24 CFR 570.703(b)				
3 Payment of Interest 24 CFR 570.703(c)				
4 Relocation Payments 24 CFR 570.703(d)				
5 Clearance, Demolition, Removal 24 CFR 570.703(e)				
6 Site Preparation 24 CFR 570.703(f)				
7 Payment of Issuance Fees 24 CFR 570.703(g)				
8 Housing Rehabilitation 24 CFR 570.703(h)				
9 Economic Development Activities 24 CFR 570.703 (i) (and 570.203/204)				
10 Construction of Housing 24 CFR 570.703(j)				
11 Debt Service Reserve 24 CFR 570.703(k)				
12 Public Facilities 24 CFR 570.703(l)				
13 Public Facilities – Colonias 24 CFR 570.703(m)				
14 Subtotal				
15 Costs Paid with Non CDBG-Related Funds				
16 Total Project Costs[3]				

[1] The eligible Section 108 activities are defined in detail at 24 CFR 570.703.
[2] CDBG grants and program income other than BEDI or Section 108.
[3] This figure should match the total provided on the Sources and Uses Statement.

Exhibit D
BEDI/Section 108/CDBG Funding Eligibility Statement
Page 2 of 2

Applicant:_____

Project Name/Title:_____

National Objective[1]			
Single Project (check one only)		**Loan Fund** (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/ Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/ Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs created [see 24 CFR 570.209(b)(3)(i)(A)] enter the total number of jobs:

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 24 CFR 570.209(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area:

[1] The CDBG national objectives are defined in detail at 24 CFR 570.208.

SECTION 108 LOAN GUARANTEE
State Certifications Related to Nonentitlement Public Entities

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Pursuant to 24 CFR §570.704(b)(9), the SECTION 108 LOAN GUARANTEE

State Certifications Related to Nonentitlement Public Entities

State of _____, with regard to the Section 108 Loan guarantee application submitted by the _____ (Nonentitlement Public Entity), certifies that:

(i) It agrees to make the pledge of grants required under 24 CFR §570.705(b)(2).

(ii) It possesses the legal authority to make such pledge.

(iii) At least 70 percent of the aggregate use of the CDBG grant funds received by the State, guaranteed loan funds, and program income during the one, two, or three consecutive years specified by the State for its CDBG program will be for activities that benefit low and moderate income persons.

(iv) It agrees to assume the responsibilities described in 24 CFR §570.710.

_____
Signature

_____
Name

_____
Title

_____
Date (mm/dd/yyyy)

Appendix C – Federally-Designated Brownfields Showcase Communities.

The following lists Federally-Designated Brownfields Showcase Communities:

(1) Baltimore, Maryland
(2) Cape Charles/ Northhampton County, Virginia
(3) Chicago, Illinois
(4) Dallas, Texas
(5) Denver, Colorado
(6) Des Moines, Iowa
(7) East Palo Alto, California
(8) Eastward Ho (Consortium), Florida
(9) Gila River Indian Community, Arizona
(10) Glen Cove, New York
(11) Houston, Texas
(12) Jackson, Mississippi
(13) Kansas City, Kansas/Missouri
(14) Los Angeles, California
(15) Lowell, Massachusetts
(16) Metlakatla Indian Community, Alaska
(17) Milwaukee, Wisconsin
(18) Mystic Valley Development Commission, Massachusetts
(Cities of Everett, Malden and Medford)
(19) New Bedford, Massachusetts
(20) Niagara Region, New York
(Cities of Buffalo, Niagara Falls, Counties of Niagara and Erie)
(21) Portland, Oregon
(22) State of Rhode Island
(23) St. Louis, Missouri/East St. Louis, Illinois
(24) St. Paul, Minnesota
(25) Salt Lake City, Utah
(26) Seattle/King County, Washington
(27) Stamford, Connecticut
(28) Trenton, New Jersey



Federal Register

Monday,
March 21, 2005

Book 3 of 3 Books
Pages 13975–14384

Part II—Continued

Department of Housing and Urban Development

Notice of HUD's Fiscal Year 2005 Notice of Funding Availability Policy Requirements and General Section to the SuperNOFA for HUD's Discretionary Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

Youthbuild

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Community Planning and Development.

B. *Funding Opportunity Title:* Youthbuild.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The OMB approval number for this program is 2506–0142. The **Federal Register** number for this NOFA is FR–4950–N–04.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.243, Youthbuild Program

F. *Dates:* The application submission date is on or before June 21, 2005. Please see the General Section of the SuperNOFA (the General Section) for application submission and receipt procedures. Please note that this year, all applications must be submitted electronically using *http://www.grants.gov,* as described in Section IV.F of the General Section.

G. *Additional Overview Content Information:* 1. *Purpose of the Program.* The purpose of the Youthbuild program is to assist disadvantaged young adults between the ages of 16 and 24 years of age in distressed communities to: (1) Complete their high school education; (2) provide on-site construction training experiences which result in the rehabilitation or construction of housing for homeless persons and low- and very low-income families; (3) foster leadership skills; (4) further opportunities for placement in apprenticeship programs; and (5) promote economic self-sufficiency for program participants.

2. *Available Funds.* Approximately $56,444,800 in appropriated funds and carry over is available for Fiscal Year (FY) 2005, plus any funds available through recapture, minus any amount needed to correct errors.

3. *Eligible Applicants.* Eligible applicants are public or private nonprofit organizations that include grassroots community-based organizations inclusive of faith-based organizations. For a definition of grass-roots community based organizations see Secretarial Policy Priority D. Providing Full and Equal Access to Grassroots, Faith-Based and other Community-Based Organizations in HUD Program Implementation found in the General Section. Other eligible applicants include state or local housing agencies or authorities, state or units of local government, or any entity eligible to provide education and employment training under other federal employment training programs, as further defined in HUD's regulation at 24 CFR 585.4.

4. *Match.* None.

If you are interested in applying for funding under this program, please carefully review the General Section and the following additional information.

Full Text of Announcement

I. Funding Opportunity Description

A. *Program Description.* The purposes of the Youthbuild Program are to:

1. Provide economically disadvantaged young adults with opportunities to obtain an educational experience that will enhance their employment skills, as a means to achieving self-sufficiency;

2. Foster the development of leadership skills and commitment to community;

3. Expand the supply of permanent affordable housing for homeless and low- and very low-income persons by providing implementation grants for carrying out a Youthbuild program;

4. Provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation that will enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families; and

5. Give to the greatest extent possible, job training, employment, contracting, and other economic opportunities to low-income young adults.

B. *Desirable Elements of a Youthbuild Program.* You should document the extent to which HUD's initiatives are furthered by the proposed activities. Such initiatives include:

1. Providing increased homeownership and rental opportunities for low- and moderate-income persons, persons with disabilities, the elderly, minorities, and families with limited English proficiency;

2. Improving our nation's communities;

3. Encouraging accessible design features;

4. Providing full and equal access to grassroots faith-based and other community based organizations in HUD program implementation; and

5. Ending chronic homelessness.

C. *Definitions.* The following definitions apply to the Youthbuild Program: Rural and Underserved areas are defined as follows:

1. *Rural Area.* A rural area is defined in one of five ways:

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

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

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

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

e. Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

2. *Underserved Area.* An underserved area is defined as an area comprised of census tracts with the following economic distress criteria:

a. A census tract where the unemployment remains high (50 percent or more above the nation's unemployment rate) and

b. A census tract where high rates of poverty (50 percent or more above the national average) persist.

II. Award Information

A. *Available Funds.* Approximately $56,444,800 in funding is made available for this FY 2005 Youthbuild NOFA, which includes any carry over from previous appropriated funds, plus any FY 2005 funds appropriated by Congress. See the General Section for funding amounts and available funds.

B. *Authority.* This program is authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, 106 Stat. 3723, 42 U.S.C. 12899). The Youthbuild Program regulations are found in 24 CFR part 585.

C. *Funding Categories.* HUD will award up to $56,444,800 on a competitive basis. Funds will be divided among three categories of grants as described below. In each fiscal year, the Secretary shall reserve five percent of the amounts available for technical assistance activities under this subtitle pursuant to section 402 to carry out subsections (b) and (c) (Subtitle D–Hope

for Youth: Section 458 (42 U.S.C. 12899g)).

1. *Category 1 Grants. New Applicants.* HUD will award up to $10,000,000 for new applicants that have not previously received implementation grants since the inception of the Youthbuild Program and that have elected not to apply under Category 2 or 3. The maximum amount that may be awarded to a successful applicant in this category is $400,000, for a period not to exceed 30 months.

2. *Category 2 Grants. Grants up to $700,000.* HUD will award up to $37,516,800 for grants up to $700,000 for a period not to exceed 30 months. The maximum amount that may be awarded to a successful applicant in this category is $700,000. Any eligible applicant can apply in Category 2.

3. *Category 3 Grants. Underserved and Rural Areas.* HUD will award approximately $8,928,000 for grants to organizations serving clients in underserved and rural areas as defined in this NOFA for a period not to exceed 30 months. The maximum amount that may be awarded to a successful applicant in this category is $400,000.

4. *Selection of Category.* Applicants must indicate in their project abstract which funding category they are applying for. For Category 3 applicants, you must designate which definition(s) under Section I.C. is (are) applicable.

5. *Grant Period.* You must expend funds awarded within 30 months of the effective date of the grant agreement.

6. *Maximum Awards.* Under the competition established by this Youthbuild program section of the SuperNOFA, the maximum award for a Youthbuild grant is $700,000 for Category 2 grants. The maximum amount of award for Categories 1 and 3 grants is $400,000.

III. Eligibility Information

A. *Eligible Applicants.* Eligible applicants are public or private nonprofit organizations which include grassroots community-based organizations inclusive of faith-based organizations. For a definition of grass-roots community based organizations, see Secretarial Policy Priority D. Providing Full and Equal Access to Grassroots, Faith-Based and Other Community-Based Organizations in HUD Program Implementation found in the General Section. Other eligible applicants include state or local housing agencies or authorities, states or units of local government, or any entity eligible to provide education and employment training under other federal employment training programs as further defined in HUD's regulation at 24 CFR 585.4.

B. *Cost Sharing or Matching.* Under the Youthbuild program, there is no match required. Applicants that submit evidence of leveraging dollars under Rating Factor 4 ''Leveraging Resources'' will receive points under that Factor.

C. *Other.* 1. *Eligible Activities*

a. Work and activities associated with the acquisition, architectural and engineering work, rehabilitation or construction of housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311.

b. Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

c. Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

d. Education, job training, counseling, employment, leadership development services, and optional activities that meet the needs of the participants including entrepreneurial training, driver education, apprenticeship opportunities, financial literacy, credit counseling, assistance programs for those with learning disabilities, and in-house staff training;

e. Outreach to potential participants;

f. Wages, benefits, and need-based stipends for participants; and

g. Administrative costs must not exceed 10 percent of the grant award. HUD encourages you to use grant funds for outreach, recruitment, training, and other services for the participants that facilitate program implementation. Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

2. *Threshold Requirements.* All applicants must comply with the threshold requirements as defined in the General Section and the requirements listed below to receive an award. Applications that do not meet these requirements will be considered ineligible for funding and will be disqualified.

a. Eligible Participants. Participants in a Youthbuild program must be very low-income high school dropouts between the ages of 16 and 24, inclusive, at the time of enrollment. Up to 25 percent of participants may be above very low-income, or may be high school graduates (or equivalent), but must have educational needs (such as lack of reading, writing, and communication skills) that justify their participation in the program.

b. Youthbuild Program Components. Applications that receive assistance under this Youthbuild program section of the SuperNOFA must contain the three components described as follows:

(1) Educational and job training services;

(2) Leadership training, counseling, and other support activities; and

(3) On-site training through actual housing rehabilitation and/or new construction work.

(New construction may be subject to the accessible design and construction requirements of the Fair Housing Act [see the General Section], including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities.)

c. Identification of and Access to Property. Your application must identify the location of the site(s) or property(ies) (*e.g.*, addresses, parcel numbers, etc.) that will be used for on-site construction. Your application MUST contain a letter from the property owner or property management company or companies allowing access to the housing site(s) for on-site construction training. HUD will deem as ineligible any application that fails to specifically identify the location of the on-site construction, including evidence of site access. Guidance on evidence of site access is as follows:

(1) If the applicant or joint applicant has a contract or option to purchase the property, you should include a copy of the contract or option; and

(2) If a third party owns the property or has a contract or option to purchase, that third party must provide a letter to you stating the nature of the ownership and specifically providing you with access to the property for the purposes of the program and the time frame in which the property will be available. In the case of a contract or option, include a copy of the document.

d. Minimum Score. In order to be considered eligible for funding, your application must receive a minimum score of 75, including a minimum of 10 points in Factor 1.

e. DUNS Requirement. Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD and submit your application on line using *http://www.grants.gov.*

f. Civil Rights Threshold Requirement. Applicants must meet all of the applicable threshold requirements of Section III.C.2.c of the General Section regarding Fair Housing and Civil Rights laws, statutes, regulations and Executive orders and enumerated in 24 CFR 5.105(a).

g. Potential Environmental Disqualification. HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if HUD determines that it cannot conduct the environmental

review and satisfactorily complete the review within the HUD application review period. (*See* 24 CFR 585.307.) Environmental thresholds are explained in Appendix A of this program section of the SuperNOFA. Complete form 2C13a, 2C13b, or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction, rehabilitation, lease or acquisition.

h. Consistency with Consolidated Plan. You must provide the required certification that the proposed activities are consistent with the HUD-approved Consolidated Plan in accordance with 24 CFR part 91. See the General Section regarding the Certification of Consistency with the Consolidated Plan requirement.

i. If you have received a Youthbuild grant and it is greater than 24 months old and you have not drawn down at least 50 percent of the total HUD grant funds as of the application submission date for this NOFA, you will not be eligible to receive a FY 2005 Youthbuild grant.

3. *Program Requirements.* In addition to the program requirements listed below, applicants must comply with the program requirements in Section III.C of the General Section.

a. Locational Limitations. You may submit more than one application in the current competition if your program's participant recruitment and housing areas are in different jurisdictions. Each application you submit may only propose activities to carry out one Youthbuild program, *i.e.*, to start a new Youthbuild program or to fund new classes of Youthbuild participants for an existing program.

b. Site Selection. In determining the site or the location of a federally assisted facility, the applicant may not select sites that will exclude qualified persons with disabilities, or otherwise subject them to discrimination under the Youthbuild program.

c. New Construction, Substantial Alterations,—Other Alterations. If the applicant undertakes to participate in New Construction, Substantial Alterations, or Other Alterations, it must conform to the accessibility standards outlined in the regulations implementing the Rehabilitation Act of 1973 at 24 CFR part 8, §§ 8.22, 8.23(a) and § 8.23(b).

d. Training Requirement. Each program must be structured so that 50 percent of each participant's time is spent in on-site training and the other 50 percent in educational training.

e. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) is applicable to the Youthbuild program. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low- and very low-income persons. The regulations may be found at 24 CFR part 135.

f. Participation in Local Workforce Investment Act One-Stop Center. Youthbuild grantees are mandatory partners in one-stop centers authorized by the Workforce Investment Act of 1998 (Pub. L. 105–220).

g. First time applicants. If you are a first-time applicant applying for funding under Category 1, you must have a graduating class of not more than 20 participants.

h. Environmental Reviews. Environmental procedures apply to HUD approval of grants when you propose to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property proposed for housing project development. Environmental procedures do not apply to HUD approval of your application when you propose to use your Youthbuild funds solely to cover costs for classroom and/or on-the-job construction training and support services.

If you propose to use your Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, you must submit all relevant environmental information in your application to support HUD decisionmaking in accordance with the environmental procedures and standards set forth in HUD's regulation at 24 CFR 585.307.

IV. Application and Submission Information: (*See* the General Section)

A. Addresses to Request Application Package: There is no application kit for the FY2005 Youthbuild NOFA. This SuperNOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and Youthbuild Sections of the SuperNOFA, which can be downloaded from *http://www.Grants.gov/Apply.* The Grants.gov web site contains the electronic forms and the NOFA which includes forms and other attachments. The NOFA and forms are contained in a zipped file found under instructions. You many call the Grants.gov Support Desk at 800–518–Grants or email the Support Desk at *Support@Grants.gov* for assistance in downloading the application and instructions. The Support Desk is open weekdays from 8 a.m. to 9 p.m. Eastern Time, except Federal holidays.

B. Content and Form of Application Submission: Be sure to read the application submission instructions in the General Section and below carefully.

1. Response to NOFA Page Limitation. The total narrative response to all factors identified in Section V of this program NOFA must not exceed 15 single sided pages of text based on an 8.5 by 11 inch paper, using a standard 12 point font, with lines double-spaced. Please note that submitting pages in excess of the page limit will not disqualify your application. However, HUD will not review or consider the information on any excess pages.

2. *Application Items.* Your application must contain the items listed in this section below. These items include the standard forms, certifications, and assurances listed in the General Section that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix A to the General Section. The other items listed represent program specific forms or information needed to evaluate your application. General letters of support not associated with specific cash or in-kind commitments have no bearing on the rating of the applications for any rating factor.

What to submit	Required content	Required form or format	When to submit it
Project abstract	Category applying for (if Category 3, specify which definition(s) under ''rural and underserved'' is(are) applicable); Amount of funds requested; Location of project, including census tract(s); Number of participants to be trained; Number of houses to be constructed; Number of houses to be rehabbed; Major partners.		Application submission date.
Application Survey on Ensuring Equal Opportunity for Applicants.		SF–424, SF–424 supplement.	
Budget information	Total Youthbuild Grant Budget	Youthbuild Form 4A.	
Rating Factors: Narrative addressing 5 rating factors.	Described in Section V of this announcement.		
Non-Housing Program Resources and accompanying letters of commitment for non-housing program resources.		Youthbuild Form 4B.	
Logic Model Form		HUD–96010.	
Applicant/Recipient Disclosure/Update Form.	(Per required form)	HUD–2880.	
Disclosure of Lobby Activities (if necessary).		SF–LLL.	
Certification of Consistency with RC/EZ/EC–II Strategic Plan.		HUD–2990.	
Certification of Consistency with Consolidated Plan.		HUD–2991.	
Acknowledgment of Application Receipt		HUD–2993.	
Client Comments and Suggestions		HUD–2994.	
Youthbuild Program Specific Forms/information (required for all applications) Exhibit 2C (Housing Site Description). Exhibit 2C10 (Individual Housing Project Site) Estimate. Accompanying letters of commitment to cover costs of lease, acquisition, rehabilitation or new construction of real property. Site Access Letter(s).		HUD–40211	Application submission date.
Youthbuild Program Specific Forms (only if applicant proposes to use Youthbuild funds for lease, acquisition, rehabilitation, or new construction of real property). Exhibit 2C13a (Housing Project Certifications for Residential Rental Units. Exhibit 2C13b (Housing Project Certifications for Transitional Housing).			Application submission date.
Exhibit 2C13c (Housing Project Certifications for Homeownership). Exhibit 2C15 (Environmental Threshold Information for a Property Proposed for YB Funding).			Application submission date.
Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.		HUD–27300	Application submission date.
Facsimile Transmittal	To be used when submitting third party letters or other documents if you are unable to scan the documents and make them attachments to your electronic application.	HUD–96011	On or before the application submission date.

C. Submission Dates and Times: The application submission date is June 21, 2005. Applications must be received by Grants.gov no later than 11:59:59 PM Eastern time on the application submission date. Applicants that have requested and received a waiver to the electronic application submission requirement must submit their application to the United States Postal Service no later than 11:59:59 PM on the application submission date. Please see the General Section for application submission and timely receipt procedures.

D. Intergovernmental Review. The Youthbuild is subject to Intergovernmental Review under Executive Order 12372, ''Intergovernmental Review of Federal

Programs.'' See the General Section for further discussion of the Executive Order and HUD's implementing regulations.

E. Funding Restrictions. Administrative costs must not exceed 10 percent of the grant award.

V. Application Review Information

The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for the program is 102. This includes two RC/EZ/EC–II and USDA designated Round II EC bonus points, as described in the General Section. The minimum fundable score is 75, including a minimum of 10 points in Factor 1.

A. Rating Factor 1. Capacity of the Applicant and Relevant Organizational Experience (20 points, minimum 10 points). This factor addresses the qualifications and experience of the applicant and participating parties to implement a successful young adult education training program in accordance with your work plan as further described in Factor 3. HUD will review and evaluate information provided documenting recent capability. Experience within the last 5 years will be considered recent. In addition, as described in the General Section, HUD will take into account the applicant's past performance and may deduct points in this rating factor for previous inability to demonstrate performance. In reviewing this rating factor, HUD will evaluate the following sub-factors:

1. *Team Member Composition and Experience (5 points).* Your experience and the experience of your project director, core staff competencies including your day-to-day program manager, consultants, and contractors. You must demonstrate that your program manager has the background, experience, and capacity to implement all of the program components of the proposed work plan, as evidenced by recent work experience (within the last 5 years) in managing projects of the same or similar size, dollar amount, types of activities, and beneficiaries as those proposed in your work plan. If any gaps exist in your experience or organizational structure to carry out the program, describe how you will fill those gaps including the hiring of consultants or other outside parties.

2. *Organizational Structure (5 points).* The structure of your organization (include an organizational chart), management structure, including reporting relationships of key staff, a system for coordinating with outside contractors or third party service providers, a mechanism for an internal and external auditing relationship, and an accounting system which meets federal accounting system requirements. You should provide a clear description of how your organizational structure will operate to carry out your work plan.

3. *Achievement of Performance Outcomes (10 points).* The objectives and accomplishments of your past experience in conducting similar activities. You must describe your past project objectives and accomplishments that are similar to those of your proposed work plan to show your effectiveness and timeliness in managing similar projects. If you have received similar grants including previous Youthbuild grants, you must describe the effectiveness of your administration, including timeliness and meeting performance results from performance reports. In addressing timeliness of reports, you must compare when your reports were due with when they were actually submitted. You must describe your achievements, including specific measurable outcome objectives: number of youths recruited, trained, and received GEDs; number of youths obtaining jobs (*i.e.*, those that are a part of a career path or apprenticeship program); number of youths participating in apprenticeships and number of housing units rehabilitated or constructed and made available for low- and very low-income persons. Previously generated outcomes should include the following: (1) Percent entered employment or enrolled in education and/or training first quarter after program exit, (2) percent of participants that earned a diploma, GED, or certificate, (3) percent that have attained literacy and numeracy skills by participants, (4) annual cost per participant.

Also, you must describe the extent to which you or participating partners have been successful in past education, training and employment programs and activities, including federally funded Youthbuild programs. In applying the rating criteria, HUD will take into consideration your performance (including meeting target dates and schedules) as reported. The more recent, relevant, and successful the experience of the proposed team members, organization and other participating entities in relation to the work plan, the greater the number of points that you will receive. For previous and existing Youthbuild grantees, applicants that can demonstrate a closer and greater linkage between the expected outcomes and the previously generated outcomes will receive a higher amount of points for this Factor. Applicants that have been slow to draw their funds and therefore appear to be not making progress in completing their program activities, will receive lower rating points than applicants that have a pattern and practice of drawing funds in a timely manner consistent with timely progress in meeting program activity goals and objectives.

B. Rating Factor 2: Need/Extent of the Problem (22 Points): This Factor addresses the extent to which there is need for funding the proposed activities based on levels of distress and an indication of the urgency of meeting the need/distress in the applicant's target area. In responding to this Factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared to the target area and national data.

1. In applying this Factor, HUD will consider current levels of distress for the area (i.e., Census Tract(s) or Block Groups) immediately surrounding the project site or the target area to be served by the proposed project, and in the nation. This means that an application that provides data that show levels of distress in the target area expressed as a percent greater than the national average will be rated higher under this Factor.

Notwithstanding the above, an applicant proposing a project to be located outside the target area could still receive points under the Distress Factor if a clear rationale and linkage is provided linking the proposed project location and the benefits to be derived by persons living in more distressed area(s) of the applicant's target area.

2. Applicants should provide data that address indicators of distress, as follows:

a. Poverty (5 points)—data should be provided in both absolute and percentage form (i.e., whole numbers and percentages) for the target area(s); an application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average—1 points.

(3) Twice but less than three times the national average—3 points.

(4) Three or more times the national average—5 points.

b. Unemployment (5 points)—for the project area;

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average—1 point.

(3) Twice but less than three times the national average—2 points.

(4) Three but less than four times the national average—3 points.

(5) Four but less than five times the national average—4 points.

(6) Five or more times the national average—5 points.

c. High School Dropouts (9 points)—for the project area;

(1) Less than the national average—0 points.

(2) Equal to but less than twice the national average—2 points.

(3) Twice but less than three times the national average—4 points.

(4) Three but less than four times the national average—6 points.

(5) Four but less than five times the national average— 8 points.

(6) Five or more times the national average—9 points.

d. Concrete examples of social and/or economic decline that best capture the applicant's local situation (3 points). Examples that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings, housing conditions, such as the number and percentage of substandard and/or overcrowded units, rent burden (defined as average housing cost divided by average income) for the target area and urgency in addressing problems facing youth, local crime statistics, etc.

3. In rating applications under this Factor, HUD reserves the right to consider sources of available objective data, such as the U.S. Census, other than, or in addition to, those provided by applicants, and to compare such data to those provided by applicants and local crime statistics for the project site.

HUD requires use of sound and reliable data (e.g., U.S. Census data, state statistical reports, university studies/reports that are verifiable) to support distress levels cited in each application. A source for all information along with the publication or origination date must also be provided. Updated Census data are available as follows for the listed indicators:

a. Unemployment rate— estimated monthly, with a two-month lag;

b. High School Dropout rate using the status rate-1999 data;

c. Poverty rate—2000 Census data at the tract level.

C. Rating Factor 3: Soundness of Approach (36 points): This Factor addresses the extent to which your proposed program is coordinated with other ongoing and related activities in the area you propose to serve and how well your program outcomes result in increased independence and empowerment to your beneficiaries at the conclusion of the grant period. HUD will evaluate the extent to which your application meets the following three elements:

1. *Coordination Elements:* 5 points as distributed below.

a. *Coordination of activities* (2 points). The extent to which you have coordinated your activities with other known organizations that are not directly in your proposed work activities, but with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner. The goal of coordination is to ensure that programs do not operate in isolation. The more your activities are coordinated with other agencies in your service area, the more points you will receive. An example of coordination of activities would be the applicant's partnership with an existing child day care facility (which is not funded by program) that provides day care services to the Youthbuild participants during the hours they are being trained or receiving education.

b. *Self-Sufficiency* (1 point). Describe how your program will provide Youthbuild participants the ability to achieve: independent living, economic empowerment, educational opportunities, housing choice or an improved environment that is free from environmental hazards such as lead hazards, brownfields, overcrowded housing, etc. An applicant that addresses this subfactor will receive one point.

c. *Sustainability* (2 points). For applicants that have not received a prior Youthbuild award, describe how your program will be financially self-sustaining by decreasing dependence on Youthbuild funding and relying more on state, local, and private funding so your activities can be continued after your grant award is complete. For previous Youthbuild grantees, describe how your program demonstrates a progression of reduced reliance on HUD's Youthbuild funds, as either a reduced Youthbuild grant amount or increased overall program level with Youthbuild as a declining share of the total.

2. Youthbuild Program Work Plan: For each component, HUD will consider the overall quality and feasibility of your proposed work plan and budget that must be consistent with the Youthbuild program as measured by your specific activities and outcomes. You will receive a greater number of points if the program components are consistent with the purpose of the Youthbuild program and your project goals and the resources provided. Letters describing specific resources or services to be contributed by non-applicant organizations must be included in your application.

Specifically, HUD will consider the following categories when assessing your proposed work plan:

a. *Program Components.* (15 points)

(1) Outreach strategy, recruitment strategy, and selection activities. Points will be awarded based upon overall quality and feasibility of the outreach, recruitment and selection activities, the number and types of outreach activities, number of youths to be recruited including eligible participants who are harder to reach and comprehensiveness of the local selection process.

In evaluating this category, HUD will consider your selection strategies and your specific outreach efforts to recruit or contact:

(a) potential eligible participants who are unlikely to be aware of this program (because of race, color, national origin, religion, ethnicity, sex, or disability);

(b) young women, young women with dependent children, and persons receiving public assistance; and

(c) public agencies, courts, homeless shelters, local school systems, local workforce development systems, one-stop centers and community-based organizations, etc.

(2) Educational and job training services and activities. Points will be awarded based upon the qualifications of instructors and proposed wages and stipends for youth participants. In evaluating this category, HUD will consider:

(a) The types of in-class academic and vocational instruction you will provide;

(b) The number and qualifications of program instructors and ratio of instructors to participants;

(c) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program; and

(d) Reasonable payments to participants of wages, stipends, and incentives. Wages or stipends for on-site construction training must be at least federal minimum wage.

(3) Leadership development. Points will be awarded based upon your proposed leadership curriculum, qualifications of instructors, and the impact of the proposed leadership activities on the target area. You must describe the leadership development training you will offer to participants and strategies for providing the training

to build group cohesion and peer support.

(4) Support services. You must assess the need for counseling and referral services during each stage of program implementation: outreach strategy, recruitment strategy, youths interviewed and not selected for the program, program participants, youths who drop out of the program, and graduates of the program. Describe how the participant needs will be addressed, document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide.

(5) Follow-up assistance and support activities to program graduates. You must describe the type of proposed assistance and support which should be based upon an assessment of the needs of the program graduates and should include continued linkage to the local Youthbuild program, counseling, and social service referral services.

(6) On-site training. Points will be awarded based upon the experience of proposed instructors, number of youth to be trained, and wages or stipends for participants. HUD will consider:

(a) The housing construction or rehabilitation activities participants will undertake at the site(s) to be used for the on-site training component of the program as provided in the training curriculum and methodology for carrying out on-site training;

(b) The qualification and number of on-site supervisors;

(c) The ratio of trainers to participants;

(d) The number of participants per site; and

(e) The amounts, wages, and/or stipends you will pay to participants during on-site work. Amounts must be at least federal minimum wage.

b. *Strategy for Job Placement.* (2 points).

(1) For applicants that have not received a prior Youthbuild award. HUD will evaluate the quality and feasibility of your proposed strategy to place youth participants in permanent jobs. You will be rated on the following factors: (a) proposed number of youth to obtain jobs that promote economic self-sufficiency (*i.e.*, those that are a part of career paths or apprenticeship programs); (b) proposed number of youths who will continue post-secondary or secondary education; and (c) proposed number of youths to receive entrepreneurship training.

(2) For Youthbuild grantees who have grants that are at least 24 months old. In addition to the information in section V.C.2.b(1) above, provide the actual number of program participants that met each criterion in section V.C.2.b(1)(a), V.C.2.b(1)(b) and V.C.2.b(1)(c) as a percent of the total program participants served.

c. *Housing Program Priority:* (10 points). HUD will assign Housing Program Priority points to all applications that contain evidence that housing resources from other federal, state, local, or private sources are available and firmly committed to cover all costs, in full, for the following housing activities for the proposed Youthbuild program: acquisition, architect and engineering fees, construction, and rehabilitation. Forms 2C, Housing Site Description, and 2C10, Youthbuild Grant Individual Housing Project Site Estimate, must be completed to receive the Housing Program Priority points. Applications that do not include proper documentation of firm financial commitments of non-Youthbuild resources or propose to use Youthbuild grant funds, in whole or in part, or do not evidence site control, for any one of the housing activities listed above will not be entitled to housing program priority points. For an applicant to receive the housing program priority points, each letter of commitment to cover the costs of the above activities must include the following:

(1) The organization's name;

(2) the applicant's name;

(3) the proposed program;

(4) the proposed amount of commitment and which housing activity(ies) (*i.e.*, acquisition, architect and engineering fees, construction, and rehabilitation) the commitment represent(s);

(5) a signature by an official of the organization legally able to make commitments on behalf of the organization with a statement confirming that the authority remains in effect for a period stated in the commitment.

(6) If the contribution is cash, the applicant, the applicant's partner(s) or contributing entity must evidence its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of the committed activity is to be financed through a lending institution, the participant must evidence the institution's commitment to fund the commitment.

(7) Affirm that its investment is contingent only upon receipt of FY2005 Youthbuild funds and state a willingness on the part of the signatory to sign a legally binding commitment not earlier than the date this NOFA is published and (conditioned on HUD's environmental review and approval of a property, where applicable) upon award of the grant.

d. *Policy Priorities: (4 points).* Policy Priorities are further defined in the General Section. Applicants should document the extent HUD's policy priorities are enhanced by the proposed activities. Applicants that include activities that can result in the achievement of these departmental policy priorities, as described in the General Section, will receive higher rating points in evaluating their application for funding. Three departmental policy priorities are listed below. Policy Priorities include:

(1) Ending chronic homelessness (1 point);

(2) Removal of regulatory barriers to affordable housing (up to 2 points) (see the General Section for further explanation). You must complete Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers and provide the requested documentation to receive points for this policy priority. See the General Section for a discussion of how points are allocated.

(3) Participation in Energy Star (1 point). See the General Section for further explanation. Applicants must state how they incorporate this priority into their application in order to receive the one point.

D. *Rating Factor 4: Leveraging of Non-housing Resources (10 Points).* This Factor addresses the ability of the applicant to secure non-housing resources from its program partners. HUD will evaluate the extent to which firm commitments of resources are obtained from federal, state, local, private, and nonprofit sources. The applicant will receive points based upon the ratio of committed non-HUD resources for non-housing activities compared to the amount of Youthbuild funds requested in the application. (Exhibit 4B Non-Housing Program Resources must be completed and you must provide letters of firm commitment from the donor with the amount of cash or in-kind contribution). Applicants submitting letters of commitment without the Exhibit 4 completed, will not receive points for this Rating Factor. Each commitment described on Exhibit 4B for this Factor must have a firm commitment letter. In addition, the amount of the commitment in each letter must match the amount listed on the Form 4B.

In assigning points for this criterion, HUD will consider the level of resources obtained for cash or in-kind contributions to cover the following kinds of areas:

• Social services (*i.e.*, counseling and training);
• Use of existing vocational, adult, and bilingual educational courses;
• Donation of labor, resource personnel, supplies, teaching materials, classroom, and/or meeting space.

1. *Firm commitment for non-housing resources.* Each letter of commitment to cover the costs of the above activities must include the following:
a. the organization's name;
b. the applicant's name;
c. the proposed program;
d. the proposed amount of commitment and which non-housing activity(ies) the commitment represent(s);
e. a signature by an official of the organization legally able to make commitments on behalf of the organization with a statement confirming that the authority remains in effect for a period stated in the commitment;
f. an affirmation that its investment is contingent only upon receipt of FY2005 Youthbuild funds and a statement of willingness on the part of the signatory to sign a legally binding commitment not earlier than the date this NOFA is published.

2. Resources from other federal, state, local governments, or private entities. HUD encourages use of existing federal, state, local governments, or private and nonprofit housing programs as part of your Youthbuild program. In addition, HUD encourages use of other non-Youthbuild funds available for vocational, adult, and bilingual education programs, or for job training under the Workforce Investment Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (48 U.S.C. 1601 *et seq.*).

E. Rating Factor 5: Achieving Results and Program Evaluation (12 Points). This factor emphasizes HUD's commitment to ensuring that applicants keep promises made in their application to rigorously assess their performance and ensure performance goals are met. Achieving results means you, the applicant, have clearly identified the benefits, or outcomes of your program. Outcomes are ultimate goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals. Performance measurement requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to assess your performance. Performance indicators must be quantified and measure actual achievements against anticipated achievements. You should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes. Applicants are required to address this factor as a narrative as well as complete the Logic Model form (see appendix to the General Section). This rating factor reflects HUD's goal to embrace high standards of ethics, management and accountability. HUD's evaluation of this rating factor will be based upon your Logic Model performance measures, results, and timeframes consistent with your program description, budget, resources, and program design.

At a minimum, your Logic Model must include the following program outcomes:
• Number of participants enrolled in the program;
• Number of participants that graduate;
• Number of housing units constructed;
• Number of housing units rehabilitated;
• Number and percent of GED's or certificates attained by participants (for percentage calculation, numerator: the number of participants who attain a diploma, GED or certificate; denominator: those who are participating in the Youthbuild program).
• Number and percent of graduates placed in employment or education (for percentage calculation, numerator: the number of participants who have entered employment or enrolled in post secondary education; denominator: the number of graduates from the Youthbuild program); and
• Number and percentage of graduates who made literacy and numeracy gains (measures the increase in literacy and numeracy skills of participants through a common assessment tool administered at program registration and regular intervals thereafter); for percentage calculation, numerator: the number of Youthbuild program participants who increase one or more education functioning levels; denominator: the number of Youthbuild program participants who have completed a year in the program).
• Efficiency or annual cost per participant (numerator: grant amount; denominator: number of Youthbuild participants.)

An applicant should agree to cooperate with any HUD-approved evaluation by making staff available for interview, providing lists of participants and their contact information, and making available files under appropriate assurance of confidentiality of records.

VI. Reviews and Selection Process

A. Rating and Ranking

1. *General.* To review and rate applications, HUD may establish panels including officials from other federal agencies and outside experts or consultants to obtain certain expertise and other outside points of view.

2. *Rating.* All applications for funding will be evaluated against the rating factors described in Section V. of this NOFA.

3. *Ranking.* Applications will be ranked separately within each of the three funding categories. Applications will be selected for funding in accordance with their rank order in each category.

4. *Eligibility for Selection.* To be eligible for funding, an application must have an overall minimum score of 75 points, including a minimum score of 10 points in Factor 1. If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, HUD will select the application(s) with the highest score for Rating Factor 3 (Soundness of Approach). If two or more applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 1 (Capacity of the Applicant and Relevant Organization); Rating Factor 4 (Leveraging of Resources) and Rating Factor 2 (Need/Extent of the Problem).

5. *Adjustments to Funding.* HUD reserves the right to utilize this year's funding to fund previous years' errors prior to rating and ranking this year's applications. Any available funds that remain after all applications within funding range have been selected or obligated will be reallocated between categories 1 and 2 by rank order between applications at the discretion of the selecting official or designee. Category 3 funds are appropriated as a set-aside, and can not be reallocated.

6. *Corrections to Deficient Applications.* The General Section provides the procedures for corrections to deficient applications.

B. Anticipated Announcement and Award Dates. HUD anticipates making award announcements no later than four months after the application submission deadline date.

VII. Award Administration Information

A. Award Notices

1. *Notification of Approval or Disapproval.* HUD will notify you

whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's CONDITIONAL approval, subject to negotiation and execution of the grant agreement by HUD.

2. *Application Debriefing.* Applicants who wish to have a debriefing of their application must send a written or email request (*see* the General Section) to: Mr. Mark A. Horwath, Director; Youthbuild Program; Office of Economic Development; Office of Community Planning and Development; 451 Seventh Street, SW., Room 7149; Washington, DC 20410–7000 or e-mail address *Mark_A._Horwath@hud.gov.* Debriefing information can be found in the General Section of the SuperNOFA.

B. Administrative and National Policy Requirements

1. Applicable OMB Circulars. Please refer to the General Section for information regarding applicable OMB Circulars.

2. Applicable Executive Orders and Statutes. Please note that Executive Order 13202 may apply to your program (*see* the General Section) and Section 6002 of the Solid Waste Disposal Act covering the procurement of recovered materials may also be applicable (*see* the General Section.)

3. Executive Order 13166, Improving Access To Services For Persons With Limited English Proficiency (LEP). Consistent with Executive Order 13166, ''Improving Access to Services for Persons with Limited Proficiency (LEP),'' issued on August 11, 2000, all HUD recipients should take reasonable steps to provide certain materials and information available in languages other than English. The determination as to what materials, languages, and modes of translation/interpretation services should be used shall be based upon:

a. The specific needs and capabilities of the LEP populations among the award recipient's program beneficiaries and potential beneficiaries of assistance (*e.g.* tenants, community residents, counselees, trainees, etc.)

b. The recipient's primary and major program purposes;

c. Resources of the recipient and size of the program; and

d. Local housing, demographic, and community conditions and needs. HUD's LEP recipient Guidance has been published in the **Federal Register** on December 19, 2003 and further guidance may be found at *http://www.lep.gov.*

4. Reporting Requirements:

a. Progress reports and Logic Model reporting. Youthbuild grantees are required to submit progress reports to the appropriate HUD field office in accordance with 24 CFR Part 585.403, using HUD Form 40201. Should you receive a FY 2005 Youthbuild award, you will be required to update your Logic Model periodically, addressing the time schedule, accomplishments to date and results and submit it to HUD in conjunction within the timeframes established for the Youthbuild progress reports.

b. Racial and Ethnic Data reporting. HUD requires that funded recipients collect racial data and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use form HUD–27061, Racial and Ethnic Data Reporting Form (instructions for its use), found on *http://www.HUDclips.org.*, a comparable program form, or a comparable electronic data system for this purpose.

VIII. Agency Contact(s)

For technical assistance in downloading an application package from Grants.gov/Apply, contact the Grants.gov help desk at 800–518–Grants or by sending an e-mail to *support@grants.gov*.

For programmatic information concerning the HUD Youthbuild program, contact Ms. Phyllis Williams, Community Planning and Development Specialist; Office of Economic Development; Office of Community Planning and Development; U. S. Department of Housing and Urban Development; 451 Seventh Street, SW., Room 7149; Washington, DC 20410–7000; telephone (202) 708–2035 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339. Prior to the application deadline, HUD's staff will be available to provide general guidance on the application submission process and location of information, but not guidance in preparing your application.

A. *Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD Web site at *http://www.hud.gov.*

B. *Paperwork Reduction Act:* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506.0142. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 45 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix A

Instructions for Completion of Youthbuild Environmental Requirements (Exhibit 2C(15))

A. Instructions to Applicants

1. If you propose to use Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction or real property, you shall submit all relevant environmental information in your application to support HUD decisionmaking in accordance with the environmental procedures and standards described in 24 CFR 585.307. For each proposed Youthbuild property for which HUD environmental procedures apply, you are to prepare a separate Exhibit 2C(15) in which you supply HUD with environmental threshold information and letters from qualified data sources (*see* definition below) which support the information. HUD will review your submission and determine how, if necessary, HUD will comply with any federal laws and authorities that may be applicable to your property proposed for Youthbuild funding. If environmental procedures apply and Exhibit 2C(15) with supporting documentation is not included then the application will be deemed ineligible.

You are to follow these instructions for preparing Exhibit 2C(15). The instructions advise you on how to obtain and document certain information to be supplied to HUD in this exhibit. Before selecting a property for Youthbuild funding, you should read these instructions and be advised that HUD encourages you to select, to the extent practicable, properties and locations that are free of environmental hazards and problems discussed in these instructions. The responses to the environmental criteria in Exhibit 2C(15) will be used to determine environmental approval or disapproval by HUD of proposals for physical development of properties.

2. After selecting a property for proposed Youthbuild funding, you are to determine the activities to be undertaken with your Youthbuild funds. You are to indicate in Section E whether the Youthbuild funds will be used for:

a. Lease or purchase of a property;
b. Minor rehabilitation;
c. Major rehabilitation; or
d. New construction of housing.

The activities proposed for Youthbuild funding will determine the kind of data that you will need to obtain from a qualified data source in order to complete Exhibit 2C(15).

3. Once you have selected a property and determined the activities for Youthbuild funding, you are advised to check with your city or county agency that administers HUD's Community Development Block Grant program and performs environmental reviews, or the local planning agency. This course of action is recommended in view of the fact that most, if not all of the data needed for preparing Exhibit 2C(15) is readily available from the local community development agency and the local planning agency. You are advised to ask the environmental staff of those agencies the following questions:

a. Has the agency ever prepared an environmental review of the proposed Youthbuild property or the neighborhood in which the property is located, and if so, would it provide a copy to the applicant for use by HUD;

b. Would the agency assist you in completing section G; or if the agency is not able to help complete any item in section G, would the agency advise you which local or state agency is the appropriate qualified data source for obtaining the information.

Also, you should check with the local planning agency before proceeding elsewhere for the information.

You are advised that the cost of preparing information and analyses needed for Exhibit 2C(15) is an eligible cost under the Youthbuild program and is reimbursable if you are approved for a grant.

4. Key terms used in these instructions are defined in the following section. Most of the other terms are technical and their definition would be known to qualified data sources.

a. *Qualified data source* means any federal, state, or local agency with expertise or experience in environmental protection (*e.g.*, the local community development agency; the land planning agency; the state environmental protection agency; the State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular subject. Please attach a letter supporting the information from each qualified data source to Exhibit 2C(15).

b. *Minor rehabilitation* refers to proposed repairs and renovations to

(1) A building for residential use (with one to four units):

(a) Where the density is not increased beyond four units;

(b) Where the land use is not changed; and

(c) Where the footprint of the building is not increased in a floodplain or in a wetland; or

(2) A multifamily residential building (with more than four units):

(a) Where the unit density is not changed more than 20 percent;

(b) Where the land use is not changed to non-residential; and

(c) Where the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

c. *Major rehabilitation* refers to proposed repairs and renovations to:

(1) An existing building for residential use with one to four units:

(a) Where the density is increased beyond four units;

(b) That involves changes in land use; or

(c) Where the footprint of the building is increased in a floodplain or in a wetland.

(2) An existing multifamily building (with five or more units):

(a) Where the estimated cost of the work is 75 percent or more of the estimated cost of replacement after completion;

(b) That involves changes in land use from residential to nonresidential, or from nonresidential to residential; or

(c) That increases unit density by more than 20 percent.

d. *Multifamily housing* means any residential building that contains five or more apartments or rooming units.

e. *Single family housing* means any residential building that contains one-to-four dwelling units.

Because each federal environmental law or authority has compliance requirements that differ according to the type of proposed activity to be funded, you are required to supply information in Exhibit 2C(15) only for the type of activity for which the Youthbuild grant will be used.

f. If you propose new construction or major rehabilitation of multifamily housing or major rehabilitation of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 13 in section G.

g. If you propose new construction of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 12 in section G.

h. If you propose minor rehabilitation of multifamily or single family housing, or the purchase or lease of a property, you must supply complete and reliable environmental threshold information for items 1 through 7 in section G.

5. Applicants subject to HUD's environmental procedures are to submit Exhibit 2C(15) and accompanying documentation to HUD with the applications for grant assistance. Such applicants are prohibited from committing or expending state, local, or other funds in order to undertake property rehabilitation, construction (including demolition), or acquisition (including lease), until HUD and the grantee execute a grant agreement for the proposed Youthbuild project.

6. HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for Youthbuild applications.

B. Environmental Threshold and Documentation Requirements

The threshold and documentation requirements for each of the federal environmental laws and authorities are described below, following the same order as they appear in section G.

1. Site Within Designated Coastal Barrier Resources

Threshold: Youthbuild applicants are prohibited by federal law from using federal financial assistance for properties if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes (Coastal Barrier Resources Act, 16 U.S.C. 3501).

* *Documentation:* You are to select either A or B for the condition that best describes the property and report the option selected in item 1 of section G.

A. Your program operates in a community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. Your program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes. You must provide HUD with a finding made by a qualified data source stating that the proposed property is not located within a designated coastal barrier resource by citing the map panel number of the official maps issued by the Department of the Interior (DOI) on the basis of which the finding was made.

2. Site Contaminated With Toxic Chemicals and Radioactive Materials

Threshold: Under HUD policy, as described in 24 CFR 50.3 (i), HUD will not approve the provision of financial assistance to residential properties on sites where contamination could affect the health and safety of occupants or conflict with the intended utilization of the property. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites: (i) listed on either an EPA Superfund National Priorities List (NPL) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) List, or equivalent state list; (ii) located within 3,000 feet of a hazardous or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

* *Documentation:* You are to select either A or B for the condition that best describes property and report the option selected in item 2 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed Youthbuild property and any neighboring properties do not contain any sites known or suspected to be contaminated with toxic chemicals and radioactive materials.

B. You are providing any site contamination data by a qualified data source in your letter for HUD's evaluation of contamination and/or suspicion of any contamination of a proposed property or any neighboring properties.

3. Site Affecting a Floodplain

Threshold: A property located within a floodplain and proposed for funding is subject to Executive Order 11988, Floodplain Management. The Executive Order directs HUD to avoid, where practicable, proposed financial support for any floodplain property,

whenever HUD has options to approve properties in flood-free locations. The Order does not apply to existing single family properties proposed for purchase or lease except for: (a) Property that is located within a floodway or coastal high hazard area; and (b) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (i) increases the unit density of the property; or (ii) equals or exceeds 50 percent of the market value of the property before rehabilitation, but excluding the costs for correcting health, sanitary, and safety code violations. **Note:** Proposed funding for substantial improvement and new construction are subject to the Executive Order decisionmaking process. This may result in a disqualification of your application (refer above to number 7 under ''Instructions to Applicants'').

* *Documentation:* You are to select A or B for the condition that best describes your property and report the option selected in item 3 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within the Special Flood Hazard Area (SFHA).

B. You are providing HUD with a finding made by a qualified data source that the property is located within the Special Flood Hazard Area (SFHA) and indicating if the property is located within a floodway or coastal high hazard area.

The information for A and B must provide HUD with the flood map panel number obtained either from the official maps issued for the National Flood Insurance Program or from the property appraisal report used to make the finding.

For all proposed rehabilitation of properties that are located within a SFHA, you must provide HUD with estimates of: (1) the property value before rehabilitation, and (2) the cost of the proposed rehabilitation. Provide the estimates in section F.

If the property is found to be located within a SFHA, proceed to item 4 on flood insurance protection. Otherwise proceed to item 5.

4. Building Requiring Flood Insurance Protection

Threshold: HUD will estimate the amount and period of flood insurance coverage that is to be made a condition of approval of any HUD financial assistance for a building located within a Special Flood Hazard Area (SFHA). The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted buildings to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for the proposed purchase, rehabilitation, or new construction of any SFHA building. The law prescribes the coverage period and dollar amount of flood insurance protection.

Proof of Purchase of Flood Insurance Protection: You must provide HUD with proof of purchase of flood insurance protection for any proposed Youthbuild building located within the SFHA, whenever HUD funding is being used for property purchase, rehabilitation, or new construction. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under the NFIP. Whenever the requirement applies to coverage that extends to future years, the grant agreement will require that the insured have its insurer automatically forward to HUD, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance.

* *Documentation:* You are to select either A or B for the condition that best describes your property and report the option selected in item 4 of section G.

A. You already own the property and attach a copy of the Policy Declarations form confirming that a current flood insurance policy is in effect and the policy provides adequate coverage for the building proposed for the Youthbuild project located within the Special Flood Hazard Area.

B. After you have purchased (or constructed, in the case of proposed new construction) the Youthbuild property, you must obtain and maintain flood insurance protection. For the term and amount of coverage prescribed by law, you must provide HUD with a copy of the Policy Declarations form confirming that the flood insurance policy is in effect and the policy provides adequate coverage for the Youthbuild building located within the Special Flood Hazard Area.

5. Site Within Clear Zones or Accident Potential Zones of Airports and Airfields

Threshold: HUD policy as described in 24 CFR part 51, subpart D applies to HUD approval of financial assistance to: (a) properties located within clear zones; and (b) in the case of new construction or major rehabilitation, properties located within accident potential zones.

(a) *Clear zones:* New construction and major rehabilitation of a property that is located on a clear zone site is prohibited. HUD financial assistance in a clear zone is allowed only for the proposed lease, purchase, or minor rehabilitation of properties (24 CFR 51.302(a)). For HUD funding approval for any property in a clear zone: (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file. The written notice informs the prospective property buyer of: (i) the potential hazards from airplane accidents, which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to buy the property at some future date as part of a clear zone acquisition program.

(b) *Accident potential zones:* For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense ''Land Use Compatibility Guidelines for Accident Potential Zones.''

* *Documentation:* You are to select either A or B for the condition that best describes your property and report the option selected in item 5 of section G.

A. The property is not located within 3,000 feet of a civil airport or military airfield.

B. If your property is located within 3,000 feet of a civil airport or military airfield, you must provide HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

For properties that are located within a runway clear zone or a clear zone or accident potential zone, if you propose to rehabilitate such a property you must provide HUD with estimates of: (i) the cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation. The estimates are to be provided in section F.

6. Site Is or Affects an Historic Property

Threshold: Only if a property is proposed for rehabilitation or new construction must HUD in consultation with the State Historic Preservation Officer (SHPO), and following the Department of the Interior's Standards and Guidelines for Evaluation, make a determination whether the property is:

a. Listed on or formally determined to be eligible for listing on the National Register of Historic Places;

b. Located within or directly adjacent to an historic district; or

c. A property whose area of potential effects includes an historic district or property.

Historic properties and districts are subject by law to special protection and historic preservation processing, which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (ACHP: 36 CFR part 800). Note: If you are using information from the SHPO as a qualified data source you need to allow sufficient time to obtain the information from the SHPO. You may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. In addition, for properties determined to be historic properties, HUD will require 30 to 90 days in most cases for HUD to perform historic preservation compliance with the ACHP regulations. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

* *Documentation:* You are to select one of the following options that best describes the condition of your property and report the option selected in item 6 of section G.

A. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity:

1. Is located within an area where there are no historic properties; or

2. Will have no effect on historic properties; or

3. Will have an effect on historic properties not considered adverse

B. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity will have an adverse effect on historic properties.

C. You are providing HUD with a copy of a letter from the SHPO stating any reason for not being able to provide you with the requested information and finding.

7. Site Near Hazardous Industrial Operations

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, subpart C). However, under the Youthbuild program, these standards would apply only if you propose: (a) Construction of a building; (b) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (c) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

* *Documentation:* You are to select one of the following options that best describes the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and you are providing HUD with a finding by a qualified data source that the proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

C. The applicant proposes: (1) Construction of a building; (2) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (3) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. The grantee provides HUD a finding made by a qualified data source stating: (1) That the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous industrial operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR part 51, subpart C.

8. Site Near High Noise Source

Threshold: For new construction that is to occur in high noise areas (*i.e.*, exceeding 65 decibels), applicants shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a Normally unacceptable noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

Proposed housing sites with above 75 decibels are unacceptable and the noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. In Unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to non-housing land uses compatible with the high noise levels.

For major rehabilitation projects involving five or more dwelling units located in the ''Normally Unacceptable'' and ''Unacceptable'' noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

**Documentation:* You are to select A or B for the condition that best describes their project and report the option selected in item 8 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units is not located within: (1) 1,000 feet of a major noise source, road, or highway; (2) 3,000 feet of a railroad; or (3) 1 mile of a civil or 5 miles of a military airfield.

B. The applicant provides HUD with a finding made by a qualified data source: (1) stating that the plans for the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units will incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in subpart B (Noise Abatement and Control) of 24 CFR part 51; (2) stating whether the property is located within a ''Normally Unacceptable'' or ''Unacceptable'' noise zone; and (3) providing HUD plans and a statement of the anticipated interior noise levels.

9. Site Affecting Coastal Zone Management

Threshold: Only for proposed activities involving new construction or major rehabilitation of multifamily housing does the Coastal Zone Management (CZM) authority apply. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved state coastal zone management program under section 307 of the Coastal Zone Management Act of 1972, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the project and report the option selected in item 9 of section G.

A. You state that your project is not located within a coastal zone, as defined by the States Coastal Zone Management Plan.

B. If your project is located within a coastal zone, you are providing HUD with a finding made by the state coastal zone management agency that the project proposed by the applicant is consistent with the approved state coastal zone management program.

10. Site Affecting a Sole Source Aquifer

Threshold: The sole source aquifer authority applies primarily to activities involving proposed new construction or conversion to housing of non-residential property. Projects that can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

**Documentation:* You are to select either A or B for the condition that best describes the project and report the option selected in item 10 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. If your project proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, you are identifying the aquifer and providing HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that have been received from the EPA Regional Office as well as from any state or local agency with jurisdiction for protecting the drinking water system.

11. Site Affecting Endangered Species

Threshold: The Endangered Species Protection (ESP) authority applies primarily to activities involving proposed new construction or conversion to housing of a non-residential property. Projects which can affect listed or proposed endangered or threatened species or critical habitats require consultation with the Department of the Interior or the Department of Commerce in compliance with the procedure of section 7 of the Endangered Species Act of 1973, as amended.

**Documentation:* You are to select either A or B for the condition that best describes the property and report the option selected in item 11 of section G.

A. If your project proposes new construction or conversion activities, you are providing HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. If your project proposes new construction or conversion activities that are likely to affect listed or proposed endangered

or threatened species or critical habitat, you are providing HUD with a statement from a qualified data source explaining the likely effect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior or the National Marine Fisheries Service of the Department of Commerce stating as acceptable the proposed mitigation that you will provide to protect any affected endangered or threatened species or critical habitat.

12. Site Affecting a Designated Wetland

Threshold: New construction or conversion to housing of a non-residential property located within a designated wetland is subject to Executive Order 11990, Protection of Wetlands. This Executive Order directs HUD to avoid, where practicable, financial support for new construction on wetland property. Note: Proposed funding for new construction or conversion is subject to the Executive Order decisionmaking process. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

**Documentation:* You are to select A or B for the condition that best describes the property and report the option selected in item 12 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within a designated wetland where new construction or conversion is proposed.

B. You are providing HUD with a finding made by a qualified data source that the property is located within a designated wetland, which applies only to property where new construction or conversion is proposed.

The information for A and B must provide HUD with the wetland panel number obtained from official maps issued by the Department of the Interior on the basis of which the finding was made, or where the Department of the Interior has not mapped the area, a letter or other documentation from the Army Corps of Engineers, or other federal agency.

13. Significant Impact to the Human Environment.

Threshold: HUD must perform an environmental assessment of any property proposed for either:

a. Major rehabilitation of:

(1) Multifamily residential buildings (with more than four units) that would: increase unit density by more than 20 percent, change the land use, or cost 75 percent or more of the total estimated cost of replacement after rehabilitation; or

(2) Buildings for residential use (with one to four units) that would increase density beyond four units, change the land use, or increase the footprint of the building in a floodplain or in a wetland;

b. New construction except for (A) an individual action on up to four dwelling units where there is a maximum of four units on any one site (The units can be four one-unit buildings or one four-unit building or any combination in between); and (B) an individual action on a project of five or more housing units developed on scattered sites, when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. It is the policy of the Department to reject proposals that have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm. This policy is authorized by the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality and HUD's Environmental regulations at 24 CFR part 50.

**Documentation:* You are to provide HUD with any information on any adverse environmental impacts that affect the property or that the project would create. You are to report these data on a separate sheet and attach it to Exhibit 2C(15). Examples of adverse impacts are: soil instability and erodibility; natural or person-made hazards and nuisances; air pollution; inadequate infrastructure (*e.g.*, water supply, waste water treatment, storm water management, solid waste collection), inadequate public services (*i.e.*, fire, police, health care, social services, schools, parks) and transportation; and encroachment on prime farmlands and wild and scenic river areas. You are to identify any significant impacts to the human environment.

APPENDIX B

The following non-standard forms are required for your Youthbuild application. The Youthbuild forms were approved under OMB Approval No. 2506–0142 (expiration 12/31/06).

YOUTHBUILD

Exhibit 2 C

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

Housing Site Description. (Complete all sections.)

Information is collected from eligible applicants for a competition to determine which entities will receive grant funds. Public reporting burden for the collection of information is estimated to average 15 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant and is authorized by 24 CFR 585, Subpart A. Response to this request for information is required in order to receive the benefits to be derived. The information requested does not lend itself to confidentiality. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

1. Housing Site Identification

2. Number of housing units planned to be produced

3. Type of housing to be produced: (check all that apply)
_____ residential rental
_____ homeownership
_____ transitional housing for the homeless

4. Homeless Housing: For housing that will be transitional housing for the homeless, attach a description of the plan for the outreach and placement of homeless families or individuals. (1 page). Label this narrative Exhibit 2C4.

5. Will all housing produced be provided for homeless, low-income, or very-low income persons?
_____ Yes _____No

6. The on-site training will consist of:
_____ New Construction
_____ Rehabilitation

7. Are any of the units currently occupied?
_____ Yes _____No

8. Name of the current owner of the property:

(If yes, attach a relocation narrative that identifies the number of persons, the business or others occupying the property on the date of submission of this application, the number of displaced, the number to be temporarily relocated but not displaced, the estimated cost of relocation services payments and services, the source of funds for relocation, and the organization that will provided relocation assistance to occupants and the contact person's name and phone number. Label this attachment as Exhibit 2C7.

9. Documentation of Access: Attach required evidence of site access. (Letter from the owner identified in No. 8) Label this attachment Exhibit 2C9.

10. Individual Housing Project Site Estimate and Documentation of Resources

Complete the attached Exhibit 2C10 for each housing project site to be used in conjunction with the Youthbuild implementation program. Attach documentation of resources behind each Exhibit 2C10.

11. Describe the applicant role and responsibilities for the on-site housing construction or rehabilitation work. Label this description Exhibit 2C11.

12. Name the entity which will own and manage the property after the construction or rehabilitation work is completed.

13. Housing Project Certifications. Housing Certifications are Attached.
____ Yes ____ No

14. Model Lease
A Model Lease is attached
____ Yes ____ No

15. Environmental Threshold Information for Property Proposed for Youthbuild funding Exhibit 2C15 and supporting documentation is attached
_____ Yes _____ No

16. Picture: (optional). Provide a picture of each potential housing site. Label it Exhibit 2C16.

YOUTHBUILD
Exhibit 2 C 10

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

INDIVIDUAL HOUSING PROJECT SITE ESTIMATE

Information is collected from eligible applicants for a competition to determine which entities will receive grant funds. Public reporting burden for the collection of information is estimated to average 30 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant and is authorized by 24 CFR 585, Subpart A. Response to this request for information is required in order to receive the benefits to be derived. The information requested does not lend itself to confidentiality. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Address of Property (include city, state, and zip code):

Grant Activities	**Resources**					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR 585.309, 310, OR 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

YOUTHBUILD
Exhibit 2 C 13a

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certification. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. Will maintain at least a 90 percent level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. The remaining ten percent of the units will be made available to and occupied by low-income families. The income test will be conducted only at the time of entry for each unit available for occupancy. Each available rental unit will be made available to the 60 percent-of-area-median-income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the ten-year period. Community-wide advertisements for tenants of this income group will be conducted. If, at the end of the 90-day advertising period, no qualifying tenant leases the unit, the unit will be advertised for individuals and families with incomes between 60 and 80 percent of the area median income adjusted for family size, for another 90 day period. Leases for tenants whose income are between 60 and 80 percent of the area median income (exclusive of the ten percent allowance) will be limited to one year and such temporary tenants are not covered by paragraphs C., E., and F. below.
B. Will use the model lease submitted with the Youthbuild application with any modifications approved by HUD at the time of grant award.
C. Will not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, state or local laws, or for other good cause. Any termination or refusal to renew the lease will be preceded by a not less than 30-day written notice to the tenant specifying the grounds for the action.
D. Will maintain the premises in compliance with all applicable HUD, other Federal, State or local program housing quality standards and local code requirements. If no public assistance is involved other than the Youthbuild grant, HUD's Section 8 housing quality standards will be followed.
E. Will develop and adopt a tenant selection plan that:
    1) is consistent with the purpose of providing housing for homeless and very low-income families and individuals:
    2) is reasonably related to program eligibility and the certifying entity's ability to perform the obligations of the lease;
    3) gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6 (c) (4) (A) of the United States Housing Act of 1937;

4) provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and
5) acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

F. Will, if it is a nonprofit organization, adopt and follow a plan for tenant participation in management decisions.
G. Will not require tenants to pay rent in excess of the amount provided under section 3(a) of the United States Housing Act of 1937.
H. Will ensure that the aggregate monthly rental for each eligible project will not exceed the operating costs of the project (including debt service, management, adequate reserves, and other documented operating costs) plus a six percent return on any equity investment of the project owner.
I. Will, if it is a nonprofit organization, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.
J. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the remainder of the ten year period.

Signature of Authorized Certifying Official of:

____ Applicant ____ Rightful Property Owner

Title: _____

Organization: _____

Date: _____

Address of Property: _____

_____

_____

YOUTHBUILD
Exhibit 2 C 13b

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142 (exp. 12/31/06)

Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, construction, rehabilitation, operating costs or replacement reserves for a housing property that will be used for Transitional housing for the homeless must make the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. will ensure that the aggregate monthly rental for each Youthbuild project will not exceed the operating costs of the project (including debt service, management, adequate reserves and other documented operating costs) plus a six percent return on any equity investment of the project owner.
B. Will, **if it is a nonprofit organization**, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low-and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive: (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.
C. Will ensure that the transitional housing project shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act, unless these requirements are expressly waived by the Secretary of HUD to permit the conversion of the project to a permanent housing project.
D. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the balance of the ten year period.

Signature of Authorized Certifying Official of:

____ Applicant ____ Rightful Property Owner

Title: _____

Organization: _____

Date: _____

Address of Property: _____

_____

_____

YOUTHBUILD

Exhibit 2 C 13c

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

Housing Project Certifications for Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, construction, or rehabilitation for a housing property that will be used for homeownership must provide the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild homeownership housing project receiving Youthbuild assistance it;

A. Will ensure that the homeownership project will comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certification for the balance of the ten year period.

Signature of Authorized Certifying Official of:

_____ Applicant Organization _____ Rightful Property Owner

Title: _____

Organization: _____

Date: _____

Address of Property: _____

_____

_____

YOUTHBUILD

Exhibit 2 C 15

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

Environmental Threshold Information for a Property Proposed for Youthbuild Funding

Information is collected from eligible applicants for a competition to determine which entities will receive grant funds. Public reporting burden for the collection of information is estimated to average 15 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant and is authorized by 24 CFR 585, Subpart A. Response to this request for information is required in order to receive the benefits to be derived. The information requested does not lend itself to confidentiality. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

(See Instructions for completing this exhibit)

Youthbuild Applicant's Name.	Contact Person's Name.	Phone Number (Include Area Code)
A. Street address for the property (Include City, State, Zip Code)		B. Attach a map of the community and mark on the map the location of the property. Map is attached: Yes ____ NO ____
		C. Attach a copy of any environmental review for the property obtained from the local qualified data source. Environmental review is attached: Yes ____ No ____

D. Indicate the present and proposed use of the property (ie., whether single-family, multifamily or non-residential); and number of dwellings or rooming units.
Present use: No. of units:_____

Proposed use: No. of units:_____

E. Indicate the activities for which you are proposing to use Youthbuild funds for the property.
__Lease or purchase of a property ___Major Rehabilitation ___Minor Rehabilitation ___New Construction

F. If the proposed Youthbuild property is located within a floodplain, or a clear zone or accident potential zone of an airport or airfield provide the following information:

Property value before rehabilitation (est. in thousands)	Rehabilitation costs (est. in thousands)	Property value after completion of rehabilitation (est. in thousands)
$	$	$

G. For new construction or major rehabilitation of multifamily housing, complete items 1 through 13. For new construction of single-family housing, complete items 1 through 12. For minor rehabilitation of multifamily or single-family housing, or for the purchase or lease of a property, complete items 1 through 7. The designation "A" or "B" or "C" refers to the type of documentation required by the instructions contained in the Appendix

1. Site within designated coastal barrier resources: Indicate A or B ___
2. Site contaminated with toxic chemicals and radioactive materials: Indicate A or B ___
3. Site affecting a floodplain: Indicate A or B ___
4. Building requiring flood insurance protection: Indicate A or B ___
5. Site within clear zones or accident potential zones of airports and airfields: Indicate A or B ___
6. Site is or affects an historic property: Indicate A,B, or C___
7. Site near hazardous industrial operations: Indicate A,B, or C___
8. Site near high noise source: Indicate A,B, or C___
9. Site affecting coastal zone management: Indicate A or B ___
10. Site affecting a sole source: Indicate A or B ___
11. Site affecting endangered species: Indicate A or B ___
12. Site affecting a designated wetland: Indicate A or B ___
13. Significant impact to the human environment: Are any adverse environmental impacts that affect the property or that the project would create?
Yes ___ if yes, document on separate sheets (s).
No ___

YOUTHBUILD

Exhibit 4 A

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

TOTAL YOUTHBUILD GRANT BUDGET

Information is collected from eligible applicants for a competition to determine which entities will receive grant funds. Public reporting burden for the collection of information is estimated to average 45 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant and is authorized by 24 CFR 585, Subpart A. Response to this request for information is required in order to receive the benefits to be derived. The information requested does not lend itself to confidentiality. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

	Sources of Funds					
Grant Activities	**Youthbuild**	**Other Federal**	**State**	**Local**	**Private**	**Total**
1.Acquisition	$	$	$	$	$	
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Relocation						
6. Outreach and Recruitment Activities						
7. Education and job training (includes on-site training						
8. Trainee wage, etc.*						
9. Leadership development, counseling, support services						
10. Job placement and follow-up						
11. Subtotal (sum of lines 1 through 10)						
12. Costs of administering Grant**						
13. Total Costs (sum of lines 11 and 12)	$	$	$	$	$	$

* Include need-based stipends/benefits/incentives/tools/clothing, etc.

** Can not exceed 10% of total Youthbuild grant amount.

YOUTHBUILD

Exhibit 4 B

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0142
(exp. 12/31/06)

Non-Housing Program Resources

Information is collected from eligible applicants for a competition to determine which entities will receive grant funds. Public reporting burden for the collection of information is estimated to average 15 minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the Youthbuild grant and is authorized by 24 CFR 585, Subpart A. Response to this request for information is required in order to receive the benefits to be derived. The information requested does not lend itself to confidentiality. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Information in this exhibit will be used to rate the Non-Housing Program Resources criterion. Applicants should refer to the specific instructions on how to complete this exhibit. Verify that the letter is acceptable. The "Dollar Value Provided" figure is total of those with an acceptable letter. Do not include any letters that are housing resources.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
		$		
		$		
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		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING CHOICE VOUCHER FAMILY SELF-SUFFICIENCY (FSS) PROGRAM COORDINATORS

Billing Code 4210-32-C

Housing Choice Voucher Family Self-Sufficiency Program Coordinators

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing and Voucher Programs.

B. Funding Opportunity Title: Housing Choice Voucher Family Self-Sufficiency (FSS) Program Coordinators.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The Federal Register number for this NOFA is FR–4950–N–17. The OMB approval number for this program is 2577–0178.

E. Catalog of Federal Domestic Assistance (CFDA) Number: 14.871, Section 8 Housing Choice Vouchers.

F. Dates: Application Deadline: The application submission date is May 20, 2005. Please see the General Section for application submission, delivery, and timely receipt requirements.

G. Optional, Additional Overview Content Information: The purpose of the Housing Choice Voucher FSS program is to promote the development of local strategies to coordinate the use of assistance under the Housing Choice Voucher program with public and private resources to enable participating families to achieve economic independence and self-sufficiency. The FSS program and this FSS NOFA support the Department's strategic goals of increasing homeownership activities and helping HUD-assisted renters make progress toward self-sufficiency. The FSS program provides critical tools that can be used by communities to support welfare reform and help families develop new skills that will lead to economic self-sufficiency. As a result of their participation in the FSS program, many families have achieved stable, well-paid employment, which has made it possible for them to become homeowners. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

Full Text of Announcement

I. Funding Opportunity Description

A. Authority and Program Description. The Consolidated Appropriations Act, 2005, allows funding for program coordinators under the Housing Choice Voucher FSS program. Through annual NOFAs, HUD has provided funding to public housing agencies (PHAs) that are operating Housing Choice Voucher FSS programs to enable those PHAs to employ program coordinators to support their Housing Choice Voucher FSS programs. In the Fiscal Year (FY) 2005 Housing Choice Voucher FSS Program Coordinator NOFA, HUD is again making funding available to PHAs to employ FSS program coordinators and FSS homeownership program coordinators for one year. Funding priority under this NOFA will be provided to applicants that demonstrate that their FSS families have made progress in moving to homeownership. HUD will accept applications from both new and renewal PHAs that have HUD approval to administer a Housing Choice Voucher FSS program. PHAs funded under the Housing Choice Voucher FSS NOFA in FY2004 are considered ''renewal'' PHAs in this NOFA. These renewal PHAs are invited to apply for funds to continue previously funded Housing Choice Voucher FSS program coordinator and FSS homeownership coordinator positions that they have filled. In addition, any renewal PHA that has demonstrated significant progress in expanding FSS homeownership opportunities may apply for an additional Housing Choice Voucher FSS homeownership coordinator to support Housing Choice Voucher FSS homeownership activities. For funding Category 1 of this NOFA only, eligible renewal PHA applicants include PHAs that received funding under the FY2003 FSS NOFA.

Because of the importance of the FSS program in helping families increase earned income and develop assets, HUD will also accept applications from ''new'' PHAs, PHAs that do not qualify as renewal PHAs under this FSS NOFA. The maximum number of positions that a new applicant PHA, including new PHA joint applicants, may receive is one full-time FSS program coordinator. Preference in funding these ''new'' applicant PHAs will be given to applicants with documented home purchases by Housing Choice Voucher program participants and graduates. A definition of the Housing Choice Voucher Home Purchase Percentage that will be used for this preference is found in I.C.10 of this FSS NOFA.

To support the Department's initiatives on Colonias, a selection preference is again included in this NOFA for ''new'' applicant PHAs that provide services and support to rural under-served communities in the Southwest Border regions of Arizona, California, New Mexico, and Texas. See Section III.C.3.c. of this NOFA for requirements that must be met to qualify for the Colonias preference.

PHAs are encouraged to outreach to persons with disabilities who are Housing Choice Voucher program participants and might be interested in participating in the FSS program and to include agencies on their FSS Program Coordinating Committee (PCC) that work with and provide services for families with disabilities.

Applicants must administer the FSS program in accordance with HUD regulations and requirements in 24 CFR part 984 which govern the Housing Choice Voucher FSS Program and must comply with the existing Housing Choice Voucher program requirements, notices and guidebooks.

B. Number of Positions for Which Eligible PHAs May Apply. Eligible PHAs may apply for funding for Housing Choice Voucher FSS program coordinator positions under this NOFA as follows:

1. Renewal PHAs. PHAs that qualify as eligible renewal PHAs under this NOFA, may apply for:

a. Continuation of each FSS coordinator position, including homeownership coordinator positions, awarded under the Housing Choice Voucher FSS NOFA in FY2004 that has been filled by the PHA, and, for funding Category 1 of this NOFA only, continuation of eligible positions funded under the FY2003 FSS NOFA.

b. New Position. Up to one additional full-time Housing Choice Voucher FSS homeownership program coordinator for renewal PHAs with qualifying homeownership programs.

2. New PHAs. A PHA that meets the requirements for a new PHA under this FSS NOFA, may apply for Housing Choice Voucher FSS program coordinator positions as follows: a) Up to one full-time Housing Choice Voucher FSS coordinator position for a PHA with HUD approval to administer a Housing Choice Voucher FSS program of 25 or more FSS slots. b) Up to one full-time Housing Choice Voucher FSS coordinator position per application for joint PHA applicants that together have HUD approval to administer a total of at least 25 Housing Choice Voucher FSS slots.

C. Definitions. The following definitions apply to the funding available under this NOFA.

1. Renewal PHA Applicant. A PHA or PHAs that received funding under the Housing Choice Voucher FSS NOFA in FY2004. For purposes of Category 1 applicants only, eligible renewal PHAs also include PHAs that received FSS funding in 2003.

2. New PHA Applicant. PHAs that did not receive funding under the Housing Choice Voucher FSS NOFA in FY2004 that have HUD approval to administer a Housing Choice Voucher FSS program

of at least 25 slots or that fulfill the 25 slot minimum by applying jointly with one or more other PHAs.

3. FSS Program Size. The total number of Housing Choice Voucher FSS program slots identified in the PHA's HUD-approved FSS Action Plan. The total may include both voluntary and mandatory Housing Choice Voucher FSS program slots.

4. Qualifying FSS Homeownership Program. Qualifying programs include the Housing Choice Voucher program homeownership option or other programs administered by the PHA or other entities that prepare Housing Choice Voucher program FSS participants for making the transition from renting to homeownership.

5. FSS Homeownership Percentage. A percentage that will be computed by HUD for the purpose of establishing the order of funding of eligible renewal applicants under this NOFA. It is the total number of an applicant's Housing Choice Voucher FSS homeownership families as a percentage of the PHA's Housing Choice Voucher FSS program participants.

6. Total Number of FSS Homeownership Families. The total number of Housing Choice Voucher FSS homeownership families enrolled in the applicant's Qualifying Homeownership Programs as of the application due date of this NOFA, plus the number of its Housing Choice Voucher FSS graduates that moved to homeownership between October 1, 2000, and the application due date of this NOFA. Homeownership participation of families is reported to HUD on the FSS program coordinator application and on the form HUD–50058. These numbers are subject to audit.

7. The Number of Housing Choice Voucher FSS Program Participants. The number that is used to calculate the FSS Homeownership Percentage of the applicant. It is the total number of families shown in HUD's PIC data system as enrolled in the applicant's Housing Choice Voucher FSS program on the application due date of this NOFA, plus the number of families that successfully completed their Housing Choice Voucher FSS contracts in the applicant's program between October 1, 2000, and the application due date of this NOFA.

8. Percentage of Families with Positive FSS Escrow Balances. A percentage that will be computed by HUD and used to determine funding order under this NOFA. It is the number of Housing Choice Voucher FSS families with positive escrow balances as a percentage of Housing Choice Voucher FSS families with FSS progress reports submitted to HUD on the Form HUD–50058. The data source is HUD's PIC data system records of Form HUD–50058 Housing Choice Voucher FSS program progress reports that were effective between October 1, 2003, and the application due date of this NOFA.

9. Housing Choice Voucher Program Size. The number of Housing Choice Vouchers in a PHA's voucher program as determined by HUD using baseline data.

10. Housing Choice Voucher Program Home Purchase Percentage. A percentage calculated for new applicant PHAs that are eligible for funding under Category 3 of this FSS NOFA. It is the number of documented home purchases by Housing Choice Voucher program participants and graduates for the period from October 1, 2000 through the application due date of this NOFA as a percentage of the applicant's Housing Choice Voucher program size.

II. Award Information

A. Available Funds

This NOFA announces the availability of approximately $45.6 million in FY2005 to employ FSS program and FSS homeownership coordinators for the Housing Choice Voucher FSS program. If additional funding becomes available during FY2005, HUD may increase the amount available for Housing Choice Voucher FSS Program coordinators and Housing Choice Voucher FSS homeownership coordinators under this NOFA. A maximum of $63,000 is available for each full-time coordinator position funded. Salaries are to be based on local comparables. The funding will be provided as a one-year Housing Choice Voucher funding increment under the PHA's Annual Contributions Contract (ACC). HUD reserves the right to adjust funding for renewal positions in order to ensure a fair and reasonable distribution of funding.

III. Eligibility Information

A. Eligible Applicants. PHAs eligible to apply for funding under this NOFA are:

1. Renewal PHAs. Those PHAs that received funding under the Housing Choice Voucher FSS NOFA in FY2004. To continue to qualify as renewal PHAs, the FY2005 application of joint applicants must include at least one PHA applicant that meets this standard. Joint applicants can change the lead PHA in their FY2005 application. A PHA that was originally funded as part of a joint application, that wishes to now apply separately would continue to be considered a renewal PHA applicant for funding purposes, but must be able to meet the FSS minimum program size requirement of a HUD-approved Housing Choice Voucher FSS program of at least 25 slots that applies to new applicant PHAs. For purposes of Category 1 applicants only, eligible renewal PHAs also include PHAs that received FSS funding in 2003.

2. New PHAs. PHAs that were not funded under the Housing Choice Voucher FSS NOFA in FY2004. The new applicant PHA must be authorized through its HUD-approved FSS Action Plan to administer a Housing Choice Voucher FSS program of at least 25 slots, or be a PHA with HUD approval to administer Housing Choice Voucher FSS programs of fewer than 25 slots that applies jointly with one or more other PHAs so that together they have HUD approval to administer at least 25 Housing Choice Voucher FSS slots. Joint applicants must specify a lead co-applicant that will receive and administer the FSS program coordinator funding.

3. Moving to Work (MTW) PHAs. New and renewal PHAs that are under the MTW demonstration may qualify for funding under this NOFA if the PHA administers an FSS program. When determining the size of a MTW PHA's HUD-approved FSS program, the PHA may request that the number of FSS slots reflected in the PHA's MTW agreement be used instead of the number in the PHA's FSS Action Plan.

4. Troubled PHAs. a. A PHA that has been designated by HUD as a troubled PHA under the Section 8 Management Assessment Program (SEMAP), or that has serious program management findings from Inspector General audits or serious outstanding HUD management review or Independent Public Accountant (IPA) audit findings for the PHA's Housing Choice Voucher or Moderate Rehabilitation programs that are resolved prior to application due date is eligible to apply under this NOFA. Serious program management findings are those that would cast doubt on the capacity of the PHA to administer its Housing Choice Voucher FSS program in accordance with applicable HUD regulatory and statutory requirements.

b. The requirements that apply to a PHA whose SEMAP troubled designation has not been removed by HUD or the major program management findings or other significant program compliance problems that have not been resolved by the due date are stated in Section III.C.3.e. of this NOFA.

B. Cost Sharing or Matching. None required.

C. Other. 1. *Eligible Activities.* Funds awarded to PHAs under this FSS NOFA may only be used to pay salaries and fringe benefits of Housing Choice Voucher FSS program staff. Funding may be used to employ or otherwise retain for one year the services of Housing Choice Voucher FSS program coordinators and Housing Choice Voucher FSS homeownership coordinators. FSS coordinator support positions funded under previous FSS NOFAs that made funding available for such FSS positions may be continued. A part-time program coordinator may be retained where appropriate.

2. *Threshold Requirements.* a. All Applicants.

(1) Each applicant must qualify as an eligible PHA under Section III.A. of this NOFA and must have submitted their FSS application by the application due date and in the format required in Section IV. of this NOFA.

(2) All applications must include a Dun and Bradstreet Universal Numbering System (DUNS) number. (See Section III.C. of the General Section for further information about the DUNS number requirement.)

(3) Civil Rights Thresholds, Non-discrimination, Affirmatively Furthering Fair Housing. All applicants must comply with these requirements. Please see Section III.C. of the General Section for details. Section 3 of the Housing and Urban Development Act of 1968 does not apply to this program.

(4) The PHA must have a financial management system that meets federal standards. *See Section* III.C. of the General Section regarding those applicants that may be subject to HUD's arranging for a pre-award survey of an applicant's financial management system.

(5) Applicants must comply with the requirements for funding competitions established by the HUD Reform Act of 1989 (42 U.S.C. 3531 *et seq.*) and other requirements as defined in the General Section.

b. *Renewal Applicants.* (1) *Continued funding for existing coordinator positions.* In addition to meeting the requirements of Section III.A.of this FSS NOFA, renewal PHA applicants must continue to operate a Housing Choice Voucher FSS program, have filled eligible FSS program coordinator positions for which they are seeking renewal funding, executed FSS contracts of participation with Housing Choice Voucher FSS program families and submitted reports on participant families to HUD via the form HUD–50058.

(2) *New position.* Renewal PHAs applying for an additional Housing Choice Voucher FSS Homeownership Coordinator must meet all requirements in Section III.A. and III.C.2.a and b. above, and must administer or participate in a qualifying homeownership program that serves Housing Choice Voucher FSS program participants or graduates. Qualifying homeownership programs include the Housing Choice Voucher program homeownership option and other programs, which may be administer by the PHA or another entity, that prepare Housing Choice Voucher program FSS participants for making the transition from rental to homeownership.

c. *New Applicants.* New applicants must meet the requirements of Section III.A. and Section III C.2.a of this FSS NOFA.

3. *Program Requirements.* a. *Salary Comparables.* For all positions requested under this NOFA, evidence of salary comparability to similar positions in the local jurisdiction must be kept on file in the PHA office.

b. *FSS Action Plan.* The requirements for the FSS Action Plan are stated in 24 CFR 984.201. For a new PHA applicant to qualify for funding under this NOFA, the PHA's initial FSS Action Plan or amendment to change the number of Housing Choice Voucher FSS slots in the PHA's previously HUD-approved FSS Action Plan, must be submitted to and approved by the PHA's local HUD field office prior to the application due date of this FSS NOFA. An FSS Action Plan can be updated by means of a simple one-page addendum that reflects the total number of Housing Choice Voucher FSS slots (voluntary and /or mandatory slots) the PHA intends to fill. New PHA applicants with previously approved Housing Choice Voucher FSS Action Plans may wish to confirm the number of HUD-approved slots their local HUD field office has on record for the PHA. A MTW PHA may request that the number of FSS slots reflected in its MTW agreement be used instead of the number of slots in the PHA's FSS Action Plan.

c. *Colonias Preference.* New applicant PHAs claiming the Colonias preference must meet the requirements of Section III.A. and Section III.C.2.a and III.C.2.c. of this FSS NOFA and must operate in a Southwest border area that contains Colonia communities and administer programs that include outreach to members of those Colonia communities. Attachment A of this NOFA provides a listing of PHAs in Arizona, California, New Mexico, and Texas that HUD has identified as operating in areas containing Colonia communities. PHAs not listed in Attachment A that are claiming the Colonias preference will be required to include in their application submission a written request that HUD determine their eligibility for the preference.

d. *Homeownership Preferences.* See priority funding categories in Section V.B.2. of this FSS NOFA.

e. *Troubled PHAs.* A PHA whose SEMAP troubled designation has not been removed by HUD or that has major program management findings or other significant program compliance problems that have not been resolved by the application due date, may apply if the PHA submits an application that designates another organization or entity that is acceptable to HUD that:

(1) Includes an agreement by the other organization or entity to administer the FSS program on behalf of the PHA; and

(2) In the instance of a PHA with unresolved major program management findings, includes a statement that outlines the steps the PHA is taking to resolve the program findings.

Immediately after the publication of this NOFA, the Office of Public Housing in the local HUD field office will notify, in writing, those PHAs that have been designated by HUD as troubled under SEMAP, and those PHAs with unresolved major program management findings or other significant program compliance problems that are not eligible to apply without such an agreement. Concurrently, the local HUD field office will provide a copy of each such written notification to the Director of the Grants Management Center.

f. *Conducting Business in Accordance with Core Values and Ethical Standards.* To reflect core values, all PHAs shall develop and maintain a written code of conduct in the PHA administrative plan that:

(1) Requires compliance with the conflict of interest requirements of the Housing Choice Voucher Program at 24 CFR 982.161; and

(2) Prohibits the solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of the PHA, or any contractor, subcontractor, or agent of the PHA. The PHA's administrative plan shall state PHA policies concerning PHA administrative and disciplinary remedies for violation of the PHA code of conduct. The PHA shall inform all officers, employees, and agents of its organization of the PHA's code of conduct.

IV. Application and Submission Information

A. Addresses to Request Application Package

1. *Web site.* A copy of this funding announcement for the Housing Choice

Voucher FSS Program may be downloaded from the following web site: *http://www.grants.gov.*

2. *Application Kit.* There is no application kit for this NOFA. This announcement contains all the information necessary for the submission of your application for Housing Choice Voucher FSS program coordinator funding.

3. *Further Information.* You may request general information, copies of the General Section and of a Program NOFA or NOFAs, from the NOFA Information Center (800–HUD–8929) or 800–HUD–2209 (TTY) between the hours of 10 a.m. and 6:30 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. The NOFA Information Center opens for business simultaneously with the publication of the SuperNOFA. You can also obtain information on this NOFA and download application information for this NOFA through the web site, *http://www.grants.gov.*

4. *Technical Assistance.* See Section VII. of this FSS funding announcement.

B. Content and Form of Application Submission

1. *Content of Application.* Each new and renewal PHA must complete the form SF–424, the SF–LLL, if appropriate, and the Form HUD–52651, the new FSS application form. In addition, the application must include a completed Logic Model (from HUD 96010) showing proposed performance measures. See the General Section for information on, and a copy of, the Logic Model. A copy of the HUD–52651 follows immediately after Attachment A of this NOFA. In completing the SF–424, renewal PHAs should select the continuation box on question 8, type of application. Both new and renewal PHA applicants should enter the proposed Annual Contributions Contract (ACC) amendment effective and ending dates for the FSS coordinator funding in 13 of the SF–424. In section 15 of SF–424, estimated funding, complete only 15.a., which will be the amount requested from HUD in the FY2005 FSS application, and 15.g., Total.

2. *Forms, Certifications, and Assurances.* See section IV.B. of the General Section.

C. Submission Date and Time

Your completed application must be submitted and received by Grants.gov no later than 11:59:59 p.m. eastern time on the application submission date of May 20, 2005. Applicants should carefully read the section titled ''APPLICATION and SUBMISSION INFORMATION'' in part IV. of the General Section regarding HUD's procedures pertinent to the submission of your application as they have changed significantly this year.

D. Intergovernmental Review

Applicants submitting applications under this funding announcement are not subject to intergovernmental review; *i.e.*, Executive Order (EO) 12372, Intergovernmental Review of Federal Program.

E. Funding Restrictions

1. *Salary Cap.* Awards under this NOFA are subject to a cap of $63,000 per year per full time coordinator position funded. Under this NOFA, if PHAs apply jointly, the $63,000 maximum amount that may be requested per position applies to up to one full time coordinator position for the application as a whole, not to each PHA separately.

2. *Limitation on Renewal Funding Increases.* For renewal coordinator positions, PHAs will be limited to a one percent increase above the amount of the most recent award for the position unless a higher increase is approved by the local HUD field office after review of the PHA's written justification and at least three comparables that must be submitted to the field office by the PHA at the time they submit their FY2005 Housing Choice Voucher FSS Program Coordinator application to HUD. Examples of acceptable reasons for increases above one percent would be need for a coordinator with higher level of skills or to increase the hours of a part time coordinator to full time. Total positions funded cannot exceed the maximum number of positions for which the PHA is eligible under this NOFA.

3. *Ineligible Activities.* a. Funds under this NOFA may not be used to pay the salary of an FSS coordinator for a public housing FSS program. A Housing Choice Voucher FSS program coordinator may only serve Housing Choice Voucher families while the public housing FSS program serves only public housing residents. In FY2005, funding for public housing FSS program coordinators is being made available through the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) NOFA for Public Housing FSS Program Coordinators that is included in the FY2005 SuperNOFA.

b. Funds under this FSS NOFA may not be used to pay for services for FSS program participants.

F. Other Submission Requirements

1. Application Submission and Receipt Procedures. See IV.F of the General Section. Electronic application submission is mandatory unless an applicant requests, and is granted, a waiver to the requirement. Procedures for obtaining a waiver are contained in Section IV.F of the General Section.

V. Application Review Information

A. *Criteria.* The funds available under this NOFA are being awarded based on demonstrated performance. Applications are reviewed by the local HUD field office and GMC to determine whether or not they are technically adequate based on the NOFA requirements. Field offices will provide to the GMC in a timely manner, as requested, information needed by the GMC to make its determination, such as the HUD-approved Housing Choice Voucher FSS program size of new PHA applicants and information on the administrative capabilities of PHAs. Categories of applications that will not be funded are stated in Section V.B.6. of this FSS NOFA.

B. *Reviews and Selection Process.* 1. *Technically Acceptable Applications.* All technically adequate applications will be funded to the extent funds are available.

2. *Funding Priority Categories.* If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will divide eligible applications into priority categories as follows:

Funding Category 1—Applications from eligible renewal PHAs with qualifying homeownership programs for continuation of previously funded eligible positions where the PHA has hired the funded FSS and homeownership coordinators and the PHA can demonstrate that a minimum of five (5) Housing Choice Voucher FSS program participants or graduates purchased homes between October 1, 2000 and the application due date of this FSS NOFA (that can be confirmed by homeownership information in the PIC data base from form HUD–50058) or as otherwise reported for Moving to Work (MTW) homeownership. For purposes of Category 1 applicants only, eligible renewal PHAs also include PHAs that received FSS funding in FY 2003.

Funding Category 2—Eligible renewal PHAs with qualifying homeownership programs for continuation of previously funded eligible positions where the PHA has hired funded coordinators and completed one of the following: (a) As of the application due date of this FSS

NOFA, has successfully enrolled a minimum of twenty-five (25) Housing Choice Voucher FSS families into homeownership preparation activities, including homeownership counseling; or (b) Between October 1, 2000 and the application due date of this FSS NOFA, a minimum of one (1) Housing Choice Voucher FSS family completed purchase of a home as reported in the PIC data base or as otherwise reported for MTW homeownership closings.

Funding Category 3—Applications from eligible new applicant PHAs that wish to initiate an FSS homeownership program that serves Housing Choice Voucher families. Those PHAs with documented home purchases by Housing Choice Voucher program participants and graduates and PHAs qualifying for the Colonias preference will receive preference.

Funding Category 4—Applications from eligible renewal PHAs with qualifying homeownership programs that request funding for an additional Housing Choice Voucher FSS homeownership position to expand their FSS homeownership programs provided the applicant can document that a minimum of ten (10) Housing Choice Voucher FSS participants or graduates completed purchases of homes between October 1, 2000 and the application due date of this FSS NOFA.

Funding Category 5—Applications from new applicant PHAs that have an existing Housing Choice Voucher FSS program and can demonstrate they have a minimum of ten (10) Housing Choice Voucher FSS families with existing positive escrow balances as of the application due date of the FSS NOFA or have had a minimum of 20 families that have graduated from the Housing Choice Voucher FSS program between October 1, 2000 and the application due date of this FSS NOFA.

3. Order of Funding. Starting with Funding Category 1, HUD will first determine whether there are sufficient monies to fund all eligible positions requested in the funding category. If available funding is not sufficient to fund all positions requested in the category, HUD will fund applications in the following order:

(a) *Funding Category 1.* HUD will calculate for each eligible applicant, the PHA's FSS Homeownership Percentage and Positive Escrow Percentage and will use these percentages in making funding decisions. Definitions and a description of the calculation of the FSS Homeownership Percentage and the Positive Escrow Percentage are included in Section I.C. of this NOFA.

HUD will begin funding eligible Funding Category 1 applicants starting with the PHAs with the highest FSS Homeownership Percentage first. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage, HUD will fund eligible applicants in order starting with those that have the highest Positive Escrow Percentage first. If funding is not sufficient to fund all applicants with the same FSS Homeownership Percentage and/or Positive Escrow Percentage, HUD will select among eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(b) *Funding Category 2.* If funding remains after funding all Funding Category 1 applications, HUD will then process eligible Funding Category 2 applications. HUD will calculate the FSS Homeownership Percentage and Positive Escrow Percentage for Funding Category 2 applicants as it did for Funding Category 1 applicants. If there are not sufficient monies to fund all Funding Category 2 applications, HUD will begin funding Funding Category 2 applications starting with applicants with the highest FSS Homeownership Percentage first. If there is not enough funding for all applicants with the same FSS Homeownership Percentage, HUD will use Positive Escrow Percentage to determine selection order, starting with applicants with the highest Positive Escrow Percentage. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage and Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(c) *Funding Category 3.* If funding remains after funding all Funding Category 1 and 2 applications, HUD will then process requests of eligible Funding Category 3 applicant PHAs. HUD will first calculate the Housing Choice Voucher Program Home Purchase Percentage for all eligible Funding Category 3 applicants. This percentage is the number of documented home purchases by Housing Choice Voucher program participants and graduates for the period from October 1, 2000 through the application due date of this NOFA as a percentage of the applicant's Housing Voucher Program size. If there are not sufficient monies to fund all eligible positions requested, HUD will begin funding positions starting with PHAs eligible for the Colonias preference, starting with PHAs with the smallest Housing Choice Voucher program size first. If monies are still available, HUD will begin funding Category 3 applications from PHAs with the highest Housing Choice Voucher Program Home Purchase Percentage first. If there are not sufficient monies to fund all applications with the same percentage of documented home purchases, HUD will select eligible applicants in order by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(d) *Funding Category 4.* If funds remain after funding all Category 1 through 3 applicants have been funded, HUD will then process applications from eligible renewal applicants that have requested funding for an additional FSS coordinator position to support Housing Choice Voucher FSS homeownership activities. If there are not sufficient monies to fund all eligible positions requested, HUD will use the FSS Homeownership Percentage and the Positive Escrow Percentage that has been calculated for these PHAs and will begin funding eligible applications starting with applicants with the highest FSS Homeownership Percentage first. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage, HUD will use Positive Escrow Percentage to determine selection order, starting with applicants with the highest Positive Escrow Percentage. If monies are not sufficient to fund all applicants with the same FSS Homeownership Percentage and Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(e) *Funding Category 5.* If funding remains after funding all Funding Category 1 through 4 applicants, HUD will then process applications from eligible Funding Category 5 applicants for an initial coordinator position. If there are not sufficient monies to fund all eligible Category 5 applicants, HUD will first fund applications from eligible Funding Category 5 applicants that qualify for the Colonias preference starting with the smallest Housing Choice Voucher programs first. If funding remains, HUD will calculate the Positive Escrow Percentage for all remaining Category 5 applications and will begin funding Category 5 applications starting with applicants with the highest Positive Escrow Percentage first. If monies are not sufficient to fund all applicants with the same Positive Escrow Percentage, HUD will select eligible applicants by Housing Choice Voucher program size

starting with eligible applicants with the smallest Housing Choice Voucher program size first.

(f) *Remaining Funds.* If any funding remains, HUD will calculate the FSS Homeownership Percentage and Positive Escrow Percentage for all remaining eligible applicants and will begin funding any remaining eligible applications starting with those with the highest FSS Homeownership Percentage first. If funding remains, HUD will then begin funding any remaining unfunded applications starting with those with the highest positive escrow percentage.

4. Based on the number of applications submitted, the GMC may elect not to process applications for a funding priority category where it is apparent that there are insufficient funds available to fund *any* applications within the priority category.

5. Corrections to Deficient Applications. a. The General Section of the NOFA provides the procedures for corrections to deficient applications. An example of a correctable technical deficiency includes, but is not limited to: submission of a Form SF–424 or FSS application Form HUD-52651 with missing information.

6. Unacceptable Applications. After the technical deficiency correction period (as provided in the General Section), the GMC will disapprove PHA applications that it determines are not acceptable for processing. Applications from PHAs that fall into any of the following categories are ineligible for funding under this NOFA and will not be processed:

a. An application submitted by an entity that is not an eligible PHA as defined under Section III.A. and Section III.C. of this FSS NOFA or an application that does not comply with the requirements of Section IV.B. IV.C. and IV.F. of this FSS NOFA.

b. An application from a PHA that does not meet the fair housing and civil rights compliance requirements of the General Section of the NOFA.

c. An application from a PHA that does not comply with the prohibition against lobbying activities of this NOFA.

d. An application from a PHA that as of the application due date has not made progress satisfactory to HUD in resolving serious outstanding Inspector General audit findings, or serious outstanding HUD management review or IPA audit findings for the Housing Choice Voucher program and/or Moderate Rehabilitation program or a ''troubled'' rating under SEMAP, and has not designated another organization acceptable to HUD to administer the FSS program on behalf of the PHA as required in Section III.C.3.e. of this FSS NOFA.

e. An application from a PHA that has been debarred or otherwise disqualified from providing assistance under the program.

f. An application that did not meet the application due date and timely receipt requirements as specified in this NOFA and the General Section.

g. Applications will not be funded which do not meet the Threshold requirements identified in this NOFA and the General Section.

C. Anticipated Announcement and Award Dates. It is anticipated the announcement of Housing Choice Voucher FSS program coordinator awards will take place during either the months of July or August 2005.

VI. Award Administration Information

A. Award Notices. Successful applicants will receive an award letter from HUD. Funding will be provided to successful applicants as an amendment to the Annual Contributions Contract (ACC) of the applicant PHA. In the case of awards to joint applicants, the funding will be provided as an amendment to the ACC of the lead PHA that was identified in the application.

Unsuccessful applicants will receive a notification of rejection letter from that GMC that will state the basis for the decision. The applicant may request an applicant debriefing. Beginning not less than 30 days after the awards for assistance are publicly announced in the **Federal Register** and for at least 120 days after awards for assistance are announced publicly, HUD will, upon receiving a written request, provide a debriefing to the requesting applicant. (See Section VI.A. of the General Section for additional information regarding a debriefing.) Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director; Grants Management Center; U. S. Department of Housing and Urban Development, 501 School Street, SW., Suite 800; Washington, DC 20024.

B. Administrative and National Policy Requirements.

1. *Environmental Impact.* No environmental review is required in connection with the award of assistance under this NOFA, because the NOFA only provides funds for employing a coordinator that provides public and supportive services, which are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(4) and (12).

2. *HUD's Strategic Goals.* HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. The FSS program and this FSS NOFA support the Department's strategic goals of increasing homeownership activities and helping HUD-assisted renters make progress toward self-sufficiency by giving funding preference to PHAs whose FSS programs show success in moving families to self-sufficiency and homeownership. You can find out about HUD's Strategic Framework and Annual Performance Plan at *http://www.hud.gov/offices/cfo/reports/cforept.cfm.*

3. *HUD Policy Priorities.* This NOFA supports the HUD policy priority of providing increased homeownership opportunities to program participants. In this NOFA, funding priority is given to those PHA applicants that demonstrate that their FSS families have participated in homeownership programs. See Section V.B. of the General Section for a full discussion of HUD's policy priorities.

C. *Reporting.* Successful applicants must report activities of their FSS enrollment, progress and exit activities of their FSS program participants through required submissions of the Form HUD–50058. HUD's assessment of the accomplishments of the FSS programs of PHAs funded under this NOFA will be based primarily on Public Housing Information Center (PIC) system data obtained from the Form HUD–50058. MTW PHAs that do not report to HUD on the Form HUD–50058 will be asked to submit an annual report to HUD with the same information on FSS program activities that is provided to HUD by non-MTW PHAs via the Form HUD–50058. An applicant is also required to submit a completed Logic Model showing accomplishments against proposed outputs and outcomes as part of their annual reporting requirement to HUD. In addition, HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, funded recipients should use Form HUD–27061, Racial and Ethnic Data Reporting Form (found on *http://www.HUDclips.org*), a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contacts

A. *For Technical Assistance.* For answers to your questions, you may contact the Public and Indian Housing Resource Center at 800–955–2232.

Persons with hearing or speech impairments may access this number via TTY (text telephone) by calling the Federal Information Relay Service at 800–877–8339. (These are toll-free numbers). Prior to the application deadline, staff at the numbers given above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

B. *Satellite Broadcast.* HUD will hold an information broadcast via satellite for potential applicants to learn more about the Housing Choice Voucher FSS program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at *http://www.hud.gov.*

VIII. Other Information

A. *Paperwork Reduction Act:* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0178. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average one hour per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application and other required reporting. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. *Public Access, Documentation, and Disclosure.* See Section VIII. F. of the General Section.

ATTACHMENT A
PHAs THAT OPERATE IN AREAS CONTAINING COLONIA COMMUNITIES:

ARIZONA PHAs:

City of Douglas Housing Authority	City of Nogales Housing Authority
City of Eloy Housing Authority	City of Yuma Housing Authority
Cochise County Housing Authority	Yuma County Housing Authority
Pinal County Housing Authority	Section 8 Housing for Graham County, Arizona Department of Housing

CALIFORNIA PHAs:

City of Calexico Housing Authority	Housing Authority of the County of Riverside
Imperial Valley Housing Authority	

NEW MEXICO PHAs:

City of Alamogordo Housing Authority	City of Las Cruces/Dona Ana County Housing Authority
City of Truth or Consequences Housing Authority	City of Socorro Housing Authority
Eddy County – Region VI	Housing Authority of the Village of Santa Clara
Lordsburg Housing Authority	Otero County – Region VI
Silver City Housing Authority – Region V	Sunland Park Housing Authority
Town of Baynard Housing Authority	

TEXAS PHAs:

Alamo Housing Authority	Asherton Housing Authority
Bracketville Housing Authority	Brownsville Housing Authority
Cameron County Housing Authority	Carrizo Housing Authority
Del Rio Housing Authority	Dona Housing Authority
Eagle Pass Housing Authority	Ed Couch Housing Authority
Edinburg Housing Authority	Elsa Housing Authority
Harlingen Housing Authority	Hidalgo County Housing Authority
Laredo Housing Authority	La Joya Housing Authority
Los Fresnos Housing Authority	McAllen Housing Authority
Mercedes Housing Authority	Mission Housing Authority
Pharr Housing Authority	Port Isabel Housing Authority
San Benito Housing Authority	San Juan Housing Authority
Starr County Housing Authority	Weslaco Housing Authority
Willacy County Housing Authority	Uvalde Housing Authority
Zapata County Housing Authority	

Housing Choice Voucher (HCV) Family Self-Sufficiency (FSS) Program Coordinator Funding

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0178
Exp. (04/30/2007)

Public reporting burden for this collection of information is estimated to average 0.75 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

PART I: General Information. (To be completed by all applicants.)

Applicant Category: ☐ Renewal ☐ New	DUNS Number of Applicant:	Funding Request for Fiscal Year:

A. PHA Name, Mailing Address & PHA Number of applicant: (For joint PHA applicants, PHA Name, Mailing Address & PHA Number of lead PHA applicant):

B. PHA Name & PHA Number for Each Joint Applicant (if Applicable). Note: Use Additional pages if necessary.

C. Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each position requested is on file at the PHA.	☐ Yes ☐ No

D. The applicant requests consideration for the following preference categories under this NOFA:

Colonias: ☐ Yes ☐ No	Other - Specify Category (If applicable under this NOFA): ☐

E. Name and telephone number of person most familiar with application:

Name	Telephone Number

Signature Block	Title	Telephone #	Fax #	Date (dd/mm/yyyy)

PART II: Homeownership Information. (To be completed by all applicants.)

The PHA applicant currently administers or participants in a HCV Homeownership program or another homeownership program that serves HCV FSS families. ☐ Yes ☐ No

If yes, provide information requested in A – C below:

A. Name of qualifying homeownership program or programs:

B. The total number of HCV FSS families enrolled in homeownership preparation activities in the qualifying homeownership program/programs identified above as of the application due date of the current NOFA:

1.		HCV homeownership program
2.		Other qualifying homeownership programs

C. Number of HCV FSS program participants and graduates that purchased homes between October 1, 2000 and the application due date of the current NOFA:

1.		HCV homeownership program
2.		Other qualifying homeownership programs

PART III: PHA Applicant Program Status and Accomplishments. (Renewal PHAs Only)

A. Program Status:

1. The applicant qualifies as an eligible renewal PHA under the NOFA. ☐ Yes ☐ No
2. The PHA has filled each position for which it is seeking renewal funding. ☐ Yes ☐ No
3. The applicant has submitted reports on participating families to HUD via the form HUD-50058, Family Self-Sufficiency/Welfare-to-Work Voucher Addendum. ☐ Yes ☐ No

B. Program accomplishments as of the application due date of the current NOFA:

1.		Total HCV FSS families under FSS Contract.
2.		The number of HCV FSS program participants with an escrow account balance greater than zero.

C. Program accomplishments for the period from October 1, 2003 through the application due date of the current NOFA:

1.		The number of HCV families that successfully completed their FSS contracts.
2.		The number of those graduates that no longer needed rental subsidy.
3.		The average escrow account distribution paid to families.

D. Moving To Work (MTW) PHA? ☐ **Yes** ☐ **No**
If yes, should the number of FSS slots be based on the applicant's MTW Agreement? ☐ **Yes** ☐ **No**

PART IV: Funding/Positions Requested. (Renewal PHAs Applicants Only)

For both renewal of currently funded positions and requests for new positions, provide the Information below for each position requested. Use additional pages as needed.

A. **Renewal Positions** - Funding requested to continue currently funded positions: (List FSS homeownership coordinators and regular FSS coordinators separately.)

FY Last Funded	Position Type 'H' or 'R' *	Salary Requested Per Position **	Number of Positions	Requesting an increase above percent allowed in the NOFA? 'Y' or 'N' ***

B. **New Positions** - Funding requested by coordinator type and salary level (If applicable. Refer to most recent FSS NOFA for maximum new positions that can be funded in the current year.) If more than one position, list each separately.

Position Type 'H' or 'R' *	Salary Requested, including Fringe Benefits**

C. **Total Requested**

1.		Total number of new and renewal positions requested in this application.
2.		Total $ requested.

* Type: R= Regular, H=Homeownership
** Salary awards will not exceed the cap per position stated in the most recent NOFA.
*** For any renewal position, where the applicant is requesting a percentage increase above the amount provided for in the current NOFA, the applicant must comply with justification requirements in the current FSS NOFA.

PART V: Application Information. (New PHA Applicants Only.)

A. **FSS Action Plan Information:**

	HCV FSS program size in the HUD-approved Action Plan. (For Joint applications, provide total approved slots for all participating PHAs.)

B. **Homeownership Information:**

	The number of Housing Choice Voucher program participants and graduates that purchased houses from October 1, 2000 through the application due date of this NOFA.

C. **Position/Salary Requested:**

Number of Positions	Salary Requested, including Fringe Benefits**

D. **Total Requested.**

1.		Total number of positions requested.
2.		Total $ requested.

** Salary awards will not exceed the cap per position stated in the most recent NOFA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Billing Code 4210-32-C

Rural Housing and Economic Development Program Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Community Planning and Development, Office of Rural Housing and Economic Development.

B. Funding Opportunity Title: Rural Housing and Economic Development (RHED) program.

C. Announcement Type: Initial Announcement.

D. Funding Opportunity Number: The **Federal Register** number is FR–4950-N–34. The OMB approval number is 2506–0169.

E. Catalog of Federal Domestic Assistance (CFDA) Number: Rural Housing and Economic Development. The CDFA number is 14.250.

F. Application Due Date: The application submission date is May 17, 2005.

G. Optional Additional Overview Information: 1. The purpose of the Rural Housing and Economic Development program is to build capacity at the state and local level for rural housing and economic development and to support innovative housing and economic development activities in rural areas. The funds made available under this program will be awarded competitively through a selection process conducted by HUD in accordance with the HUD Reform Act.

Full Text of Announcement

I. Funding Opportunity Description

A. Background

There has been a growing national recognition of the need to enhance the capacity of local rural nonprofit organizations, community development corporations, federally recognized Indian tribes, state housing finance agencies (HFAs) and state economic development and community development agencies to expand the supply of affordable housing and to engage in economic development activities in rural areas. A number of resources are available from the federal government to address these problems, including programs of the United States Department of Agriculture (USDA), the Economic Development Administration (EDA), the Appalachian Regional Commission (ARC), the Department of Interior (for Indian tribes), and HUD. The Rural Housing and Economic Development program was developed to supplement these resources and to focus specifically on capacity building and promoting innovative approaches to housing and economic development in rural areas. In administering these funds, HUD encourages you to coordinate your activities with those supported by any of the agencies listed above.

B. Definitions

1. *Appalachia's Distressed Counties* means those counties in Appalachia that the Appalachian Regional Commission (ARC) has determined to have unemployment and poverty rates that are 150 percent of the respective U.S. rates and a per capita income that is less than 67 percent of the U.S. per capita income, and have counties with 200 percent of the U.S. poverty rate and one other indicator, such as the percentage of overcrowded housing. Refer to *www.arc.gov* for a list of ARC distressed counties and more information.

2. *Colonia* means any identifiable, rural community that:

a. Is located in the state of Arizona, California, New Mexico, or Texas;

b. Is within 150 miles of the border between the U.S. and Mexico; and

c. Is determined to be a Colonia on the basis of objective need criteria, including a lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, sanitary, and accessible housing.

3. *Farm Worker* means a farm employee of an owner, tenant, labor contractor, or other operator raising or harvesting agricultural or aquacultural commodities; or a worker in the employment of a farm operator, handling, planting, drying, packing, grading, storing, delivering to storage or market, or carrying to market agricultural or aquacultural commodities produced by the operator. Seasonal farm workers are those farm employees who typically do not have a constant year-round salary.

4. *Firm Commitment* means a letter of commitment from a partner by which an applicant's partner agrees to perform an activity specified in the application, demonstrates the financial capacity to deliver the resources necessary to carry out the activity and commits the resources to the activity, either in cash or through in-kind contributions. It is irrevocable, subject only to approval and receipt of a FY2005 Rural Housing and Economic Development grant. Each letter of commitment must include the organization's name and applicant's name, reference the Rural Housing and Economic Development program, and describe the proposed total level of commitment and responsibilities, expressed in dollar value for cash or in-kind contributions, as they relate to the proposed program. The commitment must be written on the letterhead of the participating organization, must be signed by an official of the organization legally able to make commitments on behalf of the organization, and must be dated no earlier than the date of publication of this NOFA. In documenting a firm commitment, the applicant's partner must:

a. Specify the authority by which the commitment is made, the amount of the commitment, the proposed use of funds, and the relationship of the commitment to the proposed investment. If the committed activity is to be self-financed, the applicant's partner must demonstrate its financial capability through a corporate or personal financial statement or other appropriate means. If any portion of the activity is to be financed through a lending institution, the participant must provide evidence of the institution's commitment to fund the loan;

b. Affirm that the firm commitment is contingent only upon the receipt of FY2005 Rural Housing and Economic Development funds and state a willingness on the part of the signatory to sign a legally binding agreement (conditioned upon HUD's environmental review and approval of a property where applicable) upon award of the grant.

5. *Federally Recognized Indian tribe* means any tribal entity eligible to apply for funding and services from the Bureau of Indian Affairs by virtue of its status as an Indian tribe. The list of federally recognized Indian tribes can be found in the notice published by the Department of the Interior on December 5, 2003 (68 FR 68180) and is also available from HUD.

6. *Innovative Housing Activities* means projects, techniques, methods, combinations of assistance, construction materials, energy efficiency improvements, or financing institutions or sources new to the eligible area or to its population. The innovative activities can also build upon and enhance a model that already exists.

7. *Local Rural Nonprofit Organization or Community Development Corporation* means either of the following:

a. Any private entity with tax-exempt status recognized by the Internal Revenue Service (IRS) which serves the eligible rural area identified in the application (including a local affiliate of a national organization that provides technical and capacity building assistance in rural areas); or

b. Any public nonprofit entity such as a Council of Governments that will serve specific local nonprofit organizations in the eligible area.

8. *Lower Mississippi Delta Region* means the eight-state, 240-county/parish region defined by Congress in the Lower Mississippi Delta Development Act, Public Law 100–460. Refer to *www.dra.gov* for more information.

9. *Eligible Rural Area* means one of the following:

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

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

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

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

e. Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

10. *State Community and/or Economic Development Agency* means any state agency that has promotion of economic development statewide or in a local community as its primary purpose.

11. *State Housing Finance Agency* means any state agency created to assist local communities and housing providers with financing assistance for development of housing in rural areas, particularly for low- and moderate-income people.

II. Award Information

A. Amount Allocated

1. *Available Funds.* Approximately $24 million in Fiscal Year (FY) 2005 funding (plus any additional funds available through recapture) are being made available through this NOFA.

2. *Funding Categories and Maximum Award Amounts.* HUD will award up to approximately $24 million on a competitive basis in the following funding categories. Applicants must apply for funds in only one of the two categories: Category 1—Capacity Building, or Category 2—Support for Innovative Housing and Economic Development Activities.

a. *Category 1:* Capacity Building. HUD will award up to approximately $10 million to applicants for capacity building activities. This amount will go directly to local rural nonprofit organizations or community development corporations or federally recognized Indian tribes to increase an organization's capacity to support innovative housing and economic development activities. The maximum amount awarded to a successful applicant in this category will be $150,000.

b. *Category 2:* Support for Innovative Housing and Economic Development Activities. HUD will award up to approximately $14 million to federally recognized Indian tribes, state housing finance agencies (HFAs), state community and/or economic development agencies, local rural nonprofit organizations or community development corporations to support innovative housing and economic development activities in rural areas throughout the nation. The maximum amount awarded to a successful applicant in this category will be $400,000.

B. Grant Amount

In the event, you, the applicant, are awarded a grant that has been reduced (*e.g.*, the application contained some activities that were ineligible or budget information did not support the request), you will be required to modify your project plans and application to conform to the terms of HUD's approval before execution of the grant agreement.

HUD reserves the right to reduce or de-obligate the award if suitable modifications to the proposed project are not submitted by the awardee within 90 days of the request. Any modifications must be within the scope of the original application. HUD reserves the right to not make awards under this NOFA.

C. Grant Period

Recipients will have 36 months from the date of the executed grant agreement to complete all project activities.

D. Notification of Approval or Disapproval

HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you concerning the amount of the grant award (based on the approved application) will constitute HUD's conditional approval, subject to negotiation and execution of a grant agreement by HUD.

III. Eligibility Information

A. Eligible Applicants

Eligible applicants for the Rural Housing and Economic Development program are local rural nonprofit organizations and community development corporations, federally recognized Indian tribes, state housing finance agencies and state community and/or economic development agencies. Also, you must meet all of the applicable eligibility requirements described in Section III.C of the General Section. Eligible applicants for each of the funding categories are as follows:

1. *For Capacity Building Funding.* If you are a local rural nonprofit, including grassroots, faith-based and other community-based grassroots organization, community development corporation, or federally recognized Indian tribe, you are eligible for capacity building funding to carry out innovative housing and economic development activities that should lead to an applicant becoming self-sustaining in the future.

2. *For Support for Innovative Housing and Economic Development Activities Funding.* If you are a local rural nonprofit organizations, including grassroots, faith-based and other community-based grassroots organization, community development corporation, federally recognized Indian tribe, state HFA, or state economic development or community development agency, you may apply for funding to support innovative housing and economic development activities in rural areas.

B. Cost Sharing or Matching

There is no match required under the Rural Housing and Economic Development program. Applicants that submit evidence of leveraging dollars under Rating Factor 4 ''Leveraging Resources'' will receive points according to the scale under that factor.

C. Other

1. *Eligible Activities.* The following are examples of eligible activities under the Rural Housing and Economic Development program. These examples are illustrative and are not meant to limit the activities that you may propose in your application:

a. For Capacity Building Funding. Capacity building for innovative Rural Housing and Economic Development involves the enhancement of existing organizations to carry out new functions or to perform existing functions more effectively. Permissible activities include, but are not limited to, the following:

(1) Enhancement of existing functions or creation of new functions to provide affordable housing and economic development in rural areas;

(2) Acquisition of additional space and support facilities;

(3) Salaries for additional staff needed to conduct the work, including financial management specialists, and economic development specialists;

(4) Training of staff in the areas of financial management, economic development financing, housing accessibility and visitability standards, fair housing issues, and complaint filing;

(5) Development of business plans to help the organization become self-sustaining;

(6) Development of Management Information Systems (MISs) and software to enable better and more accurate reporting of information to HUD and to other entities;

(7) Development of feasibility studies and market studies;

(8) Training in energy efficiency in construction for housing and commercial projects;

(9) Housing counseling services, including fair housing counseling, information on budgeting, and information on credit and available federal programs;

(10) Conducting conferences or meetings with other federal or state agencies to inform residents of programs, rights, and responsibilities associated with homebuying opportunities; and

(11) Arranging for technical assistance to conduct needs assessments, conduct asset inventories, and develop strategic plans.

b. *For Support of Innovative Housing and Economic Development Activities.* This category is intended to support other costs for innovative housing and economic development activities. Permissible activities may include, but are not limited to the following:

(1) Cost of using new or innovative construction, energy efficiency, or other techniques that will result in the design or construction of innovative housing and economic development projects;

(2) Preparation of plans or of architectural or engineering drawings;

(3) Preparation of legal documents, government paperwork, and applications necessary for construction of housing and economic development activities to occur in the jurisdiction;

(4) Acquisition of land and buildings;

(5) Demolition of property to permit construction or rehabilitation activities to occur;

(6) Development of infrastructure to support the housing or economic development activities;

(7) Purchase of construction materials;

(8) Job training to support the activities of the organization;

(9) Homeownership counseling, including fair housing counseling, credit counseling, budgeting, access to credit, and other federal assistance available;

(10) Conducting conferences or meetings with other federal or state agencies tribes, tribally designated housing entities (TDHE) or national or regional housing organizations, to inform residents of programs, rights, and responsibilities associated with homebuying opportunities;

(11) Development of feasibility studies and market studies;

(12) Development of Management Information Systems (MISs) and software to enable better and more accurate reporting of information to HUD and to other entities;

(13) Establishing Community Development Financial Institutions (CDFIs), lines of credit, revolving loan funds, microenterprises, and small business incubators; and

(14) Provision of direct financial assistance to homeowners/businesses/developers, etc. This can be in the form of default reserves, pooling/securitization mechanisms, loans, grants, funding existing individual development accounts or similar activities.

2. *Statutory and Regulatory Requirements.* To be eligible for funding under HUD NOFAs issued during FY2005, you, the applicant, must meet all statutory and regulatory requirements applicable to this NOFA as described in the General Section. HUD may also eliminate ineligible activities from funding consideration and reduce funding amounts accordingly.

3. *General HUD Threshold Requirements.* You must meet all threshold requirements described in the General Section.

a. *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

b. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Recipients of assistance under this NOFA must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons.

4. *Program-Specific Threshold Requirements.*

a. The application must receive a minimum rating score of 75 points to be considered for funding.

b. HUD will only fund eligible applicants as defined in this NOFA under Section III.A.

c. Applicants must serve an eligible rural area as defined in I. of this NOFA.

d. Proposed activities must meet the objectives of the Rural Housing and Economic Development program.

e. Applicants must demonstrate that their activities will continue to serve populations that are in need and that beneficiaries will have a choice of innovative housing and economic development opportunities as a result of the activities.

IV. Application and Submission Information

A. Address to Request Application Package

This section describes how you may obtain application forms. Copies of the published Rural Housing and Economic Development NOFA and application forms may be downloaded from the Grants.gov Web site at *http://www.grants.gov/Apply*. The web site contains the electronic forms and the NOFA which includes forms and other attachments. The NOFA and forms is a zip file found under instructions. You may call the Grants.gov support desk at 800–518–GRANTS, or email the support desk at *Support@Grants.gov* for assistance in downloading the application.

You may request general information and paper copies of this NOFA from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) between the hours of 10 a.m. and 6:30 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code).

B. Content and Form of Application Submission

1. *Application Submission Requirements.* Be sure to read and follow the application submission requirements carefully.

a. *Page Numbering.* All pages of the application must be numbered sequentially if you are submitting a paper copy application. For electronic application submission you should

follow the directions in the General Section.

b. *Application Items.* Your application must contain the items listed below.

(1) An abstract that must include the category under which you are applying, the dollar amount requested, the category under which you qualify for demographics of distress special factor under Rating Factor 2 ''Need and Extent of the Problem,'' which of the five definitions of the term ''rural area'' set forth in Section I B.9 of this NOFA applies to the proposed service area, and accompanying documentation as indicated on the form.

(2) Table of Contents.

(3) A signed SF–424 (application form).

(4) SF–424 Supplement Survey on Equal Opportunity for Applicants (optional submission).

(5) Facsimile Transmittal (HUD–96011).

(6) Disclosure of Lobbying Activities (SF–LLL).

(7) Applicant/Recipient Disclosure/ Update Report (HUD–2880).

(8) Client Comments and Suggestions (HUD–2994) (Optional)

(9) Program Outcome Logic Model (HUD–96010).

(10) A budget for all funds (federal and non-federal including HUD–424CB and HUD 424–CBW).

(11) Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable.

(12) Certification of Consistency with the Consolidated Plan (HUD–2991), if applicable.

(13) Documentation of funds pledged in support of Rating Factor 4— ''Leveraging Resources'' (which will not be counted in the 15-page limitation). Documentation must be in the form of a ''firm commitment'' as defined in Section I.B.4. of this NOFA.

(14) If you are a private nonprofit organization, a copy of your organization's IRS ruling providing tax-exempt status under section 501 of the Internal Revenue Code of 1986, as amended.

(15) Narrative response to Factors for Award (not to exceed 15 pages).

(a) A description of your organization and assignment of responsibilities for the work to be carried out under the grant (Rating Factor 1).

(b) A description of the need and extent of the problem and populations to be served (Rating Factor 2).

(c) A workplan that demonstrates your soundness of approach and the clear linkage between rural housing and economic development (Rating Factor 3). In addressing this submission requirement, you must:

(i) Describe the activities you propose to undertake that address the needs, which have been identified, the linkage between rural housing and economic development, as well as the specific outcomes you expect to achieve.

(ii) Include a management plan that identifies the specific actions you will take to complete the proposed activities on time and a budget in the format provided that explains the uses of both federal and non-federal funds and the period of performance under the grant.

(iii) Include a discussion of the process by which the work accomplished with the grant will be evaluated to determine if the objectives of the grant were met.

(d) Identify the resources that will be leveraged by the amount of this grant's funding that you are requesting (Rating Factor 4). To receive the maximum number of points under Rating Factor 4 you must provide evidence of firm commitments.

(e) You must describe the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address these needs, providing program beneficiaries with outcomes that result in increased independence and empowerment, and the potential for your organization to become financially self-sustaining. You must also describe how your activities will achieve the program outcomes, as described in Rating Factor 5 (Achieving Results and Program Evaluation), namely, where applicable, the number of housing units constructed, the number of housing units rehabilitated, the number of jobs created, the number of jobs retained, the number of participants trained, the number of new businesses created and the number of existing businesses assisted, number of housing units rehabilitated that will be made available to low-to-moderate income participants, percentage change in earnings as a result of employment for those participants, the percent of trained participants who find a job, and annual estimated savings for low-income families as a result of energy efficiency improvements entered into the HUD Program Outcome Logic Model (form 96010) (Rating Factor 5).

(f) The total narrative response to all factors should not exceed 15 pages and be submitted in a format that equals to 8.5 x 11-inch single sided paper, with 12 point font and double lined spacing. Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider or review the information on any excess pages, which may result in a lower score or failure to meet a threshold requirement. In addition, applicants should be aware that additional pages increase the size of the application and the length of time it will take to electronically submit the document and have it electronically received by Grants.gov. Large files result in slower delivery to Grants.gov.

(16) Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD 27300). To get the points for this policy priority, you must include the documentation or references to URLs where the information can be found.

C. Submission Dates and Times

1. *Electronic Application Submission.* Applications for the Rural Housing and Economic Development program must be submitted and received by Grants.gov no later than 11:59:59 p.m. Eastern Time of the application submission date. Applicants are advised to allow time for transmitting their application to Grants.gov. You will receive an acknowledgement of receipt from Grants.gov when your application has been successfully received. Please see the General Section for more detailed information.

2. *Paper Copy Application Submission.* Applicants receiving a waiver of the mandatory electronic applications submission requirement must submit the original and required number of paper copies of the application to the United States Postal Service no later than 11:59:59 p.m. on the application submission date. No hand delivery or services other than the United States Post Office will be accepted.

Applicants should be aware that large packages must be taken to a Post Office for delivery. The United States Postal Service in many areas of the country no longer will deliver large packages that are dropped in a mailbox for delivery. Applicants are advised to carefully read the application submission and timely receipt requirements in the General Section as they have changed from previous years.

3. *Only one application will be accepted from any given organization.* If more than one application is submitted electronically, the last application submitted prior to the due date and time will be the one reviewed by HUD. HUD will not accept application addendums after the deadline unless HUD has specifically asked the applicant for a correction to a technical deficiency in the application. Responses to technical deficiencies must be received by HUD within the time allocated to cure the deficiency. Corrections to technical deficiencies are submitted directly to

HUD in accordance with the information provided by the program office in their cure notification.

What to submit	Required content	Required form or format	When to submit it
Application:			
Abstract			May 20, 2005.
Application Form		SF–424, SF 424 Supplement.	
Budget information	(Per required form)	HUD–CB, HUD–CBW.	
Rating Factors: Narrative	Described in Section V. of this announcement.		
Disclosure Update		HUD–2880.	
Disclosure of Lobby		SF–LLL.	
Facsimile Transmittal		HUD–96011.	
Certification of RC/EZ/EC–II		HUD–2990.	
Certification of Consistency with Consolidated Plan		HUD 2991.	
Comments and Suggestions		HUD–2994.	
Program Outcome Logic Model		HUD–96010.	
Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.		HUD–27300.	

D. Intergovernmental Agency Review

Intergovernmental agency review is not required for this program.

E. Funding Restrictions

1. *Administrative Costs. Administrative costs for assistance under the Rural Housing and Economic Development program may not exceed 15 percent of the total HUD Rural Housing and Economic Development grant award.*

2. *Multiple Capacity Building Grants.* If you have received two or more Rural Housing and Economic Development grants for capacity building since 1999, you are not eligible to apply under Category 1: Capacity Building.

3. *Ineligible Activities.* RHED funds cannot be used for the following activities:

a. Income payments to subsidize individuals or families;

b. Political activities;

c. General governmental expenses other than expenses related to the administrative cost of the grant; or

d. Projects or activities intended for personal gain or private use.

HUD reserves the right to reduce or deobligate the award if suitable modifications to the proposed project are not submitted by the awardee within 90 days of the request. Any modification must be within the scope of the original application. HUD reserves the right not to make awards under this NOFA.

F. Other Submission Requirements. Carefully review the procedures presented in Section IV of the General Section. During FY 2005, HUD will only accept electronic applications submitted through www.grants.gov unless the applicant has received a waiver from the Department. Please see the General Section for detailed instructions and timelines for requesting a waiver of this requirement. Applicants receiving a waiver of the electronic submission requirement should send an original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Attn: Office of Rural Housing and Economic Development, Processing and Control Unit (Room 7251), 451 Seventh Street, SW., Washington, DC 20410–7000.

V. Application Review Information

A. *Criteria.* Carefully review all the Application Review procedures in Section V of the General Section. In addition, the following Rating Factors will be used to review, evaluate, and rate your application.

1. Rating Factor 1—Capacity of the Applicant and Relevant Organizational Experience (25 points). This rating factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed work plan, as further described in Rating Factor 3, within the 36-month award period.

a. *Rating standards applicable to individual funding categories.* The two funding categories have different objectives. Accordingly, in addition to the generally applicable rating standard discussed above, the different standards discussed below will be used to judge the experience and qualifications of the applicants for each of the two funding categories. HUD fully supports emerging organizations that desire to develop internal capacity. Therefore, the following categories will be evaluated:

(1) *For Capacity Building applications* (25 points). *Team members, composition, experience, organizational structure, and management capacity.* Your response to this sub-factor should clearly state the need that your organization will address with the requested assistance. In addition, you should describe how the enhanced capacity realized through the assistance will fulfill that need. HUD will evaluate the experience (including its recentness and relevancy) of your project director, core staff, and any outside consultant, contractor, subrecipient, or project partner as it relates to innovative housing and economic development and to the implementation of the activities in your workplan. HUD also will assess the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, that consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In responding to this sub-factor, please indicate how the capacity building assistance will strengthen or otherwise affect your organization's current housing or economic development program portfolio or, if you are a new grantee, how the capacity assistance will ensure that you can carry out your proposed activities. In judging your response to this factor, HUD will only consider work experience gained within the last three years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work to be undertaken by the employee or contractor under your Rural Housing and Economic Development program application. Failure to provide dates results in HUD assuming that the experience is earlier than the last three

years, and could result in a lower rating for the response. The more recent, relevant, and successful the experience of your team members is in relationship to the workplan activities, the greater the number of points you will receive.

(2) *For Support for Innovative Rural Housing and Economic Development Activities applications:*

(a) *Team members, composition, and experience* (10 points). HUD will evaluate the experience (including its recentness and relevancy) of your project director, core staff, and any outside consultant, contractor, subrecipient, or project partner as it relates to innovative housing and economic development and to the implementation of the activities in your workplan. HUD also will assess the services that consultants or other parties will provide to fill gaps in your staffing structure to enable you to carry out the proposed workplan; the experience of your project director in managing projects of similar size, scope, and dollar amount; the lines of authority and procedures that you have in place for ensuring that workplan goals and objectives are being met, that consultants and other project partners are performing as planned, and that beneficiaries are being adequately served. In judging your response to this factor, HUD will only consider work experience gained within the last seven years. When responding, please be sure to provide the dates, job titles and relevancy of the past experience to work to be undertaken by the employee or contractor under your proposed Rural Housing and Economic Development award. The more recent, relevant, and successful the experience of your team members are in relationship to the workplan activities, the greater the number of points that you will receive.

(b) *Organizational structure and management capacity* (5 points). HUD will evaluate the extent to which you can demonstrate your organization's ability to manage a workforce composed of full-time or part-time staff, as well as any consultant staff, and your ability to work with community-based groups or organizations in resolving issues related to affordable housing and economic development. In evaluating this subfactor, HUD will take into account your experience in working with community-based organizations to design and implement programs that address the identified housing and economic development issues. The more recent, relevant, and successful the experience of your organization and any participating entity, the greater the number of points you will receive.

(c) *Experience with performance based funding requirements* (10 points). HUD will evaluate your performance in any previous grant program undertaken with HUD funds or other federal, state, local, or nonprofit or for-profit organization funds. In assessing points for this sub-factor, HUD reserves the right to take into account your past performance in meeting performance and reporting goals for any previous HUD award, in particular whether the program achieved its outcomes. HUD will deduct one point for each of the following activities related to previous HUD grant programs for which unsatisfactory performance has been verified: (1) mismanagement of funds, including the inability to account for funds appropriately; (2) untimely use of funds received either from HUD or other federal, state, or local programs; and (3) significant and consistent failure to measure performance outcomes. Among the specific outcomes to be measured are the increases in program accomplishments as a result of capacity building assistance and the increase in organizational resources as a result of assistance.

(d) *Past Rural Housing and Economic Development program performance.* The past performance of previously awarded Rural Housing and Economic Development grantees will be taken into consideration when evaluating Rating Factor 1 ''Capacity of the Applicant and Relevant Organizational Experience.'' Applicants who have been awarded Rural Housing and Economic Development program funds prior to FY2005 should indicate fiscal year and funding amount. HUD local field offices may be consulted to verify information submitted by the applicant as a part of the review of applications.

2. Rating Factor 2—Need and Extent of the Problem (20 points). The Rural Housing and Economic Development program is designed to address the problems of rural poverty, inadequate housing and lack of economic opportunity. This factor addresses the extent to which there is a need for funding the proposed activities based on levels of distress and the urgency of meeting the need/distress in the applicant's target area. In responding to this factor, applications will be evaluated on the extent to which the level of need for the proposed activity and the urgency in meeting the need are documented and compared to target area and national data.

a. In applying this factor, HUD will compare the current levels of need in the area (*i.e.*, Census Tract(s) or Block Group(s) immediately surrounding the project site or the target area to be served by the proposed project and the national levels of need. This means that an application that provides data that show levels of need in the project area expressed as a percent greater than the national average will be rated higher under this factor. Applicants should provide data that address indicators of need as follows:

(1) *Poverty Rate* (5 points)—Data should be provided in both absolute and percentage form (*i.e.*, whole numbers and percents) for the target area(s). An application that compares the local poverty rate in the following manner to the national average at the time of submission will receive points under this section as follows:

(a) Less than the national average = 0 points;

(b) Equal to but less than twice the national average = 1 points;

(c) Twice but less than three times the national average = 3 points;

(d) Three or more times the national average = 5 points.

(2) *Unemployment* (5 points)—for the target area:

(a) Less than the national average = 0 points;

(b) Equal to but less than twice the national average = 1 points;

(c) Twice but less than three times the national average = 2 points;

(d) Three but less than four times the national average = 3 points;

(e) Four but less than five times the national average = 4 points;

(f) Five or more times the national average = 5 points.

(3) *Other indicators of social or economic decline that best capture the applicant's local situation* (5 points).

(a) Data that could be provided under this section are information on the community's stagnant or falling tax base, including recent commercial or industrial closings; housing conditions, such as the number and percentage of substandard or overcrowded units; rent burden (defined as average housing cost divided by average income) for the target area; local crime statistics, falling property values, etc. To the extent that the applicant's statewide or local Consolidated Plan, its Analysis of Impediments to Fair Housing Choice (AI), its Indian housing plan or its anti-poverty strategy identify the level of distress in the community and the neighborhood in which the project is to be carried out, references to such documents should be included in preparing the response to this factor.

(b) In rating applications under this factor, HUD reserves the right to consider sources of available objective data other than or in addition to those provided by applicants, and to compare

such data to those provided by applicants for the project site. These may include U.S. Census data.

(c) HUD requires use of sound, verifiable, and reliable data (*e.g.*, U.S. Census data, state statistical reports, university studies/reports, or Home Mortgage Disclosure Act or Community Reinvestment Act databases) to support distress levels cited in each application. See *http://www.ffiec.gov/* or *http://www.ffiec.gov/webcensus/ffieccensus.* for census data. A source for all information along with the publication or origination date must also be provided.

(d) Updated Census data are available for the following indicators:

(i) Unemployment rate—estimated monthly for counties, with a two-month lag;

(ii) Population—estimated for incorporated places and counties, through 2000;

(iii) Poverty rate—through 2000.

(4) *Demographics of Distress—Special Factors* (*5 points*). Because HUD is concerned with meeting the needs of certain underserved areas, you will be awarded a total of five points if you are located in or propose to serve one or more of the following populations, or if your application demonstrates that 100 percent of the beneficiaries supported by Rural Housing and Economic Development funds are in one or more of the following populations. You must also specifically identify how each population will be served and that the proposed service area meets the definition of ''eligible rural area'' in Section I of this NOFA:

(a) Areas with very small populations in non-urban areas (2,500 population or less);

(b) Seasonal farm workers;

(c) Federally recognized Indian tribes;

(d) Colonias;

(e) Appalachia's Distressed Counties; or

(f) The Lower Mississippi Delta Region (8 states and 240 counties/parishes).

For these underserved areas, you should ensure that the populations that you serve and the documentation that you provide are consistent with the information described in the above paragraph under this rating factor.

3. Rating Factor 3—Soundness of Approach (20 points). This factor addresses the overall quality of your proposed workplan, taking into account the project and the activities proposed to be undertaken; the cost-effectiveness of your proposed program; and the linkages between identified needs, the purposes of this program, and your proposed activities and tasks. In addition, this factor addresses your ability to ensure that a clear linkage exists between innovative rural housing and economic development. In assessing cost-effectiveness, HUD will take into account your staffing levels; beneficiaries to be served; and your timetable for the achievement of program outcomes, the delivery of products and reports, and any anticipated outcome or product. You will receive a greater number of points if your workplan is consistent with the purpose of the Rural Housing and Economic Development program, your program goals, and the resources provided.

a. *Management Plan* (13 points). A clearly defined management plan should be submitted that identifies each of the projects and activities you will carry out to further the objectives of this program; describes the linkage between rural housing and economic development activities; and addresses the needs identified in Factor 2, including needs that previously were identified in a statewide or local Analysis of Impediments to Fair Housing Choice (AI) or Consolidated Plan. The populations that were described in Rating Factor 2 for the purpose of documenting need should be the same populations that will receive the primary benefit of the activities, both immediately and over the long term. The benefits should be affirmatively marketed to those populations least likely to apply for and receive these benefits without such marketing. Your timetable should address the measurable goals and objectives to be achieved through the proposed activities; the method you will use for evaluating and monitoring program progress with respect to those activities; and the method you will use to ensure that the activities will be completed on time and within your proposed budget estimates. Your management plan should also include the budget for your program, broken out by line item. Documented projected cost estimates from outside sources are also required. Applicants should submit their workplan on a spreadsheet showing each project to be undertaken and the tasks (to the extent necessary or appropriate) in your workplan to implement the project with your associated budget estimate for each activity/task. Your workplan should provide the rationale for your proposed activities and assumptions used in determining your project timeline and budget estimates. Failure to provide your rationale may result in your application receiving fewer points for lack of clarity in the proposed management plan.

This subfactor should include information that indicates the extent to which you have coordinated your activities with other known organizations (*e.g.*, through letters of participation or coordination) that are not directly participating in your proposed work activities, but with which you share common goals and objectives and that are working toward meeting these objectives in a holistic and comprehensive manner. The goal of this coordination is to ensure that programs do not operate in isolation. Additionally, your application should demonstrate the extent to which your program has the potential to be financially self-sustaining by decreasing dependence on Rural Housing and Economic Development funding and relying more on state, local, and private funding. The goal of sustainability is to ensure that the activities proposed in your application can be continued after your grant award is complete.

b. *Policy Priorities* (7 Points). Policy priorities are outlined in detail in the General Section. You should document the extent to which HUD's policy priorities are furthered by the proposed activities. Applicants that include activities that can result in the achievement of these departmental policy priorities will receive higher rating points in evaluating their application for funding. Seven departmental policy priorities are listed below. When policy priorities are included, describe in brief detail how those activities will be carried out.

The point values for policy priorities are as follows:

(1) Providing increased homeownership and rental opportunities for low- and moderate-income persons, persons with disabilities, the elderly, minorities, and families with limited English proficiency=1 point;

(2) Improving our Nation's communities=1 point;

(3) Encouraging accessible design features=1 point;

(4) Providing full and equal access to grassroots faith-based and other community-based organizations in HUD program implementation=1 point;

(5) Ending chronic homelessness within ten years=1 point;

(6) Removal of barriers to affordable housing= 2 points and;

(7) Promoting Energy Efficiency and Adopting Energy Star = 1 point.

4. Rating Factor 4—Leveraging Resources (10 points). This factor addresses the extent to which applicants for either of the two funding categories

have obtained firm commitments of financial or in-kind resources from other federal, state, local, and private sources. For every Rural Housing and Economic Development program dollar anticipated, you should provide the specific amount of dollars leveraged. In assigning points for this criterion, HUD will consider the level of outside resources obtained in the form of cash or in-kind goods or services that support activities proposed in your application. HUD will award a greater number of points based upon a comparison of the extent of leveraged funds with the requested Rural Housing and Economic Development award. This criterion is applicable to both funding categories under this NOFA. The level of outside resources for which commitments are obtained will be evaluated based on their importance to the total program. Your application must provide evidence of leveraging in the form of letters of firm commitment from any entity, including your own organization, which will be providing matching funds to the project. Each commitment described in the narrative of this factor must be in accordance with the definition of ''firm commitment,'' as defined in this NOFA. The commitment letter must be on letterhead of the participating organization, must be signed by an official of the organization legally able to make commitments on behalf of the organization, and must not be dated earlier than the date this NOFA is published.

Points for this factor will be awarded based on the satisfactory provisions of evidence of leveraging and financial sustainability, as described above, and the ratio of leveraged funds to requested HUD Rural Housing and Economic Development funds as follows:

a. 50% or more of requested HUD Rural Housing and Economic Development funds=10 points;

b. 49–40% of requested HUD Rural Housing and Economic Development funds=8 points;

c. 39–30% of requested HUD Rural Housing and Economic Development funds=6 points;

d. 29–20% of requested HUD Rural Housing and Economic Development funds=4 points;

e. 19–9% of requested HUD Rural Housing and Economic Development funds=2 points;

f. Less than 9% of HUD requested Rural Housing and Economic Development funds =0 points.

See the General Section for instructions for submitting third party letters and other documents with your electronic application.

5. Rating Factor 5—Achieving Results and Program Evaluation (25 points). This factor emphasizes HUD's commitment to ensure that applicants keep promises made in their application. This factor assesses their performance to ensure that rigorous and useful performance measures are used and goals are met. Achieving results means you, the applicant, have clearly identified the benefits or outcomes of your program. Outcomes are ultimate project end goals. Benchmarks or outputs are interim activities or products that lead to the ultimate achievement of your goals. Program evaluation requires that you, the applicant, identify program outcomes, interim products or benchmarks, and performance indicators that will allow you to measure your performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Your evaluation plan should identify what you are going to measure, how you are going to measure it, and the steps you have in place to make adjustments to your work plan if performance targets are not met within established time frames.

Applicants must also complete the ''Logic Model'' HUD Form (HUD–96010) included in the appendix to this NOFA and submit the completed form with their application. This rating factor reflects HUD's goal to embrace high standards of ethics, management, and accountability. HUD will hold a training broadcast via satellite for potential applicants to learn more about Rating Factor 5. For more information about the date and time of the broadcast, consult the HUD web site at *www.hud.gov/grants/index.cfm.*

Program outcomes for the Rural Housing and Economic Development program must include where applicable:

a. Number of housing units constructed;

b. Number of housing units rehabilitated that will be made available to low-to-moderate-income participants;

c. Number of jobs created;

d. Percentage change in earnings as a result of employment for those participants;

e. Number of participants trained;

f. Percent of participants trained who find a job;

g. Number of new businesses created;

h. Number of existing businesses assisted; and

i. Annual estimated savings for low-income families as a result of energy efficiency improvements.

j. Increase in program accomplishments as a result of capacity building assistance (*e.g.* number of employees hired or retained, efficiency or effectiveness of services provided); and

k. Increase in organizational resources as a result of assistance (*e.g.,* dollars leveraged). If you receive an award of funds, you will be required to use the logic model to report progress against the proposed outcomes in your approved application and award agreement.

Applicant must provide a breakdown of estimated dollar amount of the Rural Housing and Economic Development grant to be expended on each of the performance measures included on the HUD–96010 ''Logic Model'' and under the Rating Factor 5 section of your application.

6. RC/EZ/EC–II bonus points (2 points). HUD will award two bonus points to all applications that include documentation stating that the proposed eligible activities/projects will be located in and serve federally designated RC/EZ/EC–II. A listing of federally designated RC/EZ/EC-II is available on the Internet at *www.hud.gov/grants/index.cfm.*

This notice contains a certification (HUD–2990) that must be completed for the applicant to be considered for Rural EZ/Round II EC bonus points.

B. Review and Selection Process

1. *Application Selection Process*

a. *Rating and Ranking*

(1) *General.* To review and rate applications, HUD may establish panels which may include outside experts or consultants to obtain certain expertise and outside points of view, including views from other federal agencies.

(2) *Rating.* All applicants for funding will be evaluated against applicable criteria. In evaluating applications for funding, HUD will take into account an applicant's past performance in managing funds, including the ability to account for funds appropriately; its timely use of funds received either from HUD or other federal, state or local programs; its success in meeting performance targets for completion of activities; and the number of persons to be served or targeted for assistance. HUD may use information relating to these items based on information at hand or available from public sources such as newspapers, Inspector General or Government Accounting Office reports or findings, hotline complaints that have been found to have merit, or other such sources of information. In evaluating past performance, HUD will deduct points from rating scores as specified under Rating Factor 1, Capacity of the Applicant and Relevant Organizational Experience.

(3) *Ranking.* Applicants will be ranked separately within each of the two funding categories. Applicants will be selected for funding in accordance with their rank order in each category. An application must receive a minimum score of 75 points to be eligible for funding. If two or more applications are rated fundable and have the same score, but there are insufficient funds to fund all of them, the application(s) with the highest score for Rating Factor 2 (Need and Extent of the Problem) will be selected. If applications still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 3 (Soundness of Approach), Rating Factor 1 (Capacity and Experience), Rating Factor 5 (Achieving Results and Program Evaluation), and Rating Factor 4 (Leveraging Resources).

a. *Initial screening.* During the period immediately following the application deadline, HUD will screen each application to determine eligibility. Applications will be rejected if they:

(1) Are submitted by ineligible applicants;

(2) Do not serve an eligible rural area as defined in Section III of this NOFA;

(3) Do not meet the objectives of the Rural Housing and Economic Development program; or

(4) Propose a project for which the majority of the activities are ineligible.

b. *Rating Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants and the maximum points for each factor are provided above. The maximum number of points for this program is 102. This includes 100 points for all five rating factors and two RC/EZ/EC–II bonus points, as described above.

c. *Environmental Review.* Each application constitutes an assurance that the applicant agrees to assist HUD in complying with the provisions set forth in 24 CFR part 50. Selection for award does not constitute approval of any proposed site. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this part, in accordance with 24 CFR part 50. The results of the environmental review may require that proposed activities be modified or that proposed sites be rejected. Applicants are particularly cautioned not to undertake or commit HUD funds for acquisition or development of proposed properties (including establishing lines of credit that permit financing of such activities or making commitments for loans that would finance such activities from a revolving loan fund capitalized by funds under this NOFA) prior to HUD approval of specific properties or areas. Each application constitutes an assurance that you, the applicant, will assist HUD in complying with part 50; will supply HUD with all available relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, demolish, lease, repair, or construct property, or commit or expend HUD or local funds for these program activities with respect to any eligible property until HUD approval of the property is received. In supplying HUD with environmental information, grantees must use the guidance provided in Notice CPD–99–01, entitled ''Field Environmental Processing for HUD Colonias Initiative (HCI) grants,'' issued January 27, 1999. HUD's funding commitment is contingent upon HUD's site approval following an environmental review.

d. *Adjustments to Funding.*

(1) HUD will not fund any portion of your application that is ineligible for funding and does not meet the requirements of this NOFA, or is duplicative of other funded programs or activities from prior year awards or other selected applicants. Only the eligible non-duplicative portions of your application may be funded.

(2) HUD reserves the right to reallocate funds between categories to achieve the maximum allocation of funds in both categories.

(3) If after all eligible applicants have been selected for funding in Category 1 and funds remain, the remaining funds will be allocated to Category 2 to fund additional eligible applications in that category. If a balance of funds remains, HUD reserves the right to utilize those funds toward the following year's awards.

(4) Please see the Section VI.A.3 of the General Section for more information about funding.

(5) Performance and Compliance Actions of Funding Recipients. HUD will measure and address the performance and compliance actions of funding recipients in accordance with the applicable standards and sanctions of the Rural Housing and Economic Development program.

e. *Corrections to Deficient Applications.* After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants.

Examples of curable (correctable) technical deficiencies include inconsistencies in the funding request, a failure to submit the proper certifications or failure to submit an application that contains a signature by an official able to make a legally biding commitment on behalf of the applicant. In the case of an applicant who received a waiver, the technical deficiency may include a failure to submit an application that contains an original signature. If HUD finds a curable deficiency in the application, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday or federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday or federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding. In order to meet statutory deadlines for the obligation of funds or for timely completion of the review process, Program NOFAs may reduce the number of days for submitting a response to a HUD clarification or correction to a technical deficiency. Please be sure to carefully read each Program NOFA for any additional information and instructions. An applicant's response to a HUD notification of a curable deficiency should be submitted directly to HUD in accordance with the instructions provided with request to cure the deficiency.

VI. Award Administration Information:

A. *Award Notice.* Successful Rural Housing and Economic Development program applicants will be notified of grant award and will receive post-award instructions by mail.

B. *Administrative and National Policy Requirements.* In addition to the requirements listed below, please review all requirements in Section III of the General Section.

1. *Lead-Based Paint Hazard Control.* All property assisted under the Rural Housing and Economic Development program is covered by the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and HUD's implementing regulations at 24 CFR part 35.

2. *Audit Requirements.* Any grantee that expends $500,000 or more in federal financial assistance in a single year (this can be program year or fiscal year) must meet the audit requirements established in 24 CFR parts 84 and 85 in accordance with OMB A–133.

3. *Accounting System Requirements.* The Rural Housing and Economic Development program requires that successful applicants have in place an accounting system that meets the policies, guidance, and requirements described in the following applicable OMB Circulars and Code of Federal Regulations:

a. OMB Circular A–87 (Cost Principles for State, Local and Indian Tribal Governments);

b. OMB Circular A–122 (Cost Principles for Non-Profit Organizations);

c. OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations);

d. 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations); and

e. 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments).

C. *Reporting:* Reporting documents apply to the award, acceptance and use of assistance under the Rural Housing and Economic Development program and to the remedies for noncompliance, except when inconsistent with HUD's Appropriation Act, or other federal statutes or the provisions of this NOFA.

For each reporting period, as part of your required report to HUD, you must include a completed Logic Model (Form HUD 96010), which identifies output and outcome achievements. If you are reporting race and ethnic data, you must use Form HUD–27061, Race and Ethnic Data Reporting Form.

D. *Debriefing.* See the General Section for information on how to obtain a debriefing on your application review and evaluation.

VII. Agency Contact(s)

Further Information and Technical Assistance: For information concerning the HUD Rural Housing and Economic Development program, contact Mr. Thann Young, Program Specialist, or Ms. Linda L. Streets, Community Development Specialist, Office of Rural Housing and Economic Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7137, Washington, DC 20410–7000; telephone 202–708–2290 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Prior to the application deadline, Mr. Young or Ms. Streets will be available at the number above to provide general guidance and clarification of the NOFA, but not guidance in actually preparing your application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

VIII. Other Information

1. *Satellite Broadcast.* HUD will hold an information webcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this webcast, consult the HUD web site at *www.hud.gov.*

2. *The Paperwork Reduction Act.* The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0169. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 100 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing and reporting the data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING NEIGHBORHOOD NETWORKS

Billing Code 4210-32-C

Public Housing Neighborhood Networks Program

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Public and Indian Housing.

B. Funding Opportunity Title: Public Housing Neighborhood Networks program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The **Federal Register** number for this NOFA is: FR–4950–N–24. The OMB approval number for this program is 2577–0229.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): 14.870.

F. Dates: The application submission date is June 3, 2005. Please see the General Section of the SuperNOFA for application submission and timely receipt requirements.

G. Optional, Additional Overview Content Information: 1. *Purpose of Program:* The purpose of the Public Housing Neighborhood Networks (NN) program is to provide grants to public housing authorities (PHAs) to: a) update and expand existing NN /community technology centers; or b) establish new NN centers. These centers offer comprehensive services designed to help public housing residents achieve long-term economic self-sufficiency.

2. *Funding Available:* The Department plans to award approximately $23,888,000 ($13,888,000 in new appropriations plus $10,000,000 in carryover) under the Neighborhood Networks program in Fiscal Year 2005.

3. *Award Amounts:* Awards will range from $150,000 to $6000,000.

4. *Eligible Applicants.* Eligible applicants are PHAs only.

Tribes and tribally designated housing entities (TDHEs), nonprofit organizations, and resident associations are not eligible to apply for funding under the Public Housing Neighborhood Networks program.

5. *Cost Sharing/Match Requirement:* PHAs are required to match at least 25 percent of the requested grant amount.

6. *Grant term.* The grant term is three years from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum grant amount
Neighborhood Networks	$23.8 Million	PHAs—existing centers	$150,000 for PHAs with 1–780 units. $200,000 for PHAs with 781–2,500 units. $250,000 for PHAs with 2,501–7,300 units. $300,000 for PHAs with 7,301 units or more.
		PHAs—new centers	$300,000 for PHAs with 1–780 units. $400,000 for PHAs with 781–2,500 units. $500,000 for PHAs with 2,501–7,300 units. $600,000 for PHAs with 7,301 units or more.

Full Text of Announcement

I. Funding Opportunity Description

A. Definition of Terms

1. *Contract Administrator* is a grant administrator or financial management agent that oversees the implementation of the grant and/or the financial aspects of the grant. See the ''Program Requirements'' and ''Threshold Requirements'' sections for more information.

2. *An existing computer center* is: (1) A computer lab, or technology center owned and operated by a PHA which serves residents of public housing and has not received prior NN funding and therefore is not officially designated a HUD Public and Indian Housing (PIH) NN center; (2) a computer lab designated as a HUD PIH NN center, which seeks to expand its services; or (3) a computer lab which needs funding under this program to become operational and serve residents of public housing.

3. *A new NN center* is one that will be established (*i.e.* there is no infrastructure, space, or equipment currently in use for this purpose) with NN grant funds. NOTE: An applicant previously funded under Neighborhood Networks may apply under the ''New Computer Center'' category only if it will develop a new center in a development which cannot be served by the applicant's existing NN center(s).

4. *Past Performance* is a threshold requirement. Using Rating Factor 1, HUD's field offices will evaluate applicants for past performance to determine whether an applicant has the capacity to manage the grant they are applying for. Field offices will evaluate the past performance of contract administrators for applicants that required one.

5. *Person with disabilities* means a person who:

a. Has a condition defined as a disability in section 223 of the Social Security Act;

b. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

c. Is determined to have a physical, mental, or emotional impairment which:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently; and

(3) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term ''person with disabilities'' includes persons who have acquired immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. In addition, no individual shall be considered a person with disabilities solely based on drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

6. *Project Coordinator* is responsible for coordinating the grantee's approved activities to ensure that grant goals and objectives are met. A qualified Project Coordinator is someone with at least two years of experience working on supportive services designed specifically for underserved populations. The Project Coordinator and grantee are both responsible for ensuring that all federal requirements are followed.

7. *Secretary* means the Secretary of Housing and Urban Development.

8. *Senior person* means a person who is at least 62 years of age.

B. Program Description

1. The Public Housing Neighborhood Networks program provides grants to PHAs to (1) update and expand existing NN/community technology centers; or (2) establish new (NN) centers.

2. NN centers must be located within a public housing development, on PHA land, or within reasonable walking distance to the PHA development(s).

3. HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in improved economic self-sufficiency for public housing residents. HUD is looking for proposals that involve partnerships with organizations that will supplement and enhance the services offered to residents.

4. NN centers provide computer and Internet access to public housing residents and offer a full range of computer and job training services. Applicants should submit proposals that will incorporate computer and Internet use to: provide job training for youths, adults and seniors; expand educational opportunities for residents; promote economic self-sufficiency and help residents transition from welfare to work; assist children with homework; provide guidance to high school students (or other interested residents) for post-secondary education (college or trade schools); and provide other services deemed necessary from resident input.

5. All applicants must complete a business plan (see sample HUD–52766 provided in the Appendix) covering the three-year grant term. Applicants' business plan and narrative must indicate how the centers will become self-sustaining after the grant term expires. Proposed grant activities should build on the foundation created by previous NN grants such as Resident Opportunities and Self-Sufficiency (ROSS) grants, or other federal, state and local self-sufficiency efforts.

C. Eligible Activities

1. *Hiring a Qualified Project Coordinator To Administer the Grant Program.* A qualified Project Coordinator must have project management and information technology experience. The Project Coordinator should be hired for the entire term of your grant. The Project Coordinator is responsible for ensuring that the center achieves its proposed goals and objectives. In addition, the Project Coordinator is responsible for the following activities:

a. Marketing the program to residents;

b. Assessing residents' needs, interests, skills, and job-readiness;

c. Assessing residents' needs for supportive services, *e.g.* childcare, transportation;

d. Designing and coordinating grant activities based on residents' needs and interests; and

e. Monitoring the progress of program participants and evaluating the overall success of the program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

2. *Literacy training and GED preparation;*

3. *Computer training*, from basic to advanced;

4. *College preparatory* courses and information;

5. *Job Training:* Some examples of the job training skills encouraged are: oral and written communication skills; work ethic; interpersonal and teamwork skills; resume writing; interviewing techniques, creating job training and placement programs with local employers and employment agencies; and post-employment follow-up to assist residents who are new to the workplace.

6. *Physical improvements.* Physical improvements must relate to providing space for a Neighborhood Networks center. Renovation, conversion, wiring, and repair costs may be essential elements of physical improvements. In addition, architectural, engineering, and related professional services required to prepare plans or drawings, write-ups, specifications or inspections may also be part of the cost of implementing physical improvements.

a. Creating an accessible space for persons with disabilities is an eligible use of funds. Refer to Office of Management and Budget (OMB) Circular A–87, ''Cost Principles for State, Local and Indian Tribal Governments.''

b. The renovation, conversion, or joining of vacant units in a PHA development to create space for the equipment and activities of a NN center (computers, printers, and office space) are eligible activities for physical improvement.

c. The renovation or conversion of existing common areas in a PHA development to accommodate a NN center is eligible.

d. If renovation, conversion, or repair is done off-site, the PHA must provide documentation with its application that it has control of the proposed property for at least five years. Control can be demonstrated through a lease agreement, ownership documentation, or other appropriate documentation.

7. *Maintenance and insurance costs.* Includes installing and maintaining the hardware and software as well as insurance coverage for the space and equipment.

8. *Purchase of computers, printers, software and other peripheral equipment* are eligible expenses. In addition, costs of computer hardware and software for the needs of persons with disabilities are an eligible cost for this funding category;

9. *Distance Learning Equipment.* Distance learning equipment (including the costs for video casting and purchase/lease/rental of distance learning equipment) is an eligible use of funds. The proposal must indicate that the center will be working in a virtual setting with a college, university or other educational organization. Distance learning equipment can also be used to link one or more centers so that residents can benefit from courses being offered at only one site.

10. *Security and related costs.* Includes space and minor refitting, locks, and other equipment for safeguarding the center.

11. *Hiring Residents.* Grantees may hire residents to help with the implementation of this grant program.

12. *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries of any kind. For both new and existing NN centers, administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87. Please use HUD–424–CBW to itemize your administrative costs. You may attach an additional sheet of paper to the HUD–424–CBW form if necessary in order to fully itemize your administrative costs.

D. Regulations Governing the Neighborhood Networks Grant

The Neighborhood Networks program is governed by regulations in 24 CFR parts 905 and 968.

II. Award Information

A. *Total Funding.* The Department expects to award approximately a total of $23,888,000 ($13,888,000 in new appropriations plus $10,000,000 in carryover) under the Neighborhood Networks program in Fiscal Year 2005. Awards will be made as follows:

1. Forty percent of available funding for Neighborhood Networks will be used for updating and expanding existing computer technology centers. The other 60 percent will provide grants to establish and operate new Neighborhood Networks centers.

2. PHAs must use the number of occupied public housing units as of September 30, 2004 per their budget. This is required so the PHA can determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate on the Fact

Sheet (HUD–52751) the number of units under management.

a. *Funding Levels for Existing Centers:*

Number of conventional units	Maximum funding
1–780 units	$150,000
781–2,500 units	200,000
2,501–7,300 units	250,000
7,301 or more units	300,000

b. *Funding Levels for New Centers:*

Number of conventional units	Maximum funding
1–780 units	$300,000
781–2,500 units	400,000
2,501–7,300 units	500,000
7,301 or more units	600,000

B. *Grant Period:* Three years. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed by the grantee and HUD.

C. *Grant Extensions.* Requests to extend the grant term must be submitted in writing by the grantee to the local HUD field office. Such requests must be done prior to grant termination and with at least 30 days notice to give the field office a reasonable amount of time to fully evaluate the request. Requests must explain why the extension is necessary, what work remains to be completed, and what work and progress was accomplished to date. Extensions may be granted one time only by the field office for no more than six months.

D. *Type of Award:* Grant agreement.

E. *Subcontracting:* Subcontracting is permitted. Grantees must follow the HUD federal procurement regulations found at 24 CFR 85.36.

III. Eligibility Information

A. Eligible Applicants: Public Housing Authorities are eligible to apply for this funding category. Tribes/TDHEs, nonprofit organizations, and resident associations are not eligible to apply for this funding category.

B. Cost Sharing or Matching: All applicants are required to obtain a 25 percent cash or in-kind match. The match is a threshold requirement. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Please see the section below on threshold requirements for more information on what is required for the match.

C. Other: 1. *Threshold Requirements:* Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type of threshold) it will be considered a failed application. Applicants and grantees must also meet the threshold requirements contained in Section III.C. of the General Section of the SuperNOFA.

a. *Match.* All applicants are required to commit a 25 percent match in cash or in-kind donations that are defined in this paragraph. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail this threshold requirement and will not receive further consideration for funding. If you are also applying for funding under the ROSS grant program, you must use different sources of match donations for each grant application and you must indicate which ROSS grant(s) you are applying for by attaching a narrative to your application. This narrative must state the sources and amounts of each of your match contributions for this application as well as any other HUD grant program to which you are applying.

Match donations must be firmly committed. Firmly committed means that the amount of match resources and their dedication to Neighborhood Networks-funded activities must be explicit, in writing and signed by a person authorized to make the commitment. Letters of commitment and memoranda of understanding (MOU) must be on organization letterhead, and signed by a person authorized to make the commitment. The letters of commitment/MOUs must indicate the total dollar value of the commitment, be dated within two months of the application deadline, and indicate how the commitment will relate to the proposed program. The commitment should be available at time of award. Applicants proposing to use their own, non-HUD grant funds to meet the match requirement, must also include a letter of commitment indicating the type of match (cash or in-kind) and how the match will be used. Grant awards shall be contingent upon letters of commitment being submitted with your application. Please see the General Section of the SuperNOFA for instructions for submitting the required letters with your electronic application.

(1) Volunteer time and services shall be computed using the professional rate for the local area or the national minimum wage rate of $5.15 per hour (Note: applicants may not count their staff time towards the match.) If grantees propose to use volunteers for development or operations work that would otherwise be subject to payment of Davis-Bacon or HUD-determined prevailing wage rates (including construction, rehabilitation or maintenance) their services must be computed using the appropriate methodology. Additional information on these wage rates can be found at: *www.hud.gov/*, by contacting HUD Field Office Labor Relations staff, or from the PHA. Such volunteers must also meet the requirements of section 12(b) of the United States Housing Act of 1937 and 24 CFR part 70;

(2) In order for HUD to determine the value of any donated material, equipment, staff time, building, or lease, your application must provide a letter from the organization making the donation. The letter must state the value of the contribution.

(3) Other resources/services that can be committed include: in-kind services such as administrative assistance provided to the applicant; funds from federal sources that are allowed by statute, for example Community Development Block Grant (CDBG); funds from any state or local government sources; and funds from private contributions. Applicants may also partner with other program funding recipients to coordinate the use of resources in the target area.

b. *Past Performance.* HUD's field offices will evaluate data provided by applicants as well as their past performance to determine whether applicants have the capacity to manage the grant they are applying for. Field offices will evaluate the contract administrators' past performance for applicants required to have a contract administrator. Using Rating Factor 1, the field office will evaluate applicants' past performance. Applicants should carefully review Rating Factor 1 to ensure their application addresses all of the criteria requested. If applicants fail to address what is requested in Rating Factor 1, their application will not receive further consideration.

c. *Contract Administrator Partnership Agreement.* PHAs that are troubled at time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. Grant awards must have a signed Contract Administrator Partnership Agreement included in the application. Applicants required to have a Contract Administrator Partnership Agreement that fail to submit one will fail this threshold requirement and will not receive further consideration for funding.

Troubled PHAs are not eligible to be contract administrators. Grant writers who assist in the preparation of their Neighborhood Networks applications are also ineligible to be contract administrators.

For more information on contract administrators, see the section ''Program Requirements.''

d. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

e. *The Dun and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. You will need a DUNS number to complete your Grants.gov registration. Registration is required for electronic submission. See the General Section of the SuperNOFA for a discussion of the Grants.gov registration process.

f. Applicants will not be considered for funding if their request exceeds the maximum amount they are eligible for.

2. *Program Requirements:*

a. *Program Evaluations.* A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received training through this program. For example, applicants may propose to reserve one percent of grant funds for every 10 students they train for the purpose of evaluating students' success in the program.

b. *Physical Improvements.* All renovations must meet appropriate accessibility requirements, including the requirements of Section 504 of the Rehabilitation Act of 1973 at 24 CFR part 8, Architectural Barriers Act at 24 CFR part 40, the Americans with Disabilities Act and the Fair Housing Act. Compliance with the Uniform Federal Accessibility Standards must comply with the requirements of 24 CFR 8.21, 8.22, 8.232, and 8.25 with respect to buildings.

c. *Contract Administrator.* The contract administrator must assure that the financial management system and procurement procedures that will be implemented during the grant term comply with 24 CFR part 85. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must assist PHAs in meeting HUD's reporting requirements, see Section VI.C. ''Reporting'' for more information. Contract administrators may be: local housing agencies; community-based organizations such as community development corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; state/regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants in preparing their Neighborhood Networks applications are also ineligible to be contract administrators. Organizations that the applicant proposes to use as the contract administrator must not violate the conflict of interest standards as defined in 24 CFR part 84 and 24 CFR part 85.

d. *Other Requirements Applicable to All Programs.* All applicants, lead and non-lead, should refer to ''Other Requirements and Procedures Applicable to All Programs'' of the General Section of the SuperNOFA for other requirements to which they may be subject.

3. *Number of Applications Permitted:*

a. *General.* Applicants may submit only one application for a NN grant.

b. *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. Only the lead applicant is subject to the threshold requirements outlined in this NOFA. However, both lead and non-lead applicants are subject to threshold requirements outlined in Section III. C. of the General Section of the SuperNOFA. The lead applicant must be registered with Grants.gov and submit the application using the Grants.gov portal. Applicants who submit joint applications cannot submit separate applications as sole applicants under this NOFA. NOTE: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

4. *Eligible Participants:* All program participants must be residents of public housing or residents of other housing assisted with funding made available under the 2005 Appropriations Act (*e.g.*, residents receiving tenant-based or project-based voucher assistance, as well as elderly and disabled residents).

5. *Compliance with Program Requirements.* In addition to the specific NN program requirement, all applicants and grantees must also comply with the program requirements contained in Section III. C. of the General Section of the SuperNOFA.

IV. Application and Submission Information

A. *Address to Obtain an Application Package.* There is no application kit this year. Please refer to the General Section for information on how to submit your application electronically. Copies of this published NOFA and application forms for this program may be downloaded from the grants.gov Web site at *http://www.grants.gov/APPLY.* If you have difficulty accessing the information you may call the Grants.gov help desk toll-free at (800) 518–GRANTS or sending an e-mail to *Support@Grants.gov.* The operators will assist you in accessing the information.

B. *Content and Form of Application Submission:* 1. *Application Preparation:* Before preparing an application for Neighborhood Networks funding, applicants should carefully review the program description, program requirements, ineligible activities, threshold requirements contained in this NOFA, and the General Section. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives must be descriptive in order to ensure that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and the General Section. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission:* In order to be funded, applicants must propose programs which meet all the requirements and objectives of the Neighborhood Networks program described in this NOFA and follow the submission instructions for electronic filing and submitting third party letters and other documentation found in the General Section.

3. *Content of Application:* Applicants must write narrative responses to each of the rating factors described in the section below. Their responses must demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the Neighborhood Networks program, fully understand the proposal. HUD encourages applicants to carefully review each rating factor, the regulations governing the Neighborhood Networks program, at 24 CFR parts 905 and 968, and the General Section prior to responding to the rating factors.

4. *Format of Application:* (1) Applications may not exceed 35 narrative pages. Narrative pages must be submitted as separate electronic files, formatted as double-spaced, single-sided documents. Each file should have

the pages numbered consecutively. Use Times New Roman font style and font size 12. Supporting documentation, required forms, and certifications will not be counted toward the 35 narrative page limit. See the General Section for information on how to submit documents that are not in electronic format. Applicants should make every effort to submit only what is necessary in terms of supporting documentation. Please see the General Section for instructions on how to submit supporting documentation with your electronic application.

(2) The following checklist has been provided to guarantee that the applicants submit all of the required forms and information. Electronic application filers should make sure the file names for their narratives reflect the labels in the checklist. Each narrative must be in a separate file with all the files zipped together and sent as an attachment in the application submittal.

(Note: Applicants who receive a waiver to submit paper applications, must submit their applications in a three-ring binder, with TABS dividing the sections as indicated below):

TAB 1: Required Forms

1. Acknowledgment of Application Receipt (HUD–2993), for paper application submissions only (you must have an approved waiver to submit a paper application);

2. Application for Federal Assistance (SF–424);

3. SF–424 Supplement—Survey on Ensuring Equal Opportunity for Applicants;

4. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);

5. ROSS Fact Sheet (HUD–52751);

6. Grant Application Detailed Budget (HUD–424–CB);

7. Grant Application Detailed Budget Worksheet (HUD–424–CBW);

8. Applicant/Recipient Disclosure/ Update Report (HUD–2880);

9. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990) if applicable;

10. Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;

11. Disclosure of Lobbying Activities (HUD–SF–LLL)—if applicable;

12. Disclosure of Lobbying Activities Continuation Sheet (HUD–SF–LLL–A)—if applicable; and

13. Client Comments and Suggestions (HUD–2994). (Optional)

14. Facsimile Transmittal (HUD–96011)

TAB 2: Threshold Requirements

1. Letters from Partners attesting to match;

2. Letter from Applicant's organization attesting to match (if applicant is contributing to match); and

3. Contract Administrator Partnership Agreement (required for troubled PHAs) (HUD–52755).

TAB 3: Rating Factor 1

1. Narrative

2. Chart A: Program Staffing (HUD–52756)

3. Chart B: Applicant/Administrator Track Record (HUD–52757)

4. Resumes/Position Descriptions

TAB 4: Narrative for Rating Factor 2

TAB 5: Rating Factor 3

1. Narrative

2. Business Plan (see sample) (HUD–52766)

TAB 6: Narrative for Rating Factor 4

TAB 7: Narrative for Rating Factor 5 and NN Program Forms

1. Narrative

2. Logic Model (HUD–96010);

3. Sample Performance measures/ outcomes are attached for applicants' information

C. *Submission Dates and Times:* 1. *Due Dates:* Electronic applications must be submitted and received by Grants.gov no later than 11:59:59 p.m. eastern time on June 3, 2005. For applicants receiving a waiver to the electronic filing requirement, please see the General Section for waiver and mailing requirements.

2. *Proof of Timely Submission.* Please see Section IV.F of the General Section for application submission, and timely receipt requirements. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

D. *Intergovernmental Review:* Not applicable.

E. *Funding Restrictions:* 1. *Reimbursement for Grant Application Costs:* Applicants who receive a NN award are prohibited from using these grant funds to reimburse any costs incurred while preparing their applications.

2. *Covered Salaries:*

a. Project Coordinator: The Neighborhood Networks program will fund up to $65,000 in combined annual salary and fringe benefits for a full-time Project Coordinator. The Project Coordinator's salary and fringe benefits may not exceed 30 percent of the total grant amount. For audit purposes, applicants must have documentation on file demonstrating that the salary paid to the Project Coordinator is comparable to similar professions in their local area.

b. Hiring Residents: Grantees may hire residents to help with the implementation of this grant program. No more than five percent of grant funds can be used for this purpose.

c. NN funds may only be used for the types of salaries described in this section according to the restrictions described herein. NN funds may not be used to pay for salaries of any other kind.

d. Neighborhood Networks grant funds cannot be used to hire or pay the services of a Contract Administrator.

3. *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment, supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries. Administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87. Please use HUD–424–CBW to itemize your administrative costs.

4. *Ineligible Activities/Costs.* Grant funds may not be used for ineligible activities:

a. Payment of wages and/or salaries to participants for receiving supportive services and/or training programs;

b. Purchase, lease, or rental of land;

c. Purchase, lease, or rental of vehicles;

d. Entertainment costs;

e. Purchasing food;

f. Service Coordinator salary and fringe benefits;

g. Stipends;

h. Cost of application preparation;

i. Costs which exceed limits identified in the NOFA for the following: Project Coordinator, resident salaries, physical improvements (see below) and administrative expenses; and

j. Any other costs not eligible under section 9(d)(1)(E) of the U.S. Housing Act of 1937. A copy of the regulation can be found at *www.hud.gov/ fundsavailable.*

k. NN funds cannot be used to hire or pay for the services of a Contract Administrator

5. *Physical Improvements.* For new centers, expenses for physical improvements may not exceed 20 percent of the total grant amount requested from HUD. For existing centers, expenses for physical improvements may not exceed 10 percent of the total grant amount.

F. *Other Submission Requirements:* a. *Electronic Delivery.* Beginning in FY2005, HUD requires applicants to submit applications electronically through *www.grants.gov/Apply.* Applicants interested in applying for funding must submit their applications electronically via the web site *http:// www.grants.gov/Apply.* This site has simple instructions that will enable you to apply for HUD assistance. The *www.grants.gov/Apply* feature includes

a simple, unified application process to enable applicants to apply for grants online.

b. *Waivers to the Electronic Submission Process:* Applicants may request a waiver to the electronic submission process (see Section IV.F of the General Section for more information). Applicants who are granted a waiver must submit their applications to: HUD Grants Management Center (GMC), Mail Stop: Neighborhood Networks, 501 School Street, SW., 8th floor, Washington, DC 20024. Please see the General Section for detailed mailing and delivery instructions as the procedures have changed significantly for this year.

c. *Number of Copies.* Only applicants receiving a waiver to the electronic submission requirement may submit an original and two paper copies of the application. One paper copy must be sent to the area field office. See the chart in the General Section if you have received a waiver of the electronic submission requirement.

V. Application Review Information

A. Criteria

1. *Factors for Award Used To Evaluate and Rate Applications to the Neighborhood Networks Program:* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two RC/EZ/EC bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for RC/EZ/EC–II bonus points. A listing of federally designated RC/EZ/EC–II is available on HUD's web site at: *www.hud.gov/fundsdsavailable.* The agency certifying to RC/EZ/EC–II status must be included in the listing on HUD's web site. Please see the General Section for details concerning RDC/EZ/EC–II bonus points. NOTE: Applicants should carefully review each rating factor before writing a response. Applicants' narratives must be descriptive and detailed in order to ensure every requested item is addressed. Applicants should make sure their narratives thoroughly address the Rating Factors below and include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. *Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (35 Points)*

This factor addresses whether the applicant has the organizational resources necessary to successfully implement the proposed activities within the grant period. In rating this factor, HUD will consider whether the proposal demonstrates that the applicant will have qualified and experienced staff. HUD will also bear in mind whether or not the proposed staff will be dedicated to administering the program.

(1) *Proposed Program Staffing* (12 Points).

(a) *Staff Experience* (4 Points). HUD is requesting details about the knowledge and experience of the proposed Project Coordinator, staff, and partners in planning and managing programs. Experience will be judged in terms of recent, relevant and successful experience of proposed staff to undertake program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. Applicants will receive a greater amount of points if the proposed staff has recent and applicable experience. HUD is looking for staff to possess experience working with and successfully implementing similar projects. If proposed staff has experience in providing community technology services and in delivering social service programs to underserved populations, applicants will receive a maximum score of four points. If proposed staff has experience in only one area, applicants will receive two points. If proposed staff has experience in neither area, applicants will receive a score of 0 for this subfactor.

The following information should be included in the application in order to provide HUD an understanding of the proposed staff's experience and capacity:

(i) The number of staff years (one staff year = 2080 hours) to be allocated to the program by each employee as well as each of their roles in the program;

(ii) The staff's relevant educational background and/or work experience;

(iii) Relevant and successful experience running programs whose activities include social services and computer programs that are similar to the eligible program activities described in this NOFA;

(b) *Hiring Residents* (3 points). Three points will be awarded if applicants commit to hiring one to three residents. Small PHAs should hire one person, medium PHAs should hire one to two people, and large PHAs should hire three people in order to get the maximum score. In order to receive points for this subfactor, applicants must explain in their narrative that they will hire residents and indicate the number of residents to be hired, and work they will be assigned.

(c) *Organizational Capacity* (5 Points). Applicants will be evaluated based on whether they have, and/or whether their partners have sufficient qualified personnel to deliver the proposed activities in a timely and effective fashion. In order to enhance or supplement capacity, applicants should provide evidence of partnerships with nonprofit organizations or other organizations that have experience providing community technology services to typically underserved populations. Applicants' narrative must describe their ability to immediately begin the proposed work program. Applicants may scan resumes or position descriptions (where staff is not yet hired) for all key personnel so they become an electronic attachment to your Grants.gov application. Please see the General Section for instructions on how to submit the required information with your electronic application. (Resumes/position descriptions do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/Contract Administrator* (6 Points). Applicants' narrative must describe how they (or their Contract Administrator) successfully implemented grant programs (including those listed below) designed to promote resident self-sufficiency or moving from welfare to work. Applicants' past experience may include, but is not limited to, running programs aimed at assisting residents of low-income housing achieve economic self-sufficiency; *e.g.,* ROSS grants and Youthbuild. Applicants' narrative must indicate the grants they received and managed, the grant amounts, and grant terms (years) of the grants that they are counting towards past experience. Applicants will be evaluated according to the following criteria:

(a) Benefits gained by participating residents. These must be measurable. Applicants should describe results their programs have obtained, (*e.g.,* higher incomes, improved grades, higher rates of employment, increased savings, improved literacy, etc.);

(b) Description of timely grant expenditure throughout the term of past grants. Timely means regular drawdowns throughout the life of the grant, *i.e.,* quarterly drawdowns, with all funds expended by the end of the grant term;

(c) Description of past leveraging. Applicants must describe how they have leveraged funding or in-kind services beyond what was originally proposed for past projects;

(3) *Program Administration and Fiscal Management* (17 Points).

(a) *Program Administration* (10 Points). Applicants should describe how they will manage the program; how HUD can be sure that there is program accountability; and provide a description of proposed staff's roles and responsibilities. Applicants should also describe how grant staff, and partners will report to the Project Coordinator and other senior staff.

(b) *Fiscal Management* (7 Points) In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place, which includes those of a Contract Administrator for applicants who required one. (*i.e.*, troubled PHAs);

(ii) Applicants must list any audit findings in the past five years (HUD Inspector General, management review, fiscal, etc.), material weaknesses and what has been done to address them;

(iii) For applicants who are required to have a Contract Administrator, describe the skills and experience the Contract Administrator has in managing Federal funds.

b. *Rating Factor 2: Need (10 Points)*

This factor addresses the need for funding an applicant's proposed program. In responding to this factor, applicants will be evaluated on the extent to which they describe and document the level of need for their proposed activities.

In responding to this factor, applicants must include:

(1) *Demonstrated Link Between Proposed Activities and Local Need.* (10 points). Applicants' narrative must demonstrate a clear relationship between proposed activities, community needs and the purpose of the program's funding in order for points to be awarded for this factor.

c. *Rating Factor 3: Soundness of Approach (25 Points)*

This factor addresses both the quality and cost-effectiveness of applicants' proposed business plan. The business plan must indicate a clear relationship between proposed activities, the targeted population's needs, and the purpose of the program funding. Applicants' activities must address HUD's policy priorities outlined in this Rating Factor.

In rating this factor HUD will consider:

(1) *Quality of the Business Plan* (20 points). This factor evaluates both the applicants' business plan and budget which will be evaluated based on the following criteria:

(a) *Specific Services and/or Activities* (9 points). Applicants' narrative must describe the specific services, course curriculum, and activities they plan to offer and who will be responsible for each. In addition to the narrative, applicants must also provide a business listing the specific services, activities, and outcomes they expect. The business plan must show a logical order of activities and progress and must tie to the outcomes and outputs applicants identify in the Logic Model (see Rating Factor 5). Please see a sample business plan in the Appendix (HUD–52766). Applicants' narrative must explain how their proposed activities will:

(i) Involve community partners in the delivery of services (4 points); and

(ii) Offer comprehensive services versus a small range of services geared toward enhancing economic opportunities for residents. (5 points).

(b) *Feasibility and Demonstrable Benefits* (4 points). This factor examines whether applicants' business plan is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce demonstrable results and advance the purposes of the Neighborhood Networks program.

(i) *Timeliness.* This subfactor evaluates whether applicants' business plan demonstrates that their project is ready to be implemented shortly after grant award. In addition, the timing of the application should not exceed three months following the execution of the grant agreement. The business plan must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution.* The business plan will be evaluated based on how well applicants' proposed activities address the needs described in Rating Factor 2.

(c) *Budget Appropriateness/Efficient Use of Grant* (7 Points). The score in this factor will be based on the following:

(i) *Justification of expenses* (4 Points). Applicants will be evaluated based on whether their expenses are reasonable, well explained, and support the objectives of their proposal.

(ii) *Budget Efficiency* (3 Points). Applicants will be evaluated based on whether their application requests funds commensurate with the level of effort necessary to accomplish their goals and anticipated results.

(d) *Ineligible Activities.* Two points will be deducted for each ineligible activity proposed in the application, as identified in Section IV(E). For example, you will lose 2 points if you propose costs that exceed the limits identified in the NOFA for a Project Coordinator.

(2) *Addressing HUD's Policy Priorities* (5 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle for long-term, positive change that can be achieved at the community level. Applicants' narrative and business plan will be evaluated based on how well they meet the following HUD policy priorities:

(a) *Improving the Quality of Life in Our Nation's Communities.* (1 points). In order to receive points in this category, applicants' narrative and business plan must indicate the types of activities, services, and training programs that will be offered. These programs should help residents successfully transition from welfare to work and earn higher wages, or for elderly/disabled residents, to continue to live independently.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation* (1 point). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations, grassroots faith-based and other community-based organizations. These grassroots organizations have a strong history of providing vital community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, applicants' narrative and business plan must describe how applicants will work with these organizations and what types of services they will provide.

(c) *Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing* (up to 2 points).Under this policy priority, higher rating points are available to (1) governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants undertaking activities in jurisdictions that have undertaken successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants should complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled America's Affordable Communities Initiative, HUD's Initiative

on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations'' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* The information and requirements contained in HUD's regulatory barriers policy priority apply to this FY 2005 NOFA. A description of the policy priority and a copy of form HUD 27300 can be found in the General Section. Applicants are encouraged to read the Notice as well as the General Section to obtain an understanding of this policy priority and how it can impact their score. A number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number or email address. The electronic copy of the HUD 27300 has space to identify a URL or reference that the material is being scanned and attached to the application as part of the submission or faxed to HUD following the facsimile submission instructions.

(d) *Energy Star* (1 point). HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step toward implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to purchase and use Energy Star labeled products. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star building by homebuyers and renters. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see *http://www.energystar.gov* or call 1–888–STAR–YES (1–888–782–7937) or for the hearing-impaired, 1–888–588–9920 TTY. Applicants demonstrating that they will meet one or more provisions of this policy priority will receive one point.

d. *Rating Factor 4: Leveraging Resources (20 Points)*

(1) This factor addresses the applicant's ability to secure community resources that can be combined with HUD's grant resources in order to achieve program purposes. Applicants are required to create partnerships with organizations that can help achieve their program's goals. PHAs are required by section 12(d)(7) of the U.S. Housing Act of 1937 (entitled ''Cooperation Agreements for Economic Self-Sufficiency Activities'') to make best efforts to enter into such agreements with relevant state or local agencies. In rating this factor, HUD will look at the extent to which applicants partner, coordinate and leverage their services and resources with other organizations serving the same or similar populations.

(2) Additionally, applicants must have at least a 25 percent cash or in-kind match. The match is a threshold requirement. Joint applicants must have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Leveraging in excess of the 25 percent of the requested grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which applicants have partnered with other entities to secure additional resources. This will increase the effectiveness of the proposed program activities. The additional resources and services must be firmly committed, must support the proposed grant activities and must, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the grant amount requested in this application. ''Firmly committed'' means that the amount of resources and their dedication to Neighborhood Networks-funded activities must be explicit, in writing, and signed by a person authorized to make the commitment. Please see the section on Threshold Requirements for more information.

(3) Points for this factor will be awarded based on the documented evidence of partnerships and firm commitments and the ratio of requested Neighborhood Networks funds to the total proposed grant budget.

Points will be assigned based on the following scale:

Percentage of match	Points awarded
25	5 points (with partnerships) 3 points (without partnerships).
26–50	10 points (with partnerships) 8 points (without partnerships).
51–75	15 points (with partnerships) 13 points (without partnerships).
76 or above	20 points (with partnerships) 18 points (without partnerships).

e. *Rating Factor 5: Achieving Results and Program Evaluation (10 Points)*

(1) An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements. They are also required to assess their performance so they can measure performance goals. Applicants must demonstrate how they propose to measure their success and outcomes relating to the Department's Strategic Plan. HUD requires NN applicants to develop an effective, quantifiable, outcome-oriented plan for measuring performance and determining that goals have been met. Applicants must use the Logic Model form (HUD–96010) for this purpose.

(2) Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: the number of eligible families that participate in supportive services, the number of new services provided, the number of residents, or the number of households using a technology center. Outputs should produce outcomes for your program. ''Outcomes'' are benefits accruing to the residents, families and/or communities during or after participation in the NN program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: increasing academic achievement in

youth, increasing residents' financial stability (*e.g.* increasing assets of a household through savings), or increasing employment stability (*e.g.*, whether persons assisted obtain or retain employment for one or two years after job training completion). Outcomes are not the actual development or delivery of services or program activities.

(3) This rating factor requires that applicants identify program outputs, outcomes, and performance indicators that will allow applicants to measure their performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative, business plan, and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments if performance targets begin to fall short of established benchmarks and timeframes. Applicants' proposals must also show how they will measure the performance of partners and affiliates. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

In order to respond to this factor, applicants should use the sample performance measures located in the Appendix (HUD–52758) as a guide. Applicants will be evaluated based on how comprehensively they propose to measure their program's outcomes; *e.g.* whether the Logic Model tracks activities and outcomes resulting from the proposed activities, whether the Logic Model identifies evaluation tools and sources, and whether the Logic Model provides output and outcome information for the short, medium and long-term.

B. Review and Selection Process: 1. *Review Process.* Four types of reviews will be conducted: a screening to determine if you are eligible to apply for funding under the Neighborhood Networks category; whether your application submission is complete, on time and meets threshold; a review by the field office to evaluate past performance; and a technical review to rate your application based on the five rating factors provided in this NOFA.

2. *Selection Process:* The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order (by score). In this round, selections will be made regardless of region and will fully fund as many as possible with remaining funds. If remaining funds are too small to make an award, they will be applied to funding the fiscal year 2006 Neighborhood Networks program, assuming new funding is made available.

3. *Tie Scores.* In the event of a tie between two applications, HUD will select the application that was received first.

4. *Deficiency Period.* Applicants will have fourteen calendar days in which to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section.

VI. Award Administration Information:

A. Award Notices: HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter. The letter will contain instructions and the steps they must take to access funding and begin implementing grant activities. Applicants who are not funded will also receive letters via U.S. postal mail.

B. Debriefings: Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. Please refer to the General Section for additional information on debriefings.

C. Administrative and National Policy Requirements:

1. *Applicable Requirements.* Grantees are subject to regulations and other requirements found in:

a. 24 CFR 85 ''Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments'';

b. 24 CFR Part 905 ''The Public Housing Capital Fund Program'';

c. 24 CFR Part 968 ''Public Housing Modernization'';

d. OMB Circular A–87 ''Cost Principles for State, Local, and Indian Tribal Governments''; and

e. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations''.

2. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).*

Applicants and grantees must also comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u and ensure that training, employment, and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons.

3. *Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.* For further information see the General Section.

4. *Fair Housing and Civil Rights Laws.* Applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable. Please see the General Section for more information.

5. *Environmental Impact.* Some activities under this Neighborhood Networks program section will be excluded and not subject to environmental review under 24 CFR 58.34(a)(3), (a)(8) or (a)(9), 58.35(b)(2) or (b)(3), 50.19(b)(3), (b)(8), (b)(9), (b)(12), or (b)(13). Some will be subject to environmental review. Any applicant proposing any long-term leasing or physical development activities, and its partners, are prohibited from constructing, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until the following has occurred:

HUD has approved the grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with 24 CFR 58.11 to perform the environmental review itself under 24 CFR part 50, HUD has completed the environmental review.

6. *Wage Rates.* Laborers and mechanics employed in the development and operation of Neighborhood Networks facilities must be paid Davis-Bacon or HUD-determined prevailing wage rates, respectively, unless they meet the qualifications of a volunteer (see Section III.C.1.a of this program section).

7. *Provision of Services to Individuals with Limited English Proficiency (LEP).* Successful applicants and grantees must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with HUD's LEP Recipient Guidance 68 FR 70968.

8. *Communications.* Successful applicants should ensure that notices of and communications during all training sessions and meetings be effective for persons who have hearing and/or visual disabilities consistent with Section 504, see 24 CFR 8.6.

9. *Procurement of Recovered Materials.* State agencies or a political subdivision of a state that are using assistance under a HUD program NOFA, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In addition, any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. Please see the General Section for more information.

D. Reporting:

1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the local HUD field office. These progress reports shall include financial reports (SF–269A) and a narrative describing milestones, business plan progress, problems encountered and methods used to address these problems. HUD anticipates that some of the reporting of financial status and grant performance will be through electronic or Internet-based submissions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their business plan. Applicants that receive awards from HUD should be prepared to report on additional measures that HUD may designate at time of award. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will not be advanced until reports are received.

2. *Final Report.* All grantees shall submit a final report to their local field office. This reports must include a financial report (SF–269A) and a narrative evaluating overall performance against their business plan. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their business plan. The financial report shall contain a summary of all expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative and financial report shall be due to the field office 90 days after the termination of the grant agreement

3. *Logic Model.* For each semi-annual reporting period, you must include a completed Logic Model (Form HUD 96010), which identifies output and outcome achievements. These semi-annual reporting periods are required. A completed Logic Model must also be provided with the final report showing cumulative outputs and outcomes for the entire award period.

VII. Agency Contact(s)

For questions and technical assistance, applicants may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For the hearing or speech impaired, please call the Federal Relay Service at 800–877–8339.

VIII. Other Information

A. Code of Conduct: See the General Section of the SuperNOFA for more information.

B. Transfer of Funds: HUD does not have the discretion to transfer funds for the Neighborhood Networks category to or from any other grant program.

C. Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average ten hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. Appendix of Forms: The forms specific to the Neighborhood Networks Program follow.

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

form **HUD-52751** (2/2004)

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

_____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

***Instructions for completing this form**: This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. (**NOTE: CAs must be retained for the full term of the grant.**)

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

form **HUD-52757** (3/2004)

SAMPLE BUSINESS PLAN FOR APPLICANTS OF THE ROSS NEIGHBORHOOD NETWORKS FUNDING CATEGORY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Public reporting burden for the collection of information is estimated to average six hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

A good business plan is one of the best ways developers of Neighborhood Networks Computer Technology Centers can ensure success. It is more than just a marketing tool; its fleshes out the mission and structure of the center. This plan is the first step in identifying the purpose, goals and objectives of the center. It is a tool that allows Neighborhood Network planners to think through their ideas, solidify their intentions and objectives, and work efficiently with a plan towards specific goals. Fewer errors are made because actions will be based upon research and analysis.

There is no single best format for a business plan. This one incorporates items and concepts from the U.S. Small Business Administration's (SBA) Business Plan, which has been used successfully by thousands of small businesses.

KEY POINTS WHEN DEVELOPING THIS PLAN:

The objective of this sample Neighborhood Network Business Plan is to provide guidance to those who are developing the computer learning centers so they may plan for sustainability beyond the 3-year term of the grant. It also provides a framework and means for evaluating results, best practices, and successful operations.

Individual center planners may find that this format needs to be modified to suit the needs of the center, PHA, and residents. This plan serves as only the minimum information needed. Your narrative will act as a supplement to this business plan. To begin your business plan, some good rules of thumb to follow when preparing the plan are:

1) Plan from the start to be self sufficient. Many centers, from the beginning, will rely on the HUD grant as well as the minimum 25% match requirement. The goal should be to progress from substantial reliance on federal grants and to self sustaining status within three years. HUD strongly encourages all centers to incorporate this goal into their NN Business Plan. The Business Plan is a road map to follow with goals and action steps to guide decision making. It also provides a way to communicate the center's operations, goals, and philosophy to personnel, residents, community partners, foundations, and other financial and business contacts.

2) Are the residents involved in the planning, implementation, and maintenance of the computer learning center?
Resident involvement and "ownership" of the process is a necessity and key to the center's success. All plans should include a section describing resident involvement either as designers or operators as well as customers.

3) Evaluate the successes. All plans should include how the center will record their results and successes. Please see the NOFA's Rating Factor 5 for guidance. Evaluating success can also be very useful in attracting other potential funding resources and partners. NOTE: Where significant federal funds are involved, a methodology to measure results and successes is required by the Government Performance and Results Act of 1993.

4) Access to the Internet: HUD encourages all NN Computer Technology Centers to have at least one computer with Internet capability. The Internet can be used as a tool to connect with services, information, and people as well as the opportunity for the "world" to connect with the center. It can also be used to market the successes of your program. Monthly charges for an Internet account for the center (normally $19.95/month per account) are an approvable expense.

5) Continue to build local partnerships. Local partners are a necessity in sustaining the NN Computer Technology Center. It is important to include in the Business Plan ways for the center to continue to build local partners.

7) Remain sensitive to possible federal/national partnerships. There are numerous benefits in combining efforts with other programs both on the local and national levels. Collective efforts will gain increasing national recognition and thereby help in obtaining self-sufficiency. It is important to include in the plan ways for the center to continue to build federal/national partnerships.

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Our Neighborhood Networks (NN) Business Plan

PHA/Nonprofit Name: _____

Address: _____

Contact Name/Role: _____

Address: _____

Phone Number: _____

Email: _____

Fax Number: _____

DESCRIPTION OF COMPUTER LEARNING CENTER

I. General Computer Learning Center Description: Description of the computer learning center's purpose and its intended customers/clients.

Mission:

Intended Clients:

II. Please identify other PHA locations involved in this proposal, if any.

Name:_____
Address:_____
ContactPerson:_____
Phone:_____ Email:_____
Fax:_____

III. Focus of Computer Learning Center (Please check all that apply)

_____ Job Skills Training/Employment
_____ Introduction to/Familiarization with Computers
_____ Internet Access and Access to Local Services
_____ Basic Adult Education, Literacy, ESL, GED

_____ Youth Education
_____ Senior Services
_____ Continuing Education
_____ Recreation
_____ Other (please describe)

IV. Projects work best when everyone benefits (Win-Win). It is helpful to think in terms of benefits for all players. Please indicate how your center will result in:

Benefits to the PHA (i.e lower maintenance costs, less vandalism, lower vacancy rate)

Benefits to the Residents (i.e. employability, access to information & services, fellowship, sense of community)

Benefits to the Local Community and Employers (i.e safer neighborhoods, positive environment, skilled employees, large market share access/potential customers)

PHA DATA AND DEMOGRAPHICS
Total Number of Conventional Family Public Housing Units
Total Number of Residents:_____
Resident Overview:
Number of Adults 21 - 61 years old: _____
Number of Adults 62 and older: _____
Number of Children 0 - 6 years old: _____
Number of Children 7 - 13 years old: _____
Number of Children 14 - 17 years old: _____
Number of Young Adults 18 - 20 years old: _____

Please provide the following information on the residents. The % refers to the % of the total number of residents, unless otherwise specified.

ESL (English as Second Language) Needs? % _____ Yes _____ No
Single Parent Household % _____ Female _____ Male
Disabled Residents % _____Physical _____Learning _____Other
Public Assistance Recipients %_____

OBJECTIVES: (Please check and insert appropriate number to all objectives that apply. THIS LIST IS NEITHER TOTALLY MANDATORY NOR TOTALLY INCLUSIVE)

_____ Providing _____ residents with access to technology and the Internet per year.

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

_____ Providing an opportunity for _____ residents to be involved in the Planning, Implementation, and Daily Maintenance of the Center on a yearly basis.

_____ Reducing Welfare Dependency by enabling at least 51% of the adult residents on welfare to participate in the program to get off welfare into decently paying jobs within _____ years, by _____ (date). This is in conjunction with other/similar Welfare to Work Programs.

_____ Expanding Community Based Job Training to at least ____ of the adult residents who participate in the program each year.

_____ Provide opportunities to telecommute for _____ residents each year.

_____ Teaching Basic Skills and Increasing Adult Education Level, including Literacy, ESL, GED courses, by making educational programs available to _____ adult residents who participate in the program each year.

_____ Improving Academic Achievement of School Aged Children by attempting to raise and maintain the educational level on standardized test of _____ children who participate in the program, to the appropriate grade level each year.

_____ Building Partnerships in the Local Community by creating useful ongoing linkages with at least _____ other community groups each year.

_____ Creating a self-sustaining computer learning center by the _____ year of operation.

_____ Other Objectives: (Please specify below):

TIME LINE FOR PROPOSED CENTER: Please indicate proposed beginning and end dates for the following items that apply to your center. Further details are requested below the timeline.

	START DATE	COMPLETION DATE
Retrofitting or Construction of Facility		
Equipment (Hardware, software, etc.) Procurement and Testing		
Staffing of Center (trained and on board)		
Grand Opening of Center		
Third Party/Voluntary Organizations Participation and Funding for initial set-up and ongoing programs/costs.		
Training Program and Classes Beginning		
Other Milestones: (Please list in this box) * * * * * * *		

Retrofitting or Construction of Facility (Including Space Accessibility/Security/Monitoring)
(Please include what will be done and a sketch of the facility. Note if there is any retrofitting services or costs which will be donated and by whom.)

Equipment (hardware, software, etc.) Procurement/Testing
(Please indicate how many computers, what type of computers and software will be included based on resident surveys, and other equipment that will be used in the center such as printers, etc.)

Computers: Distance learning equipment:

Printers: Scanners & Other Equipment:

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

DETAIL ON TIMELINE ACTIVITIES (continued)

Staffing of Center/Training Program and Classes Offered (Weekly Schedule for the Center)
(Please indicate how the computer learning center will be staffed, include hours per week.)

Staffing:

Project Coordinator:

Resident Paid Staff:

Other Paid Staff:

Resident or Other Volunteers:

Outside Agencies Providing Instructions:

Weekly Schedule for the Center (including days/hours open, classes, and open lab/free time on the computers.

Classes/Training Programs to be Offered:

Partnerships: Third Party/Voluntary Organization Funding and Participation
(Please list those partners involved in the initial set-up and what they brought to the center. Also indicate targeted partners or other partners that will be assisting in the daily operation of the center.)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

INITIAL SET-UP AND FIRST YEAR OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES / USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List): **Other Equipment**	$	$	$	$	$	$	$ 0.00 0.00 0.00 0.00 0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR INITIAL SET-UP** $ 0.00

Grant Sources and Donations Listed Below (if any)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

YEAR 2 OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES / USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List):	$	$	$	$	$	$	$ 0.00
Other Equipment							0.00
							0.00
							0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR SECOND YEAR OF OPERATION** $ 0.00

Grant Sources and Donations Listed Below (if any)

YEAR 3 OF OPERATIONS

FINANCIAL PLAN/WBUDGET: SOURCES AND USES OF FUNDS

Time period: From _____ to _____

SOURCES USES	Private Donations	Grants (Please note grant sources below)	PHA funds	In-kind Donations/ Services	HUD ROSS Funds	Other (Please Identify)	TOTALS
Computer Hardware (Please List): **Other Equipment**	$	$	$	$	$	$	$ 0.00 0.00 0.00 0.00 0.00
Computer Software (All programs will be site-licensed and run through the server.)	$	$	$	$	$	$	$ 0.00
Staffing	$	$	$	$	$	$	$ 0.00
Maintenance, Insurance, Miscellaneous	$	$	$	$	$	$	$ 0.00
Retrofitting/ Security	$	$	$	$	$	$	$ 0.00
Other	$	$	$	$	$	$	$ 0.00
TOTALS	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	**GRAND TOTAL FOR THIRD YEAR OF OPERATION** $ 0.00

Grant Sources and Donations Listed Below (if any)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF-SUFFICIENCY (ROSS) PROGRAM

RESIDENT SERVICES DELIVERY MODELS--ELDERLY AND PERSONS WITH DISABILITIES

RESIDENT SERVICES DELIVERY MODELS--FAMILY

HOMEOWNERSHIP SUPPORTIVE SERVICES

Billing Code 4210-32-C

Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services Under the Resident Opportunity and Self-Sufficiency (ROSS) Program

Overview Information

A. Federal Agency Name: U.S. Department of Housing and Urban Development, Office of Public and Indian Housing.

B. Funding Opportunity Title: Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services under the Resident Opportunity and Self-Sufficiency (ROSS) program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The **Federal Register** number for this NOFA is: FR–4950–N–22. The OMB approval number is: 2577–0229.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): Resident Opportunity and Self Sufficiency, 14.870.

F. Dates: Resident Service Delivery Models-Elderly/Persons with Disabilities: The application submission date is July 6, 2005. Please see the General Section of the SuperNOFA for application submission and timely receipt requirements.

Resident Service Delivery Models-Family: The application submission date is July 25, 2005. Please see the General Section of the SuperNOFA for application submission and timely receipt requirements.

Homeownership Supportive Services: The application submission date is May 26, 2005. Please see the General Section of the SuperNOFA for application submission and timely receipt requirements.

G. Optional, Additional Overview Content Information:

1. *Purpose of Program:* The purpose of the Public and Indian Housing Resident Opportunity and Self Sufficiency (ROSS) program is to provide grants to public housing agencies (PHAs), tribes/tribally designated housing entities (TDHEs), Resident Associations (RAs), and nonprofit organizations, including grassroots, faith-based and other community-based organizations for the delivery and coordination of supportive services and other activities designed to help public and Indian housing residents attain economic self-sufficiency and elderly residents and residents with disabilities continue to live independently.

2. *Funding Available:* A total of approximately $58.1 million is available for ROSS in fiscal year 2005.

3. *Award Amounts:* Awards, depending on the grant category, unit count and type of grantee, will range from $125,000 to $1,000,000. Please see each program description for more specific information about funding amounts.

4. *Eligible Applicants:* Eligible applicants are PHAs; tribes/TDHEs; nonprofit organizations including grassroots faith-based and other community-based organizations that have resident support or the support of tribes; RAs; resident councils (RCs); resident organizations (ROs); City-Wide Resident Organizations (CWROs); Intermediary Resident Organizations (IROs); Jurisdiction-Wide Resident Organizations; Regional Resident Organizations; Resident Management Corporations (RMCs); Site-Based Resident Organizations; Statewide Resident Organizations (SRO); and Tribal/TDHE resident groups. The term ''resident association'' or ''RA'' will be used to refer to all types of eligible resident organizations. Please see the section on ''Definition of Terms'' for a complete definition of each type of eligible resident organization.

Resident Associations are not eligible for the Homeownership Supportive Services program.

See each program for more specific eligibility information.

5. *Cost Sharing/Match Requirement:* At least 25 percent of the requested grant amount is required as a match. The match may be in cash and/or in-kind donations. The match is a threshold requirement.

6. *Grant term:* The grant term for each funding category is three years from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum grant amount
Resident Service Delivery Models—Family	$22.9 million	PHAs	$250,000 for PHAs with 1–780 units. $350,000 for PHAs with 781–2,500 units. $500,000 for PHAs with 2,501–7,300 units. $1,000,000 for PHAs with 7,301 or more units.
		Resident Associations	$125,000.
		Non-profit entities	$125,000 per RA; Maximum award is $375,000.
		Tribes/TDHEs	$250,000 for Tribes with 1–780 units. $350,000 for Tribes with 781–2,500 units. $500,000 for Tribes with 2,501–7,300 units. $1,000,000 for Tribes with 7,301 or more units.
Resident Service Delivery Models—Elderly and Persons with Disabilities.	$16.27 million	PHAs	$250,000 for PHAs with 1–217 units. $350,000 for PHAs with 218–1,155 units. $450,000 for PHAs with 1,156 or more units.
		Resident Associations	$125,000.
		Non-profit entities	$125,000 per RA; Maximum award is $375,000.
		Tribes/TDHEs	$250,000 for Tribes with 1–217 units. $350,000 for Tribes with 218–1,155 units. $450,000 for Tribes with 1,156 or more units.
Homeownership Supportive Services	$18.9 million	PHAs	$250,000 for PHAs with 1–780 units. $350,000 for PHAs with 781–2,500 units. $500,000 for PHAs with 2,501–7,300 units. $1,000,000 for PHAs with 7,301 or more units.

Grant program	Total funding	Eligible applicants	Maximum grant amount
	.....	Non-profit entities	$125,000 per RA; Maximum award is $375,000.
	.....	Tribes/TDHEs	$250,000 for Tribes with 1–780 units. $350,000 for Tribes with 781–2,500 units. $500,000 for Tribes with 2,501–7,300 units $1,000,000 for Tribes with 7,301 or more units.

Full Text of Announcement

I. Funding Opportunity Description

A. Resident Services Delivery Models-Family (RSDM-Family): The purpose is to provide funding to assist PHAs, tribes/TDHEs, RAs, nonprofit organizations which include grassroots community based organizations, inclusive of faith-based organizations, create programs which will help residents achieve economic self-sufficiency. Applicants must submit proposals that will link residents with services such as job training and educational opportunities that facilitate self-sufficiency.

B. Resident Services Delivery Models-Elderly/Persons with Disabilities (RSDM-Elderly): This category is intended to provide PHAs, Indian tribes/TDHEs, RAs, and nonprofit organizations with the resources to provide and coordinate supportive services that will help elderly and/or disabled Public and Indian Housing residents continue to live independently.

C. Homeownership Supportive Services (HSS): The HSS category provides funds for PHAs, tribes/TDHEs, and qualified nonprofit organizations to deliver homeownership training, counseling and supportive services for residents of Public and Indian housing who are participating or have participated in self-sufficiency programs, such as ROSS, Public Housing Family Self-Sufficiency (FSS) or other federal, state, or local self-sufficiency programs. HSS is designed to enhance other self-sufficiency efforts by providing public housing residents with the necessary preparation and supportive services they need in order to move from subsidized rental housing to homeownership. PHAs, tribes/TDHEs, and nonprofit organizations specializing in homeownership training and counseling are eligible to apply.

D. Definition of Terms:

1. *City-Wide Resident Organization* consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in public housing developments that are owned and operated by the same PHA within a city.

2. *Community Facility* means a non-dwelling structure that provides space for multiple supportive services for the benefit of public or Indian housing residents and others eligible for the services provided. Supportive services may include but are not limited to:

a. Job-training;

b. After-school activities for youth;

c. Neighborhood Networks (formerly Twenty/20 Education Communities (TECs), Campus of Learners activities);

d. English as a Second Language (ESL) classes; and

e. Child care.

3. *Contract Administrator* means an overall grant administrator or a financial management agent (or both) that oversees the implementation of the grant and/or the financial aspects of the grant. (See the ''Program Requirements'' and ''Threshold Requirements'' sections for more information.)

4. *Elderly person* means a person who is at least 62 years of age.

5. *Jurisdiction-Wide Resident Organization* means an incorporated nonprofit organization or association that meets the following requirements:

a. Most of its activities are conducted within the jurisdiction of a single housing authority;

b. There are no incorporated resident councils or resident management corporations within the jurisdiction of the single housing authority;

c. It has experience in providing start-up and capacity-building training to residents and resident organizations; and

d. Public housing residents representing unincorporated resident councils within the jurisdiction of the single housing authority must comprise a majority of the board of directors.

6. *Tribally Designated Housing Entity (TDHE)* is an entity authorized or established by one or more Indian tribe to act on behalf of each such tribe authorizing or establishing the housing entity.

7. *Indian Tribe* means any tribe, band, nation, or other organized group of a community of Indians, including any Alaska native village, regional, or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, and that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975.

8. *Intermediary Resident Organizations* means jurisdiction-wide resident organizations, citywide resident organizations, statewide resident organizations, regional resident organizations, and national resident organizations.

9. *NAHASDA-assisted resident* means a resident of a tribe (as defined above) who has been assisted by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996 .

10. *National Resident Organization (NRO)* is an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

a. It is national (*i.e.*, conducts activities or provides services in at least two HUD areas or two states);

b. It has the capacity to provide start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the country are members of the board of directors.

11. *Nonprofit organization* is an organization that is exempt from federal taxation. A nonprofit organization can be organized for the following purposes: charitable, religious, educational, scientific, or other similar purposes in the public interest. In order to qualify, an organization must be a corporation, community chest, fund, or foundation. An individual or partnership will not qualify. To obtain nonprofit status, qualified organizations must file an application with the Internal Revenue Service (IRS) and receive designation as such by the IRS. For more information, go to *www.irs.gov.* Applicants who are in the process of applying for nonprofit status, but have not yet received nonprofit designation from the IRS, will not be considered nonprofit organizations. All nonprofit applicants

must submit their IRS determination letter to prove their nonprofit (*e.g.,* 501(c)(3)) status. Please see the section on ''Threshold Requirements'' for more information. Nonprofit applicants must also provide letters of support as described in the ''Threshold Requirements'' section.

12. *National nonprofit organizations* work on a national basis and have the capacity to mobilize resources on both a national and local level. All nonprofit applicants must submit their IRS determination letter to prove their nonprofit (*e.g.,* 501(c)(3)) status. National nonprofit applicants must also provide letters of support as outlined in the ''Threshold Requirements'' section.

13. *Past Performance* is a threshold requirement. Using Rating Factor 1, HUD's field offices will evaluate applicants for past performance to determine whether an applicant has the capacity to manage the grant for which they are applying. The area Office of Native American Programs (ONAP) will review past performance for tribal/TDHE submissions. Field offices will evaluate the past performance of contract administrators for applicants required to have a contract administrator.

14. *Person with disabilities* means a person who:

a. Has a condition defined as a disability in section 223 of the Social Security Act; or

b. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act.

The term ''person with disabilities'' does not exclude persons who have acquired immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

The definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

15. *Project Coordinator* is responsible for coordinating the grantee's approved activities to ensure that grant goals and objectives are met. A qualified project coordinator is someone with experience managing projects and preferably has experience working with supportive services. The project coordinator and grantees are responsible for ensuring that all federal requirements are followed.

16. *Resident Association (RA)* means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), Jurisdiction-Wide Resident Organizations, and National Resident Organizations (NRO). The NOFA will use ''Resident Association'' or ''RA'' to refer to all eligible types of resident organizations. See 24 CFR 964.115 for more information.

17. *Regional Resident Organization (RRO)* means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

a. The RRO is regional (*i.e.*, not limited by HUD Areas);

b. The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

18. *Resident Management Corporation (RMC)* means an entity that proposes to enter into, or enters into a contract to conduct one or more management activities of a PHA and meets the requirements of 24 CFR 964.120.

19. *Resident Organization (RO) for tribal entities* means an incorporated or unincorporated nonprofit tribal organization or association that meets each of the following criteria:

a. It shall consist of residents only, and only residents may vote;

b. If it represents residents in more than one development or in all of the developments of the tribal/TDHE community, it shall fairly represent residents from each development that it represents;

c. It shall adopt written procedures providing for the election of specific officers on a regular basis; and

d. It shall have an elected governing board.

20. *Secretary* means the Secretary of Housing and Urban Development.

21. *Site-Based Resident Associations* means resident councils or resident management corporations representing a specific public housing development.

22. *Statewide Resident Organization (SRO)* is an incorporated nonprofit organization or association for public housing that meets the following requirements:

a. The SRO is statewide;

b. The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

c. Public housing residents representing different geographical locations in the state must comprise the majority of the Board of Directors.

23. *Tribal/TDHE Resident Group* means tribal/TDHE resident groups that are democratically elected groups such as IHA-wide resident groups, area-wide resident groups, single development groups, or resident management corporations (RMCs).

E. Regulations Governing the ROSS Grant: Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities, and Homeownership Supportive Services are governed by 24 CFR Part 964.

II. Award Information

A. Information for All Grant Categories and All Applicants

1. *Grant Period.* Three years. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed by both the grantee and HUD.

2. *Grant Extensions.* Requests to extend the grant term beyond the originally established grant term must be submitted in writing by the grantee to the local HUD field office or area ONAP at least 90 days prior to the expiration of the grant term. Requests must explain why the extension is necessary, what work remains to be completed, and what work and progress was accomplished to date. Extensions may be granted only once by the field office for a period not to exceed six months.

3. *Type of Award.* Grant agreement.

4. *Subcontracting.* Subcontracting is permitted. Grantees must follow federal procurement regulations found in HUD regulations at 24 CFR 84.40–84.48 and 24 CFR 85.36.

B. Resident Services Delivery Models—Family

1. *Total Funding.* The Department expects to award $22,950,000 ($15,000,000 appropriated and $7,950,000 of carryover) under this category. Awards will be made as follows:

a. PHAs must use the number of occupied conventional family public housing units as of September 30, 2004, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate on the Fact Sheet the number of units under their Annual Contributions Contract.

Number of conventional units	Maximum funding
1–780 units	$250,000
781–2,500 units	350,000
2501–7,300 units	500,000
7,301 or more units	1,000,000

b. The maximum grant award is $125,000 for each RA.

c. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they must obtain letters of support from PHAs, tribes/TDHEs and they may also submit letters from one or more of the following: Resident Advisory Boards (RABs), local civic organizations, or units of local government. NOTE: All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please see Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit organization as well as the number of occupied conventional family public housing units in those developments):

Number of conventional units	Maximum funding
1–2,500 units	$125,000
2501–7,300 units	250,000
7,301 or more units	375,000

Applicants should see the General Section of the SuperNOFA for instructions on submitting support letters and other documentation with their electronic application.

d. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2004 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not previously received funds from the Department under the U.S. Housing Act of 1937 should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2004, for family units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

C. Resident Services Delivery Models—Elderly/Persons with Disabilities

1. *Total Funding.* The Department expects to award $16,272,000 (10,672,000 appropriated and 5,600,000 of carryover funds) under this category.

Awards will be made as follows:

a. PHAs must use the number of occupied elderly and disabled conventional public housing units as of September 30, 2004, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate the number of units under their Annual Contributions Contract on the Fact Sheet.

Number of conventional units	Maximum funding
1–217 units	$250,000
218–1,155 units	350,000
1,156 or more units	450,000

b. The maximum grant award is $125,000 for each RA.

c. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they must obtain letters of support from PHAs, tribes/TDHEs and they may also submit letters of support from one or more of the following: Resident Advisory Boards (RABs), local civic organizations, or units of local government. *Note:* All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please see Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit organization as well as the number of occupied conventional elderly/disabled public housing units in those developments):

Number of conventional units	Maximum funding
1–217 units	$125,000
218–1,155 units	250,000
1,156 or more units	375,000

Applicants should see the General Section of the SuperNOFA for instructions on submitting support letters and other documentation with their electronic application.

d. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2004 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not previously received funds from the Department under the 1937 Housing Act should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2004, for elderly/disabled units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

D. Homeownership Supportive Services

1. *Total Funding.* The Department expects to award $18,900,000 ($12,400,000 appropriated and $6,500,000 of carryover funds) under this category. Awards will be made as follows:

a. PHAs must use the number of occupied conventional family public housing units as of September 30, 2004, per their budget to determine the maximum grant amount they are eligible for in accordance with the categories listed below. PHAs should clearly indicate the number of units under their Annual Contributions Contract on the Fact Sheet.

Number of conventional units	Maximum funding
1–780 units	$250,000
781–2,500 units	350,000
2501–7,300 units	500,000
7,301 or more units	1,000,000

b. Nonprofit organizations that have resident support or the support of tribes or RAs are limited to $125,000 for each RA. A nonprofit organization may submit a single application for no more than three different RAs from the same PHA for a maximum grant award of $375,000. Nonprofit organizations may submit more than one application provided they target residents of distinct PHAs or tribes/TDHEs. In cases where nonprofit applicants are not able to obtain support from RAs, they must obtain letters of support from PHAs, tribes/TDHEs and they may also submit letters of support from one or more of

the following: Resident Advisory Boards (RABs), local civic organizations, or units of local government. *Note:* All nonprofit applicants that do not include letters of support from RAs must include a letter of support from PHAs or tribes/TDHEs (please see Threshold Requirements for more information).

Funding for nonprofit applicants that do not receive letters of support from RAs will be determined as follows (support letters from PHAs must indicate the developments to be served by the nonprofit as well as the number of occupied conventional family public housing units in those developments):

Number of conventional units	Maximum funding
1–2,500 units	$125,000
2501–7,300 units	250,000
7,301 or more units	375,000

RAs are not eligible to apply for funding under the HSS category.

Applicants should see the General Section of the SuperNOFA for instructions on submitting support letters and other documentation with their electronic application.

c. Tribes/TDHEs should use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2004 as defined in 24 CFR 1000.316. Tribes/TDHEs are eligible for the same amounts as PHAs within each category in (a) above. Tribes that have not previously received funds from the Department under the U.S. Housing Act of 1937 should count housing units under management that are owned and operated by the Tribe and are identified in their housing inventory as of September 30, 2004, for family units. Tribes should clearly indicate the number of units under management on the Fact Sheet.

III. Eligibility Information

A. Eligible Applicants

1. *RSDM—Family.* This funding category provides grants to PHAs, tribes/TDHEs, RAs, and nonprofit organizations supported by resident organizations or PHAs, tribes/TDHEs, and RABs, local civic organizations or units of local government.

2. *RSDM—Elderly/Persons with Disabilities.* This funding category provides grants to PHAs, tribes/TDHEs, RAs, and nonprofit organizations supported by resident organizations or PHAs, tribes/TDHEs and RABs, local civic organizations or units of local government. PHAs that are recipients of the Elderly/Disabled renewal Service Coordinator grant are not eligible to apply for this ROSS funding category.

3. *Homeownership Supportive Services.* This funding category provides grants to PHAs, tribes/TDHEs and qualified nonprofit organizations that have the support of resident organizations or PHAs, tribes/TDHEs and RABs, local civic organizations or units of local government. Resident Associations are not eligible to apply for funding under this category.

B. Cost Sharing or Matching

Information for All Grant Categories and All Applicants: The match is a threshold requirement. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Please see the section below on threshold requirements for more information on what is required for the match.

C. Other

1. *Eligible Activities*

a. *RSDM—Family.* HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in improved economic self-sufficiency for Public and Indian housing residents. HUD is looking for proposals that involve partnerships with organizations that will enhance grantees' ability to provide educational programs, housing counseling, including fair housing counseling, job training and other supportive services for residents. All applicants must complete a work plan (see sample work plans on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*) covering the three-year grant term.

The eligible activities are listed in four categories, from basic to advanced: Life-Skills Training; Job Training, Job Search and Placement Assistance; Post Employment Follow-up; and finally, Activities to Support Career Advancement and Long-term Economic Self-Sufficiency. Applicants are not limited to choosing one category of activity, but rather should design their programs to address the specific needs of the population they are targeting. Applicants are encouraged to pull from all categories and activities listed. Funds may be used for the activities described below.

(1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator must have at least two years of experience managing programs and should have experience working on supportive services programs. The project coordinator should be hired for the entire three-year term of the grant. The project coordinator is responsible for:

(a) Marketing the program to residents;

(b) Assessing participating residents' skills and job-readiness;

(c) Assessing participating residents' needs for supportive services, *e.g.*, child care, transportation costs, etc.

(d) Assisting a tribe or TDHE to create a resident group to promote self-sufficiency efforts on the reservation;

(e) Designing and coordinating grant activities based on residents' needs and the local labor market; and

(f) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received training through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Life-skills Training (for Youth and Adults). Applicants' proposals can cover the following types of activities:

(a) Credit. The importance of having good credit and how to maintain good credit.

(b) Banking and Money Management. How to open a bank account; balance a checkbook; create a weekly spending budget and establish contingency plans for child care and transportation, etc.

(c) Real Life Issues. Information on tax forms; voter registration; leases; car insurance; health insurance; long-term care insurance; etc.

(d) Literacy training and GED preparation.

(e) College preparatory courses and information.

(f) Goal setting.

(g) Mentoring.

(h) Hiring residents to help with the implementation of this grant program. NOTE: Stipends and salaries serve different purposes. Resident salaries can only be used to hire residents to help grant program staff with the implementation of grant activities.

(3) Job Training, Job Search and Placement Assistance. Eligible activities include:

(a) Skills Assessment of participating residents.

(b) Applying for a job. How to complete employment forms; highlighting skills employers are looking for; researching job opportunities in the area; calculating net wages.

(c) Soft skills training including problem solving and other cognitive skills; oral and written communication skills; workplace norms (appropriate dress, punctuality, respectful communication, etc.), work ethic; interpersonal and teamwork skills.

(d) Creating job training and placement programs.

(e) Resume writing.

(f) Interviewing techniques.

(g) Employer linkage and job placement. Working with local employers and job placement providers to design and offer training that addresses local employers' needs, create a job placement program that refers trained residents to participating employers and other local area employers.

(h) Career advancement and planning programs. Such programs should be designed to:

(i) Career goal setting;

(ii) Provide strategies such as finding a strong professional mentor within an organization residents may be working for and focusing on the organization's priorities.

(iii) Reinforce welfare-to-work programs and focus efforts on increasing residents' earning capacity. Activities can include job counseling, helping residents secure better paying jobs or jobs in better work environments, preparing for work in a new job category, obtaining additional job skills and other job-related or educational training.

(iv) Working with local employers, to create opportunities that combine education and skills training with jobs. Strategies that promote work-based learning can offer the most effective method for giving new workers the tools they need to move on to a career ladder and achieve upward mobility.

(4) Post-employment follow-up. After placing residents in jobs, providing follow-up and ongoing support to newly hired residents can have a significant positive impact on long-term job retention.

(5) Activities To Support Career Advancement and Long-term Economic Self-Sufficiency.

(a) Individual Savings Accounts (ISAs). Applicants may create programs that encourage residents to save and contribute to match savings accounts such as Individual Development Accounts (IDAs). The programs should include financial counseling and education activities. ISAs may only be used for three purposes: (1) To purchase a first home that is existing or under construction when the purchase contract is signed; (2) to receive post-secondary education or training; or (3) to start a local business (other than acquiring, leasing, constructing, or rehabilitating real property in connection with the business). Applicants are encouraged to leverage RSDM funds by working with local financial organizations, which can also contribute to residents' ISAs. FSS escrow accounts may not be used as a match for RSDM-funded ISAs. Grantees shall consult the Internal Revenue Service regarding possible tax consequences of the ISAs to participating residents.

(b) Housing Counseling. This can include information to help residents move to market rate rental housing and/or ''pre-purchase'' homeownership counseling and training. This may include training on such subjects as credit and financial management; credit repair; housing search; how to finance the purchase of a home; fair housing; Individual Savings Accounts, Real Estate Settlement Procedures Act (RESPA); and home maintenance.

(6) Stipends. Stipends are an eligible use of grant funds. Stipends may be used for reasonable out-of-pocket costs. Stipends may be used to reimburse such things as local transportation to and from job training and job interviews, supplemental educational materials, and child care expenses. Stipends must be tied to residents' successful performance and regular attendance.

(7) Hiring of Residents. Grant funds may also be used to hire a resident(s) as program staff.

(8) Supportive Services.

(a) After school programs for school-age children to include tutoring, remedial training, educational programming using computers.

(b) Provision of information on the Earned Income Tax Credit Program, Food Stamps, Child Tax Credit Program, Medicaid, the State Child Health Insurance Program (S–CHIP), Student Loan Interest Deduction, tribal welfare programs, and other benefit programs that can assist individuals and families make a successful transition from welfare to work.

(c) Transportation costs as necessary to enable participating families to receive services or commute to training or employment.

(d) Child-care provision for ROSS–RSDM—Family program participants.

(e) Parenting courses.

(f) Nutrition courses.

(g) Health care information and services including referrals to mental health providers, alcohol and other drug abuse treatment programs.

(h) English as a second language (ESL) classes.

(i) Creating and maintaining linkages to local social service agencies, such as employment agencies, health departments, transportation agencies, economic/community development agencies, community colleges, recreational and cultural services, and other community organizations such as Boys & Girls Clubs, 4H–Clubs, Boy Scouts, Girl Scouts, etc.

b. RSDM—Elderly/Persons with Disabilities HUD is looking for applications that implement comprehensive programs within the three-year grant term, which will result in improved living conditions for the elderly/persons with disabilities population. HUD is also looking for proposals that involve partnerships with organizations that will help grantees provide enhanced services to the elderly/persons with disabilities they will serve. All applicants must complete a work plan covering the three-year grant term.

Proposed grant activities should build on the foundation created by previous ROSS grants or other federal, state, and local efforts to assist this population.

Eligible activities include the following: (1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator should have at least two years of experience managing programs and have experience working with supportive services. The project coordinator is responsible for:

(a) Assessing participating residents' needs for supportive services (*e.g.*, Medicaid, Medicare, physician care, food stamps, rehabilitation services, veterans disability, state-funded programs such as nurse case management, housekeeping, Meals-on-Wheels; transportation etc.);

(b) Designing and coordinating grant activities based on residents' needs;

(c) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received assistance through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Coordination and set up of meal services;

(3) Coordination and set-up of transportation services;

(4) Wellness programs including, health and nutrition programs, preventive health education, referral to rehabilitation services, and services for the disabled and other community resources;

(5) Personal emergency response;

(6) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development; and

(7) Case management.

c. *Homeownership Supportive Services*

HUD is looking for applications that implement comprehensive programs within the three year grant term which will result in increased rates of homeownership for residents of Public and Indian housing. Applicants should create linkages with HUD homeownership programs such as: the Housing Choice Voucher Homeownership Program, the PHA Homeownership Program also known as Section 32 (formerly the Section 5(h) Homeownership Program) and homeownership programs and resources offered by other organizations or state or local homeownership programs.

Tribes/TDHEs should create linkages with programs such as the Mutual Help Homeownership Opportunity Program, the Section 184 Program, and homeownership programs developed under the Indian Housing Block Grant Program such as mortgage assistance.

All applicants must complete a work plan (see sample work plans on HUD's web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*) covering the three-year grant term.

HUD is also looking for proposals that involve partnerships with organizations that will enhance the services grantees will offer. Applicants are strongly encouraged to partner with HUD–approved housing counseling agencies. For a list of HUD–approved housing counseling agencies, go to: *http://www.hud.gov/offices/hsg/sfh/hcc/hccprof14.cfm.* Applicants' programs should build on the foundation created by previous ROSS grants, or other state and local self-sufficiency efforts in which their target population may have participated.

Under this funding category, applicants must develop homeownership training programs for the residents they intend to serve. Eligible activities include the following:

(1) Hiring of a qualified project coordinator to run the grant program. A qualified project coordinator must have experience working on homeownership programs designed for typically underserved populations. The project coordinator is responsible for:

(a) Assessing participating residents' needs;

(b) Designing and coordinating grant activities based on residents' needs;

(c) Monitoring the progress of program participants and evaluating the overall success of the program. A portion of grant funds should be reserved to ensure that evaluations can be completed for all participants who received assistance through this program. For more information on how to measure performance, please see Rating Factor 5 in the ''Application Review Information'' section of this NOFA.

(2) Training to include:

(a) Asset building;

(b) Credit counseling and credit scoring;

(c) Financial literacy and management;

(d) Selecting a real estate broker;

(e) Choosing a lender;

(f) Appraisals;

(g) Home inspections;

(h) Avoiding delinquency and predatory lending;

(i) Foreclosure prevention;

(j) Home maintenance and financial management for first-time homeowners;

(k) Real Estate Settlement Procedures Act (RESPA); and

(l) Fair Housing Counseling.

(3) Individual Savings Accounts (ISAs). You may create programs that encourage residents to save and contribute to match savings accounts such as Individual Development Accounts (IDAs). ISAs may be used only for (a) Escrow accounts, (b) down payment assistance and (c) closing costs to assist the resident to purchase an existing dwelling unit or a dwelling unit under construction. You are encouraged to leverage HSS funds by working with local financial organizations, which can also contribute to residents' ISAs. FSS escrow accounts may not be used as a match for HSS–funded ISAs. FSS residents are not eligible to participate in the ISA provision.

2. *Threshold Requirements.* The criteria below apply to all grant categories and all applicants unless otherwise indicated:

Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type of threshold) it will be considered a failed application and will not receive consideration for funding.

a. *Match.* All applicants are required to have in place a firmly committed 25 percent match in cash or in-kind donations as defined in this NOFA. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail this threshold requirement and will not receive further consideration for funding. If you are applying for more than one ROSS grant, you must use different sources of match donations for each grant application and you must indicate which additional ROSS grant(s) you are applying for by attaching an additional page to HUD budget form 424–CBW stating the sources and amounts of each of your match contributions for this application as well as any other HUD programs to which you are applying. Match donations must be firmly committed which means that the amount of match resources and their dedication to ROSS–funded activities must be explicit, in writing, and signed by a person authorized to make the commitment. Letters of commitment, memoranda of understanding (MOU), or tribal resolution must be on organization letterhead, and signed by a person authorized to make the stated commitment whether it be in cash or in-kind services. The letters of commitment/MOUs/tribal resolutions must indicate the total dollar value of the commitment and be dated within two months of the application deadline, and indicate how the commitment will relate to the proposed program. The commitment should be available at time of award. Applicants proposing to use their own, non-ROSS grant funds to meet the match requirement in whole or in part, must also include a letter of commitment indicating the type of match (cash or in-kind) and how the match will be used. Please see the General Section of the SuperNOFA for instructions for submitting the required letters with your electronic application.

Leveraging in excess of the 25 percent of the grant amount will receive a higher point value.

(1) Volunteer time and services shall be computed by using the normal professional rate for the local area or the national minimum wage rate of $5.15 per hour (*Note:* applicants may not count their staff time toward the match);

(2) In order for HUD to determine the value of any donated material, equipment, staff time, building, or lease, your application must provide a letter from the organization making the donation stating the value of the contribution.

(3) Other resources/services that can be committed include: in-kind services such as contributions of administrative services provided to the applicant; funds from federal sources (not including ROSS funds) as allowed by statute, including for example Community Development Block Grant (CDBG); funds from any state or local government sources; and funds from private contributions. Applicants may also partner with other program funding recipients to coordinate the use of resources in the target area.

b. *Past Performance.* HUD's field offices will evaluate data provided by applicants as well as applicants' past performance to determine whether applicants have the capacity to manage

the grant for which they are applying. The area Offices of Native American Programs (ONAP) will review past performance for tribal and TDHE submissions. Field offices will evaluate the contract administrators' past performance for applicants required to have a contract administrator. In evaluating past performance HUD will look at the applicant's record of completing grant activities on time, within budget and the results achieved. Using Rating Factor 1, the field office/area ONAP will evaluate applicants' past performance. Applicants should carefully review Rating Factor 1 to ensure their application addresses each of the criteria requested therein. If applicants fail to address what is requested in Rating Factor 1, their application will fail this threshold and will not receive further consideration.

c. *Contract Administrator Partnership Agreement.* All nonprofit applicants, all resident organizations, and PHAs that are troubled at time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. Grant awards shall be contingent upon having a signed partnership agreement included in your application. Applicants required to have a Contract Administrator Partnership Agreement that fail to submit one will fail this threshold requirement and will not receive further consideration for funding. Please see the General Section of the SuperNOFA for instructions for submitting the required information with your electronic application.

Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants with preparing their ROSS applications are also ineligible to be contract administrators. For more information on contract administrators, see the section ''Program Requirements.''

d. *Letters of Support for Nonprofit Applicants.*

(1) All nonprofit applicants must include letters of support from resident associations (RAs), Resident Advisory Boards (RABs), local civic organizations, or units of local government. In the event that RAs are inactive, or that applicants submit letters of support from other organizations such as RABs, nonprofit applicants must also submit letters from PHAs or tribes/TDHEs indicating support for their application. All letters of support must be signed by an authorized representative of the supporting organization and dated within two months of the application deadline.

(2) Nonprofit applicants that do receive support from resident associations must submit form HUD–52754 ''List of Resident Associations Supporting Nonprofit Applicants.'' Submitting this form is not applicable where RAs are inactive or where applicants do not submit letters of support from RAs.

(3) In cases where nonprofit organizations are applying to serve tribes/TDHEs, nonprofit applicants must submit letters of support from tribes/TDHEs. Nonprofit organizations must also use form HUD–52754 to list which tribes/TDHEs support their application.

(4) Letters of support from RAs must describe to what extent they are familiar with the nonprofit applicant and indicate their support and understanding of the nonprofit organization's proposal/application. Letters from RAs must include contact information and the name and title of the person authorized to sign for the organization and should, whenever possible, be on RA letterhead.

(5) Letters of support from RABs must describe to what extent the RAB is familiar with the nonprofit applicant and indicate its support and understanding of the nonprofit organization's proposal/application. Letters from RABs must include contact information and the name and title of the person authorized to sign for the organization, and should be on RAB or PHA letterhead.

(6) Letters of support from civic organizations or units of local government must describe to what extent they are familiar with the nonprofit applicant and which programs the nonprofit applicant has operated or managed in the community that are similar to the applicant's proposal. Such letters of support must include contact information and the name and title of the person authorized to sign for the organization. The letter should be on organization letterhead.

(7) All nonprofit applicants that do not provide letters of support from resident associations must provide letters of support from PHAs or tribes/TDHEs with jurisdiction over the developments the applicant proposes to serve. Letters from PHAs or tribes/TDHEs must describe the extent to which the nonprofit applicant is familiar with the needs of the community to be served, which programs the nonprofit applicant has operated or managed in the community that are similar to the applicant's proposal, and whether the nonprofit organization has the capacity to implement its proposed program. Letters from PHAs or tribes/TDHEs must also list the names of the developments to be served, the number of occupied conventional family or elderly/disabled public housing units (depending on the grant category) in those developments, certify that the units are conventional public housing, and identify the ROSS grant category to which the nonprofit organization is applying. PHA or tribe/TDHE letters of support must be signed by the Executive Director, tribal leader, or authorized designee and must be on PHA or tribe/TDHE letterhead. Please see the General Section of the SuperNOFA for instructions for submitting the required letters with your electronic application.

(8) Applications from nonprofit organizations, which do not submit the information requested in this section will fail this threshold requirement and will not be considered for funding.

e. *Nonprofit status.* All nonprofit applicants must submit their IRS determination letter to prove their nonprofit (*e.g.*, 501(c)(3)) status. Applicants that fail to submit this letter will fail this threshold requirement and will not be considered for funding. Please see the General Section of the SuperNOFA for instructions for submitting the required documentation with your electronic application.

f. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

g. *Funding Requests in Excess of Maximum Grant Amount.* Applicants that request funding in excess of the maximum grant amount which they are eligible to receive will not receive funding consideration.

h. *Performance Standards for PHA Applicants to the Homeownership Supportive Services Program (applicable only to PHAs).* PHA applicants to the Homeownership Supportive Services program that administer a Homeownership Voucher Program will be required to provide Homeownership Vouchers per year, according to the minimum amounts listed in the table below, to eligible families who successfully complete training under the Homeownership Supportive Services grant program. Additionally, applicants must commit to enrolling public housing residents in their homeownership supportive services program in accordance with the amounts listed in the table printed immediately below.

Number of conventional units	Maximum funding	Minimum vouchers (annual)	Minimum enrollments (over 3 year term)
1–780 units	$250,000	10	50
781–2,500 units	350,000	12	70
2501–7,300 units	500,000	14	100
7,301 or more units	1,000,000	16	200

Those PHAs which administer a Housing Choice Voucher program but have not elected to provide assistance under the Homeownership Voucher option and receive funding under this category, will be required to implement the Homeownership Voucher Program and make Homeownership Vouchers available, in the amounts listed above, on an annual basis to eligible families who successfully complete training under this ROSS activity. PHA applicants as described in this section must provide a letter certifying that they will comply with this requirement.

i. *Tribal/TDHE applicants.* Tribal/TDHE applicants to the HSS program must have a Low-income Homeownership Program outlined in their current Indian Housing Plan. Tribes/TDHEs will also be required to provide homeownership assistance to a minimum of 10 eligible families.

j. *The Dun and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. You will need a DUNS number to complete your Grants.gov registration. Registration is required for electronic submission. See the General Section of the SuperNOFA for a discussion of the Grants.gov registration process.

3. *Program Requirements*

a. *Contract Administrator.* The contract administrator must assure that the financial management system and procurement procedures that will be in place during the grant term will fully comply with either 24 CFR part 84 or 85, as appropriate. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must also assist PHAs meet HUD's reporting requirements, see Section VI (C) ''Reporting'' for more information. Contract administrators may be: Local housing agencies; community-based organizations such as community development corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; state/regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their applications are also ineligible to be contract administrators. Organizations that the applicant proposes to use as the contract administrator must not violate or be in violation of other conflicts of interest as defined in 24 CFR part 84 and 24 CFR part 85.

c. *Requirements Applicable to All Programs.* All applicants, lead and non-lead, should refer to ''Other Requirements and Procedures Applicable to All Programs'' of the General Section of the SuperNOFA for requirements pertaining specifically to procurement of recovered materials and for information regarding other requirements to which they may be subject.

4. *Number of Applications Permitted.* Except as otherwise noted, the criteria below apply to all grant categories and all applicants.

a. *General.* Applicants including PHAs, tribes/TDHEs, RAs, and nonprofit organizations that have support from the resident associations they propose to serve or the support of tribes/TDHEs may submit one application for each ROSS funding category, however applicants must submit separate applications for each funding category. Nonprofit organizations may submit more than one application per funding category provided that they will be serving residents of distinct PHAs or Tribes/TDHEs.

b. *More than one application per development.* Applications from PHAs, tribes/TDHEs, RAs, and nonprofit organizations targeting the same public housing development/population will not all be funded. HUD suggests that in these cases, applicants work together to submit one application. Otherwise, the highest scoring application will be funded.

c. *Joint applications.* Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. The lead applicant must be registered with Grants.gov and submit the application using the Grants.gov portal. Lead applicants are subject to all threshold requirements. Non-lead applicants are subject to the following threshold requirements as applicable:

(1) Letters of support for nonprofit applicants;

(2) Evidence of nonprofit status as outlined under the section covering threshold requirements; and

(3) Threshold requirements outlined in Section III. C. of the General Section of the SuperNOFA.

Joint applications may include PHAs, RAs, Tribes/TDHEs, and nonprofit organizations on behalf of resident organizations. Joint applications involving nonprofit organizations must also provide evidence of resident support or support from local civic organizations or from units of local government. PHAs, tribes/TDHEs, and resident organizations that are part of a joint application may not also submit separate applications as sole applicants under this NOFA.

Note: The lead applicant will determine the maximum funding amount the applicants are eligible to receive.

5. *Eligible Participants.* All program participants must be residents of conventional public housing or NAHASDA-assisted housing. Participants in the Public Housing Family Self-Sufficiency (FSS) program (non-Housing Choice Voucher FSS Program) are also eligible to participate in activities funded under ROSS.

6. *Eligible Developments.* Only conventional Public and Indian housing developments may be served by ROSS grant funds. Other housing/developments, including, but not limited to private housing, federally insured housing, federally subsidized or assisted (*i.e.*, assisted under Section 8, Section 202, Section 811, Section 236), and others are not eligible to participate in ROSS.

7. *Energy Star.* HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step toward implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs.

The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Applicants constructing, rehabilitating, or maintaining housing or community facilities are encouraged to promote energy efficiency in design and operations. They are urged especially to purchase and use Energy Star labeled products. Applicants providing housing assistance or counseling services are encouraged to promote Energy Star building by homebuyers and renters. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters and buyers on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see *http://www.energystar.gov* or call 888–STAR–YES (888–782–7937) or for the hearing-impaired, 888–588–9920 (TTY).

IV. Application and Submission Information

A. Address to Obtain an Application Package. There is no application kit this year. Please refer to the General Section of the SuperNOFA for information on how to submit your application electronically. You may also visit *www.Grants.gov/Apply* to obtain application information.

B. Content and Form of Application Submission.

1. *Application Format Information for All Grant Categories and All Applicants.* Before preparing an application to any ROSS funding program, applicants should carefully review the program description, ineligible activities, program and threshold requirements, and the General Section of the SuperNOFA. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and where applicable, in the General Section of the SuperNOFA. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission.*

a. *Content of Application.* Applicants must write narrative responses to each of the rating factors, which follow this section. Applicants will be evaluated on whether their responses demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the ROSS program, may fully understand your proposal.

b. *Format of Application.* (1) Applications may not exceed 35 narrative pages. Narrative pages must be typed, double-spaced, numbered, use Times New Roman font style, and font size 12. Supporting documentation, required forms, and certificates will not be counted toward the 35 narrative page limit. However, applicants should make every effort to submit only what is necessary in terms of supporting documentation. Please see the General Section of the SuperNOFA for instructions on how to submit supporting documentation with your electronic application.

(2) The following checklist has been provided to assist applicants ensure they submit all required forms and information. (*Note:* Applicants who receive a waiver to submit paper applications, must submit their applications in a three-ring binder, with TABS dividing the sections as indicated below):

TAB 1: Required Forms from the General Section of the SuperNOFA and other ROSS forms:

1. Acknowledgement of Application Receipt (HUD–2993), for paper application submissions only (you must have an approved waiver to submit a paper application);

2. Application for Federal Financial Assistance (SF–24);

3. SF–424 Supplement, Survey on Ensuring Equal Opportunity for Applicants;

4. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);

5. ROSS Fact Sheet (HUD–52751);

6. Grant Application Detailed Budget (HUD–424–CB);

7. Grant Application Detailed Budget Worksheet (HUD–424–CBW);

8. Applicant/Recipient Disclosure/ Update Report (HUD–2880);

9. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990) if applicable;

10. Certification of Consistency with the Consolidated Plan (HUD–2991) if applicable;

11. Certification of Consistency with the Indian Housing Plan if applicable (HUD–52752);

12. Certification of Resident Council Board of Election (not required for tribes/nonprofit organizations working on behalf of tribes) (HUD–52753);

13. Disclosure of Lobbying Activities (SF–LLL), if applicable;

14. Disclosure of Lobbying Activities Continuation Sheet (SF–LLL–A), if applicable;

15. Client Comments and Suggestions (HUD–2994); (Optional)

16. Facsimile Transmittal Sheet (HUD–96011).

TAB 2: Threshold Requirements:

1. Letters from Partners attesting to match;

2. Letter from Applicant's organization attesting to match (if applicant is contributing to match);

3. Letters of Support from Resident Associations/ PHAs/tribes/TDHEs/ Resident Advisory Boards/local civic organizations and/or units of local government Threshold requirement for all nonprofit applicants);

4. Chart of Resident Associations Participating (required for nonprofit applicants but not applicable to applications from tribes/TDHEs.) (HUD–52754);

5. IRS nonprofit determination letter proving 501(c)(3) status (Threshold requirement for all nonprofit applicants); and

6. Contract Administrator Partnership Agreement (required for nonprofit organizations, resident associations, and troubled PHAs) (HUD–52755).

TAB 3: Narrative for Rating Factor 1 and ROSS Program Forms

1. Narrative;

2. Chart A: Program Staffing (HUD–52756);

3. Chart B: Applicant/Administrator Track Record (HUD–52757);

4. Resumes/Position Descriptions.

TAB 4: Narrative for Rating Factor 2

TAB 5: Rating Factor 3

1. Narrative;

2. Work plan (see relevant sample ROSS work plan HUD–52764).

TAB 6: Narrative for Rating Factor 4

TAB 7: Narrative for Rating Factor 5 and ROSS Program Forms

1. Narrative;

2. Logic Model (HUD–96010);

3. Sample Performance measures/ outcomes are attached for applicants' information.

C. *Submission Dates and Times:* 1. *Due Dates.* a. *Resident Service Delivery Models—Elderly/Persons with Disabilities:* The application must be submitted and received by Grant.gov no later than 11:59:59 p.m. eastern time on July 6, 2005. For applicants receiving a waiver to the electronic filing requirement, please see the General Section for waiver and mailing requirements. Please carefully read the General Section of the SuperNOFA for

application submission, and timely receipt requirements.

b. *Resident Service Delivery Models-Family.* The application must be submitted and received by Grant.gov no later than 11:59:59 p.m. eastern time on July 25, 2005. For applicants receiving a waiver to the electronic filing requirement, please see the General Section for waiver and mailing requirements. Please carefully read the General Section of the SuperNOFA for application submission, and timely receipt requirements.

c. *Homeownership Supportive Services.* The application must be submitted and received by Grant.gov no later than 11:59:59 p.m. eastern time on May 26, 2005. For applicants receiving a waiver to the electronic filing requirement, please see the General Section for waiver and mailing requirements. Please carefully read the General Section of the SuperNOFA for application submission, and timely receipt requirements.

2. *Proof of Timely Submission.* Please see the General Section of the SuperNOFA this information. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

3. *For Waivers Only.* Applicants who have received waivers to submit paper applications (see the General Section of the SuperNOFA for more information), must submit their applications to: HUD Grants Management Center, Mail Stop: Name of ROSS Grant Category, 501 School Street, SW., 8th floor, Washington DC 20024. Please see the General Section of the SuperNOFA for detailed mailing and delivery instructions.

4. *Number of Copies.* Only applicants receiving a waiver to the electronic submission requirement may submit a paper copy application. Paper applications must be submitted in triplicate (one original and two identical copies). For all applicants (including tribal and TDHE applicants), the original and one identical copy must be sent to the Grants Management Center and an identical copy must be sent to your local field office in accordance with the submission and timely receipt requirements described in the General Section of this SuperNOFA.

D. Intergovernmental Review: Not applicable.

E. *Funding Restrictions:* 1. Reimbursement for Grant Application Costs. Applicants who receive an award under any ROSS funding category are prohibited from using ROSS grant funds to reimburse any costs incurred in conjunction with preparation of their ROSS grant application.

2. *Covered Salaries.* Applicable to all grant categories and all applicants:

a. Project Coordinator. All applicants may propose to hire a qualified project coordinator to run the grant program. The ROSS program will fund up to $65,000 in combined annual salary and fringe benefits for a full-time project coordinator. The project coordinator's salary and fringe benefits may not exceed 30 percent of the total grant amount. For audit purposes, applicants must have documentation on file demonstrating that the salary of the project coordinator is comparable to similar professions in their local area.

b. *Resident Salaries.* Only the RSDM—Family category permits grantees to use grant funds for this purpose. No more than five percent of RSDM—Family funds may be used to pay for resident salaries.

c. *Types of Salaries.* ROSS funds may only be used for the types of salaries described in this section according to the restrictions described herein. ROSS funds may only be used to pay for salaries of staff that provide direct services to residents. Direct services staff, for purposes of this NOFA, are defined as housing authority personnel who, as their primary responsibility, provide services directly to residents that participate in the activities described in this application *e.g.,* case managers, van drivers, job trainers, childcare providers, among other positions. ROSS funds may not be used to pay for salaries for any other kind of staff.

3. *Administrative Costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, local travel, and utilities. Administrative costs may not be used to pay for salaries of any kind. Nonprofit organizations only may use administrative funds to pay for rental of space. Administrative costs must not exceed 10 percent of the total grant amount requested from HUD. Administrative costs must adhere to OMB Circular A–87 or A–122 as appropriate. Please use HUD–424–CBW to itemize your administrative costs.

4. *Individual Savings Accounts (ISAs).* ROSS RSDM—Family and Homeownership Supportive Services funds can be used as matching funds for ISAs but no more than 20 percent of total grant funds may be used for this purpose.

5. Stipends. This applies to RSDM—Family only. No more than $200 of the grant award may be used per participant per month for stipends for active trainees and program participants. Stipends may only be used to reimburse reasonable out-of-pocket expenses related to participation in training and other program-related activities. Receipts for such expenses must be provided by the resident in order to obtain reimbursement. Stipends are not considered an administrative expense and therefore are not subject to the 10 percent limitation on administrative costs.

6. *Ineligible Activities/Costs.* Grant funds may not be used for ineligible activities. The following are ineligible activities/costs:

a. Payment of wages and/or salaries to participants for receiving supportive services and/or training programs;

b. Purchase, lease, or rental of land;

c. New construction, costs for construction materials;

d. Rehabilitation or physical improvements;

e. Purchase, lease, or rental of vehicles;

f. Entertainment costs; g. Purchasing food;

h. Elderly/Disabled Service Coordinator salary and fringe benefits;

i. Payment of wages and/or salaries to doctors, nurses or other staff (including health aids or companions) in relation to medical services provided to residents;

j. Purchase of non-prescription or prescription medications;

k. Stipends (Stipends are only allowed under RSDM—Family);

l. Down payment assistance (*Note:* Participants may use their ISAs under the RSDM—Family and Homeownership Supportive Services program for this purpose);

m. Revolving loan funds;

n. Costs, which exceed limits, identified in the NOFA for the following: Project Coordinator, resident salaries, ISAs, stipends, administrative expenses, and long distance travel; and

o. Cost of application preparation.

p. For RSDM Elderly grant applicants—transportation costs of residents (grant funds may be used to pay for coordination and set-up of transportation services).

q. Salaries for staff that are not direct services staff. Direct services staff, for purposes of this NOFA, are defined as housing authority personnel who, as their primary responsibility, provide services directly to residents that participate in the activities described in this application *e.g.*, case managers, van drivers, job trainers, childcare providers, among other positions. ROSS funds cannot be used to hire or pay for the services of a Contract Administrator.

7. ROSS funds cannot be used to hire or pay for the services of a Contract Administrator.

8. *Other Budgetary Restrictions.* Some long distance travel may be necessary

during the term of the grant in order for professional grant staff to attend HUD-sponsored training conferences for ROSS grantees. Long distance travel costs for grant program staff may not exceed $5,000 for the life of the grant and must receive prior approval from the grantee's local HUD field office or area ONAP.

V. Application Review Information

A. Criteria

1. *Factors for Award Used To Evaluate and Rate Applications to the ROSS program.* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two RC/EZ/EC–II bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for the RC/EZ/EC–II bonus points. A listing of federally designated RCs, EZs, and EC–IIs, is available at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The agency certifying to RC/EZ/EC–II status must be contained in the listing of RC/EZ/EC–II organizations on HUD's Web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

Note: Applicants should carefully review each rating factor before writing a response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure their narratives thoroughly address the Rating Factors below. Applicants should include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points).

This factor addresses whether the applicant has the organizational resources necessary to successfully implement the proposed activities within the grant period. In rating this factor HUD will consider the extent to which the proposal demonstrates that the applicant will have qualified and experienced staff dedicated to administering the program.

(1) *Proposed Program Staffing* (7 Points).

(a) *Staff Experience* (4 Points). The knowledge and experience of the proposed project coordinator, staff, and partners in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of proposed staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience proposed staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points applicants will receive for this rating factor. The following information should be provided in order to provide HUD an understanding of proposed staff's experience and capacity:

(i) The number of staff years (one staff year = 2080 hours) to be allocated to the proposed program by each employee or expert as well as each of their roles in the program;

(ii) The staff's relevant educational background and/or work experience; and

(iii) Relevant and successful experience running programs whose activities are similar to the eligible program activities described in the grant category to which you are applying.

(b) *Organizational Capacity* (3 Points). Applicants will be evaluated based on whether they have, or their partners have sufficient qualified personnel to deliver the proposed activities in a timely and effective fashion. In order to enhance or supplement capacity, applicants should provide evidence of partnerships with nonprofit organizations or other organizations that have experience providing supportive services to typically underserved populations. Applicants' narrative must describe their ability to immediately begin the proposed work program. Provide resumes and position descriptions (where staff is not yet hired) for all key personnel. (Resumes/position descriptions do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/Contract Administrator* (6 Points).

(a) Applicants' past experience may include, but is not limited to, running and managing programs aimed at:

(i) RSDM—Family: assisting residents of low-income housing achieve economic self-sufficiency;

(ii) RSDM—Elderly: assisting elderly/persons with disabilities who reside in low-income housing to live independently;

(iii) Homeownership: assisting residents of low-income housing achieve economic self-sufficiency and homeownership.

(b) Applicants' narrative must indicate past grants they received and managed, the grant amounts, and grant terms (years) of the grants, which they are counting toward past experience.

(c) Applicants' narrative must describe how they (or their Contract Administrator) successfully implemented past grant programs designed to:

(i) RSDM—Family—promote resident self-sufficiency, moving from welfare to work, and/or helping residents move to market rate rental housing;

(ii) RSDM—Elderly—assist elderly/persons with disabilities meet their daily living needs and enhance their access to needed services so they can continue to reside comfortably and productively in their current living environment;

(iii) Homeownership—promote moving from subsidized housing to homeownership.

(d) Applicants will be evaluated according to the following criteria:

(i) Achievement of specific measurable outcomes and objectives in terms of benefits gained by participating residents. Applicants should describe results their programs have obtained, such as:

(A) RSDM—Family: reduced welfare dependency, higher incomes, higher rates of employment, increased savings, moving from subsidized housing to market rate rental housing;

(B) RSDM—Elderly: less emergency care, improved health conditions of assisted population, access to greater number of social services;

(C) Homeownership: number of families in homeownership counseling pipeline, rates of homeownership achieved through training programs.

(ii) Description of success in attracting and keeping residents involved in past grant-funded training programs. HUD wants to see that applicants' grant-funded programs benefited a significant numbers of residents;

(iii) Description of timely expenditure of program funding throughout the term of past grants. Timely means regular drawdowns throughout the life of the grant, *i.e.,* quarterly drawdowns, with all funds expended by the end of the grant term;

(iv) Description of Past Leveraging. Applicants must describe how they have leveraged funding or in-kind services beyond amounts that were originally proposed for past projects;

(3) *Program Administration and Fiscal Management* (12 Points).

(a) *Program Administration and Accountability* (6 Points). Applicants should describe how they will manage the program; how HUD can be sure that there is program accountability; and provide a description of proposed staff's roles and responsibilities. Applicants

should also describe how grant staff and partners shall report to the project coordinator and other senior staff.

(b) *Fiscal Management* (6 Points). In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place including those of a Contract Administrator for applicants required to have a Contract Administrator, (*i.e.,* troubled PHAs, resident associations, and nonprofit applicants);

(ii) Applicants must list any audit findings in the past five years (HUD Inspector General, management review, fiscal, etc.), material weaknesses, and what has been done to address them;

(iii) For applicants who are required to have a Contract Administrator, describe the skills and experience the Contract Administrator has in managing federal funds.

b. Rating Factor 2: Need/Extent of the Problem (10 Points).

This factor addresses the extent to which there is a need for funding the proposed program. In responding to this factor, applicants will be evaluated on the extent to which they describe and document the level of need for their proposed activities and the urgency for meeting the need.

In responding to this factor, applicants must include:

(1) *Socioeconomic Profile* (5 points). A thorough socioeconomic profile of the eligible residents to be served by the program, including education levels, income levels, the number of single-parent families, economic statistics for the local area, etc.

(2) *Demonstrated Link Between Proposed Activities and Local Need* (5 points). Applicants' narrative must demonstrate a clear relationship between proposed activities, community needs and the purpose of the program funding in order for points to be awarded for this factor.

c. Rating Factor 3: Soundness of Approach (30 Points) This factor addresses both the quality and cost-effectiveness of applicants' proposed work plan. The work plan must indicate a clear relationship between proposed activities, the targeted population's needs, and the purpose of the program funding. Applicants' activities must address HUD's policy priorities outlined in this Rating Factor.

In rating this factor HUD will consider:

(1) *Quality of the Work Plan* (18 points). This factor evaluates both the applicant's work plan and budget, which will be evaluated based on the following criteria:

(a) *Specific Services and/or Activities* (8 points). Applicants' narrative must describe the specific services, course curriculum, and activities they plan to offer and who will be responsible for each. In addition to the narrative, applicants must also provide a work plan, which must list the specific services, activities, and outcomes they expect. The work plan must show a logical order of activities and progress and must tie to the outcomes and outputs applicants identify in the Logic Model (see Rating Factor 5). Please see a sample work plan in the Appendix. Applicants' narrative must explain how their proposed activities will:

(i) Involve community partners in the delivery of services (4 points);

(ii) Offer comprehensive services versus a small range of services geared toward achieving the following (2 points):

RSDM—Family: enhancing economic opportunities for residents;

RSDM—Elderly: enhancing residents' quality of life;

Homeownership: enhancing homeownership opportunities for residents; and

(iii) Link to other ROSS-funded self-sufficiency programs (2 points).

(b) *Feasibility and Demonstrable Benefits* (4 points). This factor examines whether applicants' work plan is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce demonstrable results and advance the purposes of the ROSS program.

(i) *Timeliness.* This subfactor evaluates whether applicants' work plan demonstrates that their project is ready to be implemented shortly after grant award, but not to exceed three months following the execution of the grant agreement. The work plan must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution.* The work plan will be evaluated based on how well applicants' proposed activities address the needs described in Rating Factor 2.

(c) *Budget Appropriateness/Efficient Use of Grant* (6 Points) The score in this factor will be based on the following:

(i) *Justification of expenses.* Applicants will be evaluated based on whether their expenses are reasonable and thoroughly explained, and support the objectives of their proposal.

(ii) *Budget Efficiency.* Applicants will be evaluated based on whether their application requests funds commensurate with the level of effort necessary to accomplish their goals and anticipated results.

(d) *Ineligible Activities.* Two points will be deducted for each ineligible activity proposed in the application, as identified in Section IV(E). For example, you will lose 2 points if you propose costs that exceed the limits identified in the NOFA for a Project Coordinator; or you will lose 2 points if you propose paying for salaries for staff that are not direct services staff.

(2) *Addressing HUD's Policy Priorities* (12 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle through which long-term, positive change can be achieved at the community level. Applicants' narrative and work plan will be evaluated based on how well they meet the following HUD policy priorities:

(a) Applicants will respond to either (i) or (ii) below depending on what type of applicant they are, for a maximum of 5 points.

(i) *Improving the Quality of Life in Our Nation's Communities* (For RSDM–Family and RSDM–Elderly Applicants only)(5 points). In order to receive points in this category, applicants' narrative and work plan must indicate the types of activities, service, and training programs applicants will offer which can help residents successfully transition from welfare to work and earn higher wages, or for elderly/disabled residents, to continue to live independently.

(ii) *Providing Increased Homeownership and Rental Opportunities for Low- and Moderate-Income Persons, Persons with Disabilities, the Elderly, Minorities, and Families With Limited English Proficiency* (For Homeownership Applicants only) (5 points). In order to receive points in this category, applicants' narrative and work plan must indicate the types of activities and training programs they will offer which can help residents successfully transition from subsidized housing to market-rate rental housing or homeownership.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation (For all applicants)* (5 points). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations,

grassroots faith-based and other community-based organizations that are not usually effectively utilized. These grassroots organizations have a strong history of providing vital community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, applicants' narrative and work plan must describe how applicants will work with these organizations and what types of services they will provide.

(c) Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing. (up to 2 points).

Under this policy priority, higher rating points are available to: (1) Governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants would have to complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations'' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* The information and requirements contained in HUD's regulatory barriers policy priority apply to this FY 2005 NOFA. A description of the policy priority and a copy of form HUD–27300 can be found in the application package posted to *www.Grants.gov.* Applicants are encouraged to read the Notice as well as the General Section of the SuperNOFA to obtain an understanding of this policy priority and how it can impact their score. A limited number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number and/or email address. The electronic copy of the HUD 27300 has space to identify a URL or reference that the material is being scanned and attached to the application as part of the submission or faxed to HUD following the facsimile submission instructions.

d. Rating Factor 4: Leveraging Resources (20 Points).

This factor addresses the applicant's ability to secure community resources that can be combined with HUD's grant resources to achieve program purposes. Applicants are required to create partnerships with organizations that can help achieve their program's goals. PHAs are required by section 12(d)(7) of the U.S. Housing Act of 1937 entitled ''Cooperation Agreements for Economic Self-Sufficiency Activities'') to make best efforts to enter into such agreements with relevant state or local agencies. In rating this factor, HUD will look at the extent to which applicants partner, coordinate and leverage their services with other organizations serving the same or similar populations.

Additionally, applicants must have at least a 25 percent cash or in-kind match. The match is a threshold requirement. Joint applicants must together have at least a 25 percent match. Applicants who do not demonstrate the minimum 25 percent match will fail the threshold requirement and will not receive further consideration for funding. Leveraging in excess of the 25 percent of the grant amount will receive a higher point value. In evaluating this factor HUD will consider the extent to which applicants have partnered with other entities to secure additional resources, which will increase the effectiveness of the proposed program activities. The additional resources and services must be firmly committed, must support the proposed grant activities and must, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25 percent of the grant amount requested in this application. ''Firmly committed'' means that the amount of resources and their dedication to ROSS-funded activities must be explicit, in writing and signed by a person authorized to make the commitment. Please see the section on Threshold Requirements for more information.

Points for this factor will be awarded based on the documented evidence of partnerships and firm commitments and the ratio of requested ROSS funds to the total proposed grant budget.

Points will be assigned based on the following scale:

Percentage of Match Points Awarded

25	5 points (with partnerships) 3 points (without partnerships);
26–50	10 points (with partnerships) 8 points (without partnerships);
51–75	15 points (with partnerships) 13 points (without partnerships);
76 or above	20 points (with partnerships) 18 points (without partnerships).

e. Rating Factor 5: Achieving Results and Program Evaluation (15 Points)

(1) An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications and grant agreements and that they assess their performance so that they realize performance goals. Applicants must demonstrate how they propose to measure their success and outcomes as they relate to the Department's Strategic Plan.

(2) HUD requires ROSS applicants to develop an effective, quantifiable, outcome-oriented plan for measuring performance and determining that goals have been met. Applicants must use the Logic Model form HUD–96010 for this purpose.

(3) Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: the number of eligible families that participate in supportive services, the number of new services provided, the number of residents receiving counseling, or the number of households using a technology center. Outputs should produce outcomes for your program. ''Outcomes'' are benefits accruing to the residents, families and/or communities during or after participation in the ROSS program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: increasing the homeownership rates among residents of a development or from a particular housing authority, increasing residents' financial stability (*e.g.*, increasing assets of a household through savings), or increasing employment stability (*e.g.*, whether persons assisted obtain or retain employment for one or two years after job training completion). Outcomes are not the actual development or delivery of services or program activities.

(4) This rating factor requires that applicants identify program outputs, outcomes, and performance indicators

that will allow applicants to measure their performance. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative, work plan, and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments to their work plan and management practices if performance targets begin to fall short of established benchmarks and time frames. Applicants' proposal must also show how they will measure the performance of partners and affiliates. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

(5) In order to respond to this factor, applicants can use the sample performance measures found at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* Applicants will be evaluated based on how comprehensively they propose to measure their program's outcomes.

B. Review and Selection Process

1. *Review Process for All Grant Categories and All Applicants.* Four types of reviews will be conducted: a screening to determine if you are eligible to apply for funding under the ROSS grant category to which you are applying; whether your application submission is complete, on time and meets threshold; a review by the field office (or area ONAP office) to evaluate past performance; and a technical review to rate your application based on the five rating factors provided in this NOFA.

2. *Selection Process for All Grant Categories and All Applicants.* The selection process is designed to achieve geographic diversity of grant awards throughout the country. For each grant category, HUD will first select the highest ranked application from each of the ten federal regions and DPONAP for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions and DPONAP for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region and DPONAP until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order (by score) regardless of region and DPONAP and will fully fund as many as possible with remaining funds. If remaining funds in one grant category are too small to make an award, they may be transferred to another category under the ROSS program.

3. *Tie Scores.* In the event of a tie between two applications in the same category which target the same developments, HUD will select the application that was received first.

4. *Deficiency Period.* Applicants will have 14 calendar days in which to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section of the SuperNOFA.

VI. Award Administration Information

A. Award Notices. HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter and will receive instructions for what steps they must take in order to access funding and begin implementing grant activities. Applicants who are not funded will also receive letters via U.S. postal mail.

B. Debriefings. Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024.

C. Administrative and National Policy Requirements. 1. *Environmental Impact.* In accordance with 24 CFR 58.34 (a)(3) or (a)(9), 58.35(b)(2), (b)(4) or (b)(5), 50.19(b)(3), (b)(9), (b)(12), (b)(14), or (b)(15) activities under this ROSS program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 and are not subject to environmental review under related laws and authorities.

2. *Applicable Requirements.* Unless specifically enumerated in this NOFA, all applicants, lead and non-lead applicants, are subject to the requirements specified in Section III.C. of the General Section of the SuperNOFA. Grantees are subject to regulations and other requirements found in:

a. 24 CFR 84 ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations'';

b. 24 CFR 85 ''Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments'';

c. 24 CFR 964 ''Tenant Participation and Tenant Opportunities in Public Housing'';

d. OMB Circular A–87 ''Cost Principles for State, Local, and Indian Tribal Governments''

e. OMB Circular A–110 ''Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations'';

f. OMB Circular A–122 ''Cost Principles for Non-Profit Organizations''; and

g. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations''.

3. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Applicants and grantees must also comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u and ensure that training, employment, and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons.

4. *Fair Housing and Civil Rights Laws.* Applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable. Please see the General Section of the SuperNOFA for more information.

D. Reporting. 1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the field office or area ONAP. These progress reports shall include financial reports (SF–269A), a Logic Model (HUD–96010) showing achievements to date against outputs and outcomes proposed in the application and approved by HUD, and a narrative describing milestones, work plan progress, and problems encountered and methods used to address these problems. HUD anticipates that some of the reporting of financial status and grant performance will be through electronic or Internet-based submissions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their work plan. Applicants that receive awards from HUD should be prepared to report on additional measures that HUD may designate at time of award. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will be suspended until reports are received.

2. *Final Report.* All grantees shall submit a final report to their local field

office or area ONAP that will include a financial report (SF–269A), a final Logic Model, and a narrative evaluating overall results achieved against their work plan. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their work plan. The financial report shall contain a summary of all expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative, Logic Model, and financial report shall be due to the field office 90 days after the termination of the grant agreement.

3. *Final Audit.* Grantees are required to obtain a complete final close-out audit of the grant's financial statements by a Certified Public Accountant (CPA), in accordance with generally accepted government audit standards. A written report of the audit must be forwarded to HUD within 60 days of issuance. Grant recipients must comply with the requirements of 24 CFR 84 or 24 CFR 85 as stated in OMB Circulars A–87, A–110, and A–122, as applicable.

4. *Logic Model.* For each reporting period, as part of your required report to HUD, you must include a completed Logic Model (Form 96010), which identifies output and outcome achievements.

VII. Agency Contact(s)

For questions and technical assistance, you may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For persons with hearing or speech impairments, please call the toll-free Federal Relay Service at 800–877–8339. In the case of tribes/TDHEs, please contact DPONAP at 800–561–5913 or (303) 675–1600 (this is not a toll-free number).

VIII. Other Information

A. Code of Conduct. Please see the General Section of the SuperNOFA for more information.

B. Transfer of Funds. If transfer of funds from any of the ROSS programs does become necessary, HUD will give first priority to Homeownership Supportive Services, second priority to Family Self-Sufficiency, third priority to RSDM—Family, and fourth priority to RSDM—Elderly/Persons with Disabilities.

C. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average ten hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

Appendix of Forms. The forms specific to the ROSS Program follow.

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: All tribes/TDHEs must submit this form in conjunction with their ROSS application.

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

form **HUD-52752** (2/2004)

ROSS FUNDING
Certification of Election of Resident Council Board

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Public reporting burden for the collection of information is estimated to average one hour per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Instructions for completing this form: Resident associations applying to the ROSS program must certify that the Board of their Resident Council has been duly elected as required by HUD (24 CFR Part 964). All resident associations applying to the ROSS program **must** complete this form and have it signed by an authorized official from the local PHA.

Applicant Name: _____

Grant to which you are applying: _____ RSDM-Family _____ RSDM-Elderly
_____ Homeownership Supportive Services _____ Neighborhood Networks

Certification of Election of Resident Council Board

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)

of our Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations (CFR), Part 964.

Date of Most Recent Resident Council Board Election: _____

Name and Position of Resident Council officers:

_____

_____

_____

_____

_____

_____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, _____.

By: _____
Housing Auhority Executive Director or Other Authorized Representative

For: _____
(Housing Authority Name, Address, and Telephone)

Form **HUD-52753** (3/2004)

ROSS - LIST OF RESIDENT ORGANIZATIONS SUPPORTING NONPROFIT APPLICANTS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration date: 02/28/2007

Instructions for completing this form: All nonprofit applicants to the ROSS program must complete this form by listing contact information for each resident association supporting your application. Nonprofit applicants must have support from at least one resident association in order to receive funding. Nonprofit applicants can receive funding for working on behalf of one but no more than three resident associations. Attach letters of support to this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks

List of Resident Organization(s)			
Name of the Resident Organization/tribe/TDHE	Contact Person, Title, and Telephone Number	Address, City, & State	Housing Authority/Tribe
1.			
2.			
3.			

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

***Instructions for completing this form**: This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. (**NOTE: CAs must be retained for the full term of the grant.**)

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

form **HUD-52757** (3/2004)

SAMPLE ROSS
Work Plan

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be accomplished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverable
Sign up a minimum of 50 residents in your program.	Conduct outreach to residents.	1. Distribute flyers to residents. 2. Place information about training program in PHA newsletter. 3. Work with staff and/or volunteers to conduct door-to-door marketing of your program. 4. Create registration /sign-up procedure.	One week for initial outreach. Two weeks for follow-up and registering of residents. Three weeks total.	1. Project Coordinator -lead (name and phone number) 2. Staff and/or volunteers (include name and phone number)	9/01/04	9/19/04	Registration of 50 or more residents.

SAMPLE ROSS Work Plan

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be accomplished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverables
Determine participants' needs that are going unmet.	Create and administer assessment tool to survey participants' needs.	1. Contact State or local agencies that specialize in working with your target population to determine whether they have a survey sample and/or whether they would be interested in assisting/partnering with you. 2. Develop a survey to assess residents' needs. 3. Administer the survey tool. 4. Evaluate results.	One week to contact local agencies to obtain sample surveys. Two weeks to develop the survey. One week to administer the survey. One day to evaluate results. Three weeks total.	1. Project Coordinator -lead (name and phone number) 2. State/local agencies. 3. Staff/Volunteers. 4. Other partners.	9/01/04	9/19/04	- Survey - Survey results - Necessary information to design program for residents.

form **HUD-52764** (3/2004)

SAMPLE ROSS Work Plan

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: Applicants may use this form, a modification thereof, or their own form to indicate how major goals will be accomplished, the timeframe for accomplishing them, and the deliverables that will result.

GOALS	TASKS	ACTIVITIES	ESTIMATED TIME TO COMPLETE ACTIVITY	RESPONSIBILITY/ RESOURCES	Start	Complete	Deliverables

Public reporting burden for the collection of information is estimated to average four hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING FAMILY SELF-SUFFICIENCY

Billing Code 4210-32-C

Public and Indian Housing Family Self-Sufficiency Program Under the Resident Opportunities and Self-Sufficiency (ROSS) Program

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Public and Indian Housing.

B. Funding Opportunity Title: This NOFA is for the Public and Indian Housing Family Self-Sufficiency program under the Resident Opportunities and Self-Sufficiency (ROSS) program.

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: The **Federal Register** number for this NOFA is: FR–4950–N–23. The OMB approval number is: 2577–0229.

E. Catalog of Federal Domestic Assistance (CFDA) Number(s): Resident Opportunity and Self Sufficiency, 14.870.

F. Dates: The application submission date is June 20, 2005. Please see the General Section for application

submission and timely receipt requirements.

G. Optional, Additional Overview Content Information: 1. *Purpose of Program:* The purpose of the Family Self-Sufficiency (FSS) program for Public Housing is to link participating families to the supportive services they need to achieve self-sufficiency and no longer need public assistance.

2. *Funding Available:* The Department expects to award a total of approximately $22,950,000 ($15,000,000 of appropriations and $7,950,000 of carryover) under the FSS program in Fiscal Year 2005.

3. *Award Amounts:* Award amounts will be based on locality pay rates for professions similar to that of an FSS program coordinator. Individual award amounts will not exceed $65,000 to pay for the annual salary and fringe benefits of the program coordinator.

4. *Eligible Applicants:* Eligible applicants are PHAs and tribes/TDHEs that administer public housing programs. Renewal applicants and new applicants to the program must have an approved FSS Action Plan on file with their local HUD field office prior to this NOFA's application deadline. Please see the Threshold Requirements section for more information.

Nonprofit organizations and resident associations are not eligible for funding under this program.

5. *Cost Sharing/Match Requirement:* There is no match requirement under this funding program.

6. *Grant term:* The grant term for FSS is one year from the execution date of the grant agreement.

Grant program	Total funding	Eligible applicants	Maximum grant amount
Public Housing Family Self-Sufficiency	$22,950,000	PHAs, tribes/TDHEs only	$65,000 maximum salary amount

Full Text of Announcement

I. Funding Opportunity Description

A. Definition of Terms

1. *Action Plan* describes the policies and procedures of the PHA or tribe/TDHE for operation of a local FSS program, and contains the following information (for a full description of the minimum amount of information the Action Plan must contain, please see 24 CFR 984.201):

a. *Family demographics.* A description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive services needs of the families expected to participate in the FSS program;

b. *Estimate of participating families.* A description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated federal, tribal, state, local, and private resources;

c. *Eligible families from other self-sufficiency programs.* The number of families participating in other federal, state, or local self-sufficiency programs (provide program name and sponsoring organization) that are expected to participate in the FSS program.

d. *FSS Family selection procedures.* A statement indicating the procedures to be utilized by select families participating in the FSS program.

e. *Incentives to encourage participation.* Description of the FSS account and other incentives the PHA will offer participating families.

f. *Outreach efforts.* The Action Plan must describe the efforts the PHA or tribe/TDHE will make to recruit FSS participants.

g. *FSS activities and supportive services* consist of a description of the activities and supportive services that will be provided by public and private sources.

h. *Additional requirements.* Additional requirements are contained in 24 CFR Part 984.

2. *Contract Administrator* means an overall grant administrator and/or a financial management agent used by a troubled PHA to oversee the implementation of the grant and/or the financial aspects of the grant.

3. *Indian Tribe* (''tribe'') means any tribe, band, nation, or other organized group or a community of Indians, including any Alaska native village, regional, or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, and that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self Determination and Education Act of 1975, or any state-recognized tribe eligible for assistance under section 4 (12)(C) of NAHASDA.

4. *NAHASDA-assisted resident* means a tribal member living in housing assisted by the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996.

5. *Past Performance* is a threshold requirement. HUD's field offices will evaluate data provided by applicants and their past performance to determine whether an applicant has the capacity to manage the FSS grant program. The area Office of Native American Programs (ONAP) will review past performance for tribal/TDHE submissions. PHAs or tribes/TDHEs that have managed a HUD-funded FSS program for more than five years must be able to demonstrate that families who have participated in the FSS program for five years are actually achieving self-sufficiency and/or have significantly increased their earned income. Please see the section on Threshold Requirements for more information.

6. *Person with disabilities* means a person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

(3) Is determined to have a physical, mental, or emotional impairment which:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term ''person with disabilities'' does not exclude persons who have immunodeficiency syndrome (HIV/AIDS) or any conditions arising from the etiologic agent for AIDS. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

7. *Program Coordinator* under the Family Self-Sufficiency (FSS) program is someone responsible for linking FSS program participants to supportive services. Program Coordinators will work with the Program Coordinating Committee and local service providers to ensure that the necessary services and linkages to community resources are

being made; ensuring that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis; making sure that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. FSS coordinators may also perform job development functions for the FSS program.

8. *Project* is the same as ''low-income housing project'' as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 a (b)(1)) (1937 Act).

9. *Secretary* means the Secretary of Housing and Urban Development.

10. *Tribally Designated Housing Entity (TDHE)* is an entity authorized or established by one or more Indian tribe to act on behalf of each such tribe authorizing or establishing the housing entity.

B. Program Description

1. The FSS program provides funding for PHAs to pay for the salary and fringe benefits of a program coordinator who will link families to the supportive services they need to achieve self-sufficiency.

2. A PHA administering the FSS program must use a Program Coordinating Committee (PCC) to secure the necessary resources to implement the FSS program. A PCC is made up of representatives of businesses, local government, job training and employment agencies, local welfare agencies, educational institutions, childcare providers, and nonprofit service providers, including faith-based and other community organizations. See 24 CFR 984.202 for more information.

3. HUD is looking for applications that either build on existing FSS programs or propose to implement a new Public Housing FSS program. Applicants who propose to link to other ROSS-funded self-sufficiency programs will receive five additional points (see Rating Factor 3 at Section V.A.1.c. (1)(a)(i)).

C. Regulations Governing the FSS Program

The FSS program is governed by 24 CFR Part 984.

II. Award Information

A. Total Funding: The Department expects to award a total of approximately $22,950,000 ($15,000,000 of appropriations and $7,950,000 of carryover) under the PH Family Self-Sufficiency program. Funding amounts for individual grantees will be contingent upon HUD field office approval.

B. Grant Period: One year. The grant period shall begin the day the grant agreement and the form HUD–1044, ''Assistance Award/Amendment'' are signed.

C. Grant Extensions. Requests to extend the grant term beyond the originally established term must be submitted in writing by the grantee to the local HUD field office. Such requests must be done prior to grant termination and with at least 60 days notice to give the field office a reasonable amount of time to fully evaluate the request. Requests must explain why the extension is necessary, what work remains to be completed, and what was accomplished to date. Extensions may be granted one time only by the field office for a period not to exceed six months.

D. Type of Award: Grant agreement.

III. Eligibility Information

A. Eligible Applicants: Eligible applicants are public housing agencies (PHAs), which administer public housing programs and tribes/TDHEs. New and renewal applicants to the program must have an approved FSS Action Plan on file with their local HUD field office prior to this NOFA's application deadline.

Nonprofit organizations and resident associations are not eligible for funding under this program.

B. Cost Sharing or Matching: There is no match requirement under this funding program.

C. Other: 1. *Threshold Requirements.* Applicants must respond to each threshold requirement clearly and thoroughly by following the instructions below. If your application fails one threshold requirement (regardless of the type) it will be considered a failed application. The following are threshold requirements that are applicable to this ROSS component:

a. *Past Performance.* HUD's field offices will evaluate data provided by applicants and their past performance to determine whether an applicant has the capacity to manage the FSS program. The area Office of Native American Programs (ONAP) will review past performance for tribal/TDHE submissions. For applicants required to have a contract administrator, field offices will evaluate the contract administrator's past performance. Using Rating Factor 1, the field office will evaluate applicants' past performance. If applicants fail to address what is requested in Rating Factor 1, their application will fail this threshold and will not receive further consideration.

b. *Contract Administrator Partnership Agreement.* PHAs that are troubled at the time of application are required to submit a signed Contract Administrator Partnership Agreement. The agreement must be for the entire grant term. The grant award shall be contingent upon having a signed Partnership Agreement included in the application. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants prepare their FSS applications are ineligible to be contract administrators. For more information on contract administrators, please see the section on Program Requirements below. Please see the General Section for instructions on how to submit the required information with your electronic application.

c. *FSS Action Plan.* New applicants to the program must have a HUD approved FSS Action Plan on file with their local HUD field (or ONAP) office prior to this NOFA's application deadline. PHAs with previously approved Housing Choice Voucher (HCV) FSS Action Plans may either amend their HCV FSS Action Plan to include the FSS program or may submit a separate FSS Action Plan for HUD field office (ONAP) approval. New PH FSS Action Plans and amendments to existing Action Plans must be submitted to applicants' local HUD field office well enough in advance to ensure sufficient time for field office approval of the FSS Action Plan prior to the NOFA deadline. FSS Action Plans must comply with 24 CFR 984.201.

d. *Minimum Score for All Fundable Applications.* Applications that pass all threshold requirements and go through the ranking and rating process, must receive a minimum score of 75 in order to be considered for funding.

e. *The Dun and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD. You will need a DUNS number to complete your Grants.gov registration. Registration is required for electronic submission. See the General Section for a discussion of the Grants.gov registration process.

2. *Program Requirements:*

a. *Hiring a FSS program coordinator.* Funds awarded to PHAs under this NOFA may only be used to employ or retain the services of a FSS program coordinator for the one year grant term. A part-time program coordinator may be retained where appropriate. The FSS program coordinator must:

(1) Work with the PCC and with local service providers to ensure that FSS

program participants are linked to the supportive services they need to achieve self-sufficiency.

(2) Ensure that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, that participants are fulfilling their responsibilities under the contracts and that FSS escrow accounts are established and properly maintained for eligible families. All of these tasks should be ensured through case management. FSS coordinators may also perform job development functions for the FSS program.

(3) Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS program participants, depending on the coordinator's case management functions.

(4) Monitor the progress of program participants and evaluate the overall success of the program. For more information on how to measure performance, please see Rating Factor 4 in the ''Application Review Information'' section of this NOFA.

b. *Outreach.* Applicants are encouraged to reach out to persons with disabilities who are public/Indian Housing residents and might be interested in participating in the FSS program. Applicants should include agencies on their FSS PCC that work with and provide services for families with disabilities.

c. *Eligible families.* Current residents of public/Indian housing are eligible. Eligible families who are currently enrolled or participating in local public/Indian housing self-sufficiency programs are also eligible.

d. *Contract of participation.* Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA or tribe/TDHE that operates the FSS program. The contract shall be signed by the head of the FSS family.

e. *Contract term.* The contract with participating families shall be for five years. During this time each family will be required to fulfill its contractual obligations. PHAs or tribes/TDHEs may extend contracts for no more than two years for any family that requests an extension of its contract provided the PHA or tribe/TDHE finds that good cause exists to provide an extension. This extension request must be in writing. See 24 CFR 984.303 for more information on contracts of participation.

f. *Escrow accounts for very low or low income participating families.* Such accounts shall be computed using the guidelines set forth in 24 CFR 984.305.

Note: FSS families who are not low-income are not entitled to an escrow/credit.

g. *Number of Program Coordinators.*

(1) *Renewal Applicants.*

(a) *Maintaining Program Size.* Applicants that received funding from the Operating Fund or the 2004 FSS NOFA may apply for renewal of each FSS coordinator position(s) that has been filled by the applicant in either of the past two years under the Operating Fund or the 2004 FSS NOFA.

Funding for more than one program coordinator position is contingent upon HUD field office approval. For renewal applicants, HUD will fund a one percent increase over the amount most recently funded but not to exceed $65,000 for the FSS program coordinator(s) salary and fringe benefits.

(b) *Expanding Program Size.* Applicants wishing to expand their FSS program may in addition to requesting funds for their current FSS program coordinator(s), also request funds for one additional FSS coordinator. *Note:* Funding priority will be given to renewing existing staff positions for renewal applicants and to applicants wishing to implement a new program (see new applicants below). If sufficient funding is available to fund expanding applicant's existing programs, HUD will do so in accordance with the selection process under Section V(B).

(2) *New Applicants.* A PHA or tribe/TDHE that has not received funding under the Operating Fund for a FSS Program Coordinator may apply for only one program coordinator position as follows:

(a) Up to one full-time FSS coordinator position for a PHA or tribe/TDHE with HUD approval to administer an FSS program of 25 or more FSS slots.

(b) Up to one full-time position per application for joint PHA/tribe/TDHE applicants that have HUD approval to administer a total of at least 25 FSS slots between or among them.

h. *Contract Administrator.* The Contract Administrator must assure that the financial management system and procurement procedures that will be in place during the grant term will fully comply with 24 CFR part 85. CAs are expressly forbidden from accessing HUD's Line of Credit Control System (LOCCS) and submitting vouchers on behalf of grantees. Contract administrators must also assist PHAs/tribes/TDHEs to meet HUD's reporting requirements, see Section VI.C. ''Reporting'' for more information. Contract administrators may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDCs), churches, temples, synagogues, mosques; nonprofit organizations; State/Regional associations and organizations. Troubled PHAs are not eligible to be contract administrators. Grant writers who assist applicants in preparing their FSS applications are also ineligible to be contract administrators. Organizations that the applicant proposes to use as the contract administrator must not violate any conflicts of interest as defined in 24 CFR Part 84 or 24 CFR Part 85.

3. *Number of Applications Permitted:*

a. *General.* Applicants may submit only one application under this category. Applicants may submit one application for each of the other funding categories under ROSS (Resident Service Delivery Models-Family, Resident Service Delivery Models-Elderly/Persons with Disabilities and Homeownership Supportive Services) and one application under the Public Housing Neighborhood Networks grant program (tribes/TDHEs are not eligible applicants for the Public Housing Neighborhood Networks grant program); however, applicants must submit separate applications for each funding category.

b. *Joint applications.* Two or more PHAs or tribes/TDHEs may join together to submit an application under this NOFA. Joint applications must designate a lead applicant. Only the lead applicant is subject to threshold requirements as outlined in this NOFA, however both lead and non-lead applicants are subject to the Threshold requirements outlined in Section III. C. of the General Section. The lead applicant must be registered with Grants.gov and submit the application using the Grants.gov portal. The lead applicant must be registered with Grants.gov and submit the application using the Grants.gov portal. Applicants who submit joint applications may not also submit separate applications as sole applicants under this NOFA.

4. *Eligible Participants:* All program participants must be residents of public/Indian housing or residents of other housing assisted with funding made available under the 2005 Appropriations Act (e.g., residents receiving tenant-based or project-based voucher assistance, as well as elderly and disabled residents).

5. *Compliance with Program Requirements.* In addition to the program requirements specific to the FSS program, all applicants and grantees must comply with the program requirements contained in Section III.C. of the General Section.

IV. Application and Submission Information

A. Obtaining an Application Package: There is no application kit this year. Please refer to the General Section for information on how to submit your application electronically. Copies of this published NOFA and application forms for this program may be downloaded from the grants.gov web site at *http://www.grants.gov/APPLY.* If you have difficulty accessing the information you may call the Grants.gov help desk toll-free at (800) 518-GRANTS or sending an email to *Support@Grants.gov.* The operators will assist you in accessing the information.

B. Content and Form of Application Submission: 1. *Application Format:* Before preparing an application to the FSS program, applicants should carefully review the program description, ineligible activities, threshold requirements, and the General Section. Applicants should also review each rating factor found in the ''Application Review Information'' section before writing a narrative response. Applicants' narratives should be as descriptive as possible, ensuring that every requested item is addressed. Applicants should make sure to include all requested information, according to the instructions found in this NOFA and where applicable, in the General Section. This will help ensure a fair and accurate review of your application.

2. *Content and Format for Submission:*

a. *Content of Application:* Applicants must write narrative responses to each of the rating factors described in this section. Applicants responses must demonstrate that they have the necessary capacity to successfully manage this grant program. Applicants should ensure that their narratives are written clearly and concisely so that HUD reviewers, who may not be familiar with the FSS program, may fully understand your proposal. HUD encourages applicants to carefully review each rating factor, the regulations governing the FSS program, 24 CFR part 984, and the General Section prior to responding to each rating factor.

b. *Format of Application:* (1) Applications may not exceed 35 narrative pages. Narrative pages must be submitted as separate electronic files, formatted as double-spaced, single-sided documents. Each file should have the pages numbered consecutively. Use Times New Roman font style, and font size 12. Supporting documentation, required forms, and certifications will not be counted toward the 35 narrative page limit. See the General Section for information on how to submit documents that are not in electronic format. Applicants should make every effort to submit only what is necessary in terms of supporting documentation. Please see the General Section for instructions on how to submit supporting documentation with your electronic application.

(2) The following checklist has been provided to assist applicants ensure they submit all required forms and information. Electronic application filers should make sure the file names for their narratives reflect the labels in the checklist. Each narrative must be in a separate file with all the files zipped together and sent as an attachment in the application submittal. (*Note:* Applicants who receive a waiver to submit paper applications, must submit their applications in a three-ring binder, with TABS dividing the sections as indicated below):

TAB 1: Required Forms:

1. Acknowledgement of Application Receipt (HUD–2993), for paper application submissions only (you must have an approval waiver to submit a paper application);

2. SF–424 Application for Federal Assistance;

3. SF–424 Supplement, Survey on Ensuring Equal Opportunity for Applicants;

4. Questionnaire for HUD's Initiative on Removal of Regulatory Barriers (HUD–27300);

5. HUD–52751ROSS Fact Sheet

6. HUD–424 CB Grant Application Detailed Budget;

7. Grant Application Detailed Budget Worksheet (HUD–424–CBW);

8. HUD–2880 Applicant Disclosure/Update Report;

9. HUD–2990 Certification of Consistency with RC/EZ/EC–II Strategic Plan (if applicable);

10. HUD–2991 Certification of Consistency with the Consolidated Plan (if applicable);

11. Certification of Consistency with the Indian Housing Plan if applicable (HUD–52752);

12. SF–LLL Disclosure of Lobbying Activities (if applicable);

13. SF–LLL–A Disclosure of Lobbying Activities Continuation Sheet (if applicable);

14. HUD–2994 Client Comments and Suggestions (optional); and

15. Facsimile Transmittal (HUD–96011).

TAB 2: Threshold Requirements:

• Contract Administrator Partnership Agreement (required for troubled PHAs) (HUD–52755)

TAB 3: Rating Factor 1 and ROSS Program Forms

1. Narrative.

2. Chart A: HUD 52756 Program Staffing.

3. Chart B: HUD 52757 Applicant/Administrator Track Record.

4. Resume(s)/Position Description(s).

TAB 4: Narrative for Rating Factor 2.

TAB 5: Rating Factor 3.

1. Narrative.

2. HUD 52767 Family Self-Sufficiency Funding Request Form.

TAB 6: Rating Factor 4 and ROSS Program Forms.

1. Narrative.

2. HUD 96010 Logic Model.

C. Submission Dates and Times: 1. *Due Dates:* The application submission date is June 20, 2005. Please see the General Section for application submission and timely receipt requirements.

2. *Proof of Timely Submission.* Please see the General Section for this information. Applicants that fail to meet the deadline for application receipt will not receive funding consideration.

D. Intergovernmental Review: Not applicable.

E. Funding Restrictions: 1. *Reimbursement for Grant Application Costs:* Applicants who receive an award under this program cannot use FSS grant funds to pay for any costs incurred with the preparation of their FSS grant application.

2. *Covered Salaries:* a. *Program Coordinator:* All applicants may hire a qualified program coordinator to run the grant program. The FSS program will fund up to $65,000 in combined annual salary and fringe benefits for a full-time program coordinator. For audit purposes, applicants must have documentation on file demonstrating that the salary they pay the program coordinator is comparable to similar professions in their local area.

b. *Contract Administrator:* FSS funds cannot be used to hire or pay for the services of a Contract Administrator.

c. *Eligible Salaries.* FSS funds may only be used for the types of salaries described in this section according to the restrictions described herein. FSS funds may not be used to pay for salaries of any other kind.

3. *Administrative Costs.* FSS funds cannot be used to pay for administrative costs.

4. *Ineligible Activities.* Grant funds may not be used for ineligible activities. Ineligible activities include:

a. The salary of an FSS coordinator for the Housing Choice Voucher FSS program;

b. Services for FSS program participants;

c. Elderly/Disabled Service Coordinator salary and fringe benefits;

d. Wages and/or salaries to participants for receiving supportive services and/or training programs;

e. The purchase of food;

f. The purchase, lease, or rental of land;

g. New construction, materials costs;

h. Rehab or physical improvements;

i. Entertainment costs; j. Purchase, lease, or rental of vehicles;

k. Stipends;

l. Cost of application preparation; and

m. Costs that exceed limits identified in the NOFA for the following: Program Coordinator.

n. FSS funds cannot be used to hire or pay for the services of a Contract Administrator.

F. *Other Submission Requirements:* a. *Electronic Delivery.* Beginning in FY2005, HUD requires applicants to submit applications electronically through *www.grants.gov/Apply.* Applicants interested in applying for funding must submit their applications electronically via the Web site *http://www.grants.gov/Apply.* This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The www.grants.gov/Apply feature includes a simple, unified application process to enable applicants to apply for grants online.

b. *Waivers to the Electronic Submission Process:* Applicants may request a waiver to the electronic submission process (see Section IV.F of the General Section for more information). Applicants who are granted a waiver must submit their applications to: HUD Grants Management Center (GMC), Mail Stop: Public Housing FSS Program, 501 School Street, SW., 8th floor, Washington, DC 20024. Please see the General Section for detailed mailing and delivery instructions as the procedures have changed significantly for this year.

c. *Number of Copies.* Only applicants receiving a waiver to the electronic submission requirement must submit an original and two paper copies of the application. One of the copies must be sent to the area field office. See Section IV and Appendix C of the General Section for requirements for waiver and paper copy application submission requirements.

V. Application Review Information

A. Criteria

1. *Factors for Award Used To Evaluate and Rate Applications to the FSS program:* The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two RC/EZ/EC–II bonus points. The SuperNOFA contains a certification that must be completed in order for the applicant to be considered for RC/EZ/EC–II bonus points. A listing of federally designated Empowerment Zones (EZs), Renewal Communities (RCs), or Enterprise Communities, designated by USDA in round II (EC–IIs), is available on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* The agency certifying to RC/EZ/EC–II status must be identified in the listing on HUD's Web site.

Note: Applicants should carefully review each rating factor before writing a response. Applicants should make sure their narratives thoroughly address the Rating Factors below and to include all requested information, according to the instructions found in this NOFA. This will help ensure a fair and accurate application review.

a. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (45 Points)

In rating this factor, HUD will consider the extent to which the proposal demonstrates that the applicant will have qualified and experienced program coordinator(s) dedicated to administering the program.

(1) *Proposed Program Staffing* (10 Points).

(a) *Staff Experience* (5 Points). The knowledge and experience of the proposed program coordinator(s) in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of the program coordinator(s) to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience similar to the functions of an FSS program coordinator to be relevant; and experience producing specific accomplishments to be successful. A greater amount of points will be received based on recent and related experience proposed staff have in successfully completing similar tasks. The following information should be provided in order to provide HUD an understanding of proposed staff's experience and capacity:

(i) The staff's relevant educational background and/or work experience; and

(ii) Relevant and successful experience running programs whose activities are similar to the FSS Program.

(b) *Staff Capacity* (5 Points). Applicants will be evaluated based on whether they have staff in place or will be able to quickly access qualified professional(s), to administer the FSS program in a timely and effective fashion. Applicants' requesting to implement a new FSS program or to expand their existing program must describe their ability to immediately begin implementing an FSS program. Applicants may scan resumes (or position descriptions where staff is not yet hired) for the program coordinator position so they become an electronic attachment to your Grants.gov application. Please see the General Section for instructions on how to submit the required information with your electronic application. (Resume(s)/position description(s) do not count toward the 35-page limit.)

(2) *Past Performance of Applicant/Contract Administrator* (25 Points). Applicants' narrative must describe how they (or their *contract administrator*) achieved actual results in assisting low-income families and individuals in achieving economic self-sufficiency or moving from welfare to gainful employment. Renewal applicants should include facts and statistics in their narrative from past annual performance reports and/or the FSS addendum to HUD Form 50058. Applicants that have managed a HUD-funded FSS program for more than five years must be able to demonstrate that families who have participated in the FSS program for five years are actually achieving self-sufficiency and/or have significantly increased their earned income.

Applicants will be evaluated according to the following criteria:

(a) Achievement of specific, measurable participant outcomes in terms of benefits gained by participating residents. (15 Points). Applicants should describe and clearly demonstrate results their participants have achieved through the FSS program, for example: Higher incomes, higher rates of employment, increased savings; and moving out of subsidized housing to market-rate housing.

(b) Describe success in attracting and keeping residents involved in past grant-funded training programs (5 Points). HUD wants to see that applicants' grant-funded programs benefited significant numbers of participating residents/families;

(c) Description of timely fund expenditure throughout the term of past grants (5 Points). Timely means regular drawdowns throughout the life of the grant, *i.e.* quarterly drawdowns, with all funds expended by the end of the grant term;

(3) *Program Administration and Fiscal Management* (10 Points).

(a) *Program Administration and Accountability* (5 Points). Applicants

should describe how they will manage the program and how HUD can be sure that there is program accountability.

(b) *Fiscal Management* (5 Points). In rating this factor, applicants' skills and experience in fiscal management will be evaluated. If applicants have had any audit or material weakness findings in the past five years, they will be evaluated on how well they have addressed them. Applicants must provide the following:

(i) A complete description of their fiscal management structure, including fiscal controls currently in place including those of a contract administrator for applicants required to have a contract administrator, (troubled PHAs);

(ii) Applicants must list any audit findings in the past five years (HUD Inspector General, management review, fiscal, etc.), material weaknesses and what has been done to address them;

(iii) Applicants who are required to have a contract administrator, must describe the skills and experience the contract administrator has in managing federal funds.

b. Rating Factor 2: Need (10 Points)

In responding to this factor, you will be evaluated on the extent to which you describe and document the level of need for an FSS program coordinator in the communities you serve.

In responding to this factor, you must include:

(1) *Socioeconomic Profile* (5 points). A socioeconomic profile of the eligible residents to be served by your program, including education levels, income levels, the number of single-parent families, etc.

(2) *Number of People to Be Served* (5 points). Renewal applicants must provide the number of people being served and whether they will fill slots left by graduating participants. New applicants must provide the number of slots they will fill. Applicants applying to expand their FSS program, must provide the number of slots they will add to their program.

c. Rating Factor 3: Soundness of Approach (30 Points)

In rating this factor HUD will consider:

(1) *Quality of Your Proposal* (26 points). This factor evaluates your application based on the following criteria:

(a) *Scope of Services* (12 points). Your narrative should refer to the FSS Action Plan submitted to your local HUD field office and it must describe how many people you plan to serve, whether you will expand your program over time, and how your program will:

(i) Link with other ROSS-funded self-sufficiency programs; (5 points)

(ii) Involve community partners in the delivery of services; (4 points) and

(iii) Link to comprehensive services versus a small range of services geared toward enhancing economic opportunities for residents (3 points).

(b) *Feasibility and Demonstrable Benefits* (10 points). This factor examines whether your proposal is logical, feasible and likely to achieve its stated purpose during the term of the grant. HUD's desire is to fund applications that will quickly produce results and advance the purposes of the FSS program.

(i) *Timeliness* (5 Points). This subfactor evaluates whether your proposal is ready to be implemented shortly after grant award, but not to exceed three months following the execution of the grant agreement. Your proposal must indicate timeframes and deadlines for accomplishing major activities.

(ii) *Description of the problem and solution* (5 Points). Your proposal will be evaluated based on how well your proposal and approach to case management address the needs described in Rating Factor 2.

(c) *Salary Appropriateness/Efficient Use of Grant* (4 Points). You will be evaluated based on whether the salary you propose for the program coordinator is comparable to similar professions in your local area. In addition, your narrative must justify the salary you propose to pay the program coordinator by using local pay rates for comparable professions.

(d) *Ineligible Activities.* Two points will be deducted for each ineligible activity proposed in the application, as identified in Section IV (E). For example, you will lose 2 points if you propose costs that exceed the limits identified in the NOFA for a Project Coordinator.

(2) *Addressing HUD's Policy Priorities* (4 points). HUD wants to improve the quality of life for those living in distressed communities. HUD's grant programs are a vehicle through which long-term, positive change can be achieved at the community level. Your proposal will be evaluated based on how well it meets the following HUD policy priorities:

(a) *Improving the Quality of Life in Our Nation's Communities* (1 point). In order to receive points in this category, your narrative must indicate how your FSS program will help residents successfully transition from welfare to work and earn higher wages.

(b) *Providing Full and Equal Access to Grassroots Faith-Based and Other Community-Based Organizations in HUD Program Implementation* (1 point). HUD encourages applicants to partner with grassroots organizations, *e.g.*, civic organizations, grassroots faith-based and other community-based organizations. These grassroots organizations have a strong history of providing community services such as developing first-time homeownership programs, creating economic development programs, providing job training and other supportive services. In order to receive points under this factor, your narrative must describe how you will work with these organizations and what types of services they will provide.

(c) *Policy Priority for Increasing the Supply of Affordable Housing Through the Removal of Regulatory Barriers to Affordable Housing* (up to 2 points). Under this policy priority, higher rating points are available to: (1) Governmental applicants that demonstrate successful efforts in removing regulatory barriers to affordable housing, and (2) nongovernmental applicants undertaking activities in jurisdictions that have carried out successful efforts in removing barriers. For applicants to obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants would have to complete form HUD 27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' A copy of HUD's Notice entitled America's Affordable Communities Initiative, HUD's Initiative on Removal of Regulatory Barriers: Announcement of Incentive Criteria on Barrier Removal in HUD's 2004 Competitive Funding Allocations'' can be found on HUD's Web site at *http://www.hud.gov/grants/index.cfm.* The information and requirements contained in HUD's regulatory barriers policy apply to this FY 2005 NOFA. A description of the policy priority and a copy of form HUD 27300 can be found in the General Section Applicants are encouraged to read the Notice as well as the General Section to obtain an understanding of this policy priority and how it can impact their score. A number of questions expressly request the applicant to provide brief documentation with their response. Other questions require that for each affirmative statement made, the applicant must supply a reference, URL, or a brief statement indicating where the back-up information may be found, and a point of contact, including a telephone number and/or e mail address. The electronic copy of the HUD 27300 has space to identify a URL or reference that the material is being scanned and

attached to the application as part of the submission or faxed to HUD following the facsimile submission instructions.

d. Rating Factor 4: Achieving Results and Program Evaluation (15 Points)

(1) An important element in this year's NOFA is the development and reporting of performance measures and outcomes. This factor emphasizes HUD's determination to ensure that applicants meet commitments made in their applications to help families achieve true self-sufficiency. Applicants must demonstrate how they propose to measure their success and outcomes as they relate to the Department's Strategic Plan.

(2) HUD requires FSS applicants to develop an effective, quantifiable, outcome-oriented plan for measuring performance and determining that goals have been met. Applicants must use the Logic Model form (HUD–96010) for this purpose.

(3) Applicants must establish interim benchmarks, or outputs, for their proposed program that lead to the ultimate achievement of outcomes. ''Outputs'' are the direct products of a program's activities. Examples of outputs are: the number of eligible families that participate in supportive services, the number of families enrolled, the number of families with increased earned income, the number of families who have left assisted housing altogether, or the number of households that develop an escrow account. ''Outcomes'' are benefits that the residents, families and/or communities have accrued during or after participation in the FSS program. Applicants must clearly identify the outcomes to be achieved and measured. Examples of outcomes are: increasing residents' financial stability (*e.g.*, increasing assets of a household through savings or escrow), increasing the number of FSS graduates, or increasing employment stability (*e.g.*, whether persons assisted obtain or retain employment for one or two years after job training completion). Outcomes are not the actual development or delivery of services or program activities.

(4) This rating factor requires that applicants identify program outputs, outcomes, and performance indicators that will allow HUD and applicants to measure performance and accountability. Performance indicators should be objectively quantifiable and measure actual achievements against anticipated achievements. Applicants' narrative and Logic Model should identify what applicants are going to measure, how they are going to measure it, and the steps they have in place to make adjustments to their work or management practices if performance targets begin to fall short of established benchmarks and timeframes. Applicants must include the standards, data sources, and measurement methods they will use to measure performance.

(5) In order to respond to this factor, applicants should use the sample performance measures (HUD–52758) located in the Appendix as a guide. Applicants will be evaluated based on how they propose to measure their program's outcomes, *e.g.* whether the Logic Model tracks activities and outcomes resulting from the proposed activities, whether the Logic Model identifies evaluation tools and sources, and whether the Logic Model provides output and outcome information for the short, medium and long-term.

B. Review and Selection Process

1. *Review Process:* Four types of reviews will be conducted: a screening to determine if you are eligible to apply for funding under the FSS grant category; whether your application submission is complete, on time and meets the threshold requirements; a review by the field office (or ONAP) to evaluate past performance and whether there is an approved FSS Action Plan on file with the field office; and a technical review to rate your application based on the four rating factors provided in this NOFA.

2. *Selection Process:* The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions and DPONAP for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region and DPONAP until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order (by score) regardless of region and DPONAP and will fully fund as many as possible with remaining funds. If remaining funds are too small to make an award, they may be transferred to another ROSS funding category.

3. *Tie Scores.* In the event of a tie between two applications from the same region, HUD will select the application that was received first.

4. *Deficiency Period.* Applicants will have fourteen calendar days to provide missing information requested from HUD. For other information on correcting deficient applications, please see the General Section.

VI. Award Administration Information

A. Award Notices: HUD will make announcements of grant awards after the rating and ranking process is completed. Grantees will be notified by letter and will receive instructions for the steps they must take to access funding and begin implementing grant activities. Applicants who are not funded will also receive letters via U.S. postal mail.

B. Debriefings: Applicants who are not funded may request a debriefing. Applicants requesting to be debriefed must send a written request to: Iredia Hutchinson, Director, Grants Management Center, 501 School Street, SW., Suite 800, Washington, DC 20024. See the General Section for additional information on debriefings.

C. Administrative and National Policy Requirements: 1. *Environmental Impact.* No environmental review is required in connection with the award of assistance under this NOFA. The reason being the NOFA only provides funds for employing a coordinator who provides public and supportive services and/or a contract administrator who provides administrative and management services. Theses services listed above are categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to compliance actions for related environmental authorities under 24 CFR 50.19(b)(3), (4) and (12).

2. *Applicable Requirements.* Grantees are subject to regulations and other requirements found in:

a. OMB Circular A–87 ''Cost principles for State, Local, and Indian Tribal Governments'';

b. OMB Circular A–133 ''Audits of States, Local Governments, and Non-Profit Organizations'';

c. HUD Regulations 24 CFR Part 984 ''Section 8 and Public Housing Family Self-Sufficiency Program''; and

d. HUD Regulations 24 CFR Part 85 ''Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments''.

3. *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* Applicants and grantees must also comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u and ensure that training, employment, and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and

to business concerns which provide economic opportunities to low and very low-income persons.

4. *Fair Housing and Civil Rights Laws.* Applicants and their subrecipients must comply with all Fair Housing and Civil Rights laws, statutes, regulations, and Executive Orders as enumerated in 24 CFR 5.105(a), as applicable. Please see the General Section for more information.

5. *Provision of Services to Individuals with Limited English Proficiency (LEP).* Successful applicants and grantees must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with HUD's LEP Recipient Guidance 68 FR 70968.

6. *Communications.* Successful applicants should ensure that notices of and communications during all training sessions and meetings be effective for persons who have hearing and/or visual disabilities consistent with Section 504, see 24 CFR Part 8.6.

D. Reporting: 1. *Semi-Annual Performance Reports.* Grantees shall submit semi-annual performance reports to the field office. These progress reports shall include financial reports (SF–269A or its successor), the Logic Model showing achievements to date against proposed outputs and outcomes, and your evaluation procedures and activities undertaken to ensure that the project remains on schedule, within budget and that you are achieving the goals established. A narrative describing milestones, work plan progress, and problems encountered and methods used to address these problems must also be included. HUD anticipates that some of the reporting of financial status and grant performance will be through electronic or Internet-based submissions. Grantees shall use quantifiable data to measure performance against goals and objectives outlined in their Logic Model. Applicants that receive awards from HUD should be prepared to report on additional measures that HUD may designate at time of award. Performance reports are due to the field office on July 30 and January 31 of each year. If reports are not received by the due date, grant funds will be suspended until reports are received.

2. *Reporting Using HUD–50058 Addendum.* Grantees must also report on PH FSS program participants to PIC using the HUD–50058 addendum to report on the enrollment, progress, and exit of individual families. Failure to report to PIC is a violation of the program and may result in grant termination.

3. *Final Report.* All grantees shall submit a final report to their local field office. This will include a financial report (SF–269A or its successor) and a narrative evaluating overall performance against goals. Grantees shall use quantifiable data to measure performance against goals and use the Logic Model as part of their final report submission. The financial report shall contain a summary of salary expenditures made from the beginning of the grant agreement to the end of the grant agreement and shall include any unexpended balances. The final narrative, Logic Model, and financial report shall be due to the field office 90 days after the termination of the grant agreement.

VII. Agency Contact(s)

For questions and technical assistance, you may call the Public and Indian Housing Information and Resource Center at 800–955–2232. For persons with hearing or speech impairments, please call the toll-free Federal Relay Service at 800–877–8339.

VIII. Other Information

A. Code of Conduct: See the General Section for more information.

B. Transfer of Funds. If transfer of funds from any of the ROSS programs does become necessary, HUD will give first priority to Homeownership Supportive Services, second priority to Family Self-Sufficiency, third priority to RSDM—Family, and fourth priority to RSDM—Elderly/Disabled. HUD does not have the discretion to transfer funds for the Neighborhood Networks program to any other funding category under ROSS.

C. Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2577–0229. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average eight hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

D. Appendix of Forms. The forms specific to the FSS under the ROSS Program follow.

ROSS FUNDING
FACT SHEET

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

Public reporting burden for the collection of information is estimated to average 2 hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Instructions for completing this form: All applicants must complete sections A, B, C, D, and E. Resident Associations (RAs) must also complete section F. This form must be signed by an authorized official of the applicant's organization.

A. Applicant Information

Applicant Name:_____

Applicant Type: _____

___ PHA PHA Code: _____

___ RA ___ NONPROFIT ___TRIBE/TDHE

B. Assistance for which the applicant is applying:

_____ Resident Service Delivery Models-Family
_____ Resident Service Delivery Models-Elderly and Persons with Disabilities
_____ Family Self-Sufficiency for Public Housing
_____ Homeownership Supportive Services
_____ Neighborhood Networks-new center
_____ Neighborhood Networks-existing center

C. Unit Count

_____ Total number of conventional public housing units under management** (excluding any Section 8)

_____ Total number of family-occupied conventional public housing units.

_____ Total number of elderly/disabled-occupied conventional public housing units.

D. Please list any previous HUD grants, including ROSS grants you have received. Indicate grant name, (e.g. ROSS Homeownership), Year, and Award Amount.

_____

_____

_____

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

E. Name(s) of public housing development(s) targeted for ROSS Activities (Use additional pages if necessary.)

Name of Public Housing Development	PIH Project #

OMB Approval No. 2577-0229
Expiration Date 02/28/2007

ROSS FUNDING

FACT SHEET (continued)

RESIDENT ASSOCIATIONS MUST COMPLETE THE FOLLOWING SECTION:

F. RESIDENT ASSOCIATION BOARD INFORMATION (not applicable to FSS applicants)

Name of Board Member Title Appointment Term Date

_____
_____
_____
_____
_____
_____
_____
_____

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

The above information is true and correct to the best of my knowledge.

Signed this _____ day of _____, ____.

By: _____
Applicant Executive Director or Other Authorized Representative

For: _____
Applicant Name

CERTIFICATION OF CONSISTENCY WITH THE INDIAN HOUSING PLAN

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: All tribes/TDHEs must submit this form in conjunction with their ROSS application.

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Indian Housing Plan.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

Public reporting burden for the collection of information is estimated to average fifteen minutes per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

SAMPLE CONTRACT ADMINISTRATOR PARTNERSHIP AGREEMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Instructions for completing this form: *This form is provided to applicants as a sample to use for formalizing agreements with the organization that will serve as the applicant's Contract Administrator. Nonprofits, troubled PHAs, and resident associations must submit a Contract Administrator Partnership agreement with their application and the agreement must be for the full term of the grant. Applicants may elect to use this form, a modification thereof, or their own form provided that the same information is contained therein.*

Grant to which you are applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services

_____ Neighborhood Networks _____ PH Family Self Sufficiency

I. General Terms

This partnership agreement is made and entered into by and between the **applicant**, _____ (name of applicant's organization) and _____ (name of Contract Administrator's organization) the **Contract Administrator (CA)**, (e.g., the local public housing authority (PHA) or other non-profit organization), hereinafter referred to as "CA".

WHEREAS, the applicant is submitting the proposal for a Resident Opportunity and Self-Sufficiency (ROSS) or Neighborhood Networks (NN).

WHEREAS, the applicant agrees to comply with all terms and conditions expressed in HUD's NOFA, applicable provisions of 24 CFR 964 or 24 CFR 984 (for FSS applicants), provisions of the grant agreement entered into with HUD, and provisions contained in this Partnership Agreement.

WHEREAS, the CA supports the applicant's ROSS/NN application and agrees to provide technical assistance to the applicant in accordance with HUD's NOFA, HUD regulations and provisions contained in this agreement.

WHEREAS, pursuant to the commitment made by the CA, this agreement is executed outlining the type, scope and extent of services that the CA will provide to the applicant if the grant is funded. If HUD does not fund the grant, this agreement shall be null and void.

II. Roles and Responsibilities

A. Grant Oversight

Under the direction of the applicant, the CA agrees to oversee the administration of the ROSS or NN grant. This includes financial management, procurement, completing the semi-annual reports, and ensuring that all grant activities are completed successfully within the grant period. In meeting these commitments, the CA agrees to abide by the provisions of 24 CFR Parts 964/984, 45, 84, and 85 and the following OMB Circulars as applicable:

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

- A-87 "Cost Principles for State, Local, and Indian Tribal Governments";
- A-122 "Cost Principles for Nonprofit Organizations";
- A-110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations"; and
- A-133 "Audits of States, Local Governments, and Non-Profit Organizations".

B. Grant Coordination

The CA and the applicant will meet weekly to discuss progress, problems incurred, strategies to overcome them, specific areas of responsibility, future activities, and any other issues as necessary.

C. Financial Responsibility

The applicant retains ultimate responsibility for all grant activities, including drawing down funds from HUD, grant expenditures, and reporting to HUD. The CA will have authority to draw down funds only with the written authorization of the applicant and approval of the local HUD field office.

All checks and other expenditures in an amount higher than $_____ must be signed and/or approved by the applicant.

D. Performance Measurement

The CA will work with the applicant to ensure that results agreed to by the applicant and HUD are achieved. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

E. Coordinating and Building Partnerships

The CA agrees to coordinate the provision of assistance from grant partners. The CA also agrees to work with the applicant in pursuing additional partnerships/assistance from community organizations, government, and other organizations whose services would benefit residents and the overall grant program. Following are suggested resources:

- Area enrichment programs
- Local Banks
- Chamber of Commerce
- Community Development Agencies
- Private Industry Council
- Local/State Health & Human Services Agencies
- Local Higher Education and Continuing Education Facilities
- Local Independent School Districts
- Social Service Organizations

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

F. Program Assessment and Reporting

The CA agrees to conduct or otherwise assist the applicant in assessing grant activities based on 1) the performance measures in the applicant's grant proposal submitted to HUD and 2) any revisions to the assessment methodology made by the local HUD field office. For Public Housing FSS applicants, the CA will ensure that the PHA meets its PIC reporting requirements by reporting on the enrollment, progress, and exit of individual families using the HUD-50058 addendum. The CA will ensure that reports to HUD are made as required. All semi-annual financial and performance reports prepared by the CA must be reviewed and approved by the applicant prior to submission to HUD.

III. Contracted Amount

No funds will be paid to the CA for services rendered prior to HUD's selection of the applicant for funding or for services rendered prior to the execution of a grant agreement between the applicant and HUD. This partnership agreement will be valid only if/when HUD selects the applicant for funding. If an applicant is selected and enters into a grant agreement with HUD, remuneration of the CA will not exceed 10% of the amount granted by HUD to the grantee, unless specifically authorized by law.

The total contracted amount $_____ for all services defined within this contract is based on a period of time beginning _____ and ending _____. (**NOTE: CAs must be retained for the full term of the grant.**)

The CA will be paid $_____for year one, beginning on _____ (date); $_____ for year two beginning on _____ (date); and $_____for year three beginning on _____ (date).

IV. Termination

Each party may terminate this agreement provided 60 calendar days of written notice is given to the local HUD field office and the other party to this agreement. Applicants may terminate this agreement based on non-compliance or non-cooperation by the CA. Termination may only occur when all channels of resolution have been exhausted, including mediation between the two parties. If all avenues for resolution have been exhausted, termination by the applicant will require a two-thirds majority vote of the applicant's Board of Directors/Resident Council.

WITNESS OUR HANDS EFFECTIVE _____

_____	_____
Applicant Organization	Contract Administrator
_____	_____
Applicant Executive Director/ Other Authorized Representative	Executive Director
_____	_____
Date	Date

ROSS
Chart A: PROGRAM STAFFING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant Name: _____

Instructions for completing this form: Space is provided below for applicants to provide information about key staff, residents you plan to hire, the roles contractors will play, and the activities and responsibilities of the applicant's contract administrator. All applicants must complete this form. Applicants that are not required to have a contract administrator do not need to complete Section IV of this form.

Grant to which the applicant is applying:

_____ RSDM-Family _____ RSDM-Elderly _____ Homeownership Supportive Services _____ Neighborhood Networks _____ PH Family Self Sufficiency

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

form **HUD-52756** (3/2004)

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

II. RESIDENT STAFF (NOT APPLICABLE TO FSS APPLICANTS)

Name of Staff Person	Organization and Position	Activity in Grant Program	Percent of Time on Grant	Cost to Grant

III.CONTRACTOR/CONSULTANT ROLE (Not applicable to FSS applicants)		
Type of Contractor to be Solicited*	Activity in Grant Program	Estimated Cost to Grant Program

*NOTE: Contractors must be procured according to 24 CFR parts 84.41-84.48 or 24 CFR part 85.36

IV.CONTRACT ADMINISTRATOR		
Name of Organization	Areas of Responsibility/Oversight	Estimated Cost to Grant Program

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

form **HUD-52756** (3/2004)

ROSS
Chart B: Applicant/Contract Administrator Track Record (Past Performance)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

Applicant: _____

Instructions for completing this form: Applicants must use this form to provide information about previous HUD grants/FSS programs you have administered over the most recent five-year period. Applicants with few or no HUD grants/FSS programs should provide information about other federal grants you have received. Applicants should list state, local, or private grants should you have no HUD or federal grant experience. Applicants should clearly indicate the organization from which you received grants and indicate whether you were the grantee or whether your contract administrator was the grantee. Applicants should list grants starting with the most recent HUD grants, proceeding next with federal, state, local, and/or private grants. Applicants should not list grants that are 10 years old or older.

Public reporting burden for the collection of information is estimated to average two hours per response. This includes the time for collecting, reviewing, and reporting the data. The information will be used for the ROSS grant. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Grant to which the applicant is applying:

_____ **RSDM-Family** _____ **RSDM-Elderly** _____ **Homeownership Supportive Services** _____ **Neighborhood Networks** _____ **PH Family Self Sufficiency**

Grant Program and Grantor Agency	Grantee (Applicant or CA)	Project No.	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

RESIDENT OPPORTUNITY AND SELF-SUFFICIENCY PROGRAM
PUBLIC HOUSING FAMILY SELF-SUFFICIENCY FUNDING REQUEST FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF PUBLIC AND INDIAN HOUSING

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

1. PHA Information:

Name: _____ PHA Number: _____

Address: _____

_____

Joint Application: Yes _____ No _____ If yes, please provide name(s), PHA number(s), and address information of joint applicant(s) (If more than one joint applicant, please attach addition sheets as necessary):

Name: _____ PHA Number: _____

Address: _____

_____

2. Contact Information for the Person Most Familiar with This Application:

Name:_____Telephone:_____

e-mail address: _____

3. Application Type: New _____ Renewal _____

4. All Applicants – Total Approved Slots: Please indicate the number of approved slots in your Public Housing FSS Action Plan. There is a 25-slot minimum in order to be eligible for this program. Joint applicants should indicate the combined total of FSS program slots in their HUD-approved Public Housing FSS Action Plans.

Total number of approved slots: _____

RENEWAL APPLICANTS PLEASE ANSWER QUESTIONS 5 - 9

5. FSS Coordinator Information:

a) FY under which your FSS Coordinator position was last funded: _____

b) Number of positions funded: _____

c) Number of positions requested under this NOFA: _____

d) Annual salary requested for each FSS Coordinator(s): $ _____
(Note: The salary requested should include fringe benefits, if applicable. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $63,000 per position)

e) Total funding requested for program coordinator salary(ies): $ _____

OMB Approval No. 2577-0229
Expiration Date: 02/28/2007

f) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the positions you are applying for is on file at the PHA: _____ Yes _____ No

6. Total amount requested for Contract Administrator services: $ _____

7. Program Participant Information:

Number of single-parent families _____

8. Reporting to HUD

The PHA has submitted reports on participating families to HUD via the HUD 50058 Family Self-Sufficiency/Welfare-to-Work Voucher Addendum. _____ Yes _____ No

9. Program Accomplishments – Complete All that Apply

____ The number of families enrolled in the Public Housing FSS program as of 9/30/03.
____ The number of Public Housing FSS program participants with an FSS escrow account balance greater than zero.
____ The average escrow account distribution paid to Public Housing families that graduated between 10/1/02 and 9/30/03.
____ The number of Public Housing FSS families that have successfully completed their FSS contracts between 10/1/02 and 9/30/03.
____ The number of Public Housing FSS graduates that moved out of public housing
____ The number of Public Housing FSS graduates who participated in a ROSS-funded homeownership program.
____ The number of Public Housing FSS graduates who moved to homeownership through other homeownership programs.

NEW APPLICANTS PLEASE ANSWER QUESTIONS 10 - 12

10. FSS Coordinator Information:

a) Annual salary requested for the FSS Coordinator position: $ _____
(Note: The salary requested should include fringe benefits, if applicable. Salaries must be comparable to salaries for similar positions in the local jurisdiction and must not exceed the cap of $63,000 annually for the position)

b) Evidence demonstrating salary comparability to similar positions in the local jurisdiction for each of the positions you are applying for is on file at the PHA: _____ Yes _____ No

11. Total amount requested for Contract Administrator services: $ _____

12. Information About Potential Participants

Percent of target population that is unemployed _____ Number of single-parent families

in target population _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Billing Code 4210-32-C

Housing Opportunities for Persons With AIDS (HOPWA) Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Community Planning and Development (CPD), Office of HIV/AIDS Housing.

B. Funding Opportunity Title: Housing Opportunities for Persons With AIDS (HOPWA).

C. Announcement Type: Initial Announcement

D. Funding Opportunity Number: The **Federal Register** number for this NOFA is: FR–4900–N–14. The OMB approval number for this program is 2506–0133.

E. Catalog of Federal Domestic Assistance (CFDA) Numbers: 14.241 Housing Opportunities for Persons With AIDS Program.

F. Dates: The application submission date is on May 27, 2005 for the Renewal of expiring HOPWA permanent supportive housing projects and for New and Continuing HOPWA applications. Refer to the General Section for application submission and timely receipt requirements.

G. Additional Overview Information:

1. *Purpose of the Program:* To provide States and localities with the resources and incentives to devise Long-term comprehensive strategies for meeting the housing and related supportive service needs of low-income persons with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and their families. Grant recipients will measure client outcomes to assess how housing assistance results in creating or maintaining stable housing, reduces risks of homelessness, and improves access to healthcare and other needed support. States, units of general local government, and nonprofit organizations interested in applying for funding under this grant program should carefully review the General Section and detailed information listed in this Program NOFA. There is no separate Application Kit for this Program NOFA.

2. *Available Funds.* Approximately $27,925,000 in FY2005 funding is made available along with approximately $9,052,000 in remaining FY2004 funds. These amounts may be adjusted based on the approved appropriations for the Department's HOPWA program for Fiscal Year 2005. The Department's 2004 SuperNOFA, published on May 14, 2004, stated that HUD would issue a Notice at a later date to award any remaining 2004 HOPWA competitive funds for new and continuing projects. The selection of the 2004 Renewals for permanent supportive housing projects was made on October 25, 2004 for the award of $20,175,475 to 22 eligible projects. The remaining amount of approximately $9,052,000 is being made available through this Notice.

This Notice makes available funding for three types of HOPWA competitive grants: (1) Renewals of expiring HOPWA projects that conduct permanent supportive housing activities (Renewals); (2) new awards for permanent supportive housing activities to be conducted by States and units of general local government that are not eligible to receive HOPWA formula allocations (Long-term projects); and (3) awards for new and continuing Special Projects of National Significance (SPNS) demonstration projects that will undertake new housing service delivery models or housing project activities that include plans to provide HOPWA clients with permanent housing assistance by the end of the operating period.

Remaining FY2004 funds will be made available for new long-term projects and, if funds remain, for new and continuing SPNS demonstration projects, in the order of their ranking in their category of grants.

FY2005 funds will be made available in the following priority order: (1) Renewal of expiring HOPWA grants providing permanent supportive housing as described in Renewal of Permanent Supportive Housing Grants; (2) and if FY2005 funds remain, new awards for long-term projects; and (3) then awards for new and continuing Special Projects of National Significance (SPNS) demonstration projects.

3. *Eligible Applicants.* States, units of general local government, and nonprofit organizations may apply for HOPWA competitive funding under this Program NOFA. Eligibility requirements are contained below.

4. *Match.* There are no cost sharing or matching requirements for applications under this program NOFA. However, requests to fund projects under this Program NOFA will be reviewed for leveraging, see Section IV.B.

5. *Authorities.* If you are interested in applying for funding under this program, please review carefully the General Section and the following sections of this Program NOFA. For more information on eligible activities under the HOPWA Program, see the HOPWA program regulations at 24 CFR part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901–12912), which govern the program.

Full Text of Announcement

Funding Opportunity Description

A. Program Description

1. Renewal of Permanent Supportive Housing Grants. Under the Department's Appropriations Act, the Secretary is required to renew qualifying expiring contracts for permanent supportive housing. HUD will renew previously funded competitive grants that meet the eligibility requirements below and all program requirements. Applications will be reviewed on a pass/fail threshold review system and are not required to address the Department policy priorities described in the General Section.

2. New Long-Term Projects for Permanent Supportive Housing. HUD will award funds for permanent supportive housing activities through a competitive selection process for new Long-term projects that provide housing and related supportive services to low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA formula allocations.

3. New and Continuing SPNS Demonstration Grants. HUD will award new and continuing Special Projects of National Significance (SPNS) demonstration grants through a competitive selection process. SPNS demonstration projects will undertake new housing service delivery models or housing project activities that include plans to provide HOPWA clients with permanent housing assistance by the end of the operating period under the award. Consistent with the selection considerations established at 42 U.S.C. 12903(c)(3)(C), demonstration projects will help show program successes or lessons learned in planning, operating and evaluating an innovative type of service delivery model for the purposes of demonstrating potential replicability in the HOPWA program, in addition to other housing programs throughout the nation.

For purposes of this Program NOFA, ''New and Continuing projects'' refers to new Long-term projects and new and continuing SPNS demonstration projects collectively.

4. Definitions for all HOPWA grants.

a. Chronically Homeless Person. A chronically homeless person is defined as an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least 4 episodes of homelessness in the past 3 years. A disabling condition is defined as a diagnosable substance abuse disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.

b. Long-term Project. The term ''Long-term Project'' refers to projects established by State or local government applicants that are part of Long-term Comprehensive Strategies (Long-term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA formula allocations.

c. SPNS Demonstration Grant or Project. The term SPNS demonstration grant refers to Special Projects of National Significance (SPNS) awards for

new housing project activities or service delivery models for providing housing assistance to eligible persons. In conjunction with these activities, SPNS demonstration projects must include specific plans to provide HOPWA clients with permanent housing assistance by the end of the operating period under the award. SPNS demonstration grants will only be awarded to transitional, short-term and emergency housing projects. Funding for SPNS demonstration projects is provided on a one-time only basis. These projects do not provide permanent supportive housing and, therefore, will not be eligible for renewal under the current criteria for permanent supportive housing projects. HOPWA support for participants is expected to terminate as they become more self-sufficient, move to or benefit from permanent housing programs, or establish stable permanent housing through other means.

d. Expiring Grant is defined by the end date in the grant agreement signed with HUD on the existing project (including any amendment or extension approved by HUD) which results in an existing agreement expiring in Federal Fiscal Year 2005 (*i.e.*, from October 1, 2004 to September 30, 2005), or will expire within 18 months after the date of the publication of this Program NOFA.

e. Lease or Occupancy Agreement. In establishing that an eligible person has obtained permanent supportive housing and a legal right to continue in that housing unit, the lease or occupancy agreement must be for a term of at least one year. The lease or occupancy agreement must also be automatically renewable upon expiration, except on reasonable prior notice by either the tenant or the landlord.

f. Nonprofit Organization. Non-profit organization means any non-profit organization (including a State or locally chartered, nonprofit organization) that: (1) Is organized under State or local laws; (2) Has no part of its earnings inuring to the benefit of any member, founder, contributor or individual; (3) Has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has designated an entity that will maintain such an accounting system; and (4) Has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases, as clarified to include infection with the human immunodeficiency virus (HIV).

g. Permanent Supportive Housing. Permanent supportive housing is defined as housing in which the eligible person has a continuous legal right to remain in the unit and which provides the eligible person ongoing supportive services through qualified providers. HUD will consider a grant to provide permanent supportive housing if 51 percent or more of HOPWA program activity funds are used: (1) To provide for the development or operation of permanent housing or rental assistance for permanent housing units where ongoing supportive services are made available through other leveraged resources; and (2) to provide for supportive services for residents in permanent housing; or (3) in some combination of these.

As provided in Section III.C.2.(i), ''Grant Purpose and Agreements to Operate Eligible Permanent Supportive Housing Grants'', you must include in your grant files a copy of the standard lease form or occupancy agreement used for residents of the project. The lease or occupancy agreement must meet the definition for such agreements provided above. Failure to maintain this project documentation of the client's lease or occupancy agreement will constitute a grant default. The requirements governing termination of housing are located in 24 CFR 574.310(e).

h. Transitional Housing. For purposes of this notice, the term ''transitional housing'' means housing, the purpose of which is to facilitate the movement of eligible person(s) to permanent housing within 24 months. The eligible person(s) may remain in transitional housing for a longer period if permanent housing for the eligible person(s) has not been located or the eligible person(s) requires additional time to prepare for independent living. However, no more than half of the eligible persons may remain in that project longer than 24 months. Failure to observe this requirement may constitute a grant default, which could result in grant sanctions (including deobligation).

B. Statutory and Regulatory Requirements

If you are interested in applying for funding under this program, please review carefully the General Section and this Program NOFA. For more information on the HOPWA program, including eligible uses of funds, see the HOPWA program regulations at 24 CFR part 574 and the AIDS Housing Opportunity Act (42 U.S.C. 12901–12913), which govern the program.

C. Availability of Other HOPWA Resources

1. Formula Allocations. Applicants are advised to also consider seeking funds from the formula component of the HOPWA program and from other resources. Ninety percent of the HOPWA program is allocated by formula to eligible States and qualifying cities. In FY2005, HUD expects that the approximately $251 million in HOPWA funds will be distributed by formula to the qualifying cities for 83 eligible metropolitan statistical areas (EMSAs) and to 39 eligible States for areas outside of EMSAs. The formula amounts are subject to the amounts approved by Congress for Fiscal Year 2005. Recipients of formula funds must follow HUD's Consolidated Plan process. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD Web site at *www.hud.gov/grants.*

2. National HOPWA Technical Assistance. To apply for funding to serve as a provider of HOPWA technical assistance, you must submit an application for funds under the Community Development Technical Assistance (CDTA) part of the SuperNOFA. The CDTA notice makes HOPWA funds available to organizations qualified to provide technical assistance support to HOPWA grantees and project sponsors. Organizations seeking help in managing their HOPWA project, such as advice or other help needed in planning, operating, reporting to HUD and evaluating HOPWA programs, can request technical assistance by contacting their State or area CPD office.

II. Award Information

A. Total. Approximately $27,925,000 in FY2005 funding along with approximately $9,052,000 in carry-over FY2004 funds will be awarded under this HOPWA Program NOFA.

B. Number and Timing of Awards. HUD anticipates that projects awarded under this Notice will be announced by August 30, 2005. It is expected that selected Renewal Projects will continue program activities under a new grant agreement for an additional three years. The start date for the new agreement shall be immediately following the end date of the existing agreement so there is continuity of service. The period of performance for new Long-term projects is three years, with the potential for HUD approval of a one-time extension of up to 12 months. These grants may be eligible for Renewal as expiring permanent supportive housing projects.

The period of performance for new and continuing SPNS demonstration projects is three years, with the potential for HUD approval of a one-time extension of up to 12 months. These grants do not provide permanent supportive housing and, therefore, will not be eligible for Renewal under the current criteria for permanent supportive housing projects.

C. Maximum Grant Award. In order to fairly distribute available funding, the maximum grant award that you may receive is:

1. For program activities: $1,300,000 (*e.g.*, activities that directly benefit eligible persons);

2. For grant administrative costs of the grantee: 3 percent of the awarded grant amount (*e.g.*, an additional $39,000 if the maximum grant is awarded);

3. For grant administrative costs for project sponsors: 7 percent of the amounts received by the project sponsor under the grant (*e.g.*, an additional $91,000 if the maximum grant is awarded);

4. Total maximum grant amount for all categories of grant awards under this NOFA is: $1,430,000.

D. Average Grant Award. Based on the results of the 2004 HOPWA competition, the average grant award for the 22 grants selected was $916,600.

III. Eligibility Information

A. Eligible Applicants

1. Eligibility for Funding to Nonprofit Organizations. If you are a nonprofit organization, you must also satisfy the nonprofit requirements established in the definition for eligible nonprofit organization found in 24 CFR 574.3 and in the definitions section of this Program NOFA. In the case that a nonprofit organization is being added to your Renewal project in your application, or a sponsor's legal status has changed due to merger or other action, you will also need to submit the related required information described in Section IV.B of this Program NOFA.

2. General Eligibility for Renewal of Expiring Grants for Permanent Supportive Housing. Eligible applicants are States, units of general local government, and nonprofit organizations that have been awarded funds under a previous HOPWA national competition and operated their projects under a signed grant agreement with HUD. To be eligible, your project must provide permanent supportive housing to eligible persons under an expiring grant and meet the threshold requirements established under this Program NOFA to continue to receive funding for your project.

3. Additional Eligibility for Renewal and Continuing Projects. To be eligible for a Renewal or continuing grant, you must be operating your existing HOPWA competitive project in a manner that meets program requirements. This is evidenced by not having a record of poor performance or unresolved grants management issues with your existing project. HUD will consider any evidence of poor performance taking place up to the date of the public announcement of awards under this NOFA. Unresolved problems may include: HUD knowledge that planned activities remain significantly delayed in their implementation; a significant number of planned housing units are vacant; required annual progress reports are not timely filed with HUD; unresolved actions pending under a HUD notice of default on your current grant or significant citizen complaints are unresolved or not responded to with justified reasons. Weak performance may also be evident if more than 50 percent of grant funds remain recorded as unexpended as of the application due date for Renewals under this Program NOFA, as measured by reimbursements filed with HUD's financial system.

4. General Eligibility on New and Continuing Applicants and Sponsors. States, units of general local government, and nonprofit organizations may apply under the Special Projects of National Significance (SPNS) demonstration grants category to propose new or continuing projects which will provide residents with permanent housing assistance by the end of their operating period.

However, States and units of general local government are encouraged to apply under the ''Long-term'' category, if the project entails new permanent supportive housing activities in areas that did not receive HOPWA formula allocations in FY2004 or are not designated to receive allocations in FY2005. Applicants under the Long-term category of grants will be reviewed, rated, and ranked with other applications under this funding category. Nonprofit organizations are not eligible to apply directly for Long-term grants, but may serve as a project sponsor for an eligible State or local government applicant.

B. Cost Sharing or Matching

There are no cost sharing or matching requirements for applications under this program NOFA. However, requests to fund projects under this Program NOFA will be reviewed for leveraging, see Section IV.B. paragraphs 3.e. for renewals and 4.f. for new and continuing projects.

C. Other Eligibility Requirements

1. Threshold Requirements for All Applications. Applicants must meet the Threshold requirement identified in the General Section. HUD will also review your application to determine that you are eligible for funding, as follows:

a. *Eligible Applicant.* (1) Your application is consistent with the requirements of Section III of this Program NOFA for eligibility based on applicant requirements, project sponsor requirements and the lack of any unresolved management issues for Renewal and continuing grants; and

(2) Your application complies with the Dun and Bradstreet Data Universal Numbering System (DUNS) Number Requirement. Beginning in Federal Fiscal Year 2004, any applicant seeking funding directly from HUD must obtain a DUNS number and include it in their SF–424 Application for Federal Assistance submission. Failure to provide a DUNS number can prevent you from obtaining an award. This policy is pursuant to OMB Policy issued in the **Federal Register** on June 27, 2003 (68 FR 38402). The Grants.gov registration process for applying on line requires the applicant have a DUNS number to be authenticated. More information on the requirement of the DUNS Number can be found in the General Section.

b. *Expiring Grants.* For a Renewal or continuing grant, your application is consistent with the definition for a HOPWA expiring grant in Section I.A. of this Program NOFA.

c. *Permanent Supportive Housing Projects.* For a Renewal or new Long-term project, your application is consistent with the definition for a HOPWA permanent supportive housing grant in Section I.A of this Program NOFA.

d. *Eligible Project Sponsors.* Your application is consistent with the requirements for eligibility of project sponsors, as follows:

If the project sponsor is a nonprofit organization, that organization must also satisfy the nonprofit requirements established in the definition of eligible nonprofit organization found in 24 CFR 574.3 and in the definition section of this Program NOFA. In the case that the organization's nonprofit status has changed since the time of your original application to HUD under the prior competition, or a nonprofit organization is being added to your Renewal or New and Continuing project, you will need to submit the required information

described in Section IV.B. of this Program NOFA.

To the maximum extent possible, the Renewal project should continue with the same project sponsors, as documented in the prior HOPWA award or amendments to that award as approved by HUD. HUD will consider the merits for changing a project sponsor as sufficient if the new sponsor evidences the capacity to enhance project operations or improve responsiveness to eligible persons. Such examples for changing a project sponsor may be that a new project sponsor has greater management, financial, or program service delivery capacity to conduct program activities or a prior project sponsor is no longer in operation, had evidence of inefficient or unresponsive behavior under their prior service, or has merged with another entity.

2. *Program Requirements.* All grant recipients must also meet the following program requirements, including performance goals and operational benchmarks and conduct project activities in a consistent and ongoing manner over the approved grant operating period. If a selected project does not meet the appropriate requirement, HUD reserves the right to cancel or withdraw the grant funds.

a. *General Provisions.* The provisions outlined within the General Section apply to the HOPWA program unless otherwise stated within this Program NOFA. Specifically, you are encouraged to review, Section III.C., *Other: Requirements and Procedures Applicable to All Programs.*

b. *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. While some eligible activities, such as tenant-based rental assistance, supportive services, operating costs, and administrative costs, are excluded from environmental review because of the lack of environmental impact, other activities require environmental review. All new facility-based projects must undergo an environmental review. In accordance with Section 856(h) of the AIDS Housing Opportunities Act and the HOPWA regulations at 24 CFR 574.510, environmental reviews for HOPWA activities are to be completed by responsible entities (including units of general local government, States, Indian tribes, and Alaska Native villages) in accordance with 24 CFR part 58. Applicants or grantees that are not a responsible entity must request the unit of general local government to perform the environmental review. HOPWA grantees and project sponsors may not commit or expend any grant or non-federal funds on project activities until HUD has approved a ''Request for Release of Funds and Certification'' (RROF), form HUD–7015.15, on compliance with the National Environmental Policy Act and implementing regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities) and the environmental certification from the responsible entity (other than those listed in 24 CFR 58.22(f), 58.34 or 58.35 (b) for which the responsible entity documents its findings of exemption or exclusion for the environmental review record (24 CFR 58.34 (b) or 24 CFR 58.35 (d)). The recipient, its project partners and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend HUD or local funds for such eligible activities, until the responsible entity (as defined in 58.2) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and RROF have been approved. HUD will not release grant funds if the recipient or any other party commits grant funds (*i.e.*, incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required). The recipient shall supply all available, relevant information necessary for the responsible entity to perform, for each property, any environmental review required.

c. *Required HOPWA Performance Goals.* Grant recipients must conduct activities consistent with their planned annual housing assistance performance output goals, objectively measure actual achievements against anticipated achievements, and report on their actual performance housing outputs and client outcomes. Applicants are requested to use the HOPWA Budget Form found in the appendices in this Program NOFA for recording the funding for housing assistance activities that are associated with these performance outputs, including any funding request for HOPWA funds and/or your commitment to use other funds for this purpose. Applicants must establish a reasonable client outcome goal on achieving housing stability to be quantified after each year of operation to demonstrate client outcomes. HUD expects that each HOPWA grantee will show that at least half of the beneficiaries achieve stable housing in their program during the operating year, as shown by stable housing arrangements for the household at the end of each operating year. The grantee will assist in establishing a baseline on annual performance to help measure how future efforts lead to the achievement of higher levels of housing stability. On a national basis, HUD has established the goal that over 80 percent of clients will be shown to be in stable housing situations by 2008.

(1) Required Output. The projected number of low-income households with persons living with HIV/AIDS expected to benefit from HOPWA assistance by the type of housing support to be provided through your project during each operating year.

(2) Required Outcome. Through the use of HOPWA housing assistance and related supportive services, the number of eligible persons shown annually to have established or maintained housing stability, along with reduced risks of homelessness, and improved access to healthcare, and other support for eligible persons.

d. *Optional Program Performance Goals.* (1) Optional Outputs. In addition to required performance goals described in the paragraph above, you may include other measures or annual indicators, such as the projected numbers of persons, client contacts by service, the number of permanent housing client plans established by case managers, the number of jobs created through a job training or skills development program or other measures of the numbers to be served through each activity during each project operating year.

(2) Optional Outcomes. In addition, you may establish other outcome goals, such as: increase the access to permanent housing for eligible persons to enable these households to become more self-sufficient as evidenced by increase in income or reduced need for housing or other Federal or non-federal subsidies and support. In addition, outcomes should also address the challenge of homelessness for persons living with HIV/AIDS and their families, including persons who are chronically homeless, by enabling them to move from transitional housing to permanent housing with appropriate supportive services assistance.

e. *HUD Logic Model.* To illustrate the planning for the use of resources, project activities, required outputs and outcomes, and other grantee identified goals, and for reporting on annual accomplishments, you must use the Logic Model (Form HUD–96010) in the General Section to meet these application requirements. Applicants

must make use of the required elements in paragraph (a) in this form.

f. *HOPWA Facility Use Period Requirement.* Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (1) For not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (2) for not less than three years in cases involving substantial rehabilitation or repair of a building structure.

g. *Grant Purpose and Agreements to Provide Permanent Supportive Housing.* As a requirement for the receipt of these Federal funds, the grant applicant agrees to maintain project eligibility and related documentation on the following:

(1) *Agreement to Continue the Provision of Permanent Housing.* For projects providing permanent housing, your application constitutes an agreement that you will continue to provide permanent supportive housing support to HOPWA eligible persons over the operating period of this grant. This agreement must insure that at least 51 percent of the HOPWA program activity funds awarded to your project are used for this purpose and any new funds and related commitment of other funds will continue to provide permanent supportive housing to eligible persons for the planned annual outputs.

(2) *Agreement to Continue the Use of Other Resources.* If your project will rely on other State, local, Federal, or private resources to provide the permanent housing or supportive services portion of your project as documented and approved by HUD in commitment letters for leveraging, you must ensure that the other resources will continue to be available for that purpose for project beneficiaries throughout their commitment periods under the term of the grant. Failure to use committed resources as documented and approved by HUD for leveraging will constitute a grant default which could result in grant sanctions, including the reduction in amounts awarded for supportive services for which the commitment is not evidenced in grant operations.

(3) *Agreement on Permanent Client Occupancy.* For projects providing permanent housing, excluding short-term mortgage, rent, and utility payments projects, you must agree to maintain evidence that the client has a continuous legal right to remain in the unit or property and has access to ongoing supportive services provided through qualified providers. You must include in your grant files a copy of the standard lease form or occupancy agreement used for residents of the project. The lease or occupancy agreement must be for a term of at least one-year. The lease or occupancy agreement must also be automatically renewable upon expiration, except on reasonable prior notice by either the tenant or the landlord. The requirements governing termination of housing are located in 24 CFR 574.310(e). Failure to maintain this project documentation of the client's lease or occupancy agreement will constitute a grant default.

h. *Execution of Grant Agreement and Obligation of Awards.* HOPWA grants are obligated upon execution of the grant agreement Applicants selected for receiving FY2005 funding must execute grant agreements, as soon as practicable but no later than six months after the notice of selection. For applicants selected for receiving FY2004 funding under this competition, the grant agreement must be executed as soon as practicable, but by no later than September 15, 2005, consistent with a statutory requirement for the obligation of the FY2004 funds.

i. *Disbursement of Funds.* Under this Program NOFA, grant recipients must fully expend their grant in a consistent and ongoing manner, and complete the use of the funds by no later than three years following the effective date or the operation start date in the grant agreement, unless HUD has approved a one-time extension of the grant agreement term of an additional 12 months or less. A time limit on grant expenditures, that is established in the National Defense Authorization Act for Fiscal Year 1991, requires the expenditure of all HOPWA funds awarded under the FY2004 Appropriations Act by September 30, 2010, and HOPWA funds awarded under the FY2005 Appropriations Act by September 30, 2011. After September 30, 2010 (for FY04 funds) and September 30, 2011 (for FY05 funds), any unexpended funds shall be canceled and, thereafter, shall not be available for obligation or expenditure for any purpose.

j. *Site Control through Acquisition or Lease.* If you acquire or lease a site for housing activities, you are required to gain site control within one year from the date of your notice of selection by HUD.

k. *Rehabilitation or New Construction.* If you propose to use HOPWA funds for rehabilitation or new construction activities for housing projects, you must agree to begin the rehabilitation or construction within 18 months, and all rehabilitation or construction work must be complete within the terms of your grant agreement with HUD.

l. *Project Operations.* If funds are used for operating costs of existing housing facilities, you must agree to begin to use these funds within six months, consistent with the terms of your grant agreement with HUD. If funds for a New and Continuing project, are to be used for operating costs, in connection with the new construction or substantial rehabilitation of housing facilities, the amount of funds designated for operating costs must be limited to the amount to be used during the portion of the planned three-year period for your grant agreement for which the facility will be operational and assisting eligible persons. Delays in the project's development activities, such as the planned completion of the construction or rehabilitation activities, could result in the loss of funds designated for operating costs, if such funds remain in excess after the authorized use period for this award. For example, if you expect to take two years to complete the rehabilitation of the facility, any operating costs could only be requested for use in the remaining one-year of the planned three-year operating period for this award.

3. Eligible Activities. a. *Renewal Project Guidelines.*

(1) The activities to be renewed must be ongoing forms of support over three years.(2) The Renewal application may also establish a reasonable level of operating costs for a permanent supportive housing facility that involved the use of HOPWA funding for its acquisition, new construction, leasing or rehabilitation in the prior or original grant. Subject to standards set forth in applicable OMB Circulars, you may establish your request for operating costs based on current costs for operating your project (or a housing project of a similar type and size) as the reasonable and necessary operating costs for maintaining the investment in these permanent housing projects over the term of the Renewal grant.

(3) Administrative costs for grantees and project sponsors, which must include the use of funds for data collection on project outcomes, are available as part of your Renewal budget request. HUD expects that the use of administrative funds for data collection will help to ensure strong program management and result in accurate reporting of outputs and outcomes.

b. *General Guidelines on Eligible Activities Applying to All Projects*

(1) *Proposed Project Activities.* In your application, you must specify the activities and budget amounts for which

HOPWA funds are being requested, consistent with the eligible activities found in the HOPWA regulations at 24 CFR 574.300–340. For SPNS demonstration grants, activities are limited to those entailing transitional, short-term and emergency housing assistance. A copy of the regulations may be downloaded from *www.hud.gov/offices/cpd/aidshousing/lawsregs/index.cfm.* You are encouraged to review the HOPWA regulations before seeking funding. HUD *will not* approve proposals that depend on a prospective determination as to how program funds will be used. For example, a proposal to establish a local request-for-proposal process to select either activities, or to select project sponsors, and other similar proposals that have the effect of delaying the obligation of funds due to the unplanned use of HOPWA funds, will not be approved.

(2) *Additional Guidance on Use of Program Funds.*

(a) *Housing Assistance.*

(i) HOPWA projects must demonstrate that housing assistance is the main focus of their project. Please indicate if you propose to use HOPWA funds to provide permanent supportive housing (as defined in Section I.A.1.a). If you are proposing emergency or transitional housing assistance, your plan must include linkages to permanent supportive housing. As found at 24 CFR 574.300(b)(8), operating costs for housing include the day-to-day operating costs for the housing project, including costs for maintenance, security, operations, insurance, utilities, furnishings, equipment, supplies, and other incidental costs for the housing activities, such as costs for staff involved in the housing functions of this project.

(ii) As addressed in the rating criteria for New and Continuing projects, to receive the maximum points under the rating criteria, your project must clearly address the housing needs of eligible persons through the direct use of HOPWA funds for eligible housing costs.

(b) *Supportive Services.* Many of the eligible persons who will be served by HOPWA may need other support in addition to housing. It is important that you design programs that enhance access to those existing mainstream resources through community wide strategies to coordinate assistance to eligible persons. These mainstream programs include: healthcare; AIDS drug assistance, and other services funded through the Ryan White CARE Act; other Federal programs such as Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, Mental Health Block Grant, Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program; and other State, local and private sources. Further, to help ensure that selected projects address housing related purposes, no more than 35 percent of the proposed budget for program activities undertaken by New and Continuing project recipients, and no more than 35 percent of the maximum grant amount for program activities for a Renewal grant, can be designated for supportive services costs. Applications will be reviewed for leveraging resources, including commitments to provide additional supportive services in an amount equal to or greater than the total amount requested for supportive services, as described in Section IV.B.5. In addition, HUD will not award funds for the acquisition, lease, rehabilitation, or new construction of a supportive services-only facility. Additional restrictions and limitations that apply to supportive services such as healthcare costs can be found at 24 CFR 574.300. HUD will not provide funds for medications. Costs for staff engaged in delivering the supportive service is part of the supportive service activity cost, and should not be listed as operating costs or ''other'' costs in the application's proposed budget.

(c) *Permanent Housing Placement Assistance.* Permanent housing placement services at 574.300(b)(7) may also be used in connection with the provision of housing support provided under these awards. Permanent housing placement costs may involve costs associated with helping eligible persons establish a new residence where ongoing occupancy is expected to continue, including rental application fees, related credit checks and reasonable security deposits necessary to move persons to permanent housing, provided such deposits do not exceed two months of rent. Leveraged resources could involve other forms of move-in support, such as essential housing supplies, smoke alarms, standard furnishings, minor repairs to the unit associated with move-in, and other incidental costs for occupancy of the housing unit. While these items are not eligible as permanent housing placement costs, grantees may make use of other leveraged funds for these costs. Applicants should note that permanent housing placement is a type of supportive service and, therefore, the leveraging guidelines described in Section IV.B.5, will apply to requests for such assistance.

(d) *Other HUD-Approved Activities.* You may propose other activities not already authorized at 24 CFR 574.300(b), subject to HUD's approval. Your proposal should address the expected beneficial impact of this alternative activity in addressing housing needs of eligible persons by describing the project impact and the identified performance output and client outcome measures for this activity.

IV. Application and Submission Information

A. Addresses To Request Application Package

Copies of the published NOFAs and application forms for HUD programs announced through NOFA may be downloaded from the Grants.gov Web site at *http://www.grants.gov/Apply* or, if you have difficulty accessing the information, you may receive customer support from Grants.gov by calling their Support Desk at (800) 518–GRANTS or sending an e-mail to *support@grants.gov.* The operators will assist you in accessing the information. If you do not have internet access and need to obtain a copy of the NOFA, you can contact HUD's NOFA Information Center toll-free at (800) HUD–8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD–2209.

B. Content and Form of Application Submission

HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the General Section unless stated below. The following certifications must be included with your application. All certifications and forms, except those found in the General Section, are included in the appendices in this Program NOFA.

1. *Required and Optional Forms:* Applicants are requested to submit the following information:

a. *Application for Federal Assistance (SF–424).*

b. *Survey on Ensuring Equal Opportunity for Applicants (SF–424 Supplement).*

c. *Program Outcome Logic Model (HUD–96010).*

d. *Certification of Consistency with the Consolidated Plan (HUD–2991).*

e. *Certification of Consistency with the RC/EZ/EC–II Strategic Plan (HUD–2990)—if applicable to the service area of your project.*

f. Applicant/Recipient Disclosure/Update Report (HUD–2880).

g. *Disclosure of Lobbying Activities (SF–LLL),* if applicable.

h. *HOPWA Application Budget Summary, including HOPWA Applicant Certifications* (form HUD–40110–B).

i. *Acknowledgement of Application Receipt (HUD–2993),* if applicable due to an approved waiver of the electronic submission requirement.

j. *Client Comments and Suggestions (HUD–2994)* (Optional).

2. Additional HOPWA guidance on forms.

a. *Application for Federal Assistance (SF–424).* In completing the SF–424, a number of items in other required forms may be completed or automatically populated though the use of the electronic Grants.gov application. In applying for HOPWA grant funds, the applicant's signature on the SF–424 will also show agreement for following the Program Requirements found at III.C.2., including all of the items under paragraph f. HOPWA Facility Use Period Requirement. For the HOPWA program, the following items on the SF–424 would be completed as follows:

—Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''O'' for Nonprofit;

—Item 9—Grants.gov will enter U.S. Department of Housing and Urban Development or HUD;

—Item 10—Grants.gov will enter 14.241 and the title ''Housing Opportunities for Persons With AIDS Program'' or ''HOPWA'' for the Catalog of Federal Domestic Assistance;

—Item 15—You must complete the budget on page 1 along with more detailed information on the HOPWA Application Budget Summary form described below. Please make sure that both the Total Amount on page 1 and the ''Total Budget'' section on the Budget form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA *Application Budget Summary form.*

—Item 16—Check ''No''.

b. *HOPWA Application Budget Summary (form HUD–40110–B).* Please complete the HOPWA Application Budget Summary (form HUD–40110–B) that will provide a summary of the total budget for this project, the annual HOPWA amounts to be used in each of the three years of operation and description budget by project sponsor of the HOPWA funds to be used by each sponsor. On this form, you must provide a short narrative which outlines each of your requested budget line items and how the funds will be used, including the amount of requested funding by line item for you and your project sponsors. The summary items will be more fully described in the applicable narrative sections of your application.

c. *Certification of Consistency with the Consolidated Plan (HUD–2991).* Except as stated below, you must include a Consolidated Plan certification from the applicable State or local government official for submitting the appropriate plan for the areas in which activities are targeted to be carried out. The authorizing official from the State or local government must sign this certification. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, or in one of the U.S. Territories of Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands, you are not required to include a Consolidated Plan certification from these areas with your application.

3. Application Content for Renewal Applications. The following provides the applicant with an overview of the information required for Renewal Applications. The criteria that the Renewal Application will be reviewed and rated on can be found in Section V.A.1, of this Program NOFA. For your narrative responses, please number the pages and include a header and a footer that provides the name of the applicant, the program name, and type of application (*i.e.*, Renewal).

a. *Executive Summary and Synopsis.* On no more than five double-spaced pages, please provide an Executive Summary of the proposed Renewal project, beginning with a two or three sentence synopsis of the focus or special purposes of your project. The summary should provide an overview of the main components of your planned HOPWA project, including any updated elements from the original project application and your annual housing output for your next operating year. In the Executive Summary, please provide the name of the grantee and any project sponsors, along with contact names, phone numbers, and e-mail addresses.

b. *Organizational Capacity Narrative.* If a new project sponsor(s) is added to the Renewal proposal, please describe the capacity of the project sponsor(s) to conduct program activities. Follow the procedures in the General Section for submitting this documentation. You must submit documentation of the organization's nonprofit status and HIV/AIDS purposes, as described in Section III.A. on eligibility with your HOPWA application and maintain a copy in your project files in order to able to produce them upon request. In your statement, please address the extent to which the project sponsor(s) have the past organizational experience and knowledge: in serving persons with HIV/AIDS and their families; in programs similar to those proposed in your application; in monitoring and evaluating program performance and disseminating information on project outcomes; and, in achieving the purpose for which funds were provided, as measured by expenditures and measurable progress in operating the project. Please provide this narrative information on no more than two double-spaced typed pages. If you are adding more than one project sponsor, you may include up to two additional pages per project sponsor.

c. *Provision of Current Permanent Supportive Housing Narrative.* On no more than four double-spaced pages, demonstrate how your project provides permanent supportive housing through HOPWA and/or other resources, and report on how the project has been meeting housing assistance outputs compared to planned and approved number of households or units of housing under the current grant. Include the type of assistance and number of housing units being provided and a description of the supportive services provided. Additionally, your description should outline how HOPWA and other funding, if applicable, work together to provide permanent supportive housing, including any efforts that have helped clients achieve greater self-sufficiency through access to other ongoing housing options, which do not depend on HOPWA funds. Describe how your project has been meeting planned performance benchmarks, as appropriate, in program development and operation; in meeting project performance goals, such as, that the number of persons assisted is comparable to the number that was planned at the time of the application; and is expending funds consistent with the existing agreement with HUD. Also describe how you evaluated project data on performance, adjusted program activities and shared information that you have gained from your lessons learned on these past activities.

d. *Achieving New Results and Program Evaluation Narrative.* On no more than three double-spaced pages identify the housing benefits or outcomes of your Renewal program including your activities, related project benchmarks, and performance output indicators over the next three grant operating years. Your application should address your evaluation plan or method for collecting data on HUD program measures to evidence achievement of your project's goals and objectives and to establish a baseline for

client outcomes. You must also complete and submit as part of your application the Logic Model Form (HUD–96010) to illustrate your plans for the use of resources, project activities, outputs, outcomes, and goals.

e. *Documentation of Leveraging for Supportive Services for Renewal Projects.* If your Renewal project requests funding for supportive services, your application will be reviewed for leverage. As described in paragraph 5 of this section, you must demonstrate evidence of commitments from other State, local, Federal, or private resources to provide additional supportive services for project beneficiaries of an equal or at a greater value in order to qualify for an increase in any budget line item (BLI) above 100 percent of the approved BLI for your existing grant up to the 120 percent limit. You must follow instructions for documenting leveraging as established in paragraph 5 of this section. The total of all leveraged resources to provide supportive services must at least equal the requested totals for HOPWA supportive service funds in Line 10 and Line 11 of the Application Budget Summary in order to qualify the application for an increase in any budget line item (BLI) above 100 percent of the approved BLI for the existing grant up to the 120 percent limit. Attempts to falsify or failure to maintain and produce these letters of commitment upon request could lead to the termination of the awarded grant. Note that if your Renewal application does not request funds for supportive services and this is a change to your existing grant, you must continue to utilize other sources to provide a reasonable level of supportive services that is similar to that previously provided.

f. *Proof of Nonprofit Status and AIDS Purpose.* In the case that a project sponsor is being added, or a sponsor's legal status has changed due to merger or other action, you will also need to submit the related required information described in Section IV.B.4.b of this Program NOFA.

4. Application Content for New Long-term, and New and Continuing SPNS Demonstration Project Applications. The following is an overview of the information required for applications for new Long-term projects, and for new and continuing Special Projects of National Significance (SPNS) demonstration grants. Long-term projects provide permanent housing and related supportive services to low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA formula allocations. New and continuing SPNS demonstration projects will undertake new housing service delivery models or housing project activities that include plans to provide HOPWA clients with permanent housing assistance by the end of the operating period under the award. The review criteria for Long-term, and new and continuing SPNS demonstration applications can be found in Section V.A.2 of this Program NOFA. For your narrative responses, please number the pages and include a header and a footer that provides the name of the applicant, the program name and type of application (*i.e.* Long-term or SPNS demonstration project).

a. *Executive Summary and Synopsis.* On no more than five double-spaced pages, please provide an Executive Summary of the proposed project, beginning with a two to three sentence synopsis of the focus or special purposes of your project. The summary should provide an overview of the main components of your planned HOPWA project and the annual housing output for the first year or operations. In the Executive Summary, please provide the name of the grantee and any project sponsors, along with contact names, phone numbers, and e-mail address. For projects involving sites, for example, a structure where HOPWA funds will be used for construction, acquisition, rehabilitation, leasing, operating costs, and/or project-based rental assistance, please provide the address of the site and describe any other resources that are needed to complete the development of this housing facility. Please identify if the site is a Confidential Site (HUD will not release the address of the site) or is a Public Site (HUD may release the address to inform clients and the public).

Please indicate which of the following special populations your project will serve by operating a project that intentionally targets assistance, such as the provision of housing and related supportive services, client outreach and assessment of the needs, and any project evaluation activities on the assistance provided to this population of persons with special needs. Please indicate the number of special population households likely to be assisted through the housing assistance planned in your project (note: your responses will be used by HUD to respond to public inquiries):

- Chronically Homeless and/or other homeless persons
- Veterans

b. *Proof of Nonprofit Status and AIDS Purpose.* Excluding situations where nonprofit documentation was submitted to HUD under prior SPNS applications and there has been no change in project sponsor(s), all applicants must provide a copy of the nonprofit documentation for each sponsor that is a non-profit organization consistent with the standards under paragraph (1). Applicants must also provide documentation consistent with paragraph (2) below to demonstrate that each sponsor's organizational documents include a purpose of significant activities related to providing housing or services to persons with HIV/AIDS. For submission of the documentation in paragraphs (1) and (2) on paper forms, you should follow the directions in the General Section.

(1) HUD will accept as evidence of your nonprofit status:

(a) A copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(c) (3), (4), (6), (7), (9) or (19) of the IRS code; or

(b) A ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101); or

(c) Documentation that the applicant is a certified United Way agency; or

(d) Copy of your most recent completed tax statement, Form IRS–990 or Form 990–EZ; or

(e) All of these:

(i) a certification by the appropriate official of the jurisdiction where the nonprofit was organized that your organization was so organized and is in good standing;

(ii) a certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; and that the organization practices nondiscrimination in the provision of assistance in accordance with applicable program requirements; and

(iii) an opinion letter from an independent public accounting (IPA) firm that the nonprofit has a functioning accounting system that provides for each of these (the letter must mention all of them).

(A) Accurate, current, and complete disclosure of the financial results of each federally funded project;

(B) Records that identify adequately the source and application of funds for federally funded activities;

(C) Effective control over and accountability for all funds, property and other assets;

(D) Comparison of outlays with budget amounts;

(E) Written procedures to minimize the time elapsing between the transfer of

funds to the recipient from the U.S. Treasury and the use of funds for program purposes;

(F) Written procedures for determining reasonableness, allocable, and allowable costs; and

(G) Accounting records including cost accounting records that are supported by source documentation.

(2) We will accept as evidence of your organization's HIV/AIDS-related purpose, a copy of the organization's articles of incorporation and by-laws, mission statement, program management plan, or other organizational policy document which evidences the organization's activities or objectives related to providing services or housing to persons with HIV/AIDS.

c. *Capacity of Applicant and Project Sponsors and Relevant Organizational Experience Narrative.* On no more than five double-spaced typed pages for the Applicant, and no more than two double-spaced pages per additional sponsor, demonstrate the extent to which you and any project sponsors have the organizational resources necessary to successfully implement your proposed activities in a timely manner.

d. *Need/Extent of the Problem Narrative.* On no more than five double-spaced typed pages define your planned service area and demonstrate the need for funding eligible activities in the area to be served.

e. *Soundness of Approach: Model Qualities and Responsiveness/ Coordination Narrative.* On no more than twenty double-spaced typed pages address the method by which your plan meets your identified needs. Demonstrate how your project will provide its planned activities through HOPWA and other resources, and how it will serve as a model with exemplary qualities to address the ongoing housing and supportive service needs of eligible persons within a replicable operational framework.

f. *Documentation of Leveraged Resources.* As described in paragraph 5 of this section, to receive a leverage score for your project, please provide evidence of commitments that demonstrate your ability to secure community resources for housing, supportive services and other program-related activities that can be combined with HUD's funds to achieve program purposes and assist eligible persons in addressing their supportive housing needs. To receive a maximum score for leverage, you must: (1) Demonstrate leveraged resources of equal or greater value to the total amount being requested for program activities (excluding administrative costs); and (2) if the project requests funds for supportive services, demonstrate leveraged resources that include commitments to provide additional supportive services that are of equal or greater value to the total amount requested for supportive services. To meet leveraging criterion (2), the total of all leveraged resources for additional supportive services must at least equal the requested totals for HOPWA supportive service funds in Line 10 and Line 11 of the Application Budget Summary. If you do not request funding for supportive services, your application will be reviewed and rated based on leveraging criterion (1). If you request funding for supportive services, you must meet both leveraging criteria to receive the maximum leveraging score. You must follow instructions for documenting leveraging as established in paragraph 5 of this section. Attempts to falsify or failure to maintain and produce these letters of commitment upon request could lead to the termination of the awarded grant.

g. *Achieving Results and Program Evaluation Narrative.* On no more than five double-spaced typed pages demonstrate your commitment to ensuring that the goals that you set forth and your performance will be assessed in a clear and effective manner. Address how you will implement the HOPWA program goals and identify the benefits or outcomes of your program including your activities, benchmarks, and interim activities or performance indicators. Provide an evaluation plan that will objectively measure actual achievements against anticipated achievements.

5. Application Content on Leveraging for All Types of Applications. To receive consideration for leveraged resources as noted in paragraphs 3.e. and 4.f. of this section, all types of applications must be supported by evidence of commitments from other State, local, Federal, or private entities to provide additional support to project beneficiaries. To receive maximum scores for leveraging, any New and Continuing project must: (1) Demonstrate leveraged resources that are of equal or greater value to the total amount being requested for program activities (excluding administrative costs); and (2) if the project requests funds for supportive services, demonstrate leveraged resources that include commitments to provide additional supportive services that are of equal or greater value to the amount requested for supportive services. For any Renewal project requesting funds for supportive services, in order to receive any budget line increases for the project, the Renewal must show leveraged resources that include commitments to provide additional supportive services that are of equal or greater to the amount requested for supportive services.

Applicants must document the commitment of leveraged resources as provided in this section. This section requests that the applicant provide a list or chart for the commitments and include: (1) The name of the organization or entity that will contribute leveraged resources for the activities to be undertaken to support project beneficiaries and note if the organization will serve as a project sponsor; (2) a description of the work to be accomplished, such as the type of housing assistance or supportive service activities to be undertaken to support the project; and (3) a statement of the value of the leveraged contribution; (4) the submission of an electronic copy or facsimile transmittal of these letters of commitment with your HOPWA application; and (5) retention of a copy in your project files in order to enable you to produce them upon request. The letter of commitment must evidence that the use of any leveraged funds will be used during the operating period for the award, identify the value of the commitment, and be signed by an authorized representative of the organization making the commitment of the resource. Other HOPWA funds, such as formula allocations, may not be used for this purpose in determining leveraging.

The commitment of resources must be evidenced by use the appropriate language as described below:

(i) *Applicant or Third Party Cash Resources.* If this proposal is funded, (applicant name or third party name) commits $(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date).

(ii) *Non-Cash Resources.* If this proposal is funded, (organization's name) commits to make available (type of resource) valued at $(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time.* If this proposal is funded, (name of the organization or of self), commits to provide (number of hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on $10.00 per hour, is $(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at $10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building.* If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this appraisal, which is based on comparable properties in the area. The HOPWA request for the building is $(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or $(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is $(amount) annually, and at constant value will amount to $(amount) over (term of the lease, up to three years). An appropriate independent third party made this appraisal, which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is $(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or $(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

The Department will periodically monitor the use of your commitments by requiring the collection of information in annual progress reports to establish that the leveraged resources are being used, as committed, in undertaking the project. Failure to provide evidence of these additional resources could result in a notice of default and affect the project's continued access to federal funds awarded under this Program NOFA.

C. Submission Dates

Application Submission Date. Your completed application must be submitted and received electronically by Grants.gov no later than 11:59:59 p.m. Eastern time on May 27, 2005. Failure to meet the appropriate submission and receipt date requirements will result in the application being ineligible for funding under this NOFA. Please follow the application submission and timely receipt requirements for the electronic submission of your application that are established in the General Section. All documentation submitted as part of the application must be received by the application submission date. All parts of an electronic application must be submitted via the Grants.gov portal with additional documentation as called for in this NOFA provided via electronic facsimile transmittal in accordance with the requirements stated in the General Section. For electronic applications, HUD will not accept parts of an application submitted through the mail. For applications receiving a waiver of the electronic application submission requirements, the entire application must be submitted in hard paper copy format with the required number of copies.

D. Intergovernmental Review

The HOPWA program is not subject to Executive Order (EO) 12372, Intergovernmental Review of Federal Programs.

E. Funding Restrictions

1. Limitations on Maximum Grant Amounts. Your request for Renewal funding or for New and Continuing funding must be consistent with the following limitations on maximum grant amounts:

a. *For program activities* (*e.g.*, activities that directly benefit eligible persons): A maximum of no more than $1,300,000, subject to the limitations in this section;

b. *For grant administrative costs of the grantee:* A maximum of no more than an additional $39,000, subject to the limit on administrative costs of three percent of the amount requested for project activities in your application for grantees.

c. *For grant administrative costs for project sponsors:* A maximum of no more than an additional $91,000, subject to the limit on administrative costs of seven percent of the amount requested for project activities to be conducted by project sponsors in your application.

d. *Total for maximum grant amount:* $1,430,000, subject to applicable limitations in this section and if funds are requested for a term of less than three years, HUD reserves the right to reduce these amounts in a proportionate manner.

2. Limitation on Supportive Services. Your request for the supportive services line item in program activities must be consistent with the program limits of not more than 35 percent of the proposed budget for program activities undertaken by New and Continuing project recipients, and not more than 35 percent of the maximum grant amount for program activities for a Renewal grant program activity costs for a Renewal grant (*i.e.*, not more than $455,000 over a three-year period). Consistent with the standards described in Section IV.B.5, on Leveraging, of this Program NOFA, requests for supportive services must be leveraged with commitments to provide supportive services in order to: (1) Qualify a Renewal grant applicant for an increase in any budget line item (BLI) above 100 percent of the approved BLI for their existing grant up to the 120 percent limit; or (2) qualify a New and Continuing applicant for the maximum leveraging score.

3. Limitation on Prospective Determinations. HUD will not approve proposals that depend on a prospective determination as to how program funds will be used. More specifically, proposals to establish a local request-for-proposal process to select either activities or project sponsors, and other

similar proposals that have the effect of delaying the obligation of funds due to the unplanned use of HOPWA funds, will not be approved.

4. Additional Limitation on Renewal Grants. If applying for a Renewal project the following funding restrictions apply:

a. Your request for program activity costs may not include a request for funds for acquisition, new construction, or for rehabilitation costs, or costs involving new housing facility sites, such as operating costs or leasing.

b. Your request for program activity costs must request amounts for continuing a previously approved project at about the same level of housing provided in the previous grant. If your Renewal application does not request funds for supportive services and this is a change to your existing grant, you must continue to utilize other sources to provide a reasonable level of supportive services that is similar to that previously provided. If the application is consistent with the leveraging guidelines, the amounts may exceed 100 percent but must not be more than 120 percent of the amount awarded or approved by HUD in the current grant for an activity, including any amendments affecting this amount that were approved by HUD, prior to the publication of this Program NOFA, except as provided in the following paragraph. If an application fails to provide leverage for supportive services in an amount at least equal to the amount of the request for supportive services, the funding by BLI for all activities will be restricted to 100 percent of the BLI for the approved existing project.

c. In the case of a permanent supportive housing project in which acquisition, new construction, or rehabilitation was a major component of the original project, a reasonable amount of operating funds may be requested for a housing project which exceed the 120 percent budget line item limit of the previous paragraph. The amount requested must be based on information for the current cost of operating the housing project (or a housing project of a similar type and size) but the request may not exceed the limit on maximum for program activities established in paragraph (1)(a) above. HUD reserves the right to adjust requests under this paragraph to the scale of projects of similar size and purpose.

d. Funds for acquisition, new construction or for rehabilitation costs will not be renewed. These capital development activities are not ongoing or available for additional sites. If you wish to undertake additional capital development activities, significantly expand your activities (beyond the allowance in this notice for requests up to 120 percent of the existing budget line item), continue a project that is not eligible as a permanent supportive housing project, or to add funding for new activities, you must apply and compete for funding as a New and Continuing project.

5. Limitation on Ineligible Activities. HUD will not provide funds under this notice for the purposes of conducting resource identification activities to establish, coordinate and develop housing assistance resources, and/or technical assistance for community residence activities, since these types of activities are funded through the national HOPWA technical assistance funds being made available under the Community Development Technical Assistance (CDTA) NOFA. HUD will not provide additional funds for data collection on project outcomes, as such activities in collecting performance data and reporting to HUD are required as a central grants management function, which is already covered under administrative costs. Further, eligible HOPWA costs do not involve costs for personal items, such as grooming, clothing, pets, financial assistance, consumer credit payments, entertainment activities, personal vehicle maintenance and repairs, property taxes, condominium fees and other non-housing-related costs. Eligible costs are also subject to additional HOPWA standards at 24 CFR part 574.

F. Other Submission Requirements

1. Electronic Delivery. Beginning in FY2005, HUD requires applicants to submit applications electronically through *www.grants.gov.* Applicants interested in applying for funding must submit their applications electronically via the web site *http://www.grants.gov.* This site has easy to follow step-by-step instructions that will enable you to apply for HUD assistance. The www.grants.gov/Apply feature includes a simple, unified application process to enable applicants to apply for grants online. Please see Section IV.F. of the General Section for instructions for submitting leveraging documentation, certifications, and other required forms.

2. Waivers to the Electronic Submission Process: Applicants may request a waiver to the electronic submission process (see Section IV.F of the General Section for more information). Applicants who are granted a waiver must submit their applications to the address identified in Appendix C of the General Section. Please see the General Section for detailed mailing and delivery instructions as the procedures have changed significantly for this year.

3. Number of Copies. Only applicants receiving a waiver to the electronic submission requirement may submit a paper copy application. See the General Section for more information about waiver of the electronic submission requirement.

V. Application Review Information

A. Criteria

1. Renewal Project Applications

a. *General.* HUD will conduct a threshold review of all Renewal applications based on the requirements found under Section III.C. to determine eligibility for the Renewal of HOPWA grants that provide permanent supportive housing under an expiring grant.

b. Criteria on New Sponsors. In the case that a project sponsor is being added, or a sponsor's legal status has changed due to merger or other action, HUD will conduct a substantive review of the project sponsor's ability to develop and operate your proposed program and a pass/fail review based on the requirements for an eligible project sponsor established in Section III.

(1) With regards to new project sponsor(s), HUD will consider the organization's past experience and knowledge: in serving persons with HIV/AIDS and their families; in programs similar to those proposed in your application; in monitoring and evaluating program performance and disseminating information on project outcomes; and in achieving the purpose for which funds were provided, as measured by expenditures and measurable progress in operating the project. A proposed sponsor that fails to meet the conditions established for adding a sponsor or fails to demonstrate sufficient capacity will be ineligible to receive program funds.

(2) In reviewing the elements of organizational capacity as stated above, HUD will rate the proposed sponsor on the basis of 20 points, with a minimum of 14 points required for selection of this sponsor as eligible in demonstrating sufficient capacity. HUD will consider the extent to which your proposal demonstrates the following capacity, and will award the highest points (20 to 16 points) to those with direct, extensive, clear and satisfactory experience, moderate scores (15 to 10 points) to those with direct but not as extensive experience or where the experience covers most but not all of these items; and lower scores (9 to 2 points) if the experience is limited,

indirect, on only some of the items or for which only limited or no information is provided. An organization with unresolved management issues affecting their HOPWA proposal will be scored at the lowest level (1 point):

(a) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kind of activities for which you are requesting funds. The project sponsor will be reviewed in terms of recent, relevant, and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving low-income persons with HIV/AIDS and their families.

(b) The project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(c) If the project sponsor received funding in previous years in the program area for which you are currently seeking funding, the sponsor's past experience will be reviewed in terms of its ability to attain demonstrated measurable progress in the implementation of the grant award. Measurable progress is defined as: meeting performance benchmarks, as applicable, in program development and operation; meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application; submitting timely performance reports; and expending prior funding as outlined in the prior proposal with no outstanding audit or monitoring issues.

2. Criteria for New and Continuing Projects Applications

a. *Departmental Policy Priorities.* As outlined in Section V of the General Section, HUD has identified policy priorities that New and Continuing project applicants are encouraged to address through their proposed project plans. HUD has identified four Departmental policy priorities as being applicable for new HOPWA projects. Applications for HOPWA funding will receive rating point(s) for each applicable Department policy priority initiative addressed through the proposed program activities and performance goals and objectives. Applicants must demonstrate how these priorities will be addressed through the Soundness of Approach of the application as outlined under Rating Factor 3. Under the points available for Rating Factor 3, one or two Rating Points, as specified below, will be awarded for each of the following addressed priorities:

(1) In accordance with Section V of the General Section, for applicants seeking HOPWA funds for capital development activities, including rehabilitation or new construction, for one rating point under project soundness of approach, you are encouraged to: Institute visitability and universal design standards in these activities undertaken with HOPWA funds. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible; and such standards incorporate universal design in the construction or rehabilitation of housing undertaken with HOPWA funds. Universal design provides housing that is usable by all without the need for adaptation or specialized design.

(2) For one rating point under project soundness of approach, you are encouraged to propose projects in which the grantee, or the project sponsor(s), fulfills the policy priority for being a nonprofit grassroots community-based organization, including faith-based organizations, as defined in Section V of the General Section.

(3) For one rating point under project soundness of approach, you are encouraged to propose applications in which the grantee, or project sponsor(s), commits to follow the Energy Star standard in any new construction or rehabilitation activity to be undertaken in the proposed project with HOPWA or other funds. The Energy Star standard is as defined in Section V of the General Section.

(4) For up to two rating points under project soundness of approach, you are encouraged to propose an application in which the grantee, or project sponsor(s), if it is a State or local government agency, as defined in Section V of the General Section, completes the regulatory barriers policy questionnaire and provides the required documentation or provides a Web site URL where the information can be readily found.

b. *Program Policies—Target Population.* Prior to the award of other New and Continuing projects, HUD reserves the right to select the two highest rated applications (but not any that are rated at less than 75 points) that demonstrate that the planned HOPWA activities and activities supported by leveraged funds will serve the special population of HOPWA eligible person who are chronically homeless persons with HIV/AIDS. A chronically homeless person is defined as ''an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least 4 episodes of homelessness in the past 3 years.'' Persons who are infected with HIV are more likely to be able to follow complex treatment regimens if they have a reliable address where they can be reached by care providers, a safe place to keep medications, refrigeration for drugs that require it, and other necessities that many of us take for granted. HUD is encouraging applications that strive to create additional models for permanent housing for eligible persons living with HIV/AIDS that are experiencing chronic homelessness. Applicants must work collaboratively with the local Continuum of Care Plans to create these models for persons living with HIV/AIDS and their families and demonstrate a plan for the integration of HOPWA activities with those systems such as the use of HMIS. HMIS participation is required for all recipients of award funding under this Program NOFA whose projects intentionally target HOPWA eligible persons who are homeless or chronically homeless. In a number of Continuum of Care communities, HOPWA projects are directly involved in providing outreach, assessment, housing and supportive services to HOPWA eligible persons who are homeless at the time they enter into program support. HMIS activities or the use of related information technology systems may already be operating to support the delivery of housing information services to these HOPWA clients.

c. *Application Selection Process for New and Continuing Projects.*

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points) (Minimum for Funding Eligibility—14 points)

Address the following factor using not more than five (5) double-spaced, typed pages. For each project sponsor, you may add two additional pages. This factor addresses the extent to which you and any project sponsor have the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed

program in relation to which entity is carrying out an activity.

a. With regards to both you and your project sponsor(s), you should demonstrate:

(1) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(2)Past experience and knowledge in programs similar to those proposed in your application including HOPWA formula funding;

(3)Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(4)Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

b. In reviewing the elements of the paragraph above, HUD will consider:

(1) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant, and successful experience of staff in undertaking eligible program activities.

(2) Your and/or the project sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(3) If you and/or the project sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your project sponsor's past experience will be evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your grant awards. Measurable progress is defined as:

(a) Meeting applicable performance benchmarks in program development and operation;

(b) Meeting project goals and objectives, such as the HOPWA output for number of homeless assisted in comparison to the number that was planned at the time of the application;

(c) Submitting timely performance reports; and

(d)Expending prior funding as outlined in the existing HOPWA grant agreement with HUD with no outstanding audit or monitoring issues.

Applicants must receive a minimum of 14 points in Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience to be eligible for funding under this Program NOFA.

Rating Factor 2: Need/Extent of the Problem (15 Points)

Address the factor using not more than five (5) double-spaced, typed pages. Up to 15 points will be awarded for this factor.

(a) AIDS Cases (5 Points). You must define your planned service area. HUD will obtain AIDS surveillance information pertinent to that area from the Director of the Centers for Disease Control and Prevention. Up to five points will then be awarded based on the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a state outside of these metropolitan areas, in the state for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities.

(b) Description of Unmet Housing Need (10 Points). Up to ten points will be awarded based on demonstration of need for funding eligible housing activities in the area to be served. To receive the maximum points, demonstrate that substantial housing and related service needs of eligible persons and/or the target population, as outlined in Section V.A., are not being met in the project area and that reliable statistics and data sources (*i.e.* Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and /or Continuum of Care documentation) show this unmet need. To receive the maximum points, show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable to your project and identify the level of the problem and the urgency of the need.

(1) If you apply for a SPNS demonstration grant, you must describe a housing need that is not currently addressed by other projects or programs in the area including reference to the area's existing HOPWA programs and how the planned activity will complement these in a manner that is consistent with the community's plan for a comprehensive and coordinated approach to housing needs of persons living with HIV/AIDS which establishes stable housing for clients and helps foster greater self sufficiency and independence. Also, describe any unresolved or emerging issues and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families. You must also describe how your project will enhance the community's Consolidated Plan strategies for providing affordable housing and access to related mainstream services to HOPWA eligible persons; or

(2) If you apply as a Long-term project, you must describe the housing need that is not currently addressed by other projects or programs in the area including any HOPWA competitive grants and how the planned activity will complement these in a manner that is consistent with the community's plan for a comprehensive and coordinated approach to housing needs of persons living with HIV/AIDS. You must also describe any unresolved or emerging issues and/or the need to provide forms of assistance that enhances the community's strategy for providing housing and related services to eligible persons.

HUD will evaluate your presentation of statistics and data sources based on soundness, reliability, and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (*e.g.*, persons with multiple disabilities including AIDS or chronically homeless eligible persons), your application must demonstrate the need for this targeted effort through statistics and data sources that support the need of this population in your service area. Programs may serve a qualified subpopulation of persons with AIDS based on the presence of another disability or group of disabilities, only if doing so is necessary to provide this subpopulation with as effective housing, benefits, aid, or services as that provided to others. See 24 CFR 8.4(b)(1)(iv).

Rating Factor 3: Soundness of Approach: Responsiveness, Coordination and Public Policy Priorities, and Model and Demonstration Qualities (45 Points)

Address this factor on not more than twenty (20) double-spaced, typed pages. Include the HOPWA Budget Forms found in Appendix A. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 45 points (15 for responsiveness, 5 for coordination, 5 for public policy priorities, and 20 for model qualities) based on the extent to which your plan evidences a sound approach for conducting the HOPWA activities in a manner that is responsive

to the needs of eligible persons and that your plan for project coordination will offer model qualities in providing supportive housing opportunities for eligible persons with access to mainstream health and human welfare services, when compared to other applications and projects funded under previous HOPWA competitions.

a. Responsiveness, Coordination, and Public Policy Priorities (25 Points). HUD will award up to 25 points (Responsiveness—15 Points and Coordination—5 Points and Public Policy Priorities—5 Points) based on how well your project plans respond to the unmet needs in housing and related supportive services for the eligible population, including target populations outlined under Section V.A. You should demonstrate the extent to which you have coordinated your activities and the activities of your project sponsors with other organizations that are not directly participating in your proposed work activities. This involves organizations with which you share common goals and objectives in assisting eligible persons. In order to ensure that resources are used to their maximum effect within the community, it is important that you demonstrate collaboration and leveraging of other resources from state, local, and private funding resources.

(1) *Respo*nsiveness (15 Points). To receive the highest rating in this element your application must address:

- The projected number of persons to be served through each activity for each year of your program; The projected number of housing units, by type, to be provided through your project, by year, over a 3-year period; and
- The specific organizations, either through an agreement with your organization or through funding from your project, that will provide housing, and agreements with organizations that will provide mainstream supportive services, or other activities.

Include a description of the roles and responsibilities of your project sponsors and/or other organizations within your project plan and how these will be coordinated in conducting eligible activities. To receive the maximum points for your project plan, you must explain and describe the eligible housing activities you or your project sponsor intend to conduct, where these activities will take place (either on site or at another location), and how those activities will benefit eligible persons. Please describe:

(a) *Housing Activities.* You must demonstrate how the emergency, transitional, or permanent housing needs of eligible persons will be addressed through one or more of the HOPWA eligible activities and through any other resources and how such activities are coordinated with other available housing assistance. Your plan for housing assistance must include:

(i) *Access to permanent supportive housing for Long-term applicants.* If you propose a new Long-term Project for Permanent Supportive Housing, you must describe how eligible persons will access permanent housing options through your project and through any specific commitments with other community housing providers, even if your project involves some initial emergency or transitional assistance for clients, to achieve housing stability goals for clients.

(ii) *Access to supportive housing for new or continuing SPNS Demonstration Grant applicants.* If you propose a new or continuing SPNS demonstration project, you must describe how eligible persons will access emergency, short-term and transitional housing support options through your project and through any specific commitments with other community housing providers. Consistent with the definition of a SPNS Demonstration Grant or Project, this description must include specific plans to provide HOPWA clients with permanent housing assistance by the end of the operating period under this award, including plans to facilitate the movement of eligible persons receiving transitional housing support to independent living arrangements within 24 months.

(iii) *Description of Housing Site.* You must describe any appropriate site features including use of universal design, accessibility, visitability, and access to other community amenities associated with your project.

(iv) *Development and Operations Plan.* You must describe a development and/or operations plan for the emergency, transitional, or permanent housing assistance you are proposing to provide. For rental assistance programs, this will include your plan for providing rental assistance, proposed housing sites if project-based, and length of stay if less than ongoing permanent supportive housing. If you are proposing to use HOPWA funds for the acquisition, rehabilitation, or new construction of a housing facility, your plan must also document that you have secured other funding sources, including plans for coordinating the use of other resources that are committed to meeting leveraging, have identified and secured a site(s), and must provide rehabilitation/construction timelines consistent with the three year use of grant funds. HOPWA funds are not intended for use as the initial or sole funding source for capital development housing projects.

(v) *Operational Procedures.* Describe your outreach, intake, and assessment procedures, as well as how eligible persons will receive housing support with access to medical care and other supportive services provided by other organizations. Describe the use of housing being funded from other sources, and how your project provides for ongoing assessments of the housing service benefits received by eligible persons. Include a description of how a client moves through the housing program from outreach, intake, client assessment, the delivery of housing services, the use of emergency, transitional, or permanent housing, and when appropriate, the outplacement to more self-sufficient independent housing.

(b) *Supportive Service Activities.* You must describe how the supportive service needs of eligible persons will be addressed with HOPWA assistance (subject to applicable limitations) and the use of any additional leveraged resources by describing the type of supportive services that will be offered directly by the program and/or how agreements and project plans will assure that services will be accessed and coordinated from other mainstream health and human welfare sources. Explain the connection of these services in helping eligible persons obtain and/or maintain stable housing. Supportive service costs may represent no more than 35 percent of your proposed budget for program activities. In describing your supportive services delivery plan explain:

(i) How agreements provide that eligible persons will have access to mainstream programs that offer healthcare and other supportive services, as discussed in Section III.C.4;

(ii) How project plans ensure that eligible persons will participate in decision making in the project operations and management; and

(iii) Your plan for delivering supportive services through a comprehensive plan that shows how agreements provide that eligible persons access medical care and other mainstream supportive services to address their needs.

(c) *Additional Activities.* You must describe your plan for utilizing other requested HOPWA funds (described at 24 CFR 574.300(b)). Explain how these activities will be integrated into your overall plan in the provision of housing and related supportive services to eligible persons.

(d) *Other Activities.* As authorized by statute and in addition to the activities at 24 CFR 574.300(b), you may propose other activities in your application, which can be undertaken only if approved by HUD due to their relevance in addressing the housing needs of eligible persons. You must describe the reason for the need to request authorization for ''other activities'' and the benefits likely to occur, if the activities are authorized. Also address how the project would operate, or not, if such request were not approved.

(2) *Coordination (5 Points).* You should demonstrate the extent to which you have coordinated your activities and the activities of your project sponsors with other organizations that are not directly participating in your proposed work activities. This involves organizations for which you share common goals and objectives. You will be rated on the extent to which you demonstrate you have:

(a) Coordinated your proposed activities with those of other groups or organizations within the community or region prior to submission, to best complement, support, and coordinate all housing and supportive service activities including specific reference to how the proposal is coordinated with existing HOPWA programs in that area (formula and competitive) and how the planned efforts complement the existing programs;

(b) Developed your project through consultation with other organizations, groups, or consumers involved with area HIV/AIDS housing and service planning, including planning under the Ryan White CARE Act and other federal planning. The highest rated applicant will demonstrate that the project is closely and fully integrated with HUD's planning processes, such as the jurisdiction's Consolidated Planning process or the community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities and related use of Homeless Management Information Systems (HMIS) to coordinate benefits for clients);

(c) Coordinated with other HUD-funded programs outside of the Consolidated Planning process, for example, accessing additional housing resources through a local public housing authority; and

(d) Coordinated with mainstream resources including private, other public, and mainstream services and housing programs. To achieve the maximum points, applicants must evidence explicit agency strategies to coordinate client assistance with mainstream health, social service and employment programs for which eligible persons may benefit.

(3) *Public Policy Priorities (5 points).* Applications for HOPWA funding will receive rating point(s) for each applicable Department policy priority initiative addressed through the proposed program activities and performance goals and objectives. Applicants must demonstrate how these priorities will be addressed:

(a) In accordance with Section V of the General Section, for applicants seeking HOPWA funds for capital development activities, including rehabilitation or new construction, for one rating point under project soundness of approach, your application describes the use of universal design and visitability standards in these development activities undertaken with HOPWA funds and incorporate universal design in the construction or rehabilitation of housing undertaken with HOPWA funds. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Universal design provides housing that is usable by all without the need for adaptation or specialized design.

(b) For one rating point under project soundness of approach, your application involves participation as the grantee, or as a project sponsor(s), by a non-profit grassroots community-based organization, including faith-based organizations, as defined in Section V of the General Section.

(c) For one rating point under project soundness of approach, your application involves a housing development activity and the grantee, or project sponsor(s), commits to promote energy efficiency by adopting the Energy Star standard in any new construction or rehabilitation activity to be undertaken in the proposed project with HOPWA or other funds. The Energy Star standard is as defined in Section V of the General Section.

(d) For two rating points under project soundness of approach, your application involves an state or local government agency as the grantee, or as a project sponsor(s), and that agency completes the regulatory barriers policy questionnaire, including providing the required documentation, as defined in Section V of the General Section.

b. *Model and Demonstration Qualities (20 Points).* HUD will award up to 20 points based on your service delivery plan and how well it will serve as a model for a New and Continuing project by the end of the operating period. HUD expects the proposed project to show exemplary and/or innovative qualities that address the ongoing permanent housing needs (with access to supportive services) of eligible persons within a replicable operational framework. To receive the maximum points, you must offer a housing plan that describes the following:

(1) *Policy Priorities.* If applicable to your application, describe how you will meet the Departmental policy priorities for assisting the special population of HOPWA eligible persons who are chronically homeless persons with HIV/AIDS. HUD is encouraging applications that strive to create additional models for permanent housing for persons living with HIV/AIDS that are experiencing chronic homelessness. Applicants addressing this population must work collaboratively with the local Continuum of Care Plans to create this permanent housing for persons living with HIV/AIDS and their families.

(2) *Project Management and Oversight.* Describe your method for managing and overseeing activities, including those of your organization, your project sponsor, and any other organization. Identify staff members who are responsible for management and oversight of the project and activity implementation and sustainability plans.

(3) *Evaluation Plan.* In addition to required HOPWA outputs and outcomes your evaluation plan should identify what you are going to measure, how you are going to measure it, the steps you have in place to make adjustments to your work plan if performance targets are not met within established timeframes, and how you plan to share successes and lessons learned in undertaking your activities with other communities.

(4) *Model and Demonstration Features.* Describe how the planned efforts for the type of proposed project, Long-term or SPNS demonstration, will represent model or exemplary qualities in service delivery, management, or other features in connection with other HOPWA funded projects in your community including any local assessment of these features. For a Long-term project, the features must involve permanent supportive housing activities to be undertaken in a non-formula area. A SPNS demonstration project must involve a plan and commitments to place residents in permanent housing by the end of the operating period by showing exemplary and/or innovative qualities. If you propose a new program, or an alternative method of meeting the needs of your eligible population, describe how the innovative qualities of your activities will result in knowledge gained or lessons learned for achieving

greater housing opportunities and supportive services for persons living with HIV/AIDS. HUD will rate your application higher if you provide strong evidence that your methods will yield qualities that will benefit or expand knowledge in serving eligible persons, when compared to other applications and HOPWA projects. In order to learn about qualities of previously funded and ongoing HOPWA projects, you may review the HOPWA Executive Summaries for HOPWA grantees at *http://www.hud.gov/offices/cpd/aidshousing.*

(5) *Descriptive Budget.* HUD will review your budget in describing:

(a) How each amount of requested funding for you and your project sponsors will be used and the related use of leveraged resources;

(b) How each line item will relate to your description of planned eligible HOPWA activities, as defined in Section III.A of this Program NOFA; and

(c) The clarity and completeness of your summary statement of the planned activities for your project by budget line item and the use of any leveraged funds or other resources by the grantee and sponsor(s).

You must complete the HOPWA Project Budget Form as described above. Please note that only the forms are required in connection with your narrative under this Model Qualities section.

Rating Factor 4: Leverage and Sustainability (10 Points)

This factor addresses your ability to secure community resources that can be combined with HUD's funds to achieve program purposes and to ensure sustainability of the housing efforts once HOPWA funds are expended. HUD will award up to 5 points based on the extent to which resources from other public or private sources have been committed at the time of application to support your project, including the use of leveraged resources to provide additional supportive service activities and other housing and program support for eligible persons if documentation is provided that is consistent with the standards described in Section IV.B.5, on *Leveraging.* Also up to 5 points will be awarded based on your demonstrated sustainability, which addresses the extent to which your program exhibits a plan with identified resources to be financially self-sustaining by decreasing dependence on Federal funding and relying more on state, local and private funding so your activities can be continued after your Federal grant award period is complete. The efforts to sustain programs may also involve other management changes, such as consolidation or merger of administrative functions to improve efficiencies and reduce overhead or program costs, in order to better maintain the housing efforts.

a. In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditional commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant and sustain activities beyond that period of Federal support. In evaluating this factor, HUD will also consider:

(1) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the ongoing purposes of the project for which you are requesting HOPWA funds;

(2) The extent to which the agreements for documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by your award.

b. To receive any points under this criterion, you must document in your application the commitment of resources that will be used in the project during its operation and the efforts to sustain activities beyond the period of HOPWA support. If you request funding for supportive services, you must document (1) the commitment of other leveraged resources that at least equal the amount of the HOPWA request for program activities (not including administrative costs); and (2) leveraging for additional supportive services that at least equals the amount requested for supportive services activities in order to receive the highest leveraging points. If you do not request supportive services, to receive the highest leveraging points, you must document the commitment of other leveraged resources that at least equal the amount of the HOPWA request for program activities (not including administrative costs).

Factor 5: Achieving Results and Program Evaluation (Maximum 10 Points)

Address this factor on not more than five (5) double-spaced, typed pages. Under this factor, HUD will award 10 points based on how well your application demonstrates a commitment to ensuring that the goals that you set forth and your performance will be assessed in a clear and effective manner. HUD will analyze how well you have clearly implemented the required HOPWA program output and outcome goals and identified other stated benefits or outcomes of your program including your activities, benchmarks, and interim activities or performance indicators with timelines. HUD will award the highest points to applications that demonstrate an evaluation plan that will objectively measure actual achievements against anticipated achievements.

Benchmarks or outputs that are identified in your application should be measurable indicators of actual achievements that help achieve the program outcome goals for the HOPWA Program. These outcome goals must include ''a'' that is listed below and may include but not be limited to:

a. Under the standard required HOPWA outcome measure, increase the amount of housing assistance provided to eligible persons, to establish or maintain housing stability, reduce the risks of homelessness for eligible persons, and improve access to healthcare and other support;

b. Increase the access to permanent housing for low-income eligible persons, to enable these households to become more self-sufficient (optional);

c. Improve the housing conditions in which low-income and homeless eligible persons and their families live, to increase the number of persons living in housing that is safe, decent, and sanitary (optional); and

d. Address the challenge of homelessness for persons living with HIV/AIDS and their families, including persons who are chronically homeless, by helping them more to permanent housing with appropriate support, with coordinated homeless assistance effort (optional).

Program output measures for your application for the HOPWA Program must include ''a'' which is listed below and may include but not limited to:

a. Under the standard required HOPWA output measure, the projected number of households to be assisted in HOPWA supported housing units by type (tenant-based rental assistance, STRMU payments and assistance in

housing facilities) to be provided to eligible households through your project during each project-operating year; and

b. The projected number of households including single persons to be served through each activity during each project-operating year (optional).

Your application should also address your evaluation plan for the New and Continuing project. Evaluation is defined as your method for collecting data on HUD program measures to evidence achievement of your project's goals and objectives. HUD will assess your method for reviewing this data and your basis for making relative adjustments in project implementation based on outcomes and lessons learned. Your evaluation plan must include how you propose to utilize administrative costs or other leveraged support to conduct this activity. HUD will award a greater number of points for projects that also provide for a plan for the dissemination of information from the lessons learned from your proposed activities. Your application must include the Logic Model Form (HUD–96010). In addition to using the required HOPWA output measures, applicants may create their own set of activities, other outputs, and project outcomes.

B. Reviews and Selection Process

1. Renewal of Permanent Supportive Housing Project Applications

a. *Selection of Renewal Applications.* To the degree that funds are available up to the amount made available under the Department's FY2005 appropriation for this competition, the Department will select for funding all Renewal requests from applicants that meet program requirements (including passing a threshold review for a need for Renewal). HUD will also review requests and adjust funding consistent with funding restrictions found in Section IV. If the amount of the approvable request for Renewal activities for all eligible applicants is greater than the amount made available by this notice up to the amount of Fiscal Year 2005 funds, HUD will select all of the approvable Renewal applications and allocate awards to each based on a pro rata reduction to the amount available under this notice. This action will help to ensure that all eligible and performing Renewal grants receive funding that allows their continued operation.

b. *HUD Reviews.* HUD staff will conduct this review, including staff from Community Planning and Development at Headquarters and HUD's State and area field offices.

c. *Policy Priorities.* Applicants seeking Renewal funding under this Program NOFA are not required to address HUD's policy priorities. Applicants are also encouraged to review and voluntarily address relevant HUD's policy priorities as outlined in the General Section. Please note in your application if you undertake any of these optional program efforts.

2. HOPWA New and Continuing Project Applications

a. *Threshold Reviews.* HUD will review your HOPWA application to ensure that it meets the threshold requirements found in Section III.C.2 of the General Section and Section III.C of this Program NOFA pertaining to a request for a new Long-term project or a SPNS demonstration project.

b. *HUD Reviews.* HUD staff will conduct this review, including staff from Community Planning and Development at Headquarters and HUD's State and area field offices.

c. *Procedures for the Rating and Selection of Applications.* HUD will rate all HOPWA applications based on the factors listed above. The points awarded for the factors total 100. In addition, up to 2 bonus points for projects in RC/EZ/EC–II areas may be available under Section V.A of the General Section.

Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance, Long-term projects, or SPNS demonstration projects. Funds made available from federal fiscal year 2004 will be used to fund the highest rated applications in the order of their ranking that propose new Long-term projects, and if any such funds remain after these selections, for new or continuing SPNS demonstration projects. Funds made available from Federal fiscal year 2005 will be used to fund the priority selection of expiring Renewal projects that undertake permanent supportive housing activities. If any such 2005 funds remain after these selections, then the funds will be used to fund additional New and Continuing projects that are the next highest rated applications in the order of their ranking that propose: (a) Additional new Long-term projects, if applicable after the selections made above with 2004 funds, and then (b) additional new or continuing SPNS demonstration projects. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as outlined in this Program NOFA, where HUD reserves the right to select applications that target the priority eligible populations to ensure selection of two projects addressing the housing needs of persons who are chronically homeless. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. HUD will not select an application that is rated below 75 points, nor will an application be funded if it receives a Rating Factor 1—Capacity score lower than 14 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach; Responsiveness and Model Qualities (Rating Factor 3); Achieving Results and Program Evaluation (Rating Factor 5); Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

C. Anticipated Announcement and Award Dates

The anticipated announcement of the projects selected under this notice is no later than August 30, 2005.

VI. Award Administration Information

A. Award Notices

1. Applicant Notification. HUD will notify the eligible applicants of their conditional selection or rejection for awards by email or by a letter to be mailed to the applicant's authorized official at the address or e-mail address provided in your application. For conditionally selected applicants, the CPD Division of HUD's State or area office will provide a second letter with a copy of a proposed grant agreement along with instructions on any adjustments to the grant amount requested and other conditions identified during the review for conducting planned activities and on the close out of the current grant.

2. Award Modifications. After reviewing each application, HUD reserves the right to take each of the following actions:

a. HUD reserves the right to make award adjustments as outlined in Section IV.A.2, *Adjustments to Funding,* of the General Section of the SuperNOFA.

b. In the event that a conditionally-selected applicant is unable to meet any conditions for funding within the specified time, HUD reserves the right to not make an award to that applicant. In

the event that a conditionally-selected applicant is continuing to operate under the prior grant, and has sufficient funds to continue current operations for at least six months following the date of notification of selection, HUD may take any of the following actions: (i) Follow procedures to terminate the prior grant and recapture remaining funds after this date, consistent with the terms of the applicable grant agreement and 24 CFR 574.500(c); or (ii) adjust the amount of the new award by the amount of funds remaining after this date in the prior grant.

c. In making awards to New and Continuing projects, HUD may offer less then the full amount requested to applicants that have received sufficient points to be selected, but for which there are insufficient funds remaining to provide the full funding request. HUD may also use funds from an award reduced under item b, above, to restore amounts to a funding request that had been reduced in this competition due to the application's lower rating status;

d. If an applicant turns down an award, an award is not made, or if there are sufficient award adjustments to make additional awards feasible, HUD reserves the right to: (a) Offer an award to the next highest rated application(s) in this competition in their rank order; (b) add remaining or recaptured amounts to the funds that become available for a future competition; or (c) restore amounts to a funding request that had been reduced in this competition.

3. Applicant Debriefing. Applicants requesting to be debriefed must send a written request to: Department of Housing and Urban Development; Attention: Office of HIV/AIDS Housing; 451 Seventh Street, SW., Room 7212; Washington, DC 20401–7000. Telephone number is (202) 708–1934. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the Federal Information Relay Service at 800–877–8339 (this is a toll-free number). Additional information regarding debriefing can be found in the General Section.

B. Administrative and National Policy Requirements

1. Executive Order 13202, Preservation of Open Competition and Government Neutrality Toward Government Contractors' Labor Relations on Federal and Federally Funded Contract Projects. See Section III.C. of the General Section for the information on how to meet this requirement.

2. *Procurement of Recovered Materials.* See Section III.C. of the General Section for the information on how to meet this requirement.

C. Reporting

1. Six-Month Report. For any new project, you must provide an initial report to the Field Office and HUD Headquarters on the startup of the planned activities within six months of your selection. Your report must outline your accomplishments and identify any barriers or issues for which the Department may provide assistance on the start-up on your new award. Renewal and continuing projects are not required to file this report.

2. Measuring Performance. You must report after each year of operation on the annual accomplishments of your projects under the HOPWA Annual Progress Report (form HUD–40110–B), including the required performance measures described in Section III.C.2.c. of this Program NOFA on Required HOPWA Performance Goals including reporting on annual housing outputs and client outcomes in achieving housing stability, reduced risks of homelessness, and improved access to healthcare and other needed support. For each reporting period, you must provide a completed Logic Model showing progress to date against projected outputs and outcomes contained in your approved grant agreement. HUD will use these reports and information obtained from HUD financial systems, along with any remote or on-site monitoring, to measure your progress and achievements in evaluating your performance on your HOPWA grant.

3. Beneficiary Information. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the collection of Racial and Ethnic Data. In view of these requirements, you should use one of the following:

- HUD–27061, Racial and Ethnic Data Reporting Form (instructions for its use) found on *www.HUDclips.org;*
- A comparable program form (HOPWA—Annual Performance Report (APR) form HUD–40110–C); or
- A comparable electronic data system for this purpose.

VII. Agency Contacts

A. For Further Information and Technical Assistance (TA). For technical assistance in downloading an application package from Grants.gov/Apply, contact the Grant.gov help desk at 800–518–Grants or by sending an e-mail to *support@grants.gov.* For programmatic information, you may contact the HUD field office serving your area. You can find the telephone number for the State or Area Office of Community Planning and Development on HUD's Web site: *www.hud.gov/offices/adm/grants/fundsavail.cfm.* HUD staff may assist with program questions, but may not assist in preparing your application. Persons with hearing or speech challenges may access the above number via TTY (text telephone) by calling the toll-free Federal Information Relay Service at 800–877–8339.

B. Seeking Technical Assistance (TA) in Developing a HOPWA Application. HOPWA TA providers may not provide technical assistance in the drafting of responses to HUD's NOFA due to the unfair advantage such assistance gives to one organization over another. If HUD determines that HOPWA technical assistance has been used to draft a HOPWA application, HUD reserves that right to reject the application for funding. If, after your application has been selected for an award, HUD determines that HOPWA technical assistance was used to draft your application, the award will be withdrawn and you may be liable to return to HUD any funds already spent.

C. Satellite Broadcast. HUD will hold information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD Web site at *www.hud.gov/grants.*

VIII. Other Information

A. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2506–0133. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 413 hours per annum per respondent for the application and grant administration. This includes the time collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required

in order to receive the benefits to be derived.

B. Instructions on Filling Out Required HOPWA Application Budget Form (HUD–40110–B).

Complete a *separate* ''Detailed Project Budget and Housing Outputs'' page (Section B) for the Grantee and for each Project Sponsor receiving HOPWA funds under this application. Specific instructions:

1. *Name of Organization:* Enter the complete legal name of the organization (grantee or project sponsor). (If you are completing an electronic application, this data element is pre-populated after you have completed the SF 424 information.)

2. *Zip Code:* Enter the zip code of the local headquarters of the grantee or sponsor. (For electronic applications, this information is pre-populated once you enter the information on the SF 424.

3. *Type:* Mark if you are completing this form for the grantee or project sponsor, as applicable.

4. *Grassroots:* Indicate if the grantee or sponsor is a grassroots faith-based or other community-based grassroots organization (see General Section for definitions).

5. *Eligible Activity Description:* Provide a brief description in each of the appropriate ''Eligible Activity'' categories for each activity for which you are seeking funding. This description should be a 1–2 line summary of the activity.

Example 1: Tenant-Based Rental Assistance Description: ''Provide Long-term, tenant-based rental assistance through the ''Rent Project'' to 25 individuals and 10 families per year over a three-year grant period (average $5,000 per household per year).''

Example 2: Supportive Services Description: ''One employee (0.5FTE) will provide case management, nutritional services, and mental health counseling to 45 individuals in the AIDS Housing facility each year for the three years of the grant term.''

Example 3: Permanent Housing Placement Description: ''Funds for first months rent and security deposits and help in completing housing forms for 25 households per year to move them to permanent rental housing at $60,000 for the three years of the grant term.''

6. *Budget:* For each HOPWA Eligible Activity (lines 1–15), enter the amount of requested HOPWA funds in the ''Totals'' column. In the columns labeled ''Yr. 1'', ''Yr. 2'' and ''Yr. 3'', indicate in whole dollars how you plan to spend the total funds over each of the project years. If you are a submitting a new application and requesting funds for Facility Development (lines 1–3), do not allocate Facility Operations funds (lines 4–6) until the facility is developed and operational.

7. *# of Housing Units / # of Households:* Indicate the number of housing units or households, as applicable, that will be assisted during each program year for which you are seeking funds.

8. *Total HOPWA Request:* Total the ''Budget'' amounts at the bottom of the page.

C. *Instructions on Completing HUD's Logic Model (Form HUD–96010).* (*Note:* Below are specific instructions for completing HUD's Logic Model for the HOPWA program. Refer to the General Instructions for further guidance on completing the Logic Model.)

The HOPWA program is intended to achieve the overall outcome that persons assisted have been enabled to establish and/or better maintain a stable living environment in housing that is safe, decent and sanitary and to reduce the risks of homelessness and improve access to healthcare and other supportive services. In addition, output is measured each year on the number of units of housing/households supported with HOPWA funds. Projects may also show how efforts foster greater self-sufficiency and independence for clients from public support. The outcomes and outputs on the Logic Model will be used as a guide to assist HUD and grant recipients to measure the impact of the HOPWA program in achieving HUD's objectives. At the end of each year of assistance, HOPWA recipients should consider the effects of their efforts and compare results to the planned outputs and the prior year's outcome baseline on stable housing as part of an assessment of program success. These assessments will help inform the community as well as HUD in assessing past performance and helping to direct future efforts. For example, if an assessment shows that some activities are not helping beneficiaries achieve the desired outcome, recipients should consider what alternatives or enhancements to program efforts might better meet this goal. By its nature, short-term housing support is expected to provide a temporary and unstable housing outcome if persons remain dependent on this type of assistance.

Specific Instructions:

Program Name: Enter ''HOPWA''(For electronic application filers this information is pre-populated once you have completed the SF 424 information).

Component Name: ''New'' or ''Continuing'' or ''Renewal'', as applicable.

Strategic Goals: Enter ''2,4'' which conform to HUD's strategic goals to ''Promote decent affordable housing'' and ''Ensure equal opportunity in housing''

Policy Priorities: Below are HUD's policy priorities. HOPWA efforts are established under item 1 in providing housing support and item 6 in helping to end chronic homelessness. In addition to those items (whichever is appropriate), applicants could add to attainment of the other items. In the Policy Priorities column, enter the numbers which best identify the priorities that apply to your application, including 1 and/or 6 along with any optional addition priority.

1. Provide increased homeownership and rental opportunities for low and moderate-income persons, persons with disabilities, the elderly, minorities and families with limited English proficiency. (HOPWA included)

2. Improving our nation's communities

3. Encourage accessible design features

4. Provide full and equal access to grassroots faith-based and other community-based organizations in HUD program implementation

5. Participation of minority-serving institutions in HUD programs

Ending chronic homelessness (HOPWA funded homeless projects included).

6. Removal of regulatory barriers to affordable housing.

7. Participation in Energy Star.

Problem, Need or Situation: Provide a general statement of need that provides the rationale for the proposed service or activity (*i.e.*, describe the problem that you are addressing with your HOPWA application program).

Service or Activity: Identify the services that you are providing to address the Problem, Need or Situation identified above.

Output Goal: Using the figures from the ''# of Units'' and ''# of Households'' section of the ''Detailed Project Budget and Housing Outputs'' section of form 40110–B, identify the Short-Term, Intermediate and Long-term output goals of your project.

For example: a short-term output goal might be ''to provide 14 units of housing for persons with HIV/AIDS and their families,'' an intermediate output goal might be ''to assist 20 family members to find jobs,'' and a Long-term output goal might be ''to assist 4 households to purchase a home.''

*Output Result:*1 Do not complete this column in the application—this will be used in annual progress reporting.

Achievement Outcome Goals: Identify the number of households who will be able to:

(a) Establish and/or better maintain stable housing,

(b) Reduce their risks of homelessness or

(c) Improve their access to healthcare and other needed support.

The achievement of stable housing for HOPWA beneficiaries is defined as the number of clients who will remain in residence in the housing program or who leave the program through outplacement to other permanent housing options, including private resources, and those with a reasonable expectation of self sufficiency and independence after their HOPWA assistance.

End Results: Do not complete this section.

Measurement Reporting Tools: Refer to general instructions on the Logic Model.

Evaluation Process: Refer to general instructions on the Logic Model.

OMB Approval No. 2506-0133
(exp. 04/30/2007)

SuperNOFA
HOPWA COMPETITIVE GRANT FORMS

(Renewal of Permanent Supportive Housing Projects; Continuing and New Projects)

Sponsored by the
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Office of HIV/AIDS Housing

The information collection requirements contained in this notice of funding availability will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the **HOPWA Program** is based on the rating factors for this program listed in the SuperNOFA for Housing and Community Development Programs.

Public reporting burden for the collection of information for the **HOPWA Program** is estimated to average 60 hours for this application, including 38 hours on completing the attached forms per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. **OMB Approval No. 2506-0133** (exp. 04/30/2007)

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729,3802)

OMB Approval No. 2506-0133
(exp. 04/30/2007)

Application Budget Summary (all applicants)

Applicant Name		Number of Project Sponsors		Plan dates for grant agreement and activities	(mo./yr.)

A.	Eligible Activity	HOPWA Request				E. Match & Other Leveraged Funds
		A. Year 1	B. Year 2	C. Year 3	D. Total Request	
Facilities in Development (new applications only)	1. Acquisition	$	$	$	$	$
	2. Rehabilitation, Repair & Conversion	$	$	$	$	$
	3. New Construction (for Community Residences and SRO dwellings only)	$	$	$	$	$
Facility Operations	4. Operating Costs for Housing Facility	$	$	$	$	$
	5. Lease of Housing Facility	$	$	$	$	$
	6. Other Housing Costs (please specify in narrative; requires HUD approval)	$	$	$	$	$
TBRA	7. Tenant-based Rental Assistance	$	$	$	$	$
STRMU	8. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$	$	$
Other Program Expenses	9. Housing Information Services	$	$	$	$	$
	10. Supportive Services	$	$	$	$	$
	11. Permanent Housing Placement Services	$	$	$	$	$
	12. Total Program Costs: (total of lines 1-11)				$	
Administrative Expenses	13. Grantee's Administrative Costs (not to exceed 3% of Line 12)				$	
	14. Project Sponsor's Administrative Costs (not to exceed 7% of Line 12)				$	
	15. Total HOPWA Request (total of lines 12-14)				$	

OMB Approval No. 2506-0133
(exp. 04/30/2007)

Detailed Project Budget and Housing Outputs (each organization)

Name of organization:			Zip code for project location	
Type:	Grantee: ☐; Project Sponsor: ☐	If applicable:	Faith based: ☐	Grassroots: ☐

B.	Eligible Activity		HOPWA Request			
			Yr. 1	Yr. 2	Yr. 3	Totals:
Facilities in Development (new applications only)	1. Acquisition Description:	Budget	$	$	$	$
		# of Units				
	2. Rehabilitation/Repair/Conversion Description:	Budget	$	$	$	$
		# of Units				
	3. New Construction (Community Residences and SRO dwellings only) Description:	Budget	$	$	$	$
		# of Units				
	Type of Facility: Short-term shelter ☐; transitional housing ☐; Community residence ☐; SRO dwelling ☐; or other permanent supportive housing ☐					
Facility Operations	4. Operating Costs Description:	Budget	$	$	$	$
		# of Units				
	5. Leasing Description:	Budget	$	$	$	$
		# of Units				
	6. Other Housing Costs Description:	Budget	$	$	$	$
		# of Units				
TBRA	7. Tenant-Based Rental Assistance Description:	Budget	$	$	$	$
		# of Households				
STRMU	8. Short-Term Rent, Mortgage and Utility Payments to Prevent Homelessness Description:	Budget	$	$	$	$
		# of Households				
Other Program Expenses	9. Housing Information Services Description:	Budget	$	$	$	$
		# of Households				
	10. Supportive Services Description:	Budget	$	$	$	$
		# of Households				
	11. Permanent Housing Placement Services Description:	Budget	$	$	$	$
		# of Households				
Administrative Expenses	13. Grantee's Administrative Costs Description:	Budget	$	$	$	$
	14. Project Sponsor's Administrative Costs Description:	Budget	$	$	$	$
	15. Total HOPWA Request for this Organization					$

OMB Approval No. 2506-0133
(exp. 04/30/2007)

HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. **Fair Housing**. Within the HOPWA eligible population, it will comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and 24 C.F.R. Part 1; Fair Housing Act, 42 U.S.C. 3601-3619, which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(b) It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

(c) Its will comply with the Americans with Disabilities Act, 42 U.S.C. 12101 et.seq., and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et.seq.).

(d) It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

(e) It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

(f) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to per-sons residing in the area of the project.

(g) It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit discrimination based on handicap in Federally-assisted programs and activities.

OMB Approval No. 2506-0133
(exp. 04/30/2007)

(h) It will comply with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, and where applicable, the design and construction requirements of the Fair Housing Act.

(i) It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

(j) It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

(k) If persons of any particular race, color religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested per-sons can obtain information concerning the assistance.

2. Environmental Requirements. The grantee, its project sponsors and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend HUD or local funds for such eligible activities, until the responsible entity (as defined in §58.2) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and HUD approval of form HUD-7015.15, "Request for Release of Funds and Certification" (RROF) of compliance with the National Environmental Policy Act and implementing regulations at 24 CFR part 58 (Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities). HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

3. HOPWA Facility Use Period Requirement. Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than three years in cases involving non-substantial rehabilitation or repair of a building or structure.

HOPWA Applicant Certifications

Name with Signature of Authorized Certifying Official & Date

Title

Name of Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING FOR PEOPLE WHO ARE HOMELESS AND ADDICTED TO ALCOHOL

Billing Code 4210-32-C

Housing for People who are Homeless and Addicted to Alcohol

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Community Planning and Development

B. Title: Housing for People Who Are Homeless and Addicted to Alcohol

C. Announcement Type: Initial announcement

D. Funding Opportunity Number: The **Federal Register** number is FR–4950–N–33; the OMB approval number is pending.

E. Catalog of Federal Domestic Assistance Number: 14.235

F. Dates: The application submission date is May 19, 2005.

G. Additional Overview Content Information:

1. Applicants for funding should carefully review the requirements identified in this Program NOFA and the General Section. Unless otherwise stated in this Program NOFA, the requirements of the General Section apply.

2. This NOFA announces the availability of approximately $10 million to award approximately ten two-year grants ranging up to approximately $1 million per award. This two-year, competitive demonstration program, developed in consultation with the Interagency Council on Homelessness as required in Public Law 108–7, is designed to provide supportive housing assistance to chronically homeless persons who have been living on the streets for at least three hundred sixty-five (365) days over the last five (5) years and have a long term addiction to alcohol, otherwise known as serial inebriates. Clients served by these funds will have been living on the streets at the time of initial contact and will have no history of living in transitional or permanent housing over the last five years. Grantees will partner with local law enforcement and court systems and other relevant institutions to identify eligible clients for this program. Grantees will demonstrate existing relationships with service providers, including grassroots community-based organizations including faith-based organizations, to ensure the comprehensive supportive services needs of the clients are addressed (through other funds). The project must be located within a Continuum of Care that has at least 100 people who are chronically homeless and unsheltered, according to the Continuum of Care or a recent official count.

Full Text of Announcement

I. Funding Opportunity Description

A. Background. Research suggests that as many as 150,000 people experience chronic homelessness in this country. People experiencing chronic homelessness frequently suffer from addiction to alcohol or other disabling conditions, and they are homeless for extended periods of time or experience multiple episodes of homelessness. For the most part, persons who are chronically homeless get help for a short time but soon fall back to the streets and shelters. Because the long-term needs of these persons are not comprehensively addressed, they cycle through the homeless system and consume a significant portion of available emergency resources. When persons who are chronically homeless have access to basic assistance, like housing and treatment, research suggests a reduction in the costs of expensive emergency interventions.

People who have been living on the streets for a very long time with a primary diagnosis of alcoholism are a particularly difficult to serve homeless sub-population. Research indicates that 38 percent of the overall homeless population experiences problems with alcohol. Since evidence has shown that in certain communities alcoholism among the homeless population is a major problem, including high utilization of public resources, emergency medical services and the court system, this demonstration targets this very difficult to serve population.

B. Program Description. This demonstration targets chronically homeless persons who have been living on the streets for at least three hundred and sixty-five (365) days over the last five (5) years and have a long-term addiction to alcohol, otherwise described as serial inebriates. Clients served by these funds will have been living on the streets at the time of initial contact and will have no history of living in transitional or permanent housing over the last five years. It is the intent of Congress that funds awarded under this NOFA support innovative solutions, which frequently result when local community organizations work together. Building upon existing collaborations, grantees are expected to work in conjunction with local law enforcement agencies and courts, including the police department, sheriffs department, superior court, city attorney, and/or city council, to identify and refer eligible clients to projects funded by this program. After clients are identified as having a long-term addiction to alcohol and having lived on the streets for at least 365 days over the last five years, the provider will determine, on a case-by-case basis, if they need to be stabilized in programs (not funded through this initiative), such as a residential treatment center, detoxification center or other jail diversion program, for up to six months prior to being placed into permanent supportive housing (funded through this initiative).

Once the grantee, working in conjunction with the relevant supportive service providers and the homeless client, determines that the client is ready, grant funds for this initiative may be used to provide permanent supportive housing for the client. Up to five percent of the funds are available for providers to help clients identify and obtain permanent supportive housing. HUD expects that approximately half of the projects awarded will provide grants for leasing that are project-based projects, and the other half will provide grants that are tenant-based projects. Comprehensive alcoholism treatment services, along with other relevant services, must be provided in a manner deemed appropriate by the grantee and are subject to requirements of the Supportive Housing Program regulations and other applicable laws and regulations. Clients must be assisted in accessing relevant mainstream service delivery systems, Food Stamps, Supplemental Security Income (SSI), and Medicaid, for example.

Following this demonstration period, funded projects may be eligible to apply, on a competitive basis, as a renewal project through the Continuum of Care for Supportive Housing Program—Permanent Housing (SHP–PH).

C. Authority. Public Law 108–7, approved February 20, 2003 (111 Stat. 494) authorizes this two-year demonstration program. The Supportive Housing Program is authorized by Title IV, Subtitle C, of the Stewart B. McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), 42 U.S.C. 11381.

D. Definitions. 1. Chronic homelessness refers to an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years. To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (*e.g.*, living on the streets) and/or in an emergency shelter during that time. An episode is a separate, distinct, and sustained stay on

the streets and/or in an emergency homeless shelter.

2. For the purpose of this NOFA, disabling condition is defined as ''a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.''

3. A serial inebriate is defined as a chronically homeless person who has been living on the streets for at least 365 days over the last five years and who has a long-term addiction to alcohol. (To be eligible for this program, clients served by these funds will be living on the streets at the time of initial contact and will have no history of living in transitional or permanent housing over the last five years.)

II. Award Information

This NOFA announces the availability of approximately $10 million to award approximately ten grants ranging up to approximately $1 million per award.

III. Eligibility Information

A. Eligible Applicants. Eligible applicants are States, local government, other government agencies, and public and private nonprofit organizations that are part of a Continuum of Care in jurisdictions that have at least 100 people who are chronically homeless and unsheltered.

B. Eligible Activities. Eligible activities are limited to leasing of housing and limited housing search and administrative expenses. For the purpose of this NOFA, housing activities include only leasing and housing search.

C. Other. 1. Eligible clients. Eligible clients are chronically homeless persons who have been living on the streets for at least 365 days over the last five years and who have a long-term addiction to alcohol. (To be eligible for this program, clients served by these funds will be living on the streets at the time of initial contact and will have no history of living in transitional or permanent housing over the last five years.)

2. Threshold Requirements.

a. Ineligible Applicants. HUD will not consider an application from an ineligible applicant.

b. Applicants, and Sub-grantees, must meet the Threshold Requirements in the General Section of the SuperNOFA.

c. Compliance With Fair Housing and Civil Rights Laws.

(1) Applicants must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a). In addition to these requirements, there may be program-specific threshold requirements identified in the individual Program NOFAs.

(2) If you, the applicant:

(a) Have been charged with an ongoing systemic violation of the Fair Housing Act; or

(b) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an on-going pattern or practice of discrimination; or

(c) Have received a letter of findings identifying ongoing systemic noncompliance under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or Section 109 of the Housing and Community Development Act of 1974; and

(d) The charge, lawsuit or letter of findings referenced in subpart (a), (b), or (c) above has not been resolved to HUD's satisfaction before the application deadline, then you are ineligible and HUD will not rate and rank your application.

(2) Examples of actions that would normally be considered sufficient to resolve the matter include, but are not limited to:

(a) A voluntary compliance agreement signed by all parties in response to a letter of findings;

(b) A HUD-approved conciliation agreement signed by all parties;

(c) A consent order or consent decree; or

(d) An issuance of a judicial ruling or a HUD Administrative Law Judge's decision.''

d. Affirmatively Furthering Fair Housing. Under Section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing. HUD requires the same of its funding recipients. If you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability, and familial status. The application should include specific steps to:

(1) Overcome the effects of impediments to fair housing choice that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the rating factors that address affirmatively furthering fair housing.

3. Program Requirements. a. Applicants must be a part of a Continuum of Care. Please provide as documentation a copy of the Continuum of Care Planning Process Organization that was submitted in the most recent Continuum of Care competition.

b. The project must be located within a Continuum of Care that has at least 100 people who are chronically homeless and unsheltered, according to the Continuum of Care or a recent official count. Please identify by program year and date of submission the most recent Continuum of Care documentation submitted to HUD, so HUD staff can confirm that the jurisdiction has identified the required 100 people.

c. All clients are expected to receive necessary supportive services from the time they are identified and as long as necessary after they are placed into permanent supportive housing.

d. Grantees shall derive all supportive services funds, including substance abuse treatment, from other public or private sources, including community-based organizations, inclusive of faith-based organizations.

e. Funds made available under this NOFA are subject to the program regulations at 24 CFR part 583.

f. Grantees currently operating facilities or activities that serve homeless persons may only receive SHP funding if the project proposes to increase the number of homeless persons served.

g. Safeguarding Resident/Client Files. In maintaining resident files, HUD funded recipients shall observe state and local laws concerning the disclosure of records that pertain to individuals. Further, recipients are required to adopt and take reasonable measures to ensure that resident/client files are safeguarded.

h. Environmental Impact. Activities under this NOFA are subject to the environmental review provisions set out at 24 CFR 583.230. A recipient, its project partners and their contractors may not commit or expend any assistance or nonfederal funds on project activities (other than those listed in 24 CFR 58.22(c), 58.34 or 58.35(b)) until HUD has approved a Request for Release of Funds and environmental certification from the responsible entity. The expenditure or commitment of assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

D. Match. For the purposes of this two-year demonstration program, applicants must match all funds provided through this initiative on at

least a dollar for dollar basis with cash for supportive services. Cash already claimed as leverage or match as part of the Continuum of Care activities may not be claimed to offset this match requirement. Grantees shall derive services funds from public or private sources, including community-based organizations, inclusive of faith-based organizations, but shall not derive services funds from other HUD–funded homeless assistance grants. Refer to 24 CFR 84.23 (for nonprofits) and 85.24 (for state and local governments) for information governing matching funds, but note that the cash requirements of this two-year demonstration program are more restrictive than the requirements that may apply to other grant programs.

IV. Application and Submission Information

A. Addresses to Request Application Package. Applicants may download the NOFA from the Grants.gov Web site at *http://www.grants.gov*. If you have difficulty accessing the information you may call the grants.gov help desk at 800–518–GRANTS. The operator will assist you in accessing the information. Please see the General Section for information on electronic application submission, procedures for requesting a waiver, and timely submission and receipt requirements.

B. Content and Form of Application Submission. 1. Required Materials. There is no separate application kit. This notice contains all the information necessary for submission of your application.

a. In addition to the required narratives, please include in your application each item in the order listed below:

(1) SF–424, Application for Federal Assistance.

(a) Every section should be completed.

(b) When completing box 15, the component selected should be either:

i. Permanent Housing for Persons with Disabilities, or

ii. Safe Havens—Permanent (Safe haven projects have the characteristics of permanent housing and will require participants to execute a lease agreement.)

(2) HUD–2991, Certification of Consistency with Consolidated Plan.

(3) SF–424–SUPP, Survey on Ensuring Equal Opportunity for Applicants.

(4) HUD 27300, America's Affordable Communities Initiative.

(5) HUD–96011, Facsimile Transmittal.

(6) HUD–96010, Program Outcome Logic Model.

(7) SF–LLL, Disclosure of Lobbying, if applicable.

(8) HUD 40112.1, Program Project Information.

(9) HUD 40112.2, Number of Beds and Participants Charts. (The period of performance for all grants awarded through this NOFA will be up to two-years.)

(a) This section is composed of two charts:

(i) Chart 1 is for recording the number of beds/bedrooms in the project.

(ii) Chart 2 is for recording the number of participants to be served.

(b) Instructions for Completing Chart 1 and Chart 2. Note: If your project is funded, you will be responsible for achieving the numbers submitted.

(i) In the first column, please enter the requested information for all items at a point in time (a given night). You should only fill out this column if you propose to use existing facilities to serve the homeless. If not, enter ''N/A'' in this column.

(ii) In the second column, enter the new number of beds and persons served at a point in time if this project is funded.

(iii) In the third column, enter the projected level (columns 1 and 2 added together) that your project will attain at a point in time.

(iv) In the fourth column, enter the number of persons to be served over the grant term.

(10) HUD 40112.3, Leasing Information.

(a) Leasing Units for Housing.

(i) Housing space may be in the form of scattered-site leased units, or within a structure. The structures to be leased may be structures currently configured for, or structures to be converted to provide, supportive housing and/or supportive services.

(ii) If you propose to lease units in more than one metropolitan or non-metropolitan area, fill in the appropriate number of tables for each area with a different FMR or actual rent. Please submit multiple copies of this Chart as needed to accommodate projects using more than one FMR or actual rent.

(iii) Enter the number of unit(s) by the bedroom size to be leased and the lower of the actual rent or the FMR as published in the **Federal Register** on October 1, 2004. (FMRs may be found using this WEB site: http://www.huduser.org/datasets/fmr.html) The space to be leased may be scattered-site (*e.g.*, one-bedroom apartments in five different apartment complexes) or contained within a structure (*e.g.*, a group home with six bedrooms).

(iv) Multiply the number of units by the FMR or actual rent, whichever is lower, by the length of the grant (# of units × FMR or actual rent × months based on grant term) and enter the result in the total column.

(v) Please note that the FMR for a single room occupancy (SRO) unit is equal to 75 percent (0.75) of the 0-bedroom FMR. The FMRs for unit sizes larger than 4-bedrooms are calculated by adding 15 percent to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR.

(vi) Chart A should be filled out only if you will lease individual units or structures that are currently configured for housing and/or services and, therefore, an FMR or actual rent can be used. If you have negotiated an actual rent (s) which is lower than the FMR, please use that amount instead of the FMR. The actual rent may not exceed the FMR.

(vii) If your project has been approved for exception rents use those amounts when completing these charts AND submit your current approval letter with this document.

(b) Leased Structure(s) for Housing

(i) If you will lease a structure or portion of a structure for housing, fill out Chart B below using a monthly leasing cost that is comparable to and no more than the rents being charged for similar space in the area. This applies to structures already configured for housing and for those that will be converted. If your project has more than one structure, reproduce Chart B and fill it out starting with structure 2.

(ii) Multiply the monthly leasing costs by the number of months requested for funding and enter the result in the total column.

(iii) Chart B should be filled out only if you will lease a structure or portion of a structure for which an FMR is not applicable.

(11) HUD 40112.4, Additional Key Information. HUD needs the information in this form to respond to public and Congressional inquiries about program benefit.

(12) SF 424A, Budget Information—Non-Construction. Only Complete Sections A and C.

(a) In Section A, column (a) which is labeled ''Grant Program Function or Activity'', the applicant must list the activities that will be funded through this grant and provided as cash match:

i. Row 1 should state leasing;

ii. Row 2 should state housing search assistance;

iii. Row 3 should state administration.

iv. Row 4 should state services.

(b) Columns (b), (c) and (d) of Section A should be left blank.

(c) In column (e) of Section A, list the funds you are requesting through this NOFA in rows 1 through 3. NOTE: Although column (e) is labeled ''Federal,'' do not enter all Federal Funds in this column. Enter only those funds requested from this NOFA.

(d) Use column (f) of Section A to indicate the other funds you are committing to this project. *Note:* Although column (f) is labeled ''Non-Federal,'' use this column to show all funds, Federal and non-federal, other than the SHP funds listed in column (e), which will support this project. Column (g) is a calculated field and should equal your total project budget.

(e) Column (a) of Section C, Non-Federal Resources, contains calculated fields and will list leasing, housing search assistance, administration and services in rows one through four.

(f) Use columns (b) Applicant, (c) State and (d) Other of Section C should to show the non-federal cash match for each of the activities listed in rows one through four.

(g) Column (e) of Section C should total the amount of cash match for each of the activities. *Note:* Column (e) row 12 must be equal to or greater than your total grant request shown in Section A column (e) row 5 in order to satisfy the match requirement.

(13) Budget Narrative. A one-page narrative must be submitted that explains how the applicant arrived at the cost estimates for any line items, including match items.

2. Required Certifications. By signing the SF–424 cover page:

a. The governing body of your organization has duly authorized the application for federal assistance. In addition, by signing and/or electronically submitting your application, you certify that the Authorized Organization Representative signing the application:

(1) has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capacity (including funds to pay for any non-federal share of program costs) to plan, manage and complete the program as described in the application; and will provide HUD any additional information it may require; and

(2) will administer the award in compliance with requirements identified and contained in the Notice of Funding Availability as applicable to the program for which funds are awarded and in accordance with requirements applicable to the program.

b. No appropriated Federal funds have been paid or will be paid, by or on behalf of the applicant to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress, in connection with this application for Federal assistance or any award of funds resulting from the submission of this application for Federal assistance, or its extension, renewal, amendment, or modification. If funds other than Federal appropriated funds have been or will be paid for influencing or attempting to influence the persons listed above, the applicant agrees to complete and submit Standard Form LLL, Disclosure Form to Report Lobbying, as part of its applications submission package. The applicant further agrees to and certifies that it will require all subawards at all tiers including subgrants and contracts to similarly certify and disclose accordingly.

C. Submission Date and Times. Applications must be submitted to and received by Grants.gov on or before 11:59:59 p.m. eastern time on May 19, 2005. Please be sure to read the General Section for timely submission and receipt requirements as submission requirements have substantially changed this year. Failure to follow the submission requirements and procedures may affect your ability to receive an award of funds.

D. Intergovernmental Review.

This program is excluded from an Intergovernmental Review.

E. Funding Restrictions. 1. Housing funds available through this initiative may only be used to provide grants for leasing, limited housing search assistance and administration.

2. No more than 5 percent of each project award may be used for housing search assistance.

3. No more than 5 percent of each project award may be used for administrative costs, such as accounting, preparing HUD reports, obtaining audits, and other costs associated with administering the grant.

4. Costs for new construction, rehabilitation, acquisition, operating costs, and supportive services are not allowable costs for reimbursement under this NOFA.

5. Under no circumstances may SHP leasing funds be used to lease units or structures owned by the project sponsor, the selectee, or their parent organizations. This includes organizations that are members of a general partnership where the general partnership owns the structure.

6. Activities undertaken to benefit populations other than the target population as defined in Section I.B, above, will not be funded.

7. Clients served by these funds must be living on the streets at the time of initial contact and will have no history of living in transitional or permanent housing over the last five years.

F. Other Submission Requirement. Applicants receiving a waiver to the electronic submission requirement may submit a paper copy application. Applicants that have received a waiver of the electronic submission requirement should consult the General Section for application submission instructions including Appendix C for the correct mailing address and number of copies.

V. Application Review Information.

A. Criteria. The following are descriptions of the rating factors upon which the application will be scored. The total number of pages allotted to each rating factor is specified. Additional narrative or lists, other than those specified in the rating factors below, will not be considered. Lists that are requested in a rating factor are not included in the page limit.

1. Capacity of the Applicant and Relevant Organizational Staff (Points 20). Up to 20 points will be awarded based on the following questions (two pages total):

a. What experience does the applicant have in providing supportive housing and collaborating with agencies that provide an array of needed supportive services to persons who have been living on the streets for at least 365 days over the last five years and who have a long-term addiction to alcohol.

b. What existing relationships does the applicant have with law enforcement agencies, courts, substance abuse service systems and other supportive services organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to the project?

c. How have the applicant and partner agencies demonstrated the management and organizational capability to manage this collaboration?

d. What is the applicants' past performance in managing public or private funds and the timely use of funds received from Federal, State or local sources?

2. Need/Extent of Problem (Points 10). (one page total):

This factor addresses the extent to which (a) there is a need for funding the proposed activities described in the applicant's work plan, and (b) the degree to which the applicant's work

plan substantively addresses departmental policy priorities. Please note, there must be at least 100 people who are chronically homeless and unsheltered in your Continuum of Care.

a. Needs Data (5 points).

Please provide in the response, the extent to which the community the applicant serves has documented the extent of homelessness and the presence of persons who are chronically homeless and addicted to alcohol in its Continuum of Care, Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), or other planning documents.

Briefly describe where the target population will come from and the outreach plan to bring them into the project. Please describe the approach in identifying the needs of the target population. Higher points will be awarded to applicants that can quantify the number/percent reduction in overall homelessness and chronic homelessness to be achieved by the proposed work plan.

b. *Departmental Policy Priorities* (5 points).

The Departmental policy priorities are described in detail in the General Section. The following four priorities apply for the purpose of this NOFA. Indicate if, and describe how, the applicant's work plan substantively addresses each of these departmental policy priorities. Applicants are advised to review the policy priorities in the General Section, to assure they fully understand the meaning of each, prior to responding to this sub-factor.

In scoring this section, the applicant will receive one point for each of the departmental policy priorities (1)—(3) that the work plan substantively addresses. Up to 2 points are available for priority (4). The activities the applicant proposes in its projected work plan, detailed in Factor 3 of this NOFA, must address the policy priorities for priorities (1)–(3) in order to receive rating points. Points will only be awarded to applicants for policy priority (4) if the submission includes the required documentation or URL sites where the documentation can be found.

(1) *Providing Full and Equal Access to Grassroots, Faith-Based and Other Community-Based Organizations in HUD Program Implementation.* Please describe how the applicant encourages the involvement of faith-based and community-based organizations in developing and implementing the proposed project, and the extent to which these groups participate in developing their work plans.

(2) *Ending Chronic Homelessness.* Please describe how the program meets this policy priority. The applicant should be mindful of the requirements of the regulations implementing Section 504 of the Rehabilitation Act, in particular, 24 CFR 8.4(b)(1)(iv), 8.4(c)(1) and 8.4(d).

(3) *Participation in Energy Star.* To obtain the policy priority points for energy star, the applicant must set quantitative goals for activities such as replacing worn products or facilities such as light bulbs, water heaters, furnaces, etc., with Energy Star products to reduce operating costs.

(4) *Removal of Regulatory Barriers to Affordable Housing.* To obtain the policy priority points for efforts to successfully remove regulatory barriers, applicants must complete form HUD–27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.'' Copies of HUD's notices published on this issue, can be found on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

Under this policy priority, higher rating points are available to:

(a) Governmental applicants that are able to demonstrate successful efforts in removing regulatory barriers to affordable housing and

(b) Nongovernmental applicants that are associated with jurisdictions that have undertaken successful efforts in removing barriers.

3. Soundness of Collaborative Approach (Points 40). Up to 40 points will be awarded based on the extent to which the applicant collaborates with the identified partners to accomplish the goals described in response to this rating factor. (10 pages total):

a. The applicant should provide memoranda of agreement that clearly specify the roles and signatures of the partners involved in this collaboration, including, but not limited to, law enforcement agencies, courts, substance abuse service systems and other supportive services organizations, sub-contractors, consultants, sub-recipients, and members of consortia. The memoranda are not included in the page limitation.

b. How will the applicant work with the partners identified in the memoranda, the local Continuum of Care and partner agencies to develop and implement this program? How does this program support existing homeless and housing plans in the jurisdiction?

c. What role will the police department, sheriffs department, superior court, city attorney, city council, and/or local hospitals have in identifying eligible clients? How will clients be referred to the program?

d. How will the applicant and partners determine that the clients have lived on the streets for at least 365 days over the past five years and are addicted to alcohol? How will the applicant and partners determine that the clients have been living on the streets at the time of initial contact and have no history of living in transitional or permanent housing over the last five years?

e. How will the applicant and partner providers determine if clients need to be stabilized in programs, such as residential treatment centers, detoxification centers or other jail diversion programs (for up to six months) before being placed into permanent housing? What role will the clients have in this determination?

f. How will participants be assisted both to obtain and remain in permanent housing? How will housing be identified and how will the client be assisted in finding housing? What role will the limited housing search assistance provided through this initiative have in identifying suitable housing for the clients? What role will the clients have in selecting the permanent housing?

g. What type of housing will be provided? How do the TYPE (*e.g.*, apartments, group home) and SCALE (*e.g.* number of units, number of persons per unit) of the proposed housing will fit the needs of the participants? Will existing structures be utilized? If this will be an expansion of an existing project, what new housing will be available as a result of this initiative? How will the housing be accessible to persons with disabilities in accordance with applicable laws?

h. Where will the housing be located? To what extent will the project integrate both the grantees and clients into the community being served?

i. Has the applicant set goals to reduce operating costs through energy efficiency when selecting housing providers, treatment centers, and other community facilities? How will the applicant work with partner treatment centers, and housing providers to undertake program activities and capital maintenance planning, to replace worn products or facilities such as light bulbs, water heaters, furnaces, etc., with Energy Star products to reduce operating costs?

j. If the applicant selected the permanent housing for persons with disabilities component where more than 16 persons will reside in a structure, what local market conditions necessitate the development of a project of this size and how the housing will be integrated into the neighborhood?

k. If the applicant selected the innovative supportive housing component projects, explain how the

project represents an approach that is new to the area, is a sensible model for others, and can be replicated in other communities.

l. What basic COMMUNITY AMENITIES (*e.g.,* medical facilities, grocery store, recreation facilities, schools, etc.) will be readily ACCESSIBLE (*e.g.,* walking distance, bus, etc.) to the clients?

m. What supportive services (not funded through this grant) will the participants receive? Applicants must demonstrate how the comprehensive substance abuse treatment services will be made available for the clients through other public or private sources. Demonstrate for each of the following:

(1) How the TYPE (*e.g.,* case management, job training) and SCALE (*e.g.,* the frequency and duration) of the supportive services proposed will fit the needs of the participants.

(2) WHERE the supportive services will be provided and what TRANSPORTATION will be available to participants to access those services.

(3) The details of the plan to ensure that all homeless clients will be individually assisted to identify, apply for and obtain benefits under which of the following mainstream health and social services programs for which they are eligible: SSI, TANF, Medicaid, Food Stamps, SCHIP, Workforce Investment Act and Veterans Health Care programs.

n. How will participants be assisted both to increase their incomes and to maximize their ability to live independently and achieve self-sufficiency? Please describe how services and treatment will be linked to housing so that the target population will be able to achieve his or her own degree of self sufficiency or quality of life.

o. How is the proposed program a cost-effective approach to meeting the needs of the target population? In the attached budget, please indicate the housing, housing search assistance and administration (funded through this initiative) and services (not funded through this initiative), with the appropriate partner match.

p. How is the proposed program innovative, as defined by the applicant? How is the program different from any other program in the community and is the program replicable?

q. How will the project be sustained once the term of the grant has expired?

4. Leveraging Resources (Points 20). Up to 20 points will be awarded based on the applicants' answers to the following (two pages total):

a. What resources are the applicant and its partners bringing to the collaboration to achieve the goals and objectives?

b. Please describe the expectations regarding federal grant support and maximization of other (non-grant) revenue relative to the proposed plan, including a description of leveraging resources.

c. What is the total grant dollars per client/unit and total cost per client/unit?

5. Achieving Results and Program Evaluation (Points 10). Applicants are required to complete HUD–96010, Program Outcome Logic Model. Up to 10 points will be awarded to the extent that the applicant provides the following: (one page total):

a. Goals, output and outcome measures that are clearly specified and measurable;

b. Contact information for the lead entity responsible for each measure;

c. Reasonable benchmarks to achieve the tasks with an accompanying timeline;

d. Reasonable plan for measurement and timely adjustment if the applicant is not meeting the specific outcomes within the established timeframes;

e. The extent to which performance feedback and continuous improvement are integral to the design of the proposed project;

f. A plan for evaluating the effectiveness of the program.

B. Reviews and Selection Process

Personnel of the Department of Housing and Urban Development will review Grant applications internally. The Assistant Secretary for Community Planning and Development will select the applications for award.

1. *Ranking:* The score for all ranking factors will be summed to obtain a total score for each project submitted under this NOFA.

2. *Selection and Adjustments to Funding:* a. Selection. Projects will be awarded based on national ranking as described above and according to the provisions for diversity described below. The awarding of funds may be conditional upon receipt of further information, as requested. When insufficient funds remain to fund all projects requesting funding that receive the same total score, ties will be broken among such projects by comparing scores received by the projects for each of the following scoring factors, in the order shown: Soundness of Collaborative Approach, Capacity, and Leveraging Resources. Please see section IV.A of the General Section for more information about award administration.

b. Adjustments to Funding. In order to ensure maximum geographic diversity in the awards, no individual project applicant and no one unit of general local government will be awarded more than 10 percent of the total amount of available resources under this NOFA. HUD reserves the right to make selections out of rank order to provide for geographic distribution of funds.

VI. Award Administration Information

A. Award Notices

1. *Selected Applicants.* Selected applicants will be notified in writing. As necessary, selected applicants will subsequently be requested to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for the performance of an environmental review, where applicable; and such other documentation as specified in writing to the applicant that confirms or clarifies information provided in the application. Selected applicants will be notified of the deadline for submission of additional information. If a selected applicant is unable to meet any conditions for fund award within the specified timeframe, those funds may be withdrawn and instead used to select the next highest ranked application(s) from the competition for which there are sufficient funds available.

2. *Corrections to Deficient Applications.* See the General Section.

B. Administrative and National Policy Requirements

Additional Non-discrimination and Other Requirements. You, the applicant, and your subrecipients must comply with:

a. Civil Rights Laws, including the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*), the Age Discrimination Act of 1974 (42 U.S.C. 6101 *et seq.*) and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq.*).

b. Economic Opportunities for Low- and Very Low-Income Persons (Section 3). Certain programs to be issued during FY2005 require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements at subpart E. Section 3 requires recipients to ensure that, to the greatest extent

feasible, training, employment, and other economic opportunities will be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and business concerns that provide economic opportunities to low- and very low-income persons.

c. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses. See the General Section.

d. Executive Order 13166, ''Improving Access to Services for Persons With Limited English Proficiency (LEP).'' Executive Order 13166 seeks to improve access to federally assisted services, programs and benefits for individuals with limited English proficiency. Applicants obtaining an award from HUD must seek to provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with LEP Guidance published on December 19, 2003 (68 FR 70968). For assistance and information regarding your LEP obligation, go to *http://www.LEP.gov.*

e. Executive Order 13279, ''Equal Protection of the Laws for Faith-Based and Community Organizations.'' See the General Section.

f. Accessible Technology. See the General Section.

g. Procurement of Recovered Materials. See the General Section.

h. Participation in HUD-Sponsored Program Evaluation. See the General Section.

i. Salary Limitation for Consultants. See the General Section.

j. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance Programs. See the General Section.

k. Conflicts of Interest. See the General Section.

l. Relocation. The SHP program is subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). If activities under this grant result in displacement or relocation, grantees must comply with URA. See General Section.

m. Public Access, Documentation, and Disclosure. See the General Section of the SuperNOFA for more information on this topic.

C. Reporting

See the General Section for more information. The applicant shall submit semiannual reports and a final report to HUD. For each reporting period, as part of your required report to HUD, you must include a completed Logic Model (Form 96010). HUD will use this information to determine progress of the grantees toward meeting their goals. Grantee performance will be measured by the number of persons who are serial inebriates that moved off the streets and were placed into permanent housing. It is expected that local evaluations will include measuring progress toward accomplishing the tasks described in the grant application and providing for collection of quantitative and qualitative data that permits measurement of progress toward achieving the outputs and outcomes envisioned by the goals and objectives contained in the application. Grantees must collect outcome information on clients served to be compared against benchmarks throughout the term of the grant.

VII. Agency Contact

You may contact Marianne Nazzaro, Office of Special Needs, Department of Housing and Urban Development, Room 7208, 451 Seventh Street, SW., Washington, DC 20410–7000; telephone (202) 708–1590, extension 2076 (this is not a toll-free number); e-mail *Marianne_Nazzaro@hud.gov.* This number can be accessed via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

VIII. Other Information

Paperwork Reduction Act Statement. The information collection requirements in this NOFA have been submitted to OMB for approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and approval is pending. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Housing for People who are Homeless and Addicted to Alcohol

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0XXX (exp. pending)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, Housing for People who are Homeless and Addicted to Alcohol application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Housing for People who are Homeless and Addicted to Alcohol

Housing for People who are Homeless and Addicted to Alcohol

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0XXX (exp. pending)

Project Information

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name:	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax):	

Program Components/Types

Please check the box that best classifies the project for which you are requesting funding. Check only **one** box. The components/types are:

☐ Permanent Housing for Persons with Disabilities

☐ Safe Haven – Permanent. Check here if your Safe Haven project has the characteristics of permanent housing and will require participants to execute a lease agreement

Housing for People who are Homeless and Addicted to Alcohol

U.S. Department of Housing and Urban Development
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OMB Approval No. 2506-0XXX (exp. pending)

Number of Beds and Participants Charts

Continuum of Care Project Name: _____

Continuum of Care Project Sponsor: _____

Example:

Supportive Service Costs	SHP Dollars Requested (3 years)	Est. No. of Persons Served (point in time)
Service Activity: Case Management **Quantity: 2 FTE @ $25,000 per year**	$100,000	60
Service Activity: Education—job training **Quantity: 20 slots per year**	$ 50,000	40

Chart A: Beds

Beds	Current Level (if applicable)	New Effort or Change in Effort	Projected Level (col. 1 + col. 2)
Number of Bedrooms			
Number of beds			

Chart B: Participants

Participants	Current Level (if applicable)	New Effort or change in Effort	Projected Level (col. 1 + col. 2)	No. Projected to be served over the grant term
Number of families with children				
Of families with children				
a. number of disabled adults				
b. number of other adults				
c. number of children				
Of single individuals not in families				
a. number of disabled individuals				
a.1. number of disabled individuals who are chronically homeless				
b. number of other individuals				

Note: If your project is funded you will be held responsible for achieving the numbers submitted.

Housing for People who are Homeless and Addicted to Alcohol

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0XXX (exp. pending)

Leasing Information

Continuum of Care Project Name: _____

Continuum of Care Project Sponsor: _____

Leased Unit(s) for Housing

Chart A:

Name of metropolitan or non-metropolitan FMR area:

Address (indicate if scattered site):

Size of units	No. of units		FMR or actual rent	No. of months	Total
1. SRO		x			
2. 0 bdrm		x			
3. 1 bdrm		x			
4. 2 bdrm		x			
5. 3 bdrm		x			
6. 4 bdrm		x			
7. 5 bdrm		x			
8. 6 bdrm		x			
9. Other		x			
10. Totals					$

Chart B:

Structure 1	Monthly Leasing Cost		Number of Months	Total
	$	x	=	$

Address:

Housing for People who are Homeless and Addicted to Alcohol

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0XXX (exp. pending)

Additional Key Information

Continuum of Care Project Name: _____

Continuum of Care Project Sponsor: _____

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation i.e. more than 70 percent of the persons you propose to serve, or the *Serve box* if less than 70 percent.) (Identify all that apply)

Predominantly Serve (70%)	Subpopulation	Serve
	Chronically Homeless	
	Severely Mentally Ill	
	Chronic Substance Abuse	
	Veterans	
	Persons with HIV/AIDS	
	Victims of Domestic Violence	
	Women with Children	
	Youth (Under 18 years of age)	

2. Provide the number of chronically homeless persons you expect to serve in your project: _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)
   - ☐ Yes
   - ☐ No

3. Is the sponsor of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)
   - ☐ Yes
   - ☐ No

4. Will the proposed project be located in, or make use of, surplus military buildings or properties which are located on a military base that is covered by the provisions of the Base Closure Community Redevelopment and Homeless Assistance Acts of 1990, 1994 or 1996?
   - ☐ Yes
   - ☐ No

If "yes," please provide the name of the military of the military installation

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTED LIVING CONVERSION PROGRAM (ALCP) FOR ELIGIBLE MULTIFAMILY HOUSING PROJECTS

Billing Code 4210-32-C

BILLING CODE 4210–32–C

Assisted Living Conversion Program (ALCP) for Eligible Multifamily Housing Projects

Overview Information

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Housing Assistance and Grant Administration.

B. *Funding Opportunity Title:* The Assisted Living Conversion Program for Eligible Multifamily Projects.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The OMB Approval Number is: 2502–0542. The **Federal Register** number for this NOFA is: FR–4950-N–06.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* The Assisted Living Conversion Program for Eligible Multifamily Housing Projects is 14.314.

F. *Dates:* Application Deadline Date: The application must be submitted to HUD on June 22, 2005.

G. *Optional, Additional Overview Content Information:* The purpose of this program is to provide grants for the conversion of some or all of the dwelling units in an eligible project into assisted living facilities (ALFs) for frail elderly persons. Private nonprofit owners of eligible developments interested in applying for funding under this grant program should carefully review the General Section and the detailed information listed in this program NOFA. Funding will only be provided for those items related to the conversion. There is no separate Application Kit for this NOFA.

The ALCP will fund those applications that may impact Federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives. (Refer to the General Section for discussion of these priorities and annual goals and objectives).

Full Text of Announcement

I. Funding Opportunity Description

Program Description. Assisted living facilities (ALFs) are designed to accommodate frail elderly persons and people with disabilities who need certain support services (*e.g.*, assistance with eating, bathing, grooming, dressing, and home management activities). ALFs must provide support services such as personal care, transportation, meals, housekeeping, and laundry. Frail elderly person means an individual 62 years of age or older who is unable to perform at least three activities of daily living (ADLs) as defined by the regulations for HUD's Section 202 Program (Supportive Housing for the Elderly) at 24 CFR 891.205. Assisted living is defined in section 232(b)(6) of the National Housing Act (12 U.S.C. 1715w).

The ALCP provides funding for the physical costs of converting some or all of the units of an eligible multifamily development into an ALF, including unit configuration and related common and services space and any necessary remodeling, consistent with HUD or the state's statute/regulations (whichever is more stringent). Typical funding will cover basic physical conversion of existing project units, as well as related common and services space. There must be sufficient community space to accommodate a central kitchen or dining facility, lounges, recreation, and other multiple-areas available to all residents of the project, or office/staff spaces in the ALF. When food is prepared at an off-site location, the preparation area of the facility must be of sufficient size to allow for the installation of a full kitchen, if necessary. You must provide supportive services for the residents either directly or through a third party. Your application must include a firm commitment for the supportive services to be offered within the ALF as part of the application. You may charge assisted living residents for meals and/or service fees. Residents may contract with third party agencies directly for nursing, therapy, or other services not offered by the ALF.

The Assisted Living Conversion Program is authorized by Section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q-2) and the Consolidated Appropriations Act, 2005 (Public Law 108–447, approved December 8, 2004. The FY2005 Appropriations Act provides $24,800,000 which reflects a .008 percent across-the-board rescission pursuant to Public Law 108–447) for grants under Section 202b of the Housing Act of 1959 for the conversion of eligible projects to assisted living or related use and for emergency capital repairs. The Department has set-aside $25 million for emergency capital repairs. The eligibility requirements for obtaining funding for emergency capital repairs are described in a separate HUD Notice. Any unused funds from the emergency capital repairs set-aside will be returned to the funds allocated for eligible multifamily assisted projects.

II. Award Information

A. Available Funds

This NOFA makes available approximately $35 million including carryover funds. Approximately $5,000,000 will be provided for the conversion of one unused or underutilized commercial property to an Assisted Living Facility. The remaining $30,000,000 will be fair shared and used for the physical conversion of eligible multifamily assisted housing projects or portions of projects to ALFs.

The allocation formula used to fair share the $30,000,000 for the ALCP reflects demographic characteristics of age and incidence of frailty that would be expected for program participants. The FY2005 formula consists of one data element from the 2000 decennial census: The number of non-institutional elderly population aged 75 years or older with a disability. A fair share factor for each state was developed by taking the sum of the persons aged 75 or older with a disability within each state as a percentage of the sum of the same number of persons for the total United States. The resulting percentage for each state was then adjusted to reflect the relative difference in the cost of providing housing among the states. The total of the grant funds available was multiplied by the adjusted fair share percentage for each state, and the resulting funds for each state were totaled for each Hub.

The ALCP grant funds fair share allocations, based on the formula above, to the 18 multifamily Hubs are as shown on the following chart:

B. FY2005 Allocation

FY 2005 ALLOCATION FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS

Hub	Grant authority
Boston	$1,588,725.95
Buffalo	746,836.56
New York	1,606,125.87
Philadelphia	3,065,533.23
Baltimore	1,198,041.27
Greensboro	1,241,678.78
Atlanta	2,360,579.84
Jacksonville	3,173,145.72
Chicago	2,017,999.24
Columbus	1,301,531.19
Detroit	1,036,426.41
Minneapolis	985,420.01
Fort Worth	2,756,098.28
Kansas City	1,996,643.65
Denver	647,769.64
Los Angeles	1,649,145.84
San Francisco	1,720,039.06

FY 2005 ALLOCATION FOR THE ASSISTED LIVING CONVERSION PROGRAM (ALCP) OF ELIGIBLE ASSISTED MULTIFAMILY PROJECTS—Continued

Hub	Grant authority
Seattle	908,259.47
Total	$30,000,000.00

The ALCP Grant Agreement, when fully executed, obligates and contracts the HUD funds. This Agreement establishes the legal relationship between HUD and the ALCP award recipient. The period of performance will be based on the scope of work but shall not exceed 18 months.

III. Eligibility Information

A. Eligible Applicants

Only private nonprofit owners of eligible multifamily assisted housing developments specified in section 683(2) (B), (C), (D), (E), (F), and (G) of the Housing and Community Development Act of 1992 (Pub. L.102–550, approved October 28, 1992) and private nonprofit owners of an unused or underutilized commercial property may apply for and become the recipient of an ALCP grant.

Note: If your eligibility status changes during the course of the grant term, making you ineligible to receive the grant (*e.g.*, prepayment of mortgage, sale/TPA of property, opting out of a Section 8 Housing Assistance Payment (HAP) contract, or the transfer of the grant to a single asset entity), HUD retains the right to terminate the grant and recover funds made available through this NOFA.

1. *Ineligible Applicants.* Ineligible applicants are:

a. Owners of developments designed specifically for people with disabilities.

b. Owners of Section 232 developments.

c. Property management companies and agents of property management companies.

d. Limited dividend partnerships.

e. Nonprofit Public Agencies.

f. Owners of unused/underutilized hospitals or other health-related facility which are considered to be eleemosynary institutions rather than commercial enterprises.

2. *Eligible Developments.* Eligible projects must be owned by a private, nonprofit entity and designated primarily for occupancy by elderly persons. Projects must have been in occupancy for at least five years from the date the form HUD–92485, Permission to Occupy Project Mortgage, was approved by HUD's Construction Manager as Chief Architect, and have completed final closing. Additionally, eligible projects must meet one of the following criteria:

a. Section 202 direct loan projects with or without Section 8 rental assistance,

b. Section 202 capital advance projects receiving rental assistance under their Project Rental Assistance Contract (PRAC),

c. Section 515 rural housing projects receiving Section 8 rental assistance,

d. Other projects receiving Section 8 project-based rental assistance,

e. Projects subsidized with Section 221(d)(3) below-market interest mortgage,

f. Projects assisted under Section 236 of the National Housing Act.

g. Unused and underutilized commercial properties owned by a private nonprofit.

B. Cost Sharing or Matching

No matching required.

C. Other

1. Eligible conversion activities are:

a. Retrofitting to meet Section 504 accessibility requirements, minimum property standards for accessibility and/or building codes and health and safety standards for ALFs in that jurisdiction.

Examples are items such as addition of:

(1) Sprinkler systems;

(2) An elevator or upgrades thereto;

(3) Lighting upgrades;

(4) Major physical or mechanical systems of projects necessary to meet local code or assisted living requirements;

(5) Upgrading to accessible units for the ALF with moveable cabinetry, accessible appliances, sinks, bathroom and kitchen fixtures, closets, hardware and grab bars, widening of doors, etc.;

(6) Upgrades to safety and emergency alert systems;

(7) Addition of hallway railings; and

(8) Medication storage and workstations;

b. Retrofitting to add, modify and/or outfit common space, office or related space for ALF staff including a service coordinator and file security, and/or a central kitchen/dining facility to support the ALF function (*e.g.,* outfit lounge/common space/dining furniture, kitchen equipment for cooking/serving and dishware).

c. Retrofitting to upgrade a regular unit to an accessible unit for a person/family with disabilities who is being displaced from an accessible unit in the portion of the project that is being converted to the ALF, where another accessible unit is not available.

d. Temporary relocation (not applicable to commercial property).

e. Consultant, architectural, and legal fees.

f. Vacancy payments not more than 30 days after conversion to an ALF.

g. Any excess Residual Receipts (over $500/unit) and Reserve for Replacement funds (over $1000/unit) in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied toward the cost of conversion activities. Before making this determination, however, HUD staff will consider the extent of repair/replacement needs indicated in the most recent Real Estate Assessment Center (REAC) physical inspection and not yet approved and any ongoing commitments such as non-grant-based service coordinator or other funding, where existing, deduct the estimated costs of such items from the reserve for replacement and residual receipts balances to determine the extent of available residual receipts and reserve for replacement funds for the ALCP. (This paragraph is not applicable to commercial properties.)

2. *Threshold Requirements.* In addition to the threshold criteria outlined in the General Section, applicants must meet the following requirements to receive funding for this program.

a. Be an eligible applicant. HUD will only award funding to eligible applicants.

b. You cannot request more funds than allocated for your jurisdiction. (*See* the allocation chart above in Section II.B.)

c. You must provide commitment and funding support letters from the appropriate funding organizations and the appropriate licensing agency(ies). HUD will reject your application if the commitment and support letter(s) from the appropriate funding organizations and the appropriate licensing agency(ies):

(1) Are not submitted by the application submission date as part of your application for financial assistance;

(2) Indicate that the ALF units, facilities, meals and supportive services to be provided are not designed to meet the special needs of the residents who will reside in the ALF as defined in this NOFA.

(3) Do not show commitment for funding the meals and supportive services proposed; or

(4) Indicate that the project as proposed will not meet the licensing requirements of the appropriate state/local agency(ies).

d. You must comply with all applicable statutory requirements to the project specified in Section 202(b) and statutory requirements under Section 232(b)(6).

e. Minimum Size Limits for an ALF. An ALF must be economically feasible. Consistent with HUD Handbook 4600.1, CHG–1, the minimum size for an ALF is five units.

f. You must submit an original and four copies of your completed ALCP application, if you requested and received a waiver of the electronic submission requirement.

3. *Program Requirements.* a. Have a residual receipts account separate from the Reserve for Replacement account, or agree to establish this account as a condition for getting an award(s).

b. You must be in compliance with your Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance Contract, Rent Supplement or LMSA contract, or any other HUD grant or contract document. (Not applicable to applicants of unused and underutilized commercial property.)

c. You must file a form HUD–2530 for all construction contractors, architects, consultants, and service provider organizations under direct contract with you that will be engaged under this NOFA.

d. Your project must meet HUD's Uniform Physical Conditions Standards at 24 CFR part 5, subpart G. Meeting these standards as described, means that the project, based on the most recent REAC physical inspection report and responses thereto, must have a ''satisfactory'' rating as evidenced by a score of 60 or better or a HUD-approved and on schedule repair plan for developments scoring less than 60. Additionally, the project must have no uncorrected and outstanding Exigent Health and Safety violations. Finally, the project must not have on file a management review with a rating of ''minimally satisfactory'' or ''unsatisfactory'' with open and unresolved findings. (Not applicable to applicants of unused or underutilized commercial property)

e. You must submit an agreement to pursue appropriate ALF licensing in a timely manner.

f. Meals and Supportive Services. You must develop and submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services, which will be offered in the ALF to the appropriate state or local organization(s), which are expected to fund those supportive services. (See below in Section IV.B.8.for information, which must be in the SSP.) You must submit one copy of your SSP to each appropriate state or local service funding organizations well in advance of the application deadline, for appropriate review. The state or local funding organization(s) must return the SSP to you with appropriate comments and an indication of the funding commitment, which you will then include with the application you submit to HUD.

g. Licensing Requirements. You must ALSO submit the SSP to the appropriate organization(s), which license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

h. Your ALF facility must be licensed and regulated by the state (or if there is no state law providing such licensing and regulation, by the municipality or other subdivision in which the facility is located). Each assisted living unit must include its own kitchen, bathroom, bedroom, living/dining area (1 bedroom unit) or kitchen, bathroom, bedroom/living/dining area (efficiency unit) and must meet the state and/or local licensing, building, zoning, and other requirements for an ALF.

i. Your ALF must be available to qualified elderly persons and persons with disabilities, consistent with the rules and payment plans of the state, who need and want the supportive services in order to remain independent and avoid premature institutionalization.

j. Your ALF's residents must be tenants or residents of the multifamily project and must comply with the requirements applicable to the project. Thus, you cannot charge additional rent over what is charged to residents in the non-ALF portion of the project. All admissions to the ALF must be through the applicable project admissions office. However, persons accepted into the ALF also must sign an ALF admissions agreement, which shall be an addendum to the applicable project lease. (Not applicable to applicants of unused or underutilized commercial property.)

k. At a minimum, your ALF must provide room, board, and continuous protective oversight (CPO). CPO involves a range of activities and services that may include such things as awareness by management and staff of the occupant's condition and location as well as an ability to intervene in a crisis for dependent and relatively independent occupants on a 24-hour basis.

The two occupant groups in an ALF are:

(1) Independent Occupants. Awareness by management and staff of the occupant's condition and whereabouts as well as the availability of assistance for the occupants as needed.

(2) Dependent occupants. Supervision of nutrition, assistance with medication and continuous responsibility for the occupants' welfare.

l. Anyone moving into an ALF unit must agree to accept as a condition of occupancy the board and services required for the purpose of complying with state and local law and regulation.

m. Your ALF must provide three meals per day to each resident.

(1) Residents whose apartments have kitchens must take at least the number of meals a day provided by the facility, per their mandatory meals requirement, or as required by state or local rules, if more stringent. If the facility does not have a mandatory meals plan, then state and local rules govern.

(2) Residents in projects which were originally constructed without kitchens in their units must take such meals as required by their mandatory meals agreement, or by the state's mandated requirements if more stringent (*e.g.*, two meals, two snacks daily).

In either case, ALF management must coordinate meal requirements with the needs of residents who are out part of the day (*e.g.*, in day care). The meal program may not be operated at a profit by the project owner.

n. Priority admissions for ALF units are as follows: (Not applicable to applicants of unused or underutilized commercial structures.)

(1) Current residents desiring an ALF unit and meeting the program requirements (no resident can be required to accept an ALF unit).

(2) Qualified individuals or families needing ALF services who are already on the project's waiting list;

(3) Qualified individuals or families in the community needing ALF services wanting to be added to the project's waiting list.

(4) Qualified disabled non-elderly persons needing assisted living services are eligible to occupy these units on the same basis as elderly persons, except for section 202 project rental assistance contracts (PRAC) projects and unused/underutilized commercial properties.

o. The management of the project must set up a separate waiting list for ALF units. ALF units must be for

eligible residents who meet the admissions/discharge requirements as established for assisted living by state and local licensing, or HUD frailty requirements under 24 CFR 891.205 if more stringent.

p. Upon receipt of a grant under this program, all project owners participating in the ALCP must provide a Declaration of Restrictive Covenants (DRC), which will be recorded with the land, to retain the low income character of the housing, and to maintain the project (including the ALF), as a moderate-, low-, or very low-income facility (as appropriate) for at least 20 years beyond the current 40-to 50-year term of the mortgage loan or capital advance. Recipients of grant funds to convert unused or underutilized commercial property must provide a DRC for at least 20 years or for the term of the mortgage on the property whichever is longer.

q. The ALCP requires service coordination for linking the ALF to available services in the community for low-income persons. All projects funded under this NOFA must have sufficient service coordination in place, or request additional funds, if appropriate, to ensure that services meeting licensing requirements are available to ALF residents on an ongoing basis. Service coordination must be described in the application (see Section IV.B.8.b. and c. of this NOFA). If you need to enhance an existing service coordination program or add one where it does not exist, you may apply for funding through the Service Coordinator NOFA, published elsewhere in the SuperNOFA, and attach a copy of the form SF–424 indicating the request to the ALCP application. Alternatively, you may show evidence that funding for the enhanced service coordination is provided by other sources and indicate such funding on the form SF–424 which is exhibit 10(a) of your ALF application. If you are funded under this NOFA and requested new or enhanced service coordination you will be funded first under the service coordinator NOFA.

(1) The ALF must be staffed either directly or through coordination with local agencies, depending on state regulations or local requirements. These may also serve non-ALF residents of the project on a time available and appropriate fee basis.

(2) If you are a Section 202 PRAC project owner or an owner with unused or underutilized commercial properties, you are NOT eligible to request funding under the service coordinator NOFA. Section 202 PRAC owners can pay for the service coordinator out of PRAC funds.

(3) The ALF may cater to the special needs of residents depending on their condition or diagnosis, such as Alzheimer's disease. If it does so, the design/environment of such facilities must accommodate those needs, *e.g.*, dementia special care unit. However, the ALF cannot provide a service it is not licensed by the state or locality to provide.

(4) Owners of Section 202/PRAC projects are reminded that they may include a PRAC payment of up to $15/unit/month not to exceed 15 percent of the total program cost, consistent with 24 CFR 891.225(b)(2) to cover part of the cost of meals and/or supportive services for frail elderly residents, including residents of the ALF.

(5) Training for ALF staff is an eligible project cost under existing operating procedures.

For further information on ALFs, please refer to Handbook 4600.1, CHG–1, ''Mortgage Insurance for Residential Care Facilities,'' Chapter 13. This Handbook and recent ALF program Notices are accessible through HUDCLIPS on HUD's Web site. The URL for the HUDCLIPS Database Selection Screen is *http://www.hudclips.org/cgi/index.cgi.* These notices are in the Handbooks and Notices—Housing Notices database. Enter only the number without the letter prefix (*e.g.*, 99–16) in the ''Document number'' to retrieve the program notice.

For further guidance on service coordinators, please refer to Handbook 4381.5 REV–2, CHANGE–2, Chapter 8, ''The Management Agent's Handbook,'' which is also available through the HUDCLIPS database.

r. Your ALF's operation must be part of the project owner's management organization. Some or all of its functions may be contracted out. The ALF must predicate its budget on a two-tiered structure under which board and supportive service income and expenses must be maintained separately and independently from the regular income and expenses of the applicable project. The two components of ALF costs are:

(1) Charges/payment for board, which may be on a sliding scale or any other equitable fee system; and

(2) Charges/payment for necessary supportive services, which may include a combination of resident fees, Medicaid and/or other third party payments.

s. Prohibition Against Lobbying Activities. The Byrd Amendment prohibits ALCP recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying activities. (Refer to Section III.C. of the General Section for further instructions regarding this requirement.)

4. Additional Non-discrimination and Other Requirements. Comply with the requirements of the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, which requires that the project be marketed to those least likely to apply, including those who are not generally served by the agency administering the program, and other applicable federal, state, and local laws prohibiting discrimination and promoting equal opportunity, including affirmatively furthering fair housing, and other certifications listed in the application. (Refer to Section III.C.4.of the General Section for additional requirements and information.)

a. Comply with section 232 of the National Housing Act, as applicable; the Uniform Federal Accessibility Standards (24 CFR 40.7); section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8; and the Americans with Disabilities Act of 1990 for all portions of the development physically affected by this proposal.

b. Comply with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act as applied to this program. While it has been determined that Davis-Bacon does not apply statutorily to the ALCP, the Department has administratively determined that Davis-Bacon standards and overtime rates in accordance with the Contract Work Hours and Safety Standards Act will be adhered to in any ALCP conversion grant in which the total cost of the physical conversion to an ALF (and including any additional renovation work undertaken at the same time) is $500,000 or more (this includes ALCP grant funds, owner funds, or any third party funds loaned or granted in support of the conversion or other renovation for the project associated with this grant), AND in which the ALF portion of the project is 12 units or more.

c. Ensuring the Participation of Small Business, Small Disadvantaged Businesses, and Woman-Owned Businesses. HUD is committed to ensuring that small businesses, small disadvantage businesses, and woman-owned businesses participate fully in HUD's direct contracting and in

contracting opportunities generated by HUD's financial assistance. (Refer to the General Section for further instructions regarding this requirement.)

d. Executive Order 13166, Improving Access to Persons with Limited English Proficiency (LEP). ALCP applicants must seek to improve access to persons with limited English proficiency by providing materials and information in languages other than English.

e. Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations. HUD has undertaken a review of all policies and regulations that have implications for faith-based and community organizations, and has established a policy priority to provide full and equal access to grassroots faith-based and other community-based organizations. (Refer to Section III.C. of the General Section for specific instructions regarding this requirement.)

f. Accessible Technology. The Rehabilitation Act Amendments of 1998 apply to all electronic information technology (EIT) used by an ALCP recipient for transmitting, receiving, using, or storing information to carry out the responsibilities of the ALCP awards. (Refer to Section III.C. of the General Section for specific instructions regarding this requirement.)

g. Participation in HUD-Sponsored Program Evaluation. As a condition of the receipt of ALCP funds, successful applicants are required to cooperate with all HUD staff or contractors performing HUD-funded research and evaluation studies.

h. Comply with Executive Order 13202, Preservation of Open Competition and Government Neutrality toward Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. (Refer to the General Section for additional information on this requirement).

i. OMB Circulars and Government-wide Regulations Applicable to Financial Assistance. ALCP applicants are subject to the Administrative Requirements of OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–122, Cost Principles for Non-Profit Institutions; the administrative requirements of 24 CFR part 84; and the procurement requirements of 24 CFR 84.44. (Refer to the General Section for additional information on this requirement).

j. Environmental Requirements. Your ALCP application is subject to the National Environmental Policy Act of 1969 and applicable related federal environmental authorities. (See 24 CFR part 50, as applicable.) An environmental review will be completed by HUD before awarding any grant under this program. ALCP projects are 'critical actions' for purposes of 24 CFR part 55 and must comply with requirements applicable to 'critical actions.' Including floodplain management review requirements, if proposed to be carried out in the 500-year floodplain.

k. Make applications and other materials available in languages other than English that are common in the community, if speakers of these languages are found in significant numbers and come into frequent contact with the program. For further guidance on serving persons with Limited English Proficiency (LEP) in HUD assisted programs, see the recently published HUD LEP guidance, 'Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,'' 68 FR 70968 (December 19, 2003) or Section III of the General Section.

IV. Application and Submission Information

A. Addresses to Request Application Package

All information for requesting an application is included in this NOFA and Section IV. A. of the General Section. The application for the ALCP is available on the Internet from the grants.gov Web site at *http://www.grants.gov/FIND.* If you have difficulty accessing the information, you can receive customer support from Grants.gov by calling the help line at (800) 518–Grants or by sending an e mail to *support@grants.gov.* If you do not have access, you may obtain an ALCP application by calling the NOFA Information Center at (voice) 800-HUD–8929 (800–483–8929). Persons with a hearing or speech impairment may call the Center's TTY number at 800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

1. Application Kits. There is no application kit for the ALCP. All the information you need to apply for this program is available in this NOFA and available on *http://www.grants.gov/Apply.* (Refer to Section IV. A. of the General Section for further information.)

2. For Technical Assistance. Before the ALCP application due date, HUD staff will be available to provide you with general guidance and technical assistance. However, HUD staff is not permitted to assist in preparing your application. For technical support for downloading the ALCP application or submitting the application, call the toll free Grants.gov Customer Support line at 1–800–518–Grants or send an email message to *support@grants.gov.*

B. Content and Form of Application Submission

There are ten required exhibits under the ALCP, including prescribed forms and certifications. In cases where your articles of incorporation and by-laws have NOT changed since the project was originally approved by HUD, your signature on the SF–424 signifies that you are self-certifying to that effect—that the documents on file with HUD are current—is sufficient. Exhibits for which self-certification of currency is possible are denoted below by double asterisks (**.)

In addition to the relief of paperwork burden, you will not have to submit certain new/recent information and exhibits you have previously prepared. See individual item descriptions, below to identify such items. An example of such an item may be the FY2003 Annual Financial Statement. Your application must include all of the information, materials, forms, and exhibits listed below (Please see the General Section for instructions on how to submit third party and other documents such as Articles of Incorporation; by-laws; copies of original plans; evidence of financial commitment; letter(s) from zoning officials; etc.):

1. Application Summary for the Assisted Living Conversion Program, Form HUD–92045, and evidence that you are a private nonprofit organization or nonprofit consumer cooperative and have the legal ability to operate an ALF program, per the following:

a. Articles of Incorporation, constitution, or other organizational documents, or self-certification of these documents if there has been no change in the Articles since they were originally filed with HUD** and

b. By-laws, or self-certification of by-laws, if there has been no change in the by-laws since they were originally filed with HUD**

2. A description of your community support:

a. A description of your links to the community at large and to the minority and elderly communities in particular; and

b. A description of your efforts to involve elderly persons, including minority elderly persons and persons with disabilities in:

(1) The development of the application;

(2) The development of the ALF operating philosophy;

(3) Review of the application prior to submission to HUD; and

(4) Your intent whether or not to involve eligible ALF residents in the operation of the project.

c. A description of your involvement in your community's Consolidated Planning and Analysis of Impediments to Fair Housing (AI) processes including:

(1) An identification of the lead/facilitating agency(ies) that organizes and/or administers the process;

(2) A listing of the Consolidated Plan/AI issue areas in which you participate; and

(3) The level of your participation in the process, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning and AI processes. (Consult the local HUD office for the identification of the Consolidated Plan community process for the appropriate area.)

d. A description of how the assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment. The description should include a discussion of performance goals with performance indicators (refer to Section V.B. of the General Section for further detail).

e. A description of how you have supported state and local efforts to streamline processes and procedures in the removal of regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority you must complete the Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers and provide the required documentation. See Rating Factor 3 in Section V.A.3 of this NOFA for more details

3. Evidence of your project being occupied for at least five years prior to the date of application to HUD. (Not applicable to applicants of unused or underutilized commercial property.)

4. A market analysis of the need for the proposed ALF units, including information from both the project and the housing market, containing:

a. Evidence of need for the ALF by current project residents: (Not applicable to applicants of unused or underutilized commercial property.)

(1) A description of the demographic characteristics of the elderly residents currently living in the project, including the current number of residents, distribution of residents by age, race, and sex, an estimate of the number of residents with frailties/limitations in activities of daily living, and an estimate of the number of residents in need of assisted living services. (Not applicable to applicants of unused or underutilized commercial property.)

(2) A description of the services currently available to the residents and/or provided on or off-site and what services are lacking; (Not applicable to applicants of unused or underutilized commercial property.)

b. Evidence of the need for ALF units by very low-income elderly and disabled households in the market area; a description of the trend in elderly and disabled population and household change; data on the demographic characteristics of the very low-income elderly in need of assisted living services (age, race, sex, household size, and tenure) and extent of residents with frailty/limitations in existing federally assisted housing for the elderly (HUD and Rural Housing Service); and an estimate of the very low-income elderly and disabled in need of assisted living taking into consideration any available state or local data.

c. A description of the extent, types, and availability and cost of alternate care and services locally, such as home health care; adult day care; housekeeping services; meals programs; visiting nurses; on-call transportation services; health care; and providers of supportive services who address the needs of the local low income population.

d. A description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the ALF (covering items in c. above.

5. A description of the physical construction aspects of the ALF conversion, including the following:

a. How you propose to carry out the physical conversion (including a timetable and relocation planning). Completion of Exhibit 10(i.) Logic Model will assist in completing your response to this Exhibit.

b. A short narrative stating the number of units, special design features, community and office space/storage, dining and kitchen facility and staff space, and the physical relationship to the rest of the project. Also, you must describe how this design will facilitate the delivery of services in an economical fashion in the most integrated setting appropriate to the needs of the participating residents with disabilities and accommodate the changing needs of the residents over at least the next 10 years.

c. A description on how the project will promote energy efficiency, including any plans to incorporate energy efficiency features in the design and operation of the ALF through the use of Energy Star labeled products and appliances. Applicants that meet this policy priority will receive two points under Rating Factor 3 in Section V.A.3 of this NOFA. Refer to the General Section for further information on this requirement or for further information about Energy Star see *http://www.energystar.gov.*

d. A copy of the original plans for all units and other areas of the development, which will be included in the conversion. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide a copy of the original plans of the facility as well as a copy of the plans of the facility as most recently operated, if different).

e. A description of the conversion must clearly address how the units will conform to the accessibility requirements described in the Uniform Federal Accessibility Standards (UFAS). (For example, all door openings must have a minimum clear opening of 32 inches; and, all bathrooms and kitchens must be accessible to and functional for persons in wheelchairs.)

f. Architectural sketches of the conversion to a scale of ¼ inch to one foot that indicate the following:

(1) All doors being widened;

(2) Typical kitchen and bathroom reconfiguration: show all wheelchair clearances, wall reinforcing, grab bars, and elevations of counters and work surfaces;

(3) Bedroom/living/dining area modification, if needed;

(4) Any reconfigured common space;

(5) Added/reconfigured office and storage space;

(6) Monitoring stations, and

(7) The kitchen and dining facility.

All architectural modifications must meet section 504 and ADA requirements as appropriate.

g. A budget showing estimated costs for materials, supplies, fixtures, and labor for each of the items listed in Section IV.B.5.f, items (1) through (7), above.

h. Include firm financial commitment letters with specific dollar amounts from appropriate organization(s) for conversion needs (within the scope of the ALF conversion NOFA) which will be supported by non-HUD funding.

i. A description of any relocation of current tenants including a statement that: (Not applicable to applicants of unused or underutilized commercial property.)

(1) Indicates the estimated cost of temporary relocation payments and other related services;

(2) Identifies the staff organization that will carry out the relocation activities; and

(3) Identifies all tenants that will have to be temporarily moved to another unit within the development OR from the development during the period that the physical conversion of the project is under way.

Note: If any of the relocation costs will be funded from sources other than the alcp grant, you must provide evidence of a firm financial commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of conversion, temporary relocation, service coordinator, and other project costs).

6. A description of any retrofit or renovation that will be done at the project (with third party funds) that is separate and distinct from the ALF conversion. With such description, include as part of your application submission firm commitment letters from third party organizations in specific dollar amounts that will cover the cost of any work outside the scope of this NOFA.

7. A letter from the local zoning official indicating evidence of permissive zoning. Also, showing that the modifications to include the ALF into the project as proposed are permissible under applicable zoning ordinances or regulations.

8. A supportive services plan (SSP), a copy of which must be submitted to the appropriate state and/or local agency as instructed in Section III.C.3.f. above in this NOFA. For those applicants needing to contact state Medicaid offices, a list is provided on the Internet at *http://www.cms.hhs.gov/medicaid.* The SSP must include:

a. A description of the supportive services needed for the frail elderly the ALF is expected to serve. This must include at least (1) meals and such other supportive services required locally or by the state, and (2) such optional services or care to be offered on an ''as needed'' basis.

Examples of both mandatory and optional services (which will vary from state to state) are: two meals and two snacks or three meals daily; 24-hour protective oversight; personal care; housekeeping services; personal counseling, and transportation.

b. A description of how you will provide the supportive services to those who are frail and have disabilities (*i.e.*, on or off-site or combination of on or off-site), including an explanation of how the service coordination role will facilitate the adequate provision of such services to ALF residents, and how the services will meet the identified needs of the residents. Also indicate how you intend to fund the service coordinator role.

c. A description of how the operation of your ALF will work. Address: (1) General operating procedures; (2) ALF philosophy and how it will promote the autonomy and independence of the frail elderly and persons with disabilities; (3) what will the service coordination function do and the extent to which this function already exists, or will be augmented or new; (4) ALF staff training plans; and (5) the degree to which and how the ALF will relate to the day-to-day operations of the rest of the project.

d. The monthly individual rate for board and supportive services for the ALF listing the total fee and components of the total fee for the items required by state or local licensing, and list the appropriate rate for any optional services you plan to offer to the ALF residents. Provide an estimate of the total annual costs of the required board and supportive services you expect to provide and an estimate of the amount of optional services you expect to provide.

e. List who will pay for the board and supportive services and the amount. For example, include such items as:

(1) Meals by sponsors—$20.

(2) Housekeeping services by the City government—$30.

(3) Personal care by State Department of Health—$60.

(4) Service paid for by state program—$40.

(5) Fees paid by tenants—$83.

The amounts and commitments from both tenants and/or providers must equal the estimated amounts necessary to cover the monthly rates for the number of people expected to be served. If you include tenant fees in the proposal, list and show any proposed scaling mechanism. All amounts committed/collected must equal the annualized cost of the monthly rates calculated by the expected percentage of units filled.

f. A support/commitment letter from *EACH* listed proposed funding source per paragraph e. above, for the planned meals and supportive services listed in the application. The letter must cover the total planned annual commitment (and multiyear amount total, if different), length of time for the commitment, and the amounts payable for each service covered by the provider/paying organization. There must be a letter from *EACH* participating organization listed in paragraph e, above.

g. A support letter from *EACH* governmental agency that provides licensing for ALFs in that jurisdiction.

h. A description of your relevant experience in arranging for and/or delivering supportive services to frail residents. (If you are applying to convert an unused or underutilized commercial facility to assisted living, provide information on your relevant experience in arranging for and/or delivering supportive services to frail elderly persons). The description should include any supportive services facilities owned/operated; your past or current involvement in any project-based programs that demonstrates your management capabilities. The description should include data on the facilities and specific meals and/or supportive services provided on a regular basis, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the services.

Note: If a funds request for service coordination for the ALF and/or the whole project is included as part of this application, the Form SF–424, indicating the dollars requested must be attached as Exhibit 10(a). Do NOT attach the whole service coordinator application.

9. A description of your project's resources: (Items (9)(a)–(b) are not applicable to applicants of unused or underutilized commercial property.)

a. A copy of the most recent project Reserve and Replacement account statement, and a Reserve for Replacement analysis showing plans for its use over the next five years, and any approvals received from the HUD field office to date.

b. A copy of the most recent Residual Receipts Account statement. Indicate any approvals for the use of such receipts from the field office for over $500/unit.

c. Annual Financial Statement (AFS). If your FY2005 AFS was due to REAC more than 120 days BEFORE the due date for this application, in the interest of reducing work burden, only include the date that it was sent to REAC. If the AFS was due to REAC 120 days or less from the due date of this application, you MUST include a paper copy of your AFS. For commercial properties, submit the most recent financial statement or annual report.

10. *Forms and Certifications.* The following exhibits, forms, certifications, and assurances are required:

a. Form SF–424, Application for Federal Assistance,* and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review in accordance with Executive Order 12372 (refer to the General Section for instructions in submitting this form).

b. SF–424 Supplement, Survey for Ensuring Equal Opportunity for Applicants*.

c. Form HUD–424–CB, Grant Applications Detailed Budget*.

d. Form HUD–424–CBW, Grant Application Detailed Budget worksheet*.

e. *Form HUD–2880, Applicant/Recipient Disclosure/Update Report*, including Social Security and Employment Identification numbers.* A disclosure of assistance from other government sources received in connection with the project.

f. *Form HUD–2991, Certification of Consistency with the Consolidated Plan** for the jurisdiction in which the proposed ALF will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the state, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the plan to HUD. The certifications must be submitted by the application submission deadline date set forth herein. The Plan regulations are published in 24 CFR part 91.

g. Form HUD–2530, Previous Participation Certification. This form will provide HUD with a report of all your previous participation in HUD multifamily projects. This is in addition to the ''Name Check Review'' process. Refer to the General Section for information on this requirement under ''Name Check Review''.

h. Standard Form–LLL, Disclosure of Lobbying Activities*.

i. Form HUD–96010, Program Outcome Logic Model*.

j. Form HUD–27300, Removal of Regulatory Barriers* (and supporting documentation).

k. Certification of Consistency with RC/EZ/EC–II Strategic Plan (HUD–2990), if applicable.

l. Form HUD–96011, Facsimile Transmittal Cover Page. This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable).

*Copies of these forms may be found in the General Section. The electronic version of the NOFA contains all forms required for submitting the ALCP application. The form SF–424–B, Assurances and Certifications, is no longer required as a separate submission. Refer to the General Section for further information on this requirement.

C. Submission Date and Time

1. *Application Submission Date.* Beginning this year, and unless you received a waiver to the electronic application submission requirements, your completed ALCP application must be submitted through the *http://www.grants.gov/Apply* and must be received by Grants.gov no later than 11:59:59 Eastern Time on the application submission date. (Refer to Section IV.F. of the General Section for further instructions on the delivery and receipt of applications.

D. Intergovernmental Review

1. *Executive Order 12372.* ALCP applicants are subject to the Executive Order 12372 process. Standard Form 424, Application for Federal Assistance, includes compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the state agency (Single Point of Contact) for state review. (Also, refer to Section IV.D. of the General Section for instructions on the intergovernmental review process.)

2. You must submit a Supportive Services Plan (SSP) for the services and coordination of the supportive services that will be offered in the assisted living facility (ALF) to the appropriate state or local organization(s), which are expected to fund those supportive services. You must submit one copy of your SSP to each appropriate state or local service funding organizations well in advance of the application deadline, for appropriate review. The state or local funding organization(s) must return the SSP to you with appropriate comments and an indication of the funding commitment, which you will then include with the application you submit to HUD.

You must ALSO submit the SSP to the appropriate organization(s) that license ALFs in your jurisdiction. The licensing agency(ies) must approve your plan, and must also certify that the ALF and the proposed supportive services identified in your SSP, are consistent with local statute and regulations and well designed to serve the needs of the frail elderly and people with disabilities who will reside in the ALF portion of your project.

E. Funding Restrictions

1. Costs of meals and supportive services are NOT covered by this HUD grant. These items must be paid for through other sources (*e.g.*, a mix of resident fees and/or third party providers). Evidence of third party commitment(s) must be included as part of the application. The assisted living supportive services program must promote independence and provide personal care assistance based on individual needs in a home-like environment. In accordance with Section 504 of the Rehabilitation Act of 1973 and HUD's regulations at 24 CFR 8.4(d), the project must deliver services in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

2. This program does NOT allow permanent displacement of any resident living in the project at the time the application was submitted to HUD. (HUD will only provide temporary relocation costs for current tenants if they must vacate their unit while conversion work is underway (normal temporary relocation costs include increases in rent, reconnection of telephones, moving costs, and appropriate out-of-pocket expenses). (Not applicable to applicants of commercial property.)

3. *Ineligible Activities.* You may not use funds available through this NOFA to:

a. Add additional dwelling units to the existing project (not applicable to applicants of commercial property);

b. Pay the costs of any of the necessary direct supportive services needed to operate the ALF;

c. Purchase or lease additional land;

d. Rehabilitate (see definition at 24 CFR 891.105) the project for needs unrelated directly to the conversion of units and common space for assisted living.

e. Use the ALCP to reduce the number of accessible units in the project that are not part of the ALF (not applicable to applicants of commercial property);

f. Permanently displace any resident out of the project (permanent relocation is prohibited under this program)

g. Increase the management fee.

h. Cover the cost of activities not directly related to the conversion of the units and common space. (*i.e.*, if an

applicant is applying to convert 24 units on 2 floors of a 5-story elderly housing development and the inspection by the Fire Marshal reveals that sprinklers must be installed in the entire building, ALCP funds will be used only to install sprinklers for the 24 units on the 2 floors requested in the application. The cost to install sprinklers in the remaining units must be paid for out of other resources.

i. Transfer the ALCP grant to any other entity. If you are awarded an ALCP grant, you are expected to be the recipient of the grant and to carry out the conversion activities. The Department will not approve the transfer of the ALCP grant to any other entity.

F. Other Submission Requirements

Application Submission and Receipt Procedures. HUD has implemented new procedures that impact application submission procedures. Refer to Section IV.F. of the General Section for specific procedures for the mailing of applications.

1. *Electronic Delivery.* Beginning in fiscal year 2005, ALCP applicants must submit their applications electronically through *http://www.grants.gov/Apply,* unless a waiver is granted.

a. The *http://www.grants.gov/Apply* offer a simple, unified application process. There are six ''Get Started'' steps to complete at the *http://www.grants.gov* Web site. ALCP applicants should read the Get Started steps carefully. Also, the site contains registration checklists to help you through the process. Refer to Section IV. F of the General Section for further details on this requirement.

b. DUNS requirement. All ALCP applicants must have a DUN and Bradstreet Universal Data Numbering Systems (DUNS) number. The DUNS number must be included in the data entry field labeled ''organizational DUNS'' on the form SF–424. Instructions for obtaining a DUNS number can be found at either *http://www.hud.gov/offices/adm/grants/duns.cfm* or *http://www.Grants.gov/GetStarted.*

c. Central Contractor Registry and Credential Provider Registration. In addition to having a DUNS number, ALCP applicants applying electronically through Grants.gov must register with the Federal Central Contractor Registry and with a Credential Provider. Refer to the General Section on how to meet this requirement.

d. Electronic signature. ALCP applications submitted through grants.gov constitute submission as an electronically signed application. Refer to the General Section for further details on this requirement.

2. Instructions on how to submit an electronic application to HUD via grants.gov/Apply: *Grants.gov* has a full set of instructions on how to apply for funds on its Web site at *http://www.grants.gov/CompleteApplication.* Refer to the General Section on how to meet this requirement.

3. *Waiver of Electronic Submission Requirement.* HUD will only accept electronic applications submitted through *http://www.grants.gov* unless the ALCP applicant has received a waiver. Refer to the General Section for further instructions on this requirement.

4. *Proof of Timely Submission.* ALCP applicants must submit their applications to *http://www.grants.gov* in time for receipt at Grants.gov by 11:59:59 p.m. eastern time on the application submission date of June 22, 2005. (Refer to the General Section for specific procedures regarding proof of timely submission of applications.)

V. Application Review Information

A. Criteria

HUD will rate ALCP applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements identified in Section IV.B. above. The maximum number of points an application may receive under this program is 102. This includes two RC/EZ/EC–II bonus points, as described in the General Section and Section V.A.6. below.

HUD wants to make its programs more effective, efficient, and accessible by expanding opportunities for grassroots organizations to participate in developing solutions for their own neighborhood. The Department encourages applicants to partner, fund, or sub-contract with grassroots organizations, including faith-based and other community-based organizations in conducting their work programs. (Refer to the policy priorities contained in the General Section for the definition of ''grassroots organizations'').

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points). This factor addresses your capacity to carry out the conversion in a timely, cost-conscious and effective manner. It also addresses your experience at providing the proposed supportive services you intend to make available at the ALF for elderly residents, especially in such areas as meals, 24-hour staffing and on-site health care. Submit information responding to this factor in accordance with Application Submission Requirements in Sections IV.B.5.a. and b. and 8.a. through c and h. of this NOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to carry out a successful conversion of the project and to implement the plan to deliver the supportive services on a long-term basis, considering the following:

a. (9 points). The time frame planned for carrying out the physical conversion of the development to the ALF.

b. (10 points). Your past experience in providing or arranging for supportive services either on or off site for those who are frail. (If you are applying to convert an unused or underutilized commercial facility to assisted living and you do not own or operate a project with frail elderly residents, you must provide information on any past experience in providing or arranging supportive services for those who are frail.) Examples are: Meals delivered to apartment of resident or in a congregate setting (2 points), arranging for or providing personal care (3 points), providing 24-hour staffing (1 point), providing or making available on-site preventive health care (2 points) and other support services (2 points).

c. (1 point). The Department will provide 1 point to those applicants who currently or propose to partner, fund, or subcontract with grassroots organizations. HUD will consider an organization a ''grassroots organization'' if the organization is headquartered in the local community and has a social services budget of $300,000 or less; or has six or fewer full-time equivalent employees. (Refer to the General Section for further information on policy priority points for activities related to grassroots organizations.)

2. Rating Factor 2: Need/Extent of the Problem (20 Points). This factor addresses the extent to which the conversion is needed by the categories of elderly persons and persons with disabilities that the ALF is intended to serve (very low-income elderly persons and persons with disabilities who have limitations in three or more activities of daily living). The application must include evidence of current needs among project residents (not applicable to applicants proposing to convert unused or underutilized commercial facilities) and needs of potential residents in the housing market area for such persons including economic and demographic information on very low-income, frail, elderly, and persons with disabilities and information on current

assisted living resources in the market area.

The factor also addresses your inability to fund the repairs or conversion activities from existing financial resources. In making this determination, HUD will consider project financial information or the organization's financial information for unused or underutilized commercial facilities. Submit information responding to this factor in accordance with Application Submission Requirements in Sections IV.B.2.c., 4.a. through d., and 9.a. through c. of this NOFA. In evaluating this factor, HUD will consider:

a. (7 points). The need for assisted living among the elderly and disable residents of the project taking into consideration those currently in need and the depth of future needs given aging in place. (Not applicable to applications to convert unused or underutilized commercial facilities to assisted living.)

b. (3 points (10 points for applications to convert unused or underutilized commercial facilities to assisted living.)). The need for assisted living among very low-income elderly persons and persons with disabilities in the housing market area.

c. (9 points). Insufficient funding for any needed conversion work, as evidenced by the project's financial statements and specifically the lack of excess Reserve for Replacement dollars and residual receipts. If the available Reserve for Replacement and residual receipts are less than 10 percent of the total funds needed = 9 points; if the available Reserve for Replacement and residual receipts are 10–50 percent of need = 5 points; and, if the available Reserve for Replacement and residual receipts are 51 percent or more of the total funds needed = 0 points). For commercial properties, if the available working capital is 10 percent or more of the total conversion = 5 points; if the working capital is less than 10 percent of the total conversion = 9 points.

d. (1 point). The Department will provide one point to those applications which establish a connection between the proposed ALF and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

3. Rating Factor 3: Soundness of Approach (40 Points). This factor addresses the quality and effectiveness of your proposal in addressing the proposed conversion, effectiveness of service coordination and management planning and the meals and supportive services which the ALF intends to provide, whether the jurisdiction in which the ALF is located has taken successful efforts to remove regulatory barriers to affordable housing, whether you will incorporate energy efficiency in the design and operation of the assisted living facility and the extent to which you have evidenced general support for conversion by participating in your community's Consolidated Planning Process, involving the residents in the planning process (not applicable to applications proposing to convert unused or underutilized commercial facilities). There must also be a relationship between the proposed activities, the project's and the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Sections IV.B.2.a. through c. and e., IV.B.4.e., IV.B.5.b. through e., IV. B.8.a. through e., g., and h. of this NOFA. In evaluating this factor, HUD will consider the following:

a. (11 points). The extent to which the proposed ALF design will meet the special physical needs of frail elderly persons or persons with disabilities expected to be served at reasonable cost (consider the ALF design: meets needs = 11 points; ALF design partially meets needs = 5 points; and ALF design does not meet needs = 0 points).

b. (11 points). The extent to which the ALF's proposed management and operational plan ensures that the provision of both meals and supportive services planned will be accomplished over time. (Consider ALF design/management plan: meets needs of management operations = 11 points; ALF design/management plan partially meets needs of management operations = 5 points; and ALF design/management plan does not meet needs of management operations = 0 points.)

c. (7 points). The extent to which the proposed supportive services meet the anticipated needs of the frail elderly and disabled residents (does meet = 7 points; partially meets needs = 4 points; and, does not meet needs = 0 points); and

d. (7 points). The extent to which the service coordination function is addressed and explained as onsite and sufficient, onsite and augmented or new, and addresses the ongoing procurement of needed services for the residents of the ALF (does meet = 7 points, partially meets = 4 points, does not meet = 0 points).

e. (2 points). The steps you have taken which support State and local efforts in streamlining processes and procedures that eliminate redundant requirements, statutes, regulations and codes which impede the availability of affordable housing. To receive points for removal of regulatory barriers, applicants must include in their response the completed Questionnaire HUD Form 27300. (Refer to the General Section for further information.

f. (2 points). Describe how you plan to incorporate energy efficiency activities in the design or the operation of the assisted living facility through the use of Energy Star labeled products and appliances.

4. Rating Factor 4: Leveraging Resources (10 Points). This factor addresses your ability to secure other community resources that can be combined with HUD's grant funds to achieve program purposes. For the ALCP to succeed, you *must* generate local funding for the necessary supportive services to operate the ALF. HUD also encourages local funding for some of the necessary conversion work, or other work needed in the project (*e.g.*, general modernization) which is *NOT* specifically linked to the ALF).

Submit information responding to this factor in accordance with Application Submission Requirements in Section IV.B.5.h. and i., B.6., and B.8.e. through g. of this NOFA.

a. (5 points). The extent to which there are commitments for the funding needed for the meals and the supportive services planned for the ALF and that the total cost of the estimated budget of the ALF is covered. Consider 90 percent or more commitment of the total budget with no more than 10 percent for meals and services = 5 points; 80–89.9 percent with no more than 20 percent for meals and services = 4 points; 65–79.9 percent with no more than 35 percent for meals and services = 3 points; 40–64.9 percent with no more than 60 percent for meals and services = 2 points; less than 40 percent commitment of the total budget with no more than 60 percent support for meals and services = 0 points.

b. (3 points). The extent of local organizations' support, which is firmly committed to providing at least 50 percent of the total cost of ALF conversion (consider 50% or more = 3 points, 20–49.9 percent = 2 points, and under 20 percent = 0 points).

c. (2 points). The extent of local organizational support which is firmly committed to providing funds for additional repair or retrofit necessary for the project NOT specifically directed to activities eligible under this NOFA (funds firmly committed = 2 points, funds not committed = 0 points).

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points). This factor reflects HUD's goal to embrace high standards of ethics, management and accountability. This factor emphasizes HUD's commitment to ensure that promises you make in the application are kept; and to ensure performance goals with outcomes are established and are met (refer to Section V.B. of the General Section for more detail). Outcomes may include the extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living and an improved living environment, as well as the extent to which the project will be viable absent HUD funds but rely more on state, local, and private funds. Submit information responding to this factor in accordance with Application Submission Requirements in Section IV.B.2.d., 5.a. through g., and 8.a. through e. of this NOFA. Completion of the Form HUD–96010, Program Outcome Logic Model will assist you in completing your response to this requirement.

a. (4 points). Describe the extent to which your conversion time frame reflects the length of time it will take to convert the units describing how residents will benefit from the conversion of the units; and how the converted units will result in ALF residents being able to age in place;

b. (2 points). Describe the extent to which your assisted living facility will implement practical solutions that will result in assisting residents in achieving independent living and improved living environment.

c. (2 points). Demonstrate how the project will be viable absent HUD funds while relying more on state, local, and private funds.

d. (2 point). Describe the extent to which the ALFs operating philosophy promotes the autonomy and independence of the frail elderly persons it is intended to serve (is fully addressed = 2 points, no or not addressed = 0 points).

6. Bonus Points (2 bonus points). The project to be converted is located in an RC/EZ/EC–II area, as described in the General Section.

B. Reviews and Selection Process

1. The ALCP will fund those applications that may impact federal problem solving and policymaking and that are relevant to HUD's policy priorities and annual goals and objectives. (Refer to the General Section for discussion of these priorities and annual goals and objectives). For the Assisted Living Conversion Program, applicants who include work activities that specifically address the policy priorities of removing barriers to affordable housing and promoting energy efficiency in the design and operation of the ALF will receive additional points. For information pertaining to the removal of barriers to affordable housing see *http://www.hud.gov/grants/index.cfm* and for information about Energy Star see *http://www.energystar.gov.*

2. *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to HUD electronically through the *http://www.grants.gov/Apply* Web site. If you received a waiver of the electronic submission requirement, you must submit an original and four copies to the appropriate HUD Hub Office. Submitting fewer than the original and four copies of the application is not a curable deficiency and will cause your application to be considered non-responsive to the NOFA and returned to you.

HUD will screen all applications received by the deadline for curable deficiencies. With respect to correction of deficient applications, HUD may not, after the application due date and consistent with HUD's regulations in 24 CFR part 4, subpart B, consider any unsolicited information an applicant may want to provide. HUD may contact an applicant to clarify an item in the application or to correct curable deficiencies. Please note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of a response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. In each case, under this NOFA, the appropriate HUD Multifamily Hub office will notify you in writing by describing the clarification or curable deficiency. You must submit clarifications or responses to curable deficiencies in accordance with the information provided by the Hub office within 14 calendar days of the date of HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete, and it will not be considered for funding. The following is a list of the deficiencies that will be considered curable in ALCP applications:

Exhibits

- * Application Summary.
- * Articles of Incorporation, or certification of Articles of Incorporation.
- * By-laws, or certification of by-laws.
- Evidence of occupancy for at least five years (not applicable to commercial facilities).
- Original project plans.
- Relocation Plan (not applicable to commercial property).
- Evidence of Permissive Zoning.

The appropriate Hub office will notify you in writing if your application is missing any of the exhibits listed above and you will be given 14 days from the date of the HUD notification to submit the information required to cure the noted deficiencies. The exhibits identified by an asterisk (*) must be dated on or before the application deadline date. If not so dated the application will be rejected.

After the completeness review, HUD staff will review your application to determine whether the application meets the threshold requirements.

3. *Threshold Review.* Only those ALCP applications that meet all threshold requirements will be eligible to receive an award. Applications that do not pass threshold will be rejected. (See Section III.C 2. above of this NOFA for threshold requirements).

4. *Appeal Process.* Upon rejection of an ALCP application, HUD must send a letter to the Owner outlining all reasons for rejection. The Owner has 14 calendar days from the date of the letter to appeal the rejection. If the Owner submits an appeal, which causes the rejection to be overturned, the application is then rated, ranked, and submitted to the selection panel for consideration. If the Owner does not appeal or does appeal but the rejection is not overturned, the application remains a reject.

5. *Review Panels.* The Office of Housing's Multifamily Hubs will establish panels to review all eligible applications that have passed threshold.

6. *Rating of Applications* (See paragraph below for selection of applications for commercial properties).

HUD staff teams will review and rate ALCP applications in accordance with the Ranking and Selection procedures outlined below. All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of

technical review, it will be rated according to the rating selection factors in Section V.A. above of this NOFA. HUD reserves the right to reduce the amount requested in the application if any proposed components are ineligible or if the cost of items is not deemed reasonable. HUD will *NOT* reject an ALCP application based on technical review without notifying you of that rejection with all the reasons for the rejection, and providing you an opportunity to appeal. As discussed above, you will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the Multifamily Hub where the applications were sent originally. HUD staff will make a determination on an appeal before finalizing selection recommendations.

7. *Ranking and Selection Procedures.* (Paragraphs (5)(a)–(d) are not applicable to applications from owners of commercial properties.)

Applications submitted in response to this NOFA that are eligible, pass threshold and have a total score of 75 points (or more) are eligible for ranking and selection. (Applications for the conversion of commercial properties with a score of at least 75 points will not be ranked but will be submitted to HUD Headquarters for selection.)

a. Hub staff teams will be established for ALCP review in each Hub to do the application ratings.

b. From within rank order, Hub staff teams in each of the 18 Hubs will select the highest ranked applications from within that Hub in rank order, which can be funded from within the dollars available. Each Hub will select applications based on rank order up to and including the last application that can be funded out of each Hub's allocation. Hubs must not skip over any applications in order to select one based on the funds remaining.

c. After making the initial selections, however, Hubs may use any residual funds to select the next rank-ordered application by reducing the dollars requested by no more than 10 percent and reducing the number of units proposed, but in no case reducing the number of units below the financial threshold feasibility of five ALF units.

d. Funds remaining after these processes are completed will be returned to HUD Headquarters. HUD Headquarters will use these funds to restore units to any project reduced as a result of using the residual grant funds in a Hub. Finally, HUD will use these funds for selecting one or more additional applications based on the Hubs rating and rankings, beginning with the highest rated application within the 18 Hubs. Only one application will be selected per Hub from the national residual amount. If there are no approvable applications in other Hubs, the process will begin again with the selection of the next highest rated application within the remaining Hubs. This process will continue until all approvable applications are selected using the available remaining funds. If there is a tie score between two or more applications, and there are insufficient residual funds to cover all tied applications, HUD Headquarters staff will choose the winning application(s) by lottery and/or reduction of grant requests consistent with the instructions above.

e. Only one application will be selected using the $5 million set-aside to provide grant funds to a private nonprofit applicant proposing to convert an unused or underutilized commercial property into assisted living. HUD Multifamily Hubs will review applications for commercial properties for completeness and compliance with the eligibility criteria set forth in Section III. of this NOFA. Hub staff will forward applications to Headquarters providing the application was received by the deadline date, meets all eligibility criteria, proposes reasonable costs for eligible activities, includes all technical corrections by the designated deadline date and must have received a score of 75 points or more. Headquarters will select only one on a first-come, first-served basis that can be funded within the money available.

Note: Only one application that can be fully funded will be selected. Any remaining funds after this selection process will be returned to the funds allocated for eligible multifamily assisted projects.

VI. Award Administration Information

A. Award Notices

1. The Grant Agreement, and the Form HUD–1044, signed by both the Recipient and Grant Officer, shall serve as the authorizing award documents. Unsuccessful applicants will be notified, by mail, within 30 days of the announcement of the awards.

2. Adjustments to Funding. a. HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements if this notice; or may be duplicative of other funded programs or activities. Only the eligible portion of your application will be funded.

3. Applicant Debriefing. All requests for debriefing must be made in writing and submitted to the local Hub in which you applied for assistance. Materials provided to you during your debriefing will include the final scores you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied. Information regarding this procedure may be found in the General Section.

B. Administrative and National Policy Requirements. See Section III.C. of this NOFA and the General Section.

C. Reporting

1. Recipients of funding under this program NOFA shall submit a progress report every six months after the effective date of the Grant Agreement. Progress reports shall include reports on performance using the Logic Model (form HUD 90610) approved in your award agreement and financial progress.

VII. Agency Contacts

A. For Further Information and Technical Assistance

You should contact the Multifamily Hub where you will be mailing your ALCP Application. (Please refer to Hub telephone numbers in Appendix 1 of this NOFA.)

You also may contact Faye Norman, Housing Project Manager at (202) 708–3000, extension 2482 or Aretha Williams, Director, Grant Policy and Management Division, Room 6138 at (202) 708–3000, extension 2480 for questions regarding the ALF grant award process. These are not toll-free numbers. Ms. Norman can be reached by e-mail at *Faye_L._Norman@hud.gov* and Ms. Williams at *aretha_m._williams@hud.gov.* Both Ms. Norman and Ms. Williams are located at the U.S. Department of Housing and Urban Development; 451 Seventh Street, SW.; Washington, DC 20410.

If you have a hearing or speech impairment, you may access the telephone number via TTY by calling the Federal Information Relay Service at 800–877–8339.

Application. All information for the submission of your application is included in this NOFA and the General Section. You may also obtain an ALCP application by calling the NOFA Information Center at (voice) 800–HUD–8929 (800–483–8929). Persons with a hearing or speech impairment may call the Center's TTY number at 800–HUD–2209. Please be sure to provide your name, address (including zip code), and telephone number (including area code). The application is also available on the Internet through the HUD Web site at *http://www.hud.gov.grants/index.cfm.*

Note: There is a separate application for service coordinator funds (which is necessary for those needing to enhance or add service coordination per Section III. of this NOFA).

VIII. Other Information

A. Paperwork Reduction Act.

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (4 U.S.C. 3501–3520) and assigned OMB control number 2502–0542. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 2,550 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting data for the application, semi-annual reports, and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Appendices

Appendix 1 presents the list of HUD offices. Appendix 2 to this NOFA provides the forms that are specific to this NOFA.

Multifamily Housing Assisted Living Conversion Program APPLICATION SUMMARY SHEET

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0542
(exp. 11/30/2006)

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Assisted Living Conversion Program (ALCP). This program is authorized under Section 522(c) of the Appropriations Act of 2000. The information is necessary to assist HUD in determining applicant eligibility and ability to convert multifamily housing projects designated for the elderly (in whole or in part) into assisted living facilities. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

Owner (Funds Recipient) Name _____

Address _____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

E-mail address _____

List the specific development(s) targeted for assistance under this grant. Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____

Project Type (e.g., 236) _____ No. of Units _____

Location (Urban, suburban, or rural) _____

Number of Residents _____ Estimated Number of Frail Elderly _____

Estimated Number of Non-elderly People with Disabilities _____

Estimated Number of At-risk Elderly _____

Are you applying for a Service Coordinator Grant? _____ Yes _____ No

Will this development share a service coordinator with other developments? _____ Yes _____ No

If yes, please give name and address of the development(s) if different.

_____

_____

_____

Senators 1. _____ 2. _____

Congressional Representative(s) Name(s) 1. _____ District(s) 1. _____

2. _____ 2. _____

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)
			☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. **All** the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)

Area Code and Telephone No.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List.**" In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SERVICE COORDINATORS IN MULTIFAMILY HOUSING

Billing Code 4210-32-C

BILLING CODE 4210–32–C

Service Coordinators in Multifamily Housing

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of the Assistant Secretary for Housing-Federal Housing Commissioner.

B. Funding Opportunity Title: Service Coordinators In Multifamily Housing.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4950–N–21. The OMB approval number for this program is 2502–0447.

E. *Catalog of Federal Domestic Assistance (CFDA) Number:* 14.191, Multifamily Housing Service Coordinators.

F. *Dates:* The application submission date is June 24, 2005. (All applications must be submitted and received by *http://www.grants.gov* no later than 11:59:59 p.m. Eastern Time on the application submission date. See submission details in the General Section.)

G. *Optional Additional Overview Information:* 1. *Available Funds.* Approximately $49.6 million in fiscal year 2005 funds is available for the Service Coordinator program. Of these funds, approximately $10 million is available in this NOFA for funding new Service Coordinator programs.

2. *Purpose of the program:* The Service Coordinator program allows multifamily housing owners to assist elderly individuals and nonelderly people with disabilities living in HUD-assisted housing and in the surrounding area to obtain needed supportive services from the community, to enable them to continue living as independently as possible in their homes.

3. *Eligible Applicants:* Only owners of eligible multifamily assisted developments may apply for and become the recipient of grant funds.

Full Text of Announcement:

I. Funding Opportunity Description

A. The Service Coordinator Program

The Service Coordinator Program provides funding for the employment and support of Service Coordinators in insured and assisted housing developments that were designed for the elderly or nonelderly persons with disabilities and continue to operate as such. Service Coordinators help residents obtain supportive services from the community that are needed to enable independent living and aging in place.

A Service Coordinator is a social service staff person hired or contracted by the development's owner or management company. The Service Coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in their current homes. All services should meet the specific desires and needs of the residents themselves. The Service Coordinator may not require any elderly individual or person with a disability to accept any specific supportive service(s).

You may want to review the Management Agent Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8 for further guidance on service coordinators. This Handbook is accessible through HUDCLIPS on HUD's Web site at *http://www.hudclips.org*. The Handbook is in the Handbooks and Notices—Housing Notices database. Enter the Handbook number in the ''Document Number'' field to retrieve the Handbook.

B. Authority

Section 808 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by sections 671, 674, 676, and 677 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), and section 851 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000).

C. Definition of Terms Used in This Program NOFA

1. *''Activities of daily living (ADLs)''* means eating, dressing, bathing, grooming, and household management activities, as further described below:

a. Eating—May need assistance with cooking, preparing, or serving food, but must be able to feed self;

b. Bathing—May need assistance in getting in and out of the shower or tub, but must be able to wash self;

c. Grooming—May need assistance in washing hair, but must be able to take care of personal appearance;

d. Dressing—Must be able to dress self, but may need occasional assistance; and

e. Home management activities—May need assistance in doing housework, grocery shopping, laundry, or getting to and from activities such as going to the doctor and shopping, but must be mobile. The mobility requirement does not exclude persons in wheelchairs or those requiring mobility devices.

2. *''At-risk elderly person''* is an individual 62 years of age or older who is unable to perform one or two ADLs, as defined in the above paragraph.

3. *''Frail elderly person''* means an individual 62 years of age or older who is unable to perform at least three ADLs as defined in the above paragraph.

4. *''People with disabilities''* means those individuals who:

a. Have a disability as defined in Section 223 of the Social Security Act;

b. Have a physical, mental, or emotional impairment expected to be of long, continued, and indefinite duration that substantially impedes the individual's ability to live independently; or

c. Have a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, (42 U.S.C. Section 15002).

5. *''Reasonable costs''* mean that costs are consistent with salaries and administrative costs of similar programs in your Field office's jurisdiction.

D. Functions of a Service Coordinator.

The major functions of the Service Coordinator include the following:

1. Refer and link the residents of the development to supportive services provided by the general community. Such services may include case management, personal assistance, homemaker, meals-on-wheels, transportation, counseling, occasional visiting nurse, preventive health screening/wellness, and legal advocacy.

2. Educate residents on service availability, application procedures, client rights, etc.

3. Establish linkages with agencies and service providers in the community. Shop around to determine/develop the best ''deals'' in service pricing, to assure individualized, flexible, and creative services for the involved resident. Provide advocacy as appropriate.

4. Provide case management when such service is not available through the general community. This might include evaluation of health, psychological and social needs, development of an individually tailored case plan for services, and periodic reassessment of the resident's situation and needs. Service Coordinators can also set up a Professional Assessment Committee (PAC) to assist in performing initial resident assessments. (See the guidance in the Congregate Housing Services Program (CHSP) regulations at 24 CFR 700.135 (or 1944.258 for Rural Housing developments).

5. Monitor the ongoing provision of services from community agencies and keep the case management and provider agency current with the progress of the

individual. Manage the provision of supportive services where appropriate.

6. Help the residents build informal support networks with other residents, family and friends.

7. Work and consult with tenant organizations and resident management corporations. Provide training to the development's residents in the obligations of tenancy or coordinate such training.

8. Create a directory of providers for use by both development staff and residents.

9. Educate other staff of the management team on issues related to aging in place and Service Coordination, to help them to better work with and assist the residents.

E. Basic Qualifications of Service Coordinators and Aides

1. Service Coordinator qualifications include the following:

a. A Bachelor of Social Work or degree in Gerontology, Psychology or Counseling is preferable; a college degree is fully acceptable. You may also consider individuals who do not have a college degree, but who have appropriate work experience.

b. Knowledge of the aging process, elder services, disability services, eligibility for and procedures of federal and applicable state entitlement programs, legal liability issues relating to providing Service Coordination, drug and alcohol use and abuse by the elderly, and mental health issues.

c. Two to three years experience in social service delivery with senior citizens and/or people with disabilities. Some supervisory or management experience may be desirable if the Service Coordinator will work with aides.

d. Demonstrated working knowledge of supportive services and other resources for senior citizens and/or non-elderly people with disabilities available in the local area.

e. Demonstrated ability to advocate, organize, problem-solve, and provide results for the elderly and people with disabilities.

2. Aides working with a Service Coordinator should have appropriate education or experience in working with the elderly and/or people with disabilities. An example of an aide position could be an internship or work-study program with local colleges and universities to assist in carrying out some of the Service Coordinator's functions.

II. Award Information

A. Available Funding

The Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004) provides approximately $50 million to fund Service Coordinators and the continuation of existing Congregate Housing Services Program (CHSP) grants. (The $50 million appropriation is subject to a 0.80 percent across-the-board rescission pursuant to P. Law 108–447.) Approximately $10 million of the available $49.6 million will be used to fund new Service Coordinator programs. The remaining amount of $39.6 million will be used to fund one-year extensions to expiring Service Coordinator and CHSP grants.

B. Maximum Grant Award

There is no maximum grant amount. The grant amount you request will be based on the Service Coordinator's salary and the number of hours worked each week by that Service Coordinator (and/or aide). You should base your determination of the appropriate number of weekly work hours on the number of people in the development who are frail or at-risk elderly or non-elderly people with disabilities. Under normal circumstances, a full-time Service Coordinator should be able to serve about 50–60 frail or at-risk elderly or non-elderly people with disabilities on a continuing basis. Your proposed salary must also be supported by evidence of comparable salaries in your area. Gather data from programs near you to compare your estimates with the salaries and administrative costs of currently operating programs. HUD Field staff can provide you with contacts at local program sites.

HUD provides funding in the form of three-year grants. HUD may renew grants subject to the availability of funds and the grantee's acceptable performance and compliance with program requirements. HUD will determine performance based on the information given in the grantee's semi-annual performance, financial status reports and periodic Logic Model forms submitted throughout the course of the grant term.

III. Eligibility Information

A. Eligible Applicants.

1. You must meet all of the applicable threshold requirements of Section III.C of the General Section.

2. You must be an owner of a development assisted under one of the following programs:

a. Section 202 Direct Loan;

b. Project-based Section 8 (including Section 8 Moderate Rehabilitation), or

c. Section 221(d)(3) below-market interest rate, and 236 developments that are insured or assisted.

3. You must be approved to conduct new business with the Department, based on HUD's evaluation of the applicant's previous participation activities as reported on the ''Previous Participation Certification'', form HUD–2530.

4. Additionally, developments listed in paragraph III.A.2, above, are eligible only if they meet the following criteria:

a. Have frail or at-risk elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents. (For example, in a 52-unit development, at least 13 residents must be frail, at-risk, or non-elderly people with disabilities.)

b. Were designed for the elderly or persons with disabilities and continue to operate as such. This includes any building within a mixed-use development that was designed for occupancy by elderly persons or persons with disabilities at its inception and continues to operate as such, or consistent with title VI, subtitle D of the Housing and Community Development Act of 1992 (Pub. L. 102–550). If not so designed, a development in which the owner gives preferences in tenant selection (with HUD approval) to eligible elderly persons or nonelderly persons with disabilities, for all units in that development.

c. If FHA insured or financed by a Section 202 Direct Loan, are current in mortgage payments or are current under a workout agreement.

d. Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better on the last physical inspection or by an approved plan for developments scoring less than 60.

e. Are in compliance with their regulatory agreement, Housing Assistance Payment (HAP) Contract, and any other outstanding HUD grant or contract document.

f. Have no available project funds (*i.e.*, Section 8 operating funds, residual receipts, excess income, or surplus cash) that could pay for a Service Coordinator program. (''Available funds'' are those that require HUD approval for their use and are not needed to meet critical project needs.) Field office staff will make this determination based on financial records maintained by the Department and information provided

by the applicant in the grant application.

5. If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (*e.g.*, due to prepayment of mortgage, sale of property, or opting out of a Section 8 HAP contract), HUD has the right to terminate your grant.

6. Ineligible Applicants and Developments. a. Property management companies, area agencies on aging, and other like organizations are not eligible applicants for Service Coordinator funds. Such agents may prepare applications and sign application documents if they provide written authorization from the owner corporation as part of the application. In such cases, the owner corporation *must* be indicated on all forms and documents as the funding recipient. If an agent is preparing the application for an owner, the owner must authorize the agent as the Authorized Organization Representative (AOR) in the Grants.gov Registration process. If you are applying in paper copy format, you must provide a letter from the owner authorizing the submission by the agent on their behalf. Refer to Section IV.F.2 of the General Section for more detailed registration information.

b. Developments not designed for the elderly, nonelderly people with disabilities, or those no longer operating as such;

c. Section 221(d)(4) and Section 515 developments without project-based Section 8 assistance;

d. Section 202 and 811 developments with a Project Rental Assistance Contract (PRAC). Owners of Section 202 PRAC developments may obtain funding by requesting an increase in their PRAC payment consistent with Handbook 4381.5 REVISION–2, CHANGE–2, Chapter 8;

e. Conventional public housing, as such term is defined in section 3(b) of the United States Housing Act of 1937), and units assisted by project-based Housing Choice Vouchers, as set forth in 24 CFR Part 983.

f. Renewals of existing Section 8 Service Coordinator subsidy awards or grants. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

B. Cost Sharing or Matching Requirement

None required.

C. Other

1. Eligible Activities. a. Service Coordinator Program grant funds may be used to pay for the salary, fringe benefits, and related support costs of employing a service coordinator. Support costs may include quality assurance, training, travel, creation of office space, purchase of office furniture, equipment, and supplies, computer hardware, software, and Internet service, and indirect administrative costs.

b. You may use grant funds to pay for Quality Assurance (QA) in an amount that does not exceed ten percent of the Service Coordinator's salary. Eligible QA activities are those that evaluate your program to assure that the position and program are effectively implemented. A qualified, objective third party must perform the program evaluation work and must have work experience and education in social or health care services. Your QA activities must identify short and long term program outcomes and performance indicators that will help you measure your performance. On-site housing management staff cannot perform QA and you may not augment current salaries of in-house staff for this purpose.

c. You may propose reasonable costs associated with setting up a confidential office space for the Service Coordinator. Such expenses must be one-time only start-up costs. Such costs may involve acquisition, leasing, rehabilitation, or conversion of space. The office space must be accessible to people with disabilities and meet the Uniform Federal Accessibility Standards (UFAS) requirements of accessibility. HUD field office staff must approve both the proposed costs and activity and must perform an environmental assessment on such proposed work prior to grant award.

d. You may use funds to augment a current Service Coordinator program, by increasing the hours of a currently employed Service Coordinator, or hiring an additional Service Coordinator or aide on a part-or full-time basis. Likewise, Assisted Living Conversion Program (ALCP) applicants may apply for new or augmented Service Coordinator costs to serve Assisted Living residents and/or all residents of the development.

e. You may use funds to continue a Service Coordinator program that has previously been funded through other sources. In your application, you must provide evidence that this funding source has already ended or will discontinue within six months following the application deadline date and that no other funding mechanism is available to continue the program. This applies only to funding sources other than the subsidy awards and grants provided by the Department through program Notices beginning in FY1992. HUD currently provides one-year extensions to these subsidy awards and grants through a separate funding action.

f. You may provide service coordination to low-income elderly individuals or nonelderly people with disabilities living in the vicinity of an eligible development. Community residents should come to your housing development to meet with and receive service from the Service Coordinator, but you must make reasonable accommodations for those individuals unable to travel to the housing site.

2. *Threshold Requirements.* a. At the time of submission, grant applications must contain the materials in Section IV.B.2.a and e of this Program NOFA in order to be considered for funding. If any of these items is missing, HUD will immediately reject your application.

b. In cases where field office staff request information in response to technical deficiencies in applications, applicants must submit the response by the designated deadline date. If requested responses are not received by this date, HUD will reject the application.

c. DUN and Bradstreet Universal Numbering System (DUNS) Number Requirement. Refer to the General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

3. *Program Requirements.* In managing your Service Coordinator grant, you must meet the requirements of this Section. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

a. You must make sufficient separate and private office space available for the Service Coordinator and/or aides to meet with residents, without adversely affecting normal activities.

b. The Service Coordinator must maintain resident files in a secured location. Files must be accessible ONLY to the Service Coordinator, unless residents provide signed consent otherwise. These policies must be consistent with maintaining confidentiality of information related to any individual per the Privacy Act of 1974.

c. Grantees must ensure that the Service Coordinator receives appropriate supervision, training, and ongoing continuing education, consistent with statutory and HUD administrative requirements. This includes 36 hours of training in age-

related and disability issues during the first year of employment, if the Service Coordinator has not received recent training in these areas, and 12 hours of continuing education each year thereafter.

d. Grantees are responsible for any budget shortfalls during the three-year grant term.

e. As a condition of receiving a grant, Section 202 developments without a dedicated residual receipts account must amend their regulatory agreement and open such an account, separate from their Reserve for Replacement account.

f. Subgrants and Subcontracts. You may directly hire a Service Coordinator or you may contract with a qualified third party to provide this service.

g. Environmental Requirements. It is anticipated that most activities under this program are categorically excluded from the National Environmental Policy Act (NEPA) and related environmental authorities under 24 CFR 50.19(b)(3), (4), (12), or (13). If grant funds will be used to cover the cost of any activities which are not exempt from environmental review requirements—such as acquisition, leasing, construction, or building rehabilitation, HUD must perform an environmental review to the extent required by 24 CFR part 50, prior to grant award. HUD Field office staff will determine the need for an environmental assessment, based on the proposed program activities.

4. *Submission Information.* a. Single Applications. (1) You may submit one application that contains one or more developments that your corporation owns. submitting one application for each project you own will increase your chances of selection in the lottery. You may also submit one application that contains multiple projects you own, to reduce preparation time and resources.

Each application must propose a stand-alone program at separate developments. The developments must all be located in the same field office jurisdiction.

(2) If you wish to apply on behalf of developments located in different field office jurisdictions, you must submit a separate application to each field office.

b. Joint Applications. You may join with one or more other eligible owners to share a Service Coordinator and submit a joint application. In the past, joint applications have been used by small developments that joined together to hire and share a part or full-time Service Coordinator.

c. Application Submission Requirements for ALCP Applicants. (1) If you are an ALCP applicant and you request new or additional Service Coordinator funds specifically for your proposed Assisted Living Program, you must submit an application containing all required documents listed in Section IV.B of this Program NOFA. You may include a copy of all standard forms submitted as part of your ALCP application.

(2) If you currently do not have a Service Coordinator working at the development proposed in your ALCP application and your ALCP application is selected to receive an award, HUD will fund a Service Coordinator to serve either ALCP residents only or all residents of the development dependent upon your request. If your development currently has a Service Coordinator, you may request additional hours for the Service Coordinator to serve the Assisted Living residents. If you request additional hours, you must specify the number of additional hours per week and provide an explanation based on the anticipated needs of the Assisted Living residents. If you request Service Coordinator funding to serve all residents of your development, indicate whether or not your request should be entered into the national lottery if your ALCP application is not selected to receive an award. Provide this information in your related narrative, pursuant to paragraph IV.B.2.e(6) of this NOFA.

IV. Application and Submission Information

A. Addresses to Request Application Package

Applicants may download the Instructions to the application found on the grants.gov Web site at *http://www.Grants.gov./Apply.* The instructions contain the General Section and Program Section of the published NOFA as well as forms that you must complete and attach as a zip file to your application submission. If you have difficulty accessing the information you may call the Grants.gov Support desk toll free 800–518–GRANTS or e-mailing your questions to *Support@Grants.gov.* The Support Desk staff will assist you in accessing the information. Please remember that you must be registered to submit an application utilizing Grants.gov. Your registration allows you to electronically sign the application and Grants.gov to authenticate that the application was submitted by the appropriate organization staff with legal authority to submit the application on behalf of the applicant. Please see the General Section for information regarding the registration process or ask for registration information from the Grants.gov Support Desk. Please be aware that the registration process is a separate process from requesting e-mail notification of funding opportunities and should be done as soon as you download the application from the grants.gov Web site. If you are not sure if you are already registered, the Grants.gov Support Desk can assist in verifying whether you are or are not registered.

B. Content and Form of Application Submission

Your application must contain the items listed in paragraphs 1 and 2, below. These items include the standard forms listed in Section IV.B of the General Section that are applicable to this funding Notice (collectively referred to as the ''standard forms''). The standard forms and other required forms are part of the electronic application found at *www.grants.gov/Apply.* The items are as follows:

1. *Standard Forms.*

a. Application for Federal Assistance (SF–424)

b. SF–424 Supplement—Survey on Ensuring Equal Opportunity for Applicants.

c. If engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL)

d. Applicant/Recipient Disclosure/Update Report Form (HUD–2880)

e. Logic Model, (HUD–90610)

f. Acknowledgment of Application Receipt (HUD–2993), not required for electronic applications

g. Client Comments and Suggestions (HUD–2994), optional

h. Facsimile Transmittal Cover Page (HUD–96011). This form must be used as part of the electronic application to transmit third party documents and other information as described in the General Section as part of your electronic application submittal (if applicable).

2. *Other Application Items.* All applications for funding under the Service Coordinator Program must include the following documents and information:

a. Service Coordinator First-Time Funding Request, form HUD–91186.

b. Previous Participation Certification, form HUD–2530.

c. If more than one owner is proposing to share a Service Coordinator, one agency must designate itself the ''lead''. When the legal signatory for the owner corporation signs the application, the owner indicates agreement to administer grant funds for all the housing developments listed in the application.

d. Evidence of comparable salaries in your local area.

e. Narrative Statements Describing Your Program.

(1) Explain your method of estimating how many residents of your development are frail or at-risk elderly or non-elderly people with disabilities. Please document that individuals meeting these criteria make up at least 25 percent of your resident population. (Do not include elderly individuals or people with disabilities who do not live in the eligible developments included in your application.)

(2) Explain how you will provide on-site private office space for the Service Coordinator, to allow for confidential meetings with residents. If construction is planned, also include a plan and a cost-estimate.

(3) Your quality assurance program evaluation activities and itemized list of estimated expenses for this activity if included in your request for funding. Indicate the type of professional or entity that will perform the work if known at this time or the criteria you will use to select the provider.

(4) If you wish to augment an existing program, describe your program's needs and explain how the additional staff hours requested will help meet these needs.

(5) A description of your plan to address community resident needs, if applicable to your program.

(6) If you are applying for an ALCP grant in conjunction with your Service Coordinator application, describe how the new or additional Service Coordinator hours will support your proposed assisted living program. Indicate if you want your Service Coordinator application entered into the lottery if your ALCP application is not selected to receive an award.

f. Evidence that no project funds are available to fund a Service Coordinator program. You must include a copy of your development's most recent bank statement, showing the project's current residual receipts or excess income balance (if any). It is incumbent upon the applicant to demonstrate that no such project funds are available.

g. If applicable, provide evidence that prior funding sources for your development's Service Coordinator program are no longer available or will expire within six months following the application deadline date.

h. If an agent is preparing the application for an owner, the owner must authorize the agent as the Authorized Organization Representative (AOR) in the Grants.gov Registration process. If you are applying in paper copy format, you must provide a letter from the owner authorizing the submission by the agent on their behalf.

i. A DUNS number. Refer to the General Section for information regarding the DUNS requirement.

C. Submission Dates and Times

Applicants must follow the submission requirements discussed in Section IV.C of the General Section.

D. Intergovernmental Review

Intergovernmental review is not applicable to this program.

E. Funding Restrictions

1. *Alternative Funding for Service Coordinators.* If your development has available Section 8 operating funds, residual receipts, or excess income, not needed for critical project expenses, you must use these project funds prior to receiving grant monies. Owners may submit requests to use Section 8 operating funds, residual receipts, or excess income pursuant to instructions in Housing's Management Agent Handbook 4381.5, REVISION–2, CHANGE–2, Chapter 8 and Housing Notice H 02–14. HUD field staff may approve use of these project funds at any time, consistent with current policy. You should discuss these alternative-funding options with your field office staff prior to submitting a grant application.

2. *Ineligible Activities and Program Costs.* a. You may not use funds available through this NOFA to replace currently available funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions.

b. Owners with existing service coordinator subsidy awards or grants may not apply for renewal or extension of those programs under this NOFA. HUD will provide extension funds through a separate funding process.

c. You cannot hire an additional part or full-time Service Coordinator for the sole purpose of serving community residents.

d. Grant recipients may not use grant funds to pay for supervision performed by property management staff. (Management fees already pay for such supervision.)

e. Cost overruns associated with creating private office space and usual audit and legal fees are not eligible uses of grant funds.

f. The cost of application preparation is not eligible for reimbursement.

g. Grant funds cannot be used to increase a project's management fee.

h. Grant funds may not cover the cost of Service Coordinator-related training courses for members of a development's management staff who do not directly provide Service Coordination. Owners must use their management fees to pay this expense.

i. Owners/managers cannot use Reserve for Replacement funds to pay costs associated with a Service Coordinator program.

j. Congregate Housing Services Program grantees may not use these funds to meet statutory program match requirements and may not use these funds to replace current CHSP program funds to continue the employment of a service coordinator.

k. Grantees cannot use grant funds to pay PAC members for their services.

l. The grant amount allowed for QA may not exceed ten percent of the Service Coordinator's salary.

3. Prohibited Service Coordinator Functions. During work hours paid for by this grant, Service Coordinators may not perform the following activities:

a. Act as a recreational or activities director;

b. Provide supportive services directly;

c. Act as a Neighborhood Networks program director or coordinator, and

d. Perform property management work, regardless of the funding source used to pay for these activities.

F. Other Submission Requirements

1. *Application Submission and Receipt Procedures.* Carefully review the procedures presented in Section IV.F of the General Section. All applicants submitting Service Coordinator applications must submit applications electronically. Please pay particular attention to the portion of Section IV.F. of the General Section that explains how to submit Third Party Letters, Certifications or Narrative Statements electronically as part of your application.

2. *Waiver of Electronic Submission Requirement.* During FY2005, HUD will only accept electronic applications submitted through www.grants.gov unless the applicant has received a waiver from the Department. Please see the General Section for detailed instructions and timelines for requesting a waiver of the mandatory electronic submission requirement.

3. *Application Copies.* Applicants submitting electronic applications must submit just one application to *http://www.grants.gov.* Applicants who receive a waiver for electronic submission must submit an original and two copies to the field office with jurisdiction over the housing developments included in your application.

4. *Field Office Addresses.* If you are granted a waiver to the electronic application submission requirement,

you must submit an original and two hard copies of your application to the field office with jurisdiction over the housing developments identified in your application. If you send your application to the wrong local HUD Office, it will be rejected. Therefore, if you are uncertain as to which local HUD Office to submit your application, you are encouraged to contact the local HUD Office that is closest to your project's location to ascertain the Office's jurisdiction and ensure that you submit your application to the correct local HUD Office. For a list of field office addresses, see HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

V. Application Review Information

A. Criteria

1. HUD will not award Service Coordinator Program grant funds through a rating and ranking process. Instead, the Department will hold one national lottery for all applications determined to be eligible by Multifamily Hub and Multifamily Program Centers.

2. *Threshold Eligibility Review.* HUD Multifamily field office staff will review applications for completeness and compliance with the eligibility criteria set forth in Section III of this NOFA. Field office staff will deem an application eligible if the electronic application was submitted and received by *http:\\www.Grants.gov* no later than 11:59:59 p.m. on June 24, 2005. For applicants who submitted a paper copy of their application, the application was submitted by the deadline date and meets the application timely receipt requirements for paper copy submission in the General Section. To be eligible for the lottery, in addition to meeting the timely submission requirement, an applicant must meet all eligibility criteria; propose reasonable costs for eligible activities, and, if technical corrections are requested during the review process, provide the technical correction(s) by the timeframe stated in the request.

B. Review and Selection Process

1. *Funding Priorities.*

a. Prior to the lottery, HUD will fund Service Coordinator applications submitted by FY2005 ALCP applicants, whose ALCP applications are selected for funding under that program's NOFA. HUD estimates that approximately $500,000 will be used to fund ALCP Service Coordinator applications. Any funds not used by the ALCP program to fund service coordinators will be added to the funds available for the National Lottery.

b. After setting aside funds for ALCP applicants, and prior to the lottery, HUD will next fund all applications submitted by owners who are applying for grant funds to continue a currently operating program previously funded by project funds. As stated in paragraph III.A.4.f of this NOFA, such applications are eligible only if project funds are no longer available to continue the program.

2. *Selection Process.*

a. HUD will use remaining funds to make grant awards through the use of a national lottery. A computer program performs the lottery by randomly selecting eligible applications.

b. HUD will fully fund as many applications as possible with the given amount of funds available. After all fully fundable applications have been selected by lottery, HUD may make an offer to partially fund the next application on the lottery's list, in order to use the entire amount of funds allocated. If the applicant selected for partial funding turns down the offer, HUD will make an offer to partially fund the next application on the lottery list. HUD will continue this process until an applicant accepts the partial funding offer.

3. *Reduction in Requested Grant Amount.* HUD may make an award in an amount less than requested, if:

a. HUD determines that some elements of your proposed program are ineligible for funding;

b. There are insufficient funds available to make an offer to fully fund the application;

c. HUD determines that reduced grant amount would prevent duplicative Federal funding.

4. *Corrections to Deficient Applications.* Section V.B.4 of the General Section provides the procedures for corrections to deficient applications.

VI. Award Administration Information

A. Award Notices

HUD field staff will send, by postal or overnight mail, selection letters and grant agreements to the award recipient organization. The grant agreement is the obligating document and funds are obligated once the HUD grant officer signs the agreement. Field staff will send non-selection letters during this same period of time. If your application is rejected, field staff may notify you by letter any time during the application review process.

B. Administrative and National Policy Requirements

None.

C. Reporting

All award recipients must submit the following reports on a yearly basis:

1. Two Semi-Annual Financial Status Reports (SF–269–A), for each half-year period of the Federal fiscal year;

2. Two Semi-Annual Service Coordinator Performance Reports, (HUD–92456), for each half-year period of the Federal fiscal year;

3. Two completed Logic Model forms, HUD–96010, submitted as an attachment to each Semi-Annual Performance Report. The Logic Model must present performance information on a short term basis, corresponding to each six-month reporting period; on an intermediate basis, *i.e.* annually, and in the long-term, reporting results for the entire grant term showing progress related to program outputs and outcomes as specified in your approved Logic Model incorporated into your grant agreement. The objectives of the Service Coordinator program are to enhance a resident's quality of life and ability to live independently and to age in place. The data that HUD collects on the performance report and Logic Model measures, in a quantitative form, the grantee's success in meeting these intended program outcomes.

4. Periodic reimbursement requests (*i.e.,* Payment Voucher, form HUD–50080–SCMF), providing program expenses for the associated time period, and submitted in accordance with the due dates stated in the grant agreement. Grantees must request grant payments directly following the end of each agreed-upon time period and the funds must reimburse those program costs already incurred.

5. If your grant includes Quality Assurance activities, you must provide a copy of at least one annual report that your QA provider submits to you each year. You must submit this copy along with the semi-annual financial and performance reports that are due on October 30 of each year. The QA provider's report that you submit to HUD must include the following information: who performed the QA work, when the review(s) was conducted, and the results of the evaluation. The results should include such information as how many residents were served, the types of services they receive, the training sessions attended by the Service Coordinator, and the extent of resident satisfaction with the program. HUD will use this report, in tandem with other reports and performance data, to determine a grantee's acceptable program performance.

VII. Agency Contacts

You may contact your local HUD field office staff for questions you have regarding this NOFA and your application. Please contact the Multifamily Housing Resident Initiatives Specialist or Service Coordinator contact person in your local office. If you are an owner of a Section 515 development, contact the HUD field office that monitors your Section 8 contract. If you have a question that the field staff is unable to answer, please call Carissa Janis, Housing Project Manager; Office of Housing Assistance and Grants Administration; Department of Housing and Urban Development; 451 Seventh Street, SW., Room 6146; Washington, DC 20410–8000; (202) 708–3000, extension 2487 (this is not a toll-free number). If you are hearing-or speech-impaired, you may access this number via TTY by calling the Federal Information Relay Service at 800–877–8339.

VIII. Other Information

A. Satellite Broadcast

HUD will hold an information program for potential applicants via satellite broadcast to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should contact your local field office staff or consult the HUD Web site at *http://www.hud.gov.*

B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0477. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average *50.25* hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

C. Appendices

Appendix A to this NOFA presents the list of HUD offices. Appendix B to this NOFA provides the forms that are specific to this NOFA.

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed	2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)
			☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. **All** the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)	Area Code and Telephone No.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List.**" In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance Division – Housing
U.S. Department of Housing and Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Multifamily Housing Service Coordinator
First-Time Funding Request

OMB Approval Number 2502-0447
(exp. 01/31/2007)

The public reporting burden for this collection of information for the Multifamily Housing Service Coordinator Programs is estimated to average 40 hours per response for applicants, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information and preparing the application package for submission to HUD. When providing comments, please refer to OMB Approval No. 2502-0447. HUD may not conduct, and a person is not required to respond to, a collection of information unless the collection displays a valid control number. The information submitted in response to the Notice of Funding Availability for the Service Coordinator Program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Public Law 101-235, approved December 15, 1989, 42 U.S.C. 3545).

Name and Address of Applicant/Owner:

1. Project Information: Please provide the information for every project included in your request; add more rows if needed.

a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

2. Budget Information**

a. Personnel (Direct Labor/Salary) *Identify Position - SC or Aide*	Hours	Rate per Hour	Year1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Direct Labor Cost			0.00	0.00	0.00	0.00

b. Fringe Benefits	Rate (%)	Base	Year1	Year 2	Year 3	Tot 3-Year
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
	0%		0.00			0.00
Total Fringe Benefits Cost			0.00	0.00	0.00	0.00
c. Quality Assurance/Program Evaluation (cap - 10% of line "a", Personnel)	Hours	Rate Per Hour	Year1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Quality Assurance			0.00	0.00	0.00	0.00
d. Training	Hours	Rate Per Hour	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Training			0.00	0.00	0.00	0.00
e. Travel *(Indicate local private vehicle, (mileage and rate per mile) airfare (trips and fare), other (quantity and unit cost), per diem (days and rate per day).*			Year 1	Year 2	Year 3	Tot 3-Year
						0.00
						0.00
						0.00
						0.00
						0.00
Total Travel			0.00	0.00	0.00	0.00
f. Supplies and Materials	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Supplies and Materials			0.00	0.00	0.00	0.00

g. Start-up Costs						
1. Creating Private Office Space	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Subtotal for Private Office Space			0.00			0.00
2. Office Furniture/Equipment	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Subtotal Cost of Furniture/Equipment			0.00			0.00
Total Start-Up Costs			0.00			0.00
h. Other Direct Costs	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Other Direct Costs			0.00	0.00	0.00	0.00
Subtotal of Direct Costs			0.00	0.00	0.00	0.00
I. Indirect Costs	Quantity	Unit Cost	Year 1	Year 2	Year 3	Tot 3-Year
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
			0.00			0.00
Total Indirect Costs			0.00	0.00	0.00	0.00
j. Total Estimated Costs			0.00	0.00	0.00	0.00

** Please note: You may increase costs from year to year by no more than 5%.

k. Contracts: If you plan to contract out for a Service Coordinator or for Quality Assurance, list related cost. Give item and related cost.

l. Quality Assurance is _____% of line a, "Personnel (Direct Labor)". (Cannot exceed 10%.)

3. Funding Sources and Time Periods (Indicate all that apply.)

Grant	$ Amount	# of Years	# of Months		
Section 8 Operating Funds (i.e. Budget-based)	$ Amount	# of Years	# of Months	From Date	To Date
Residual Receipts	$ Amount	# of Years	# of Months	From Date	To Date
Excess Income	$ Amount	# of Years	# of Months	From Date	To Date

Signature: _____ Date: _____

Contact Name: _____ Phone #: _____ Email: _____

Project Information: Please provide the information for every project included in your request; add more rows if needed.

2. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	____	0%
Estimate # of at Risk Elderly	____	0%
Estimate # Non-Elderly People w/ Disabilities	____	0%
Remaining Residents	____	0%
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No

If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

3. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	____	0%
Estimate # of at Risk Elderly	____	0%
Estimate # Non-Elderly People w/ Disabilities	____	0%
Remaining Residents	____	0%
Total	0	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No		
If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

4. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

f. Resident Information	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0.00	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No		
If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Project Information:

5. a. Project Name and Address	b. Project Type *(I.e. Sec. 202, 236, 221(d)(3)BMIR, or Sec. 8)*	c. FHA or Project Number	d. Section 8 Number	e. # of Subsidized Rental Units

	Number of Residents	% of Total Residents
Estimate # of Frail Elderly	_____	0% %
Estimate # of at Risk Elderly	_____	0% %
Estimate # Non-Elderly People w/ Disabilities	_____	0% %
Remaining Residents	_____	0% %
Total	0.00	100%

g. If the SC will serve multiple eligible projects, give proportionate amount of time planned for each site.

Project Name(s)	# of Hours per week

h. Is there an SC currently working at this project? _____ Yes _____ No		
If yes: 1. How many hours per week does the Service Coordinator currently work?	2. How many hours per week do you want to add to your program?	3. Will you extend current employees hours or hire additional staff?

Instructions for completing the HUD-91186	
Section 2: Budget Information	
a. Personnel (Direct Labor)	This section should show the labor costs for The Service Coordinators and/or aides. Use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). You may include payroll taxes here. Do not show fringe or other indirect costs in this section.
b. Fringe Benefits	Use the same standard fringe rate used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. Use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, use a different base and discuss how you calculate fringe as a comment.
c. Quality Assurance	Give the title of the professional (e.g. MSW) or agency who will be performing QA, the number of hours over the year you expect to use them, and their hourly rate. Quality Assurance is limited to program evaluation activities and cannot exceed 10% of line a, Personnel.
d. Training	Give fees and rates for appropriate training programs, to the extent known. Otherwise estimate and provide basis for the anticipated cost.
e. Travel	Provide mileage and cost estimates for use of private vehicles or public transportation; show the estimated cost of airfare required to attend training programs, and list necessary per diem rates in accordance with your organization's policies. Give travel destinations if known.
f. Supplies and Materials	List the supplies you propose to purchase. You can use an anticipated consumption rate to estimate the cost of office or other common supplies, (e. g. 1 box paper clips every 3 months). Include replacement of office equipment. List items individually along with the quantity and their anticipated cost.
g.1. Creating Private Office Space	List expenses associated with setting up a private office for the Service Coordinator. List each anticipated cost. You may incur These costs only during the first year of your program.
g.2. Office Furniture and Equipment	List start-up expenses related to furniture, computers, printers, and other office equipment. List the quantity and unit cost.
Total Start-Up Costs	Sum of lines g.1 and g.2.
h. Other Direct Costs	Include costs such as telephone and Internet Service, printing, postage, and maintenance of office equipment, when such costs are attributable to the SC program only.
i. Indirect Costs	OMB Circular A87 defines indirect costs as those that have been incurred by multiple programs for common or joint purposes. Indirect costs are associated with the centralized services distributed throughout your agency and cannot be readily identified with one particular program. Additionally, the costs should not be otherwise treated as direct costs. If your organization already has an established indirect cost rate, use this rate and explain how it is calculated.
j. Grand Total	Sum lines "a" through "i" for each year. Then add the annual totals together to get to the total 3-year amount. You may increase costs from year to year by no more than 5%.
k. Contracts (Sub-Grantees)	If you will contract with a public or private agency to provide the Service Coordinator or Quality Assurance, list the activities and costs included in the contract in this section.

l. Quality Assurance Percent of line a, Personnel	Quality Assurance costs cannot exceed 10% of your total Personnel/Direct labor cost. Calculate your percentage and include on this line, to ensure you are within the 10% cap.
Section 3: Funding Sources and Time Periods	
Housing owners can use any of the four funding sources to pay the costs of a Service Coordinator program. You may use these resources individually or in combination with each other. Indicate which funding sources you propose to use, by giving the dollar amount, the number of years and months during which you will use the funds, and the dates of the time period, if known (e.g. from May 1, 2004 to April 30, 2005).	

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

Billing Code 4210-32-C

Section 202 Supportive Housing for the Elderly Program (Section 202 Program)

Overview Information

A. *Federal Agency Name:* Department of Housing and Urban Development, Office of Housing.

B. *Funding Opportunity Title:* Section 202 Supportive Housing for the Elderly.

C. *Announcement Type:* Initial announcement.

D. *Funding Opportunity Number:* The **Federal Register** number for this NOFA is FR–4950–N–19. The OMB Approval Number for this program is 2502–0267.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* 14.157, Section 202 Supportive Housing for the Elderly.

F. *Dates: Application Submission Date:* The application submission date is on or before May 31, 2005. Refer to Section IV of this NOFA and to the General Section for information on application submission requirements.

G. *Optional, Additional Overview Content Information:*

1. *Purpose of the Program.* This program provides funding for the development and operation of supportive housing for very low-income persons 62 years of age or older.

2. *Available Funds.* Approximately $462.9 million in capital advance funds, plus associated project rental assistance contract (PRAC) funds and any carryover funds available.

3. *Types of Funds.* Capital advance funds will cover the cost of developing the housing. PRAC funds will cover the difference between the HUD-approved operating costs of the project and the tenants' contributions toward rent (30 percent of their adjusted monthly income).

4. *Eligible Applicants.* Private nonprofit organizations and nonprofit consumer cooperatives. (See Section III.C.3.k of this program NOFA for further details and information regarding the formation of the Owner corporation).

5. *Eligible Activities.* New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing. (See Section III.C.1. below of this program NOFA for further information.

6. *Match Requirements.* None required.

7. *Local HUD Offices.* The local HUD office structure, for the purpose of implementing the Section 202 program, consists of 18 Multifamily Hub Offices. Within the Multifamily Hubs, there are Multifamily Program Centers with the exception of the New York Hub, the Buffalo Hub, the Denver Hub and the Los Angeles Hub. All future references shall use the term ''local HUD office'' unless a more detailed description is necessary as in Limitations on Applications and Ranking and Selection Procedures, below.

Full Text of Announcement

I. Funding Opportunity Description

A. *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used for the construction or rehabilitation of a structure, or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC)). Capital advance funds bear no interest and are based on development cost limits in Section IV.E.3. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

PRAC funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project. PRAC funds may also be used to provide supportive services and to hire a service coordinator in those projects serving frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

B. *Authority.* The Section 202 Supportive Housing for the Elderly Program is authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub. L. 102–550; approved October 28, 1992), the Rescissions Act (Pub. L. 104–19; enacted on July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569; approved December 27, 2000); and the Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004).

C. *Calculation of Fund Reservation.* If selected, you will receive a fund reservation that will consist of both a reservation of capital advance funds and a reservation of contract authority (one year) and budget authority (five years) for project rental assistance.

1. *Capital Advance Funds.* The reservation of capital advance funds is based on a formula which takes the development cost limit for the appropriate building type (elevator, non-elevator) and unit size(s) and multiplies it by the number of units of each size (including a unit for a resident manager, if applicable) and then multiplies the result by the high cost factor for the area. The development cost limits can be found in Section IV.E.3. of this program section of the SuperNOFA.

2. *PRAC Funds.* The PRAC contract authority is determined by multiplying the number of revenue units for elderly persons by the appropriate operating cost standard. The PRAC budget authority is determined by multiplying the PRAC contract authority by 5 (years). The operating cost standards will be published by Notice.

II. Award Information

A. Available Funds.

For FY2005, approximately $462.9 million is available for capital advances for the Section 202 Supportive Housing for the Elderly Program. The Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004) provides $747,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), for project rental assistance, amendments to contracts for project rental assistance, and $3 million for the renewal of expiring contracts for such assistance for up to a one-year term, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959 as well as the amount of $450,000 to be transferred to the Working Capital Fund, all of which is subject to a .8 percent across-the-board rescission pursuant to Public Law 108–447. Additionally, of the amount appropriated, $50 million is provided for service coordinators and the continuation of congregate services grants, up to $25 million is provided for assisted living conversion grants and emergency capital repairs, and $18 million is provided for a Section 202 Demonstration Planning Grant program.

The announcement of the availability of the funds for the service coordinators and the continuation of congregate services as well as the Assisted Living Conversion program is covered elsewhere in this SuperNOFA.

The announcement of the availability of funds for emergency capital repairs and the Section 202 Demonstration Planning Grant program will be addressed in a future **Federal Register**.

In accordance with the waiver authority provided in the Consolidated Appropriations Act, 2005, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 202 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY2005 formula consists of one data element from the 2000 Census: number of one-person elderly renter households (householder age 62 and older) with incomes at or below the applicable Section 8 very low-income limit, and with housing conditions. Housing conditions are defined as paying more than 30 percent of income for gross rent, or occupying a unit lacking some or all kitchen or plumbing facilities, or occupying an overcrowded unit (1.01 persons per room or more).

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each local HUD office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each local HUD office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below.

Note: The allocations for metropolitan and nonmetropolitan portions of the local HUD office jurisdictions reflect the definitions of metropolitan and nonmetropolitan areas as of the 2000 Census, as defined by the Office of Management and Budget at that time.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD office jurisdiction by dividing the number of elderly renter households in the respective metropolitan and nonmetropolitan portion of the jurisdiction by the total number of elderly rental households in the metropolitan and nonmetropolitan portions of the United States. The resulting percentage for each local HUD office jurisdiction is then adjusted to reflect the relative cost of providing housing among the local HUD office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide. Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

FY 2005 SECTION 202 ALLOCATIONS BY FIELD OFFICE

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
BOSTON HUB						
BOSTON	142	$16,013,611	9	$979,263	151	$16,992,874
HARTFORD	73	$8,563,592	5	$583,301	78	$9,146,893
MANCHESTER	38	$3,540,132	28	$2,538,223	66	$6,078,355
PROVIDENCE	42	$4,777,647	5	$570,339	47	$5,347,986
TOTAL	295	$32,894,982	47	$4,671,126	342	$37,566,108
NEW YORK HUB						
NEW YORK	344	$42,773,065	5	$622,188	349	$43,395,253
BUFFALO HUB						
BUFFALO	101	$10,200,309	21	$2,093,719	122	$12,294,028
PHILADELPHIA HUB						
CHARLESTON	20	$1,752,496	13	$1,107,686	33	$2,860,182
NEWARK	164	$19,554,717			164	$19,554,717
PHILADELPHIA	142	$15,558,465	17	$1,900,696	159	$17,459,161
PITTSBURGH	71	$6,624,999	15	$1,370,054	86	$7,995,053
TOTAL	397	$43,490,677	45	$4,378,436	442	$47,869,113
BALTIMORE HUB						
BALTIMORE	100	$9,247,502	9	$872,488	109	10,119,990
RICHMOND	73	$6,082,198	19	$1,575,211	92	7,657,409
TOTAL	173	$15,329,700	28	$2,447,699	201	$17,777,399
GREENSBORO HUB						
COLUMBIA	44	$3,899,936	15	$1,283,813	59	$5,183,749
GREENSBORO	70	$7,325,236	30	$3,163,597	100	$10,488,833
TOTAL	114	$11,225,172	45	$4,447,410	159	$15,672,582

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
ATLANTA HUB						
ATLANTA	66	$5,388,884	28	$2,254,552	94	$7,643,436
KNOXVILLE	20	$1,545,100	11	$815,270	31	$2,360,370
LOUISVILLE	43	$3,772,055	23	$1,999,515	66	$5,771,570
NASHVILLE	46	$3,695,180	15	$1,237,452	61	$4,932,632
SAN JUAN	37	$3,464,829	5	$474,418	42	$3,939,247
TOTAL	212	$17,866,048	82	$6,781,207	294	$24,647,255
JACKSONVILLE HUB						
BIRMINGHAM	50	$3,979,816	18	$1,383,296	68	$5,363,112
JACKSON	20	$1,513,991	19	$1,426,406	39	$2,940,397
JACKSONVILLE	210	$16,436,940	14	$1,059,198	224	$17,496,138
TOTAL	280	$21,930,747	51	$3,868,900	331	$25,799,647
CHICAGO HUB						
CHICAGO	167	$18,950,302	25	$2,884,884	192	$21,835,186
INDIANAPOLIS	74	$6,415,330	21	$1,865,042	95	$8,280,372
TOTAL	241	$25,365,632	46	$4,749,926	287	$30,115,558
COLUMBUS HUB						
CINCINNATI	55	$4,688,312	5	$422,569	60	$5,110,881
CLEVELAND	92	$8,683,364	12	$1,174,225	104	$9,857,589
COLUMBUS	43	$3,645,626	16	$1,314,340	59	$4,959,966
TOTAL	190	$17,017,302	33	$2,911,134	223	$19,928,436
DETROIT HUB						
DETROIT	96	$9,561,740	5	$497,750	101	$10,059,490
GRAND RAPIDS	45	$3,796,776	15	$1,301,965	60	$5,098,741
TOTAL	141	$13,358,516	20	$1,799,715	161	$15,158,231
MINNEAPOLIS HUB						
MINNEAPOLIS	68	$7,164,606	24	$2,545,859	92	$9,710,465
MILWAUKEE	78	$7,877,171	27	$2,691,141	105	$10,568,312
TOTAL	146	$15,041,777	51	$5,237,000	197	$20,278,777

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE
FT. WORTH HUB						
FT. WORTH	104	$7,954,513	25	$1,930,923	129	$9,885,436
HOUSTON	67	$4,965,382	10	$743,356	77	$5,708,738
LITTLE ROCK	20	$1,431,032	19	$1,338,711	39	$2,769,743
NEW ORLEANS	57	$4,311,397	13	$1,007,102	70	$5,318,499
SAN ANTONIO	55	$4,044,065	11	$832,199	66	$4,876,264
TOTAL	303	$22,706,389	78	$5,852,291	381	$28,558,680
KANSAS CITY HUB						
DES MOINES	20	$1,576,210	22	$1,770,862	42	$3,347,072
KANSAS CITY	57	$4,947,060	23	$1,930,190	80	$6,877,250
OKLAHOMA CITY	41	$3,113,744	17	$1,269,689	58	$4,383,433
OMAHA	20	$1,731,757	14	$1,225,267	34	$2,957,024
ST LOUIS	47	$4,678,985	16	$1,563,094	63	$6,242,079
TOTAL	185	$16,047,756	92	$7,759,102	277	$23,806,858
DENVER HUB						
DENVER	82	$7,629,546	33	$2,603,747	115	$10,233,293
SAN FRANCISCO HUB						
SAN FRANCISCO	162	$19,233,215	12	$1,322,892	174	$20,556,107
HONOLULU	20	$3,733,128	5	$933,282	25	$4,666,410
PHOENIX	62	$4,983,847	9	$741,329	71	$5,725,176
SACRAMENTO	54	$6,041,805	9	$1,050,821	63	$7,092,626
TOTAL	298	$33,991,995	35	$4,048,324	333	$38,040,319
LOS ANGELES HUB						
LOS ANGELES	264	$29,169,468	5	$552,192	269	$29,721,660
SEATTLE HUB						
SEATTLE	79	$8,394,088	16	$1,728,813	95	$10,122,901
ANCHORAGE	20	$3,733,128	5	$933,282	25	$4,666,410
PORTLAND	56	$5,304,408	22	$1,949,796	78	$7,254,204
TOTAL	155	$17,431,624	43	$4,611,891	198	$22,043,515
NATIONAL TOTAL	**3,921**	**$393,470,705**	**760**	**$69,436,007**	**4,681**	**$462,906,712**

B. Type of Award

Capital Advance and Project Rental Assistance Contract Funds for new Section 202 applications.

C. Type of Assistance Instrument

The Agreement Letter stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

D. Anticipated Start and Completion Date

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work toward the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award period as indicated in the above paragraph regarding the Type of Assistance Instrument. Final closing of this capital advance is expected to occur

no later than six months after completion of project construction.

III. Eligibility Information

A. Eligible Applicants

Private nonprofit organizations and nonprofit consumer cooperatives who meet the threshold requirements contained in the General Section of the SuperNOFA and Section III.C. 2. of this NOFA are the only eligible applicants under this Section 202 program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

Applicant eligibility for purposes of applying for a Section 202 fund reservation under this NOFA has not changed; *i.e.*, all Section 202 Sponsors and Co-Sponsors must be private nonprofit organizations and nonprofit consumer cooperatives. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose private nonprofit organization that has tax-exempt status under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986, (2) nonprofit consumer cooperative, or (3) for purposes of developing a mixed-finance project pursuant to the statutory provision under Title VIII of the American Homeownership and Economic Opportunity Act of 2000, a for-profit limited partnership with a private nonprofit organization as the sole general partner.

See Section IV.E.2. regarding limits on the total number of units and projects for which you may apply for funding.

B. Cost Sharing or Matching

No cost sharing or match is required; however, you are required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of one-half of one percent of the HUD-approved capital advance, not to exceed $10,000 or for a national Sponsor not to exceed $25,000, and any funds required in excess of the capital advance, including the estimated cost of any amenities or features (and operating costs related thereto) which are not covered by the capital advance. You make such a commitment by signing the Form HUD–92042, Sponsor's Resolution for Commitment to Project in Exhibit 8(g) of the application found in Section IV.B.

C. Other

1. *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 202 funding sources leveraged by a for-profit limited partnership (of which a single-purpose private nonprofit organization is the sole general partner) to develop a mixed-finance project, including a mixed-finance project for additional units over and above the Section 202 units. The development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure is not considered a mixed-finance project. Project rental assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents.

Note: For purposes of approving Section 202 capital advances, HUD will consider proposals involving mixed-financing for additional units over and above the Section 202 units. However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 202 units.

A portion of the PRAC funds (not to exceed $15 per unit/per month) may be used to cover some of the cost of any supportive services for those frail elderly or those elderly determined to be at-risk of being institutionalized. The balance of the cost for services must be paid for from sources other than the capital advance or PRAC funds. Also, the cost of employing a service coordinator for those projects serving principally the frail elderly (when at least 25 percent of the residents will be frail or determined to be at-risk of being institutionalized) is an eligible use of PRAC funds. Section 202 projects receiving Congregate Housing Services assistance under Section 802 of the National Affordable Housing Act are not eligible to use capital advance or PRAC funds for supportive services or the cost of a service coordinator.

2. *Threshold Requirements for Funding Consideration.* In addition to the threshold criteria outlined in the General Section of the SuperNOFA (such as the inclusion of a DUN and Bradstreet Data Universal Numbering System (DUNS) Number on the SF–424), the following threshold requirements must be met:

a. *Non-Responsive Application.* Your application will be considered non-responsive to the NOFA and will not be accepted for processing if you:

(1) submit less than the required number of copies (an original and four copies are required if you requested and received approval for a waiver of the electronic submission requirement). Refer to the General Section of the SuperNOFA for information on application submission and receipt procedures;

(2) request more units than were allocated in either the metropolitan or nonmetropolitan allocation category to the local HUD office that will be reviewing your application or 125 units, whichever is less (see the allocation chart in Section II.A. above); or

(3) request less than the minimum number of 5 units per site.

(4) request assistance for housing that you currently own or lease that is already occupied by elderly persons.

b. *Other Criteria.*

(1) You, or a Co-Sponsor, must have experience in providing housing or services to elderly persons.

(2) You and any Co-Sponsor must be eligible private nonprofit organizations or nonprofit consumer cooperatives with tax exempt status under Internal Revenue Service code.

(3) Your application must contain acceptable evidence of site control (see Exhibit 4(d)(i) of the application in Section IV.B. of this program section of the SuperNOFA).

(a) Evidence of Site Control. You must provide evidence of site control as described in this section and Exhibit 4(d)(i) of Section IV.B. of this program section of the SuperNOFA).

(b) Historic Preservation. You are required to send a letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) that attempts to initiate consultation with their office and requests their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter to the SHPO/THPO that you may adapt for your use, if you so choose. You must include a copy of your letter to the SHPO/THPO in your application. You must also include in your application either:

(i) The response letter(s) from the SHPO/THPO, or

(ii) A statement from you that you have not received a response letter(s) from the SHPO/THPO.

(c) Contamination. HUD must determine if a proposed site contains contamination and, if so, HUD must be satisfied that it is eliminated to the extent necessary to meet non site-specific Federal, State or local health standards. You must assist HUD by doing the following:

(i) Phase I Environmental Site Assessment (ESA). You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no

earlier than six months prior to the application deadline date. The Phase I ESA must be completed and submitted with the application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document ''Choosing an Environmentally Safe Site'' which is available on HUD's Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm* and the ''Supplemental Guidance, Environmental Information'', in Appendix C to this program section of the SuperNOFA.

(ii) Phase II ESA. If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered for review under this FY2005 funding competition, the Phase II must be received by the local HUD office on or before June 30, 2005.

(iii) Clean-up.—If the Phase II ESA reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for your application to be considered for review under this FY2005 funding competition, this information must be received by the local HUD office on or before June 30, 2005.

Note: Clean-up could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation. If the application is approved, clean-up must be completed prior to initial closing. Completion of clean-up means that HUD must be satisfied that the contamination has been eliminated to the extent necessary to meet non site-specific federal, state or local health standards, with no active or passive remediation still taking place, no capping over of any contamination, and no monitoring wells. However, it is acceptable if contamination remains solely in groundwater that is at least 25 feet below the surface.

(d) Asbestos. Asbestos is a hazardous substance commonly used in building products until the late 1970s. Therefore, you must submit one of the following with your application:

(i) If there is no pre-1978 structure on the site, a statement to this effect, or

(ii) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(4) There must be a market need for the number of units proposed in the area of the project location.

(5) You are required to include a Supportive Services Plan that describes the supportive services proposed to be provided to the anticipated occupants, including a description of the public or private funds that are expected to fund the proposed services and the manner in which the services will be provided to the proposed residents (see Exhibit 5 in Section IV.B. of this program section of the SuperNOFA). You must not require residents to accept any supportive services as a condition of occupancy or admission.

(6) Delinquent Federal Debt. Refer to the General Section of the SuperNOFA for information regarding delinquent Federal debt.

3. *Program Requirements.* By signing Form HUD–92015–CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information, you are certifying that you will comply with all program requirements listed in the General Section of the SuperNOFA as well as the following requirements:

a. Statutory and Regulatory Requirements. In addition to the statutory, regulatory, threshold and public policy requirements listed in the General Section of this SuperNOFA, you must comply with all statutory and regulatory requirements listed in Sections I and III of this program NOFA.

b. Application/Project Size Limits.

(1) Application Limits Applicable to Sponsors or Co-Sponsors. A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD offices. Affiliated entities (organizations that are branches or offshoots of a parent organization) that submit separate applications are considered a single entity for the purpose of this limit.

(2) Maximum Project Size. No single application may propose the development of a project for more than the number of units allocated to a local HUD office (in either the metropolitan or nonmetropolitan allocation category, depending on the location of your proposed project) or 125 units, whichever is less. For example, the local HUD office, which has jurisdiction over the area of your proposed project, was allocated 80 units (metropolitan) and 20 units (nonmetropolitan) for a total of 100 units. You cannot apply for more than 80 units if your proposed project is in a metropolitan area and no more than 20 units if the project is in a nonmetropolitan area.

(3) Minimum Project Size. The minimum number of units that can be applied for in one application is five units. If the proposed project will be a scattered-site development, the five-unit minimum requirement will apply to each site.

c. Minimum Capital Investment. If selected, you must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed $10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed $25,000.

d. Accessibility. Your project must meet accessibility requirements published at 24 CFR 891.120, 24 CFR 891.210, and Section 504 of the Rehabilitation Act of 1973, and, if new construction, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. In addition, 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the federally assisted program or activity. HUD will award higher points to applications that add accessible design features beyond those required under civil rights laws and regulations. Refer to Section V.A. below and the General Section of the SuperNOFA for information regarding the policy priority of encouraging accessible design.

e. Conducting Business in Accordance with HUD Core Values and Ethical Standards. You are not subject to the

requirements of 24 CFR parts 84 and 85 as outlined in the General Section of the SuperNOFA, except that the disposition of real property may be subject to 24 CFR part 84. However, you are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to sign a Conflict of Interest Resolution and include it in your Section 202 application. Further, if awarded a Section 202 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 202 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

f. National Environmental Policy Act. You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to, the provision of information to HUD at 24 CFR 50.31(b) and you must comply with any environmental ''conditions and safeguards'' at 24 CFR 50.3(c).

Under 24 CFR part 50, HUD has the responsibility for conducting the environmental reviews. HUD cannot approve any site unless it first completes the environmental review. In rare cases where HUD is not able to complete the environmental review, it is due to a complex environmental issue that could not be resolved during the time period allocated for application processing. Thus, HUD requires you to attempt to obtain comments from the State/Tribal Historic Preservation Officer (see Exhibit 4(d)(ix) of Section IV.B. below) to help HUD complete the environmental review on time. It is also why HUD may contact you for additional environmental information. So that you can review the type of information that HUD needs for its preparation of the environmental review as well as the type of information requests that HUD may make to you, you are invited to go to the following Web site to view the HUD form 4128, including the Sample Field Notes Checklist, which HUD uses to record the environmental review: *www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviron/environment/compliance/forms/4128.pdf*.

g. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. Refer to the General Section of the SuperNOFA for information regarding Executive Order 13202.

h. Fair Housing Requirements. Refer to the General Section of the SuperNOFA for information regarding fair housing requirements.

i. Economic Opportunities for Low and Very Low-Income Persons (Section 3). You must comply with Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons) and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very low-income persons. To comply with Section 3 requirements you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

j. Design and Cost Standards. You must comply with HUD's Section 202 design and cost standards (24 CFR 891.120 and 891.210), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and, where applicable, the Americans with Disabilities Act of 1990.

HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Although it is not a requirement, you are nonetheless encouraged to promote energy efficiency in design and operations and your application will receive one (1) point if you describe your plans for doing so in the proposed project. You are urged especially to purchase and use Energy Star-labeled products. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see *http://www.energystar.gov* or call 1–888–STAR–YES (1–888–782–7937) or for the hearing-impaired, 1–888–588–9920 TTY.

k. Formation of Owner Corporation. You must form an Owner entity (in accordance with 24 CFR 891.205) after issuance of the capital advance fund reservation and must cause the Owner entity to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner entity to ensure the development and long-term operation of the project, including capitalizing the Owner entity at firm commitment processing in an amount sufficient to meet its obligations in connection with the project over and above the capital advance amount.

l. Davis-Bacon. You must comply with the Davis-Bacon requirements (12 U.S.C. 1701q(j)(5)) and the Contract Work Hours and Safety Standards Act in accordance with 24 CFR 891.155(d).

IV. Application and Submission Information

A. Addresses to Request Application Package

All information required to complete and return a valid application is included in the General Section and this program section of the SuperNOFA, including appendices. Copies of the General Section, this program section, and the required forms and appendices are available and may be downloaded from the *Grants.gov* Web site at *http://www.grants.gov*.

You may request general information, copies of the General Section and program section of the SuperNOFA (including appendices), and required forms from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in. Be sure to provide your name, address (including zip code), and telephone number (including area code).

B. Content and Form of Application Submission

The exhibits to be included in your application are contained in the body of this program section of the SuperNOFA. There will not be a separate Application Kit provided this year. Before preparing your application, you should carefully review the requirements of the regulations (24 CFR part 891) and general program instructions in Handbook 4571.3 REV–1, Section 202 Capital Advance Program for Housing the Elderly. *Note: Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967) applies to all information supplied in the application submission.* (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.)

The Application for a Section 202 Capital Advance consists of four parts with a total of eight Exhibits. Included with the eight Exhibits are prescribed forms, certifications and resolutions. The components of the Application are:

Part 1—Application Form for Section 202 Supportive Housing—Capital Advance (Exhibit 1).

Part 2—Your Ability to Develop and Operate the Proposed Project (Exhibits 2 and 3).

Part 3—The Need for Supportive Housing for the Target Population in the Area to be Served, Site Control and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project (Exhibits 4 and 5).

Part 4—General Application Requirements, Certifications and Resolutions (Exhibits 6 through 8).

Appendix A—Listing of Local HUD Offices.

Appendix B—Letter Requesting SHPO/THPO Review.

Appendix C—Supplemental to Choosing an Environmentally Safe Site.

Your application must include all of the information, materials, forms, and exhibits listed below (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Exhibits 2(a), (b), and (c), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The local HUD office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate local HUD office based on the information submitted.

In addition to this relief of paperwork burden in preparing applications, you will be able to use information and exhibits previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

For programmatic information, you MUST contact the appropriate local HUD office about the submission of applications within the jurisdiction of that Office.

Note: You may propose a scattered site project in one application, in which case the minimum unit requirement per site and the maximum number of units per application as specified in Section III.C.3.b. above apply.

Please submit your application using the following format provided in this program section of the SuperNOFA. Unless you received a waiver of the electronic application submission, you must number the pages of each file, narratives and other attached files. Include the name of your organization and your DUNS number on the header of each document.

1. Table of contents (This is also to be used as a checklist to assist you in submitting a complete application. For applicants who received a waiver of the electronic application submission, after your application is complete, you must insert the page number after each Exhibit or portion of the Exhibit item listed below.)

a. Part I—Application Form for Section 202 Supportive Housing—Capital Advance

(1) Exhibit 1: Form HUD–92015–CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information.

b. Part II—Your Ability to Develop and Operate the Proposed

Project

(1) Exhibit 2: Your Legal Status.

(a) Articles of Incorporation (or other organizational documents).

(b) By-laws.

(c) IRS Tax Exemption Ruling.

[Exception: see exhibit to determine if you may be exempt from submitting these documents.]

(2) Exhibit 3: Your purpose, community ties and experience:

(a) Purpose(s), current activities, how long you have been in existence.

(b) Ties to the community at large, to the target population, and description of geographic areas served.

(c) Local government support for project.

(d) Letters of support for your organization and for the proposed project.

(e) Housing and/or supportive services experience.

(f) Efforts to involve target population.

(g) Description of practical solutions to be implemented.

(h) Project Development Timeline.

(i) Description of how project will remain viable.

(i) if service funds are depleted.

(ii) for state-funded services, if state changes policy.

(iii) if the need for project changes.

(j) Description of efforts to remove barriers to affordable housing.

c. Part III—The need for supportive housing for the target population in the area to be served, site control and suitability of site, adequacy of the provision of supportive services and of the proposed project

(1) Exhibit 4: Project information including:

(a) Evidence of need for project.

(b) How project will benefit target population and community.

(c) A narrative description of the project, including:

(i) Building design.

(ii) Whether and how project will promote energy efficiency.

(iii) If applicable, description of plans and actions to create a mixed-finance project for additional units and the number of additional units.

(d) Evidence of site control and permissive zoning.

(i) Site control document(s).

(ii) Evidence site is free of limitations, restrictions, or reverters.

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible.

(iv) Evidence of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) site notification requirement.

(v) Narrative topographical/demographic description of site/area

suitability, how site will promote greater housing opportunities for minorities/target population.

(vi) Racial composition/concentration map of site.

(vii) Phase I Environmental Site Assessment.

(viii) Asbestos Statement or Report.

(ix) Letter to State/Tribal Historic Preservation Officer (SHPO/THPO).

(x) Response from SHPO/THPO or statement that SHPO/THPO failed to respond.

(2) Exhibit 5: Supportive Services Plan.

LV. (a) Description of services.

(b) Public/private funding sources for proposed services.

(c) Manner in which services will be provided.

d. Part IV—General application requirements, certifications and resolutions

(1) Exhibit 6: Other Applications.

(a) A list of applications, if any, you are submitting to any other local HUD Office in response to the FY 2005 Section 202 or Section 811 NOFA, and required information about each.

(b) A list of all FY 2004 and prior year Section 202 or Section 811 projects to which you are a party and the required information about each.

(2) Exhibit 7: A statement that:

(a) Identifies all persons occupying property on application submission date.

(b) Indicates estimated cost of relocation payments/other services.

(c) Identifies staff organization that will carry out relocation activities.

(d) Identifies all persons who have moved from site within past 12 months.

(3) Exhibit 8: Certifications and Resolutions:

(a) Standard Form 424, Application for Federal Assistance.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants.

(c) Standard Form LLL, Disclosure of Lobbying Activities, if applicable.

(d) Form HUD–2880, Applicant/Recipient Disclosure/Update Report.

(e) Form HUD–2991, Certification of Consistency with the Consolidated Plan.

(f) Form HUD–92041, Sponsor's Conflict of Interest Resolution.

(g) Form HUD–92042, Sponsor's Resolution for Commitment to Project.

(h) Form HUD–2990, Certification of Consistency with the RC/EZ/EC–II Strategic Plan.

(i) Form HUD–2530, Previous Participation Certification.

(j) Form HUD–96010, Logic Model.

(k) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers.

(l) Form HUD–96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.

2. General Applications Requirements.

a. Part I—Application Form for Section 202 Supportive Housing—Capital Advance

(1) Exhibit 1—Form HUD–92015–CA, Supportive Housing for the Elderly Section 202, Application for Capital Advance Summary Information. Refer to Section IV.B.3. of this program section for a copy of this form.

b. Part II—Your ability to develop and operate the proposed project.

(1) Exhibit 2—Evidence of your legal status (Private nonprofit or nonprofit consumer cooperative (If another organization(s) is co-sponsoring the application with you, each Co-Sponsor must also submit the following):

(a) Articles of Incorporation, constitution, or other organizational documents;

(b) By-laws;

(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches).

[Exception: if you received a Section 202 fund reservation within the last three funding cycles, you are not required to submit the documents described in (a), (b), and (c) above. instead, submit the project number of the latest application and the local hud office to which it was submitted. if there have been any modifications or additions to the subject documents, indicate such, and submit the new material.]

(2) Exhibit 3—Your purpose, community ties and experience:

(a) A description of your purpose(s), current activities, and how long you have been in existence.

(b) A description of your ties to the community in which your project will be located and to the minority and elderly communities in particular, including a description of the specific geographic area(s) in which you have served.

(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.).

(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the target population that you expect to serve in the proposed project.

(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities that you sponsored, own and/or operate, your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, your experience in serving the target population (the elderly and/or families and minorities); and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(f) A description of your efforts to involve members of the target population (elderly persons, including minority elderly persons) in the development of the application as well as your intent to involve the target population in the development and operation of the project.

(g) A description of the practical solutions you will implement which will enable residents of your project to achieve independent living. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include any activities that will enhance the quality of life for the residents. And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(h) Describe your plan for completing the proposed project. Include a project development timeline which lists the major development stages for the project with associated dates that must be met in order to get the project to initial closing and start of construction within the 18-month fund reservation period as well as the full completion of the project, including final closing. Completion of Exhibit 8(j), Logic Model, will assist you in completing your response to this Exhibit.

(i) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year capital advance period. This description should address the measures you would take should any of the following occur:

(i) funding for any of the needed supportive services becomes depleted;

(ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose; or

(iii) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(j) A description of the successful efforts the jurisdiction in which your project will be located has taken in removing regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority, you must complete the optional Form HUD–27300, ''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers'' in Exhibit 8(k) of the application AND provide the necessary URL references or submit the documentary evidence.

c. Part III—The need for supportive housing for the target population, site control and suitability of site, adequacy of the provision of supportive services and of the proposed project.

(1) Exhibit 4—Need and Project Information.

(a) Evidence of need for supportive housing. Include a description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing federally assisted housing for the elderly (HUD and the Rural Housing Service (RHS)) *e.g.*, public housing, state or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's or (where applicable) the state's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues was used in documenting the need for the project.

(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(c) Description of the project.

(i) Narrative description of the building design including a description of the number of units with bedroom distribution, any special design features, including any features that incorporate visitability standards and universal design, amenities, and/or commercial and community spaces, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

Note: If the community spaces, amenities, or features do not comply with the project design and cost standards of 24 CFR 891.120(a) and (c) and the special standards of 24 CFR 891.210, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(ii) Describe whether and how the project will promote energy efficiency (in accordance with the requirements set forth in Section III.C.3.j. of this program NOFA), including any plans to incorporate energy efficiency features in the operation of the project through the use of Energy Star labeled products and appliances and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) If you are proposing to develop a mixed-finance project by developing additional units (*i.e.*, in addition to the 202 units), a description of any plans and actions you have taken to create such a mixed-finance project with the use of Section 202 capital advance funds, in combination with other funding sources. Provide the number of non-Section 202 units to be included in the mixed-finance project (also provide the number of additional units in the appropriate space on Form HUD–92015–CA). Also, provide copies of any letters you have sent seeking outside funding for the non-Section 202 units and any responses thereto. Your response to this Exhibit will be used to rate your application for Rating Factor 4.c., under Leveraging Resources.

Notes: (1) A proposal to develop a mixed-finance project for additional units must occur at the application for fund reservation stage. You cannot decide after selection that you want to do a mixed-finance project for additional units. (2) If you propose to develop a mixed-finance project for additional units, you must complete the development of such a proposal. If you are later unable to develop a mixed-finance project for additional units, you will not be permitted to proceed with a Section 202 project without additional units and your fund reservation will be canceled. This is due to the fact that the project would have received points in the rating of the application in consideration of the additional units and, if selected for funding, a later change in the proposal to exclude the additional units would alter the fairness of the competition. (3) Section 202 capital advance amendment money will not be approved for projects proposing mixed-financing for additional units. (4) If approved for a reservation of capital advance funds, you will be required to submit with your Firm Commitment Application, the additional documents required by HUD for mixed-finance proposals. (5) A mixed-finance project does not include the development of a mixed-use project in which the Section 202 units are mortgaged separately from the other uses of the structure.

(d) Evidence of site control and permissive zoning.

(i) Acceptable evidence of site control is limited to any one of the following:

(A) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 50 years with renewable provisions for 25 years, except for sites on Indian trust land, in which case, the term of the lease must be at least 50 years with no requirement for extensions;

(B) Contract of sale for the site that is free of any limitations affecting the ability of the seller to deliver ownership to you after you receive and accept a notice of Section 202 capital advance. (The only condition for closing on the sale can be your receipt and acceptance of the capital advance.) The contract of sale cannot require closing earlier than the Section 202 closing;

(C) Option to purchase or for a long-term leasehold, which must remain in effect for six months from the date on which the applications are due, must state a firm price binding on the seller, and be renewable at the end of the six-month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation;

(D) If the site is covered by a mortgage under a HUD program, (*e.g.*, a previously funded Section 202 or Section 811 project or an FHA-insured mortgage) you must submit evidence that consent to release the site from the mortgage has been obtained or has been requested from HUD (all required information in order for a decision on the request for a partial release of security must have been submitted to the local HUD office) and from the mortgagee, if other than HUD. Approval to release the site from the mortgage must be done before the local HUD office makes its selection recommendations to HUD Headquarters. Refer to Chapter 16 of HUD Handbook

4350.REV–1, Multifamily Asset Management and Project Servicing, for instructions on submitting requests to the local HUD office for partial release of security from a mortgage under a HUD program; or

(E) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter of commitment will be considered sufficient evidence of site control.

Note: For this funding cycle, the existing installment contract between the Village of Hanna City, Illinois and the General Services Administration is deemed sufficient to constitute site control for the purposes of the Section 202 program.

(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the Section 202 project or from any other development team member.

(iii) Evidence that the project, as proposed, is permissible under applicable zoning ordinances or regulations or a statement of the proposed action required to make the proposed project permissible and the basis for the belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.).

(iv) Evidence of compliance with the URA requirement that the seller has been provided, in writing, with the required information regarding a voluntary, arm's length purchase transaction (*i.e.*, (1) applicant does not have the power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property).

Note: This information should have been provided before making the purchase offer. However, in those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement or transaction, without penalty, after this information is provided.

(v) Narrative describing topographical and demographic aspects of the site, the suitability of the site and area (as well as a description of the characteristics of the neighborhood), how use of the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, and how use of the site will affirmatively further fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice, which is a component of the jurisdiction's Consolidated Plan or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the community's, the county's, or the state's, to which input should have been provided by local community organizations, agencies in the community and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(vi) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration.

Note: For this competition, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site, use data from the 2000 Census of Population. Data from the 2000 Census may be found at: *www.factfinder.census.gov/servlet/BasicFactsServlet.*

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application deadline date. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, you must submit the extent of the contamination and a plan for clean-up of the site including a contract for remediation of the problem(s) and an approval letter from the applicable federal, state, and/or local agency with jurisdiction over the site to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be received by the local HUD office by June 30, 2005. If it is not received by that date, the application will be rejected.

Note: You must pay for the cost of any clean-up or remediation which can be very expensive. See **Note** at Section III.C.2.B(3)(c)(iii).

(viii) You must submit one of the following:

(A) If there is no pre-1978 structure on the site, a statement to this effect, or

(B) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures.

Note: In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos, or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(ix) The letter you sent to the State/Tribal Historic Preservation Officer (SHPO/THPO) initiating consultation with their office and requesting their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter that you may adapt and send to the SHPO/THPO.

(x) The SHPO/THPO response to your letter or a statement that you have not received a response letter from the SHPO/THPO.

(2) Exhibit 5—Supportive Services Plan.

(a) A detailed description of the supportive services proposed to be provided to the anticipated occupancy.

(b) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services.

(c) The manner in which such services will be provided to such persons (*i.e.*, on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

Note: You may not require residents, as a condition of admission or occupancy, to accept any supportive services.

d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: Other Applications.

(a) A list of the applications, if any, you are submitting to any other local HUD office in response to the FY 2005 Section 202 or Section 811 NOFA. Indicate by local HUD office, the proposed location by city and state and the number of units requested for each application.

(b) Include a list of all FY2004 and prior year Section 202 and Section 811 capital advance projects to which you are a party. Identify each by project number and local HUD office and include the following information:

(1) whether the project has initially closed and, if so, when;

(2) if the project was older than 24 months when it initially closed (specify how old) or if older than 24 months now (specify how old) and has not initially closed, provide the reasons for the delay in closing;

(3) whether amendment money was or will be needed for any project in (2) above; and,

(4) those projects which have not been finally closed.

(2) Exhibit 7: A statement that:

(a) identifies all persons (families, individuals, businesses and nonprofit organizations) by race/minority group, and status as owners or tenants occupying the property on the date of submission of the application for a capital advance.

(b) indicates the estimated cost of relocation payments and other services.

(c) identifies the staff organization that will carry out the relocation activities.

(d) identifies all persons that have moved from the site within the past 12 months.

Note: If any of the relocation costs will be funded from sources other than the Section 202 Capital Advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of site acquisition, relocation, construction and other project costs).

(3) Exhibit 8: Certifications and Resolutions. With the exception of Form HUD–424CB and Form HUD–424CBW listed in the General Section of the SuperNOFA, and OMB Circulars A–87 and A–21, you are required to submit copies of the following:

(a) Standard Form 424—Application for Federal Assistance, including a DUNS number, an indication of whether you are delinquent on any Federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the State agency (Single Point of Contact) for state review in accordance with Executive Order 12372). A copy of this form and instructions on how to obtain a DUNS number are contained in the online application and the General Section of the SuperNOFA.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants. Although the information on this form will not be considered in making funding decisions, it will assist the federal government in ensuring that all qualified applicants have an equal opportunity to compete for federal funding. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(c) Standard Form LLL—Disclosure of Lobbying Activities (if applicable). A disclosure of activities conducted to influence any federal transactions. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(d) Form HUD–2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employee Identification Numbers. A disclosure of assistance from other government sources received in connection with the project. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(e) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan) for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the state or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan. All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in the program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(f) Form HUD–92041, Sponsor's Conflict of Interest Resolution. A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term. Refer to Section IV.B.3. for a copy of this Resolution.

(g) Form HUD–92042, Sponsor's Resolution for Commitment to Project. A certified Board Resolution acknowledging responsibilities of

sponsorship, long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000 or for national Sponsors, not to exceed $25,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance. Refer to Section IV.B.3. for a copy of this Resolution.

(h) Form HUD–2990, Certification of Consistency with the RC/EZ/EC–II Strategic Plan. A certification that the project is consistent with the RC/EZ/EC–IIs strategic plan, is located within the RC/EZ/EC–II, and serves RC/EZ/EC–II residents. (This certification is not required if the project site(s) will not be located in an RC/EZ/EC–II.) A copy of the RC/EZ/EC–II Certification form is contained in the online application and the General Section of the SuperNOFA.

(i) Form HUD–2530, Previous Participation Certification. This form must be submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. This form provides HUD with a certified report of all your previous participation in HUD multifamily housing projects. The information is used to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial, and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. Refer to Section IV.B.3. below for a copy of this form.

(j) Form HUD–96010, Logic Model. In addition to the Project Development Timeline to be submitted in Exhibit 3(h) above, the information provided in the Logic Model will be used in rating your application for Rating Factor 5, Achieving Results and Program Evaluation. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(k) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. This form requires you to supply a reference, URL or brief statement documenting the successful efforts in removing barriers to affordable housing by the jurisdiction in which your project will be located. This Questionnaire will be considered in the rating of your application for Rating Factor 3.j. A copy of this form is contained in the online application and the General Section.

(l) Form HUD–96011, Facsimile Transmittal to be used for faxing third party letters and other documents for your electronic application in accordance with the instructions in the General Section.

3. *Required Forms.* In addition to the required forms that are found in the General Section as specified above, the following required forms (HUD–92015–CA, HUD–92041, HUD–92042, and HUD–2530) are specific to the Section 202 program.

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)
			☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. **All** the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name) | Area Code and Telephone No.

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated ***must*** *be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.*

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List.**" In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp. 07/31/2007)

Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____

day of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp 07/31/2007)

Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the Sponsor on the _____ day of

_____, _____.

_____
Authorized Signature

Supportive Housing for the Elderly Section 202

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp. 07/31/2007)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD Use Only	202 Project Number	PRAC Number

1. Sponsor's Name(s), Address(es) & Telephone Number (s)

1a. Sponsor is a "grassroots" organization ☐ Yes ☐ No

2. Minority Sponsor Designation. A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," place the numeric code as shown below in this box ☐

Codes: 2 - Black; 3 - Native American; 4 - Hispanic; 5 - Asian Pacific; 6 - Asian Indian

3a. Address of Site

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, (4) Strategic Planning Community, or (5) Renewal Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please place the appropriate number as shown above in this box ☐

4a. Congressional District 4b. Census Tract	5. Type of Area ☐ Metropolitan ☐ Non-metropolitan	6. Capital Advance Amount Requested $	7. Project Rental Assistance Contract Amount Requested $

8. Total No. of 202 Units	8a. Number & Type of Resident Units Proposed	8b. Resident Manager's Unit (check appropriate type)
	☐ Efficiency ☐ One bedroom	☐ Efficiency ☐ One bedroom ☐ Two bedroom

9. Number of Buildings	10. Type of Project ☐ New Construction ☐ Rehabilitation ☐ Acquisition	Year Built (yyyy)	11. Type of Building(s) ☐ Row/Townhouse ☐ Semi-detached ☐ Walk-up ☐ Detached ☐ Elevator

12. Number of Stories	13. Number of Parking Spaces	14. Check utilities and services not included in the rent and to be paid directly by the tenant.
		☐ Electric ☐ Water ☐ Heat ☐ Gas

15. Off-Site Facilities

	Public	At Site	Feet from Site
Water	☐	☐	
Sewer	☐	☐	
Paving	☐	☐	
Gas	☐	☐	
Electric	☐	☐	

16a. Community Spaces to be included in Project

16b. Mixed-Finance or Mixed-Use Project For Additional Units
☐ Yes ☐ No
No. of Additional Units _____

17. Unusual Site Features
☐ None ☐ Poor Drainage
☐ Cuts ☐ Retaining Walls
☐ Fill ☐ Rock Foundations
☐ Erosion ☐ High Water Table
☐ Other (specify)

18. Mark one box
☐ Consultant
☐ Agent
☐ Authorized Representative

Name, Address & Telephone Number

19. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name	Form

20. Sponsor's Attorney (name, address & telephone number)

By (Signature of Sponsor's Authorized Representative)

Type in Name

Type in Title

Date (mm/dd/yyyy)

Previous editions are obsolete

form **HUD-92015-CA** (04/2002)
ref: Handbook 4571.3 Rev-1

C. Submission Dates and Time

Your application must be submitted and received electronically by Grants.gov no later than 11:59:59 p.m. Eastern time on May 31, 2005, unless a waiver of the electronic delivery process has been approved by HUD. Please refer to the General Section for instructions on applying for a waiver. If a waiver is granted, you must submit an original and four copies of your application on the application submission date following the mailing and timely receipt instructions in the General Section and Appendix A of this program NOFA. These instructions have changed from the 2004 SuperNOFA.

D. Intergovernmental Review

1. *State Review.* This funding opportunity is subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.'' You must contact your State's Single Point of Contact (SPOC) to find out about and comply with the state's process under EO 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's home page at *http://www.whitehouse.gov/omb/grants/spoc.html.* If required by the state, the submission to the state needs to occur before the Section 202 application submission date. It is recommended that you provide the state with sufficient time to review the application. Therefore, it is important that you consult with the SPOC for State review timeframes and take that into account when submitting the application.

2. *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS' comments in its review and application selection process.

E. Funding Restrictions

1. *Ineligible Activities.* Section 202 funds may not be used for:

a. Nursing homes;

b. Infirmaries;

c. Medical facilities;

d. Mobile homes;

e. Community centers;

f. Headquarters for organizations for the elderly;

g. Nonhousekeeping accommodations (*e.g.*, central dining, but without private kitchens and/or bathrooms in the residential units);

h. Refinancing of sponsor-owned facilities without rehabilitation,

i. Housing that you currently own or lease that is occupied by elderly persons; and

j. Projects licensed or to be licensed as assisted living facilities.

Note: You may propose to rehabilitate an existing currently-owned or leased structure that does not already serve elderly person, except that the refinancing of any federally-funded or assisted project or project insured or guaranteed by a Federal agency is not permissible under this Section 202 NOFA. HUD does not consider it appropriate to utilize scarce program resources to refinance projects that have already received some form of assistance under a federal program. (For example, Section 202 or Section 202/8 direct loan projects cannot be refinanced with capital advances and project rental assistance.)

2. *Application Limits (Units/Projects).* Refer to Section III.C.3.b. of this program section of the SuperNOFA for information applicable to the limitations on the number of units you may apply for in a single application and the project sizes.

3. *Development Cost Limits.* a. The following development cost limits, adjusted by locality as described in Section IV.E.3.b. below must be used to determine the capital advance amount to be reserved for projects for the elderly. *Note:* The capital advance funds awarded for this project are to be considered the total amount of funds that the Department will provide for the development of this project. Amendment funds will only be provided in exceptional circumstances (*e.g.*, to cover increased costs for construction delays due to litigation or unforeseen environmental issues resulting in a change of sites) that are clearly beyond your control. Otherwise, you are responsible for any costs over and above the capital advance amount provided by the Department as well as any costs associated with any excess amenities and design features.

(1) The capital advance amount for the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features and other costs you must pay for) may not exceed:

Non-elevator structures: $42,980 per family unit without a bedroom; $49,557 per family unit with one bedroom; $59,766 per family unit with two bedrooms.

For elevator structures: $45,232 per family unit without a bedroom; $51,849 per family unit with one bedroom; $63,049 per family unit with two bedrooms.

(2) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

b. Increased development cost limits.

(1) HUD may increase the development cost limits set forth above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

Note: In applying the applicable high cost percentage, the local HUD Office may use a percentage that is higher or lower than that which is assigned to the local HUD Office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a Section 202 project in that area.

(2) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in sections IV.E.3.a.(1) and IV.E.3.b.(1) above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

4. *Commercial Facilities.* A commercial facility for the benefit of the residents may be located and operated in the Section 202 project. However, the commercial facility cannot be funded with the use of Section 202 capital advance or PRAC funds. The maximum amount of space permitted for a commercial facility cannot exceed 10 percent of the total project cost. An exception to this 10 percent limitation is if the project involves acquisition or rehabilitation and the additional space was incorporated in the existing structure at the time the proposal was submitted to HUD. Commercial facilities are considered public accommodations under Title III of the Americans with Disabilities Act of 1990 (ADA), and thus must comply with all the accessibility requirements of the ADA.

5. *Expiration of Section 202 Funds.* The Consolidated Appropriations Act, 2005, requires HUD to obligate all Section 202 funds appropriated for FY

2005 by September 30, 2008. Under 31 U.S.C. Section 1551, no funds can be disbursed from this account after September 30, 2013. Under Section 202, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2013, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2013. Furthermore, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2013. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

F. Other Submission Requirements:

1. *Address for Submitting Applications.* Applications must be submitted electronically through the *http://www.grants.gov* Web site, unless the applicant receives a waiver from the electronic application submission requirement. See the General Section, Application Submission and Receipt Procedures, for information on applying online and requesting a waiver from the electronic application requirement. If you apply for and receive a waiver from the electronic application requirement, you must submit an original and four copies of your completed application to the Director of the appropriate local HUD office listed in Appendix A below.

Note: Do not use the listing in Attachment B to the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its strategic goals for FY 2005. Refer to the General Section of the SuperNOFA for information regarding HUD's Strategic Goals and Policy Priorities. For the Section 202 program, applicants who include work activities that specifically address the policy priorities of encouraging accessible design features by incorporating visitability standards and universal design, removing barriers to affordable housing, and promoting energy efficiency in design and operations will receive additional points. A Notice pertaining to the removal of barriers to affordable housing was published in the **Federal Register** and may be downloaded from the HUD Web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

Rating Factors. HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in this program Section of the SuperNOFA. The maximum number of points an application may receive under this program is 102. This includes two (2) RC/EZ/EC-II bonus points, as described in the General Section of the SuperNOFA and Section V.A.6. below.

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points).

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(a), 3(b), 3(e), 5 and 6 of Section IV.B. of this program section of the SuperNOFA. In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

a. (15 points). The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.*, number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability.

b. (10 points). The scope, extent and quality of your experience in providing housing or related services to minority persons or families and your ties to the community at large and to the minority and elderly communities in particular.

(1) (5 points). The scope, extent, and quality of your experience in providing housing or related services to minority persons or families.

(2) (5 points). The scope, extent, and quality of your ties to the community at large and to the minority and elderly communities in particular.

To earn the maximum number of points under sub-criteria (b)(1) above, you must describe both your relationships over time with the minority community and significant previous experience in providing housing and/or supportive services to minorities generally and to minority elderly in particular. For the purpose of this competition, ''significant previous experience'' means that the previous housing assistance or related services to minorities, *i.e.*, the percentage of minorities being provided housing or related services in your current developments, was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing or services occurred. To earn the maximum number of points under sub-criteria (b)(2) above, you should submit materials that demonstrate your efforts to make housing available to the community at large and the minority and elderly communities in particular. Examples of documents that may be submitted to earn the maximum number of points under sub-criteria (b)(2) include copies of your affirmative marketing plan and the advertising/outreach materials you utilize to attract minority communities (including limited English proficient communities), elderly community and the community at large. Regarding your advertising/outreach materials, you should identify when advertising/outreach materials are circulated, whom they are circulated to, where they are circulated and how they are circulated. Descriptions of other advertising/outreach efforts to the minority (including limited English proficient communities) and elderly communities and the dates and places of such advertising/outreach efforts should also be included.

c. (−3 to −5 points). HUD will deduct (except if the delay was beyond your control) 3 points if a fund reservation you received under either the Section 202 Program of Supportive Housing for the Elderly or the Section 811 Program of Supportive Housing for Persons with Disabilities in FY 2000 or later has been extended beyond 24 months, 4 points if beyond 36 months, and 5 points if beyond 48 months. Examples of such delays beyond your control include, but are not limited to, initial closing delays that are: (1) Directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

d. (−1 point). HUD will deduct 1 point if amendment money was required as a result of the delay (except if the delay was beyond your control).

2. Rating Factor 2: Need/Extent of the Problem (13 Points).

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area.

Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 4(a) and 4(b) of Section IV.B. of this program section of the SuperNOFA. HUD will take into consideration the following in evaluating this factor:

The extent of the need for the project in the area based on a determination by the local HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the local HUD office. The data should include a general assessment of the current conditions in the market for the type of housing proposed, an estimate of the demand for additional housing of the type proposed in the applicable housing market area; as well as, information on the numbers and types of existing comparable Federally assisted housing units for the elderly (HUD and RHS), current occupancy in such housing and recent market experience, comparable assisted housing for the elderly under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market areas. The Department will also review more favorably those applications that establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how your proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

For all Section 202 projects that are determined to have sufficient demand, HUD will rate your application based on the ratio of the number of units in the proposed project to the estimate of unmet need for housing assistance by the income eligible elderly households with selected housing conditions. Unmet need is defined as the number of very low-income elderly one-person renter households age 75 and older with housing conditions problems, as of the 2000 Census minus the number of project-based subsidized rental housing units (HUD, RHS, or LIHTC) that are affordable to very low-income elderly provided in the area since 1999. Units to be occupied by resident managers are not counted. After HUD determines the estimate of unmet need and whether a connection has been made between the project and community's Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or other planning document, HUD will rate your application as follows:

a. (10 points). The area of the project has an unmet needs ratio of 15 percent or less; OR (5 points). The area of the project has an unmet needs ratio of greater than 15 percent; OR (0 points). The area of the proposed project has no unmet needs for housing assistance.

b. (3 points). The extent that a connection has been established between the project and the community's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

3. Rating Factor 3: Soundness of Approach (45 Points).

This factor addresses the quality and effectiveness of your proposal and the extent to which you involved elderly persons, including elderly minority persons, in the development of the application and will involve them in the development and operation of the project, whether the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing, and whether you will promote energy efficiency in the design and operation of the proposed housing. There must be a clear relationship between your proposed design, proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(f), 3(j), 4(c)(i), 4(c)(ii), 4(c)(iii), 4(d)(iii), 4(d)(v), 4(d)(vi), 5, and 8(k) of Section IV.B. of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

a. (20 points). The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e)).

b. (−1 point). The site(s) is not permissively zoned for the intended use.

c. (10 points). The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the local HUD Office. Where appropriate, HUD may visit the site.

(1) The site will be deemed acceptable if it increases housing choice and opportunity by expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood). The term ''nonminority area'' is defined as one in which the minority population is lower than 10 percent; or contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(2) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

(a) The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market area as a whole;

(b) The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,

(c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

d. (2 points). The extent to which your proposed design will meet the special physical needs of elderly persons.

e. (2 points). The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion.

f. (2 points). The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or

categories of elderly persons the housing is intended to serve.

g. (3 points). The extent to which the proposed supportive services meet the identified needs of the anticipated residents and that the identified supportive services will be provided on a consistent, long-term basis.

h. (1 point). The extent to which the proposed design incorporates visitability standards and/or universal design in the construction or rehabilitation of the project. Refer to the General Section of the SuperNOFA for further information.

i. (2 points). Your involvement of elderly persons, particularly minority elderly persons, in the development of the application and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project.

j. (2 points). The extent to which the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing. (NOTE: To receive up to 2 points, the applicant must have submitted the optional Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, AND provided URL references or submitted the required documentary evidence.) Refer to the General Section of the SuperNOFA for further information.

k. (1 point) The extent to which you will promote energy efficiency in the design and operation of the proposed housing. Refer to Section III.C.3.j. of this NOFA.

4. Rating Factor 4: Leveraging Resources (5 Points).

This factor addresses your ability to secure other funding sources, including funding sources to develop a mixed-finance project for additional units for the elderly over and above the Section 202 units, if proposed, and community resources that can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(a), 3(b), 3(c), 3(d), 3(e), 4(c)(iii) and 5(b) of Section IV.B. of this NOFA.

a. (1 point). The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project.

b. (2 points). The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

c. (2 points). The extent of your plans to develop a mixed-finance project for additional units for the elderly over and above the Section 202 units.

(1) (1 point). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent 30 percent or less of the Section 202 units in the project; OR (2) (2 points). The proposed project involves mixed-financing for additional units in which the non-Section 202 units represent over 30 percent of the Section 202 units in the project.

Note: If you are proposing a mixed-financed project for additional units over and above the Section 202 units, your application may receive a maximum of 2 points under Rating Factor 4(c). Your application will receive either 1 or 2 points under this Rating Factor, depending upon the number of non-Section 202 units to be developed in the project. If your project will not involve mixed-financing for additional units, no points will be assigned for Rating Factor 4(c).

5. Rating Factor 5: Achieving Results and Program Evaluation (12 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability and, as such, emphasizes HUD's commitment to ensuring that you keep the promises made in your application. This factor requires that you clearly identify the benefits or outcomes of your project and develop an evaluation plan to measure performance, which includes what you are going to measure, how you are going to measure it, and the steps you will have in place to make adjustments to your project development timeline should you not be able to achieve any of the major milestones. Completion of Exhibit 8(j), Logic Model, will assist you in completing your response to this rating factor. This rating factor also addresses the extent to which your project will implement practical solutions that result in residents achieving independent living, educational opportunities, and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(e), 3(g), 3(h), 3(i), 6(b) and 8(j) of Section IV.B. NOFA.

a. (5 points). The extent to which your project development timeline is indicative of your full understanding of the development process and will, therefore, result in the timely development of your project.

b. (2 points). The extent to which your past performance evidences that the proposed project will result in the timely development of the project. Evidence of your past performance could include the development of previous construction projects, including but not limited to Section 202 and Section 811 projects.

c. (2 points). The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, educational opportunities, outreach regarding telemarketing fraud, and improved living environments.

d. (3 points). The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low-income elderly persons for the 40-year capital advance period.

6. Bonus Points (2 bonus points). Location of proposed site in an RC/EZ/EC–II area, as described in the General Section. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(h) of Section IV.B. of this NOFA.

B. Reviews and Selection Process

1. *Review for Curable Deficiencies.* You should ensure that your application is complete before transmitting it to the following Web site: *http://www.grants.gov* and, in case of a waiver of the electronic submission requirement, that you have an original and four copies before submitting it to the appropriate HUD office. Upon receipt of the application by HUD staff, HUD will screen all applications to determine if there are any curable deficiencies.

For applicants receiving a waiver to submit a paper application, submitting fewer than the required original and four copies of the application is not a curable deficiency and will cause your application to be considered non-responsive to the NOFA and returned to you. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. Refer to the General Section of the SuperNOFA for additional information regarding procedures for corrections to deficient applications. The following is a list of the only deficiencies that will be considered curable in a Section 202 application:

EXHIBIT	DESCRIPTION
1	Form 92015-CA (Application Form)*
2(a)	Articles of Incorporation*
(b)	By-laws*
(c)	IRS tax exemption ruling*
4(d)(i)	Evidence of site control
(d)(ii)	Evidence site is free of limitations, restrictions or reverters
(d)(iv)	Evidence of compliance with URA site notification requirement
(d)(vii)	Phase I ESA
(d)(viii)	Asbestos Statement or Report
(d)(ix)	Letter to the State/Tribal Historic Preservation Officer (SHPO/THPO)
(d)(x)	Letter from the SHPO/THPO, or statement that the SHPO/THPO failed to respond
7	Relocation
8(a)	Standard Form 424, Application for Federal Assistance
(b)	Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants
(c)	Standard Form LLL, Disclosure of Lobbying Activities, if applicable
(d)	Form HUD-2880, Applicant/Recipient Disclosure/Update Report
(e)	Form HUD-2991, Certification of Consistency with Consolidated Plan
(f)	Form-HUD-92041, Sponsor's Conflict of Interest Resolution
(g)	Form HUD-92042, Sponsor's Resolution for Commitment to Project*
(i)	Form HUD-2530, Previous Participation Certification

The local HUD office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will provide you with a specified deadline to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application submission date. If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with a deadline to cure the deficiency.

2. *Rating.* HUD will review and rate your application in accordance with the Reviews and Selection Process in the General Section of this SuperNOFA except as described in 3. Appeal Process below. Your application will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, including HUD approval of you, the Section 202 applicant, based on HUD's evaluation of the applicant's previous participation activities as reported on Form HUD–2530, Previous Participation Certification, it will be rated according to the rating factors in Section V.A. above.

3. *Appeal Process.* HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the local HUD office. In HUD's review of any appeal, it should be noted that in conformance with its regulations at 24 CFR part 4, subpart B, HUD will not consider any unsolicited information that you, the applicant, may want to provide. The local HUD office will make a determination on any appeals before making its selection recommendations.

4. *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score of 75 points or more (without the addition of RC/EC/EZ–II bonus points) and meet all of the applicable threshold requirements of the General Section of the SuperNOFA and this program NOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for RC/EC/EZ–II, will be selected based on rank order, up to and including the last application that can be funded out of each HUD Multifamily Program Center's metropolitan or nonmetropolitan allocation. HUD Multifamily Program Centers will not skip over any applications in order to select one based on the funds

remaining. After making the initial selections in each allocation area, however, HUD Multifamily Program Centers may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

Once this process has been completed, HUD Multifamily Program Centers may combine their unused metropolitan and nonmetropolitan funds in order to select the next highest ranked application in either category, using the unit reduction policy described above, if necessary.

After the HUD Multifamily Program Centers have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Multifamily Program Centers within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Multifamily Program Centers based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Multifamily Program Center. More than one application may be selected per HUD Multifamily Program Center if there are no approvable applications in other HUD Multifamily Program Centers within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, the Multifamily Hub may use any remaining residual funds to select the next highest rated application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than five units.

Funds remaining after the Multifamily Hub selection process is completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD Multifamily Program Centers or Multifamily Hubs as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on HUD Multifamily Program Centers' rankings, beginning with the highest rated application nationwide. However, after restoring units to projects where necessary, priority will be given to those applications for projects in non-metropolitan areas, if necessary to meet the statutory requirement of Section 202 of the Housing Act of 1959 pertaining to Section 202 funding in nonmetropolitan areas. Only one application will be selected per HUD Multifamily Program Center from the national residual amount. If there are no approvable applications in other HUD Multifamily Program Centers, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds. HUD Headquarters may skip over a higher-rated application in order to use as much of the available remaining funds as possible.

5. *HUD Error.* In the event HUD commits an error that, when corrected, would have resulted in the selection of an otherwise eligible applicant during the funding round of the SuperNOFA, HUD may select that applicant when sufficient funds become available.

VI. Award Administration Information

A. Award Notices

1. *Agreement Letter.* If you are selected to receive a Section 202 fund reservation, you will receive an Agreement Letter that stipulates the terms and conditions for the Section 202 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work towards the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award. Final closing of the capital advance is expected to occur no later than six months after completion of project construction.

2. *Non-Selection Letter.* If your application is approvable but unfunded due to insufficient funds or receives a rating that is below the minimum threshold score established for funding eligibility, you will receive a letter to this effect.

3. *Debriefing.* Refer to the General Section of the SuperNOFA for further information regarding debriefings, except that the request for a debriefing must be made to the Director of Multifamily Housing in the appropriate local HUD office.

B. Administrative and National Policy Requirements

1. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses.* Although the Section 202 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

2. *Acquisition and Relocation.* You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures, and with 24 CFR 8.4(b)(5) of the Section 504 regulations which prohibits discrimination based on disability in determining the site or location of a federally-assisted facility. However, you are exempt from complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land *in writing*: (1) that you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement, however, your files must include an explanation (with reasonable evidence) of the basis for the estimate. Evidence of compliance with this advance notice requirement must be included in Exhibit 4(d)(iv) of your application.

3. *Flood Disaster Protection Act of 1973 and Coastal Barrier Resources Act.* You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

C. Reporting

1. The Program Outcome Logic Model (Form HUD–96010) must be completed indicating the results achieved against the proposed output goal(s) and proposed outcomes(s) which you stated in your approved application and agreed upon by HUD.

2. The Regulatory Agreement (Form HUD–92466–CA) requires the Owner of the Section 202 project to submit an annual financial statement for the project. This financial statement must be audited by an Independent Public Accountant who is a Certified Public Accountant or other person accepted by HUD and filed electronically with HUD's Real Estate Assessment Center (REAC) through the Financial Assessment Subsystem for Multifamily Housing (MF–FASS). The submission of annual financial statements is required throughout the 40-year term of the mortgage.

3. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at *http://www.hudclips.org*, a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contact(s)

For Technical Assistance. For technical assistance in downloading an application package from *http://www.grants.gov*, contact the Grants.gov help desk at 800–518–Grants or by sending an email to *support@grants.gov*. For programmatic information, you may contact the appropriate local HUD office, or Evelyn Berry at HUD Headquarters at (202) 708–3000 (this is not a toll-free number), or access the Internet at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. Persons with hearing and speech impairments may access the above number via TTY by calling the Federal Relay Service at 1–800–877–8339 (this is a toll-free number).

VIII. Other Information

A. Field Office Workshop

HUD encourages minority organizations and grassroots organizations (*e.g.*, civic organizations, faith-communities and grassroots faith-based and other community-based organizations) to participate in this program and strongly recommends that prospective applicants attend the local HUD office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, contamination identification and remediation, historic preservation, floodplain management, other environmental requirements, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate local HUD office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate local HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate local HUD office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

B. Satellite Broadcast

HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. It is strongly recommended that potential applicants, especially those who may be applying for Section 202 funding for the first time, tune in to this broadcast, if at all possible. Copies of the broadcast tapes are also available from the NOFA Information Center. For more information about the date and time of the broadcast, you should consult the HUD web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

C. Related Programs

Funding for a related program, Section 202 Demonstration Planning Grant Program, is available to provide predevelopment grants to private nonprofit organizations and consumer cooperatives in connection with the development of housing under the Section 202 program. The announcement of the availability of funding under this program will be addressed in a separate NOFA.

D. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0267. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 37.42 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits derived.

APPENDIX A

LOCAL HUD OFFICES

NOTES:

1. Your application must be transmitted electronically using www.grants.gov unless you request and receive a waiver of the requirement for electronic application submittal. See the **General Section** for further information and instructions pertaining to electronic application submission and waiver request requirements. **The following information applies only to those applicants that have received a waiver to the electronic application submission requirement.**

2. If you received a waiver to the electronic application submission requirement, you must send an **original and four (4) copies** of your application to the appropriate local HUD office having jurisdiction over the locality in which your project will be located. If you send your application to the wrong local HUD office, it will be rejected. Therefore, if you are uncertain as to which local HUD office to submit your application, you are encouraged to contact the local HUD office below that is closest to your proposed project location(s) to ascertain the office's jurisdiction and ensure that you submit your application to the correct local HUD office.

a. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

b. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

c. Applications for projects proposed to be located in Maryland that are within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

d. Applications for projects proposed to be located in Northern Virginia that are within the jurisdiction of the Washington, DC Office must be submitted to the Richmond, Virginia Office.

e. Applications for projects proposed to be located within the jurisdiction of the Grand Rapids, Michigan Office must be submitted to the Detroit, Michigan Office.

f. Applications for projects proposed to be located within the jurisdiction of the Anchorage, Alaska Office must be submitted to the Seattle, Washington Office.

HUD - BOSTON HUB	**HUD - BUFFALO HUB**
HARTFORD OFFICE One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665	**BUFFALO OFFICE** Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787
BOSTON OFFICE Room 301 Thomas P. O'Neill, Jr. Federal Building 10 Causeway Street Boston, MA 02222-1092 (617) 994-8500 TTY Number: (617) 565-5453	**HUD - PHILADELPHIA HUB** **PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452
MANCHESTER OFFICE 1000 Elm Street 8th Floor Manchester, NH 03101 (603) 666-7510 TTY Number: (603) 666-7518	**CHARLESTON OFFICE** Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000 TTY Number: (304) 347-5332
PROVIDENCE OFFICE Sixth Floor 10 Weybosset Street Providence, RI 02903-2818 (401) 528-5230 TTY Number: (401) 528-5403	**NEWARK OFFICE** Thirteenth Floor One Newark Center Newark, NJ 07102-5260 (973) 622-7900 TTY Number: (973) 645-3298
	PITTSBURGH OFFICE 339 Sixth Avenue Sixth Floor Pittsburgh, PA 15222-2507 (412) 644-6428 TTY Number: (412) 644-5747

HUD - NEW YORK HUB **NEW YORK OFFICE** 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-8000 TTY Number: (212) 264-0927	**HUD - ATLANTA HUB** **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654
HUD - BALTIMORE HUB **BALTIMORE OFFICE** Fifth Floor City Crescent Building 10 South Howard Street Baltimore, MD 21201-2505 (410) 962-2520 TTY Number: (410) 962-0106	**SAN JUAN OFFICE** Edificio Administracion de Terrenos 171 Carlos Chardon Avenue Suite 301 San Juan, PR 00918-0903 (787) 766-5401 TTY Number: (787) 766-5104
RICHMOND OFFICE 600 East Broad Street Richmond, VA 23219 (804) 771-2100, ext. 3839 TTY Number: (804) 771-2038	**LOUISVILLE OFFICE** 601 West Broadway, Room 110 Louisville, KY 40202 (502) 582-5251 TTY Number: (866) 800-0289
HUD - GREENSBORO HUB **GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 (336) 547-4000 TTY Number: (336) 547-4020	**KNOXVILLE OFFICE** Third Floor, Room #315 John J. Duncan Federal Building 710 Locust Street Knoxville, TN 37902-2526 (423) 545-4384 TTY Number: (423) 545-4559
COLUMBIA OFFICE Strom Thurmond Federal Building 13th Floor 1835-45 Assembly Street Columbia, SC 29201-2480 (803) 765-5592 TTY Number: (803) 253-3209	**NASHVILLE OFFICE** Suite 200 235 Cumberland Bend Nashville, TN 37228-1803 (615) 736-5213 TTY Number: (866) 503-0264

HUD - JACKSONVILLE HUB **JACKSONVILLE OFFICE** Suite 1015 Charles Bennett Federal Building 400 West Bay Street Jacksonville, FL 32202 (904) 232-2626 TTY Number: (904) 232-2631	**HUD - DETROIT HUB** **DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
BIRMINGHAM OFFICE Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	**HUD - COLUMBUS HUB** **COLUMBUS OFFICE** 200 North High Street 7th Floor Columbus, OH 43215-2499 (614) 469-5737 TTY Number: (614) 469-6694
JACKSON OFFICE Suite 910 Doctor A.H. McCoy Federal Building 100 West Capitol Street Jackson, MS 39269-1096 (601) 965-4700 TTY Number: (601) 965-4171	**CLEVELAND OFFICE** US Bank Centre 1350 Euclid Avenue Suite 500 Cleveland, OH 44115-1815 (216) 522-4058 TTY Number: (216) 522-2261
HUD - CHICAGO HUB **CHICAGO OFFICE** Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, 23rd Floor Chicago, IL 60604-3507 (312) 353-5680 TTY Number: (312) 353-5944	**HUD - MINNEAPOLIS HUB** **MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3051 TTY Number: (612) 370-3186
INDIANAPOLIS OFFICE 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6303 x 6482 or 6831	**MILWAUKEE OFFICE** Suite 1380 Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8673 TTY Number: (414) 297-1423

HUD - FT. WORTH HUB	HUD – KANSAS CITY HUB
LITTLE ROCK OFFICE Suite 900 TCBY Tower 425 West Capitol Avenue Little Rock, AR 72201-3488 (501) 324-5931 TTY Number: (501) 324-5931	**DES MOINES OFFICE** Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
NEW ORLEANS OFFICE Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7200 TTY Number: (504) 589-7279	**KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972
FT. WORTH OFFICE 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595	**OMAHA OFFICE** Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3122 TTY Number: (402) 492-3183
HOUSTON OFFICE 1301 Fannin, Suite 2200 Houston, TX 77002 (713) 718-3199 TTY Number: (713) 718-3289	**ST. LOUIS OFFICE** Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.203 St. Louis, MO 63103-2836 (314) 539-6583 TTY Number: (314) 539-6331
SAN ANTONIO OFFICE 106 South St. Mary's, Suite 405 San Antonio, TX 78205 (210) 475-6800 TTY Number: (210) 475-6885	**OKLAHOMA CITY OFFICE** 301 N.W. 6th, Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: (405) 609-8480

HUD - DENVER HUB	**HUD - LOS ANGELES HUB**
DENVER OFFICE UMB Bank Building 23rd Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	**LOS ANGELES OFFICE** 611 West 6th Street Suite 800 Los Angeles, CA 90017-3106 (213) 894-8000 TTY Number: (213) 894-8133
HUD - SAN FRANCISCO HUB	**HUD - SEATTLE HUB**
PHOENIX OFFICE One North Central #600 Phoenix, AZ 85004 (602) 379-7149 TTY Number: (602) 379-4557	**PORTLAND OFFICE** 400 Southwest Sixth Avenue Suite 700 Portland, OR 97204-1632 (206) 220-5241 TTY Number: (206) 220-5254
SAN FRANCISCO OFFICE 600 Harrison Street, 3rd Floor San Francisco, CA 94107-1300 (415) 436-8356 TTY Number: (415) 436-6594	**SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (206) 220-5241 TTY Number: (206) 220-5254
HONOLULU OFFICE 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193	

APPENDIX B

Sample Letter Requesting SHPO/THPO Review

Applicant return address
Date

[SHPO/THPO mailing address]
(see: www.ncshpo.org or www.nathpo.org)

Dear [SHPO/THPO]:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD) as an applicant for a Section [202/811] Supportive Housing Capital Advance, we are initiating consultation with your office regarding the proposed [xxx project] (ex. rehabilitation of 123 Elm Street, Anytown, AB). Please find enclosed the necessary documentation per §800.11.

Based on our initial research, we have made the required determinations and findings, which we now ask you to review. Please respond in writing to us and HUD within the thirty-day time period as noted at §800.3(c)4. HUD's mailing address is:

[xxx]

If you concur with the findings in this submission, please sign and date on the line below and return as noted above. If you do not concur, we request that you express your concerns and objections clearly in writing so that HUD may continue the consultation process as needed. Please also indicate in your non-concurrence letter if there are other sources of information that should be checked, and if there are other parties, tribes, or members of the public you believe should be included in the consultation process. Thank you for your prompt attention to this matter.

Sincerely,

Applicant signatory

CONCURRENCE:_____
State/Tribal Historic Preservation Officer

Date

Description of the Undertaking
[xxx] (Specify federal involvement; include photographs, drawings, location map, etc).

Area of Potential Effect

We define the Area of Potential Effect for this proposed project as [xxx] (written boundary description). Please see the attached map marked with the APE boundary. We made this determination for the following reason(s): [xxx].

Basis for Determining No Historic Properties Affected (Option #1)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that no historic properties will be affected by this project. We base this finding on: [xxx].

OR

Basis for Determining Historic Properties Affected (Option #2)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that historic properties will be affected by this project and that additional consultation will be required to assess/resolve effects. We base this finding on: [xxx].

APPENDIX C

Choosing an Environmentally "Safe" Site
Supplemental Guidance
Environmental Information
For 202/811 Programs

Under 24 CFR Part 50, the U.S. Department of Housing and Urban Development (HUD) has the responsibility for conducting the environmental review for 202 and 811 Programs. **In the conduct of its review, applicants may be asked to provide information necessary for completing the environmental review in an expeditious and comprehensive manner.** What follows is the type of information collected and analyzed in the conduct of the environmental review.

NATURAL RESOURCES

The natural environment is important, and there are many federal regulations and executive orders promulgated to "protect" and conserve natural resources, historic properties, endangered and threatened species and their habitats. Wetlands, coastal barrier resources, and wild and scenic rivers are natural resources, which may also be under threat from development activities. Each of these natural resources has their own regulatory requirements with regard to determining potential environmental impacts.

Natural Resources

+ Rivers
+ Streams
+ Lakes
+ Ponds
+ Designated Wetlands
+ Drainage ways
+ Swamps
+ Creeks
+ Waterways
+ Coastlines
+ Unique natural features
+ Endangered Species*

ENDANGERED AND THREATENED SPECIES

*In some areas, like Seattle, Washington or Portland, Oregon for example, there is an aggressive effort to protect certain types of salmon and their habitat (living environment). As a result, all projects may be considered a "threat" to their survival, as they may impact either the species or their habitat. In other areas, especially with regard to endangered species, it may be a butterfly, insect, or certain types of birds that are under threat. Articles in newspapers or on the news may alert you to controversies surrounding natural resource issues, especially those involving endangered species and wetlands.

**Applicants must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (19 U.S.C. 3601).

MANMADE HAZARDS

Completion of the Phase I Assessment is required and must be included among the Exhibits for submission. **However, other potential hazardous or site contaminations problems may be discovered during the conduct of they environmental review. Specific environmental risks and hazards that may result in site contamination are discussed in Choosing and Environmentally "Safe " Site. Additional environmental information on manmade hazards that HUD may collect in the conduct of the environmental review may include the following categories.**

Manmade Hazards

+ Industrial Operations
(e.g. lead smelter, facilities handling explosive material, heavy industry, etc.

+ Airports

+ Landfills, dumps,

+ Odors

+ Noise

+ Traffic (major transportation or truck routes, railroad lines, highways, etc)

+ Agricultural operations

+ Incinerators, oil refineries

+ Large parking facilities/lots

+ Nuisances and Hazards (natural and built)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Billing Code 4210-32-C

Section 811 Program of Supportive Housing for Persons with Disabilities (Section 811 Program)

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Housing

B. Funding Opportunity Title: Section 811 Supportive Housing for Persons with Disabilities

C. Announcement Type: Initial announcement.

D. Funding Opportunity Number: OMB Approval Number: 2502–0462. The **Federal Register** number for this NOFA is: FR–4950–N–20.

E. Catalog of Federal Domestic Assistance (CFDA) Number: 14.181, Section 811 Supportive Housing for Persons with Disabilities

F. Dates: Application Submission Date: May 24, 2005. Refer to Section IV. below and the General Section for information on application submission requirements.

G. Optional, Additional Overview Content Information: 1. Purpose of the Program. This program provides funding for the development and operation of supportive housing for very low-income persons with disabilities who are at least 18 years old. If you receive funding through this program, you must assure that supportive services are identified and available.

2. Available Funds. Approximately $95.8 million in capital advance funds, plus associated project rental assistance contract (PRAC) funds and any carryover funds available.

3. Types of Funds. Capital advance funds will cover the cost of developing the housing. PRAC funds will cover the difference between the HUD-approved operating costs of the project and the tenants' contributions toward rent (30 percent of their adjusted monthly income).

4. Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service. (See Section VI.B.6. below of this program NOFA for further details and information regarding the formation of the Owner corporation.)

5. Eligible Activities. New construction, rehabilitation, or acquisition (with or without rehabilitation) of housing. (See Section III.C.1. below of this program NOFA for further information.)

6. Match Requirements. None required.

7. Local HUD Offices. The local HUD office structure, for the purpose of implementing the Section 811 program, consists of 18 Multifamily Hub Offices. Within the Multifamily Hubs, there are Multifamily Program Centers with the xception of the New York Hub, the Buffalo Hub, the Denver Hub and the Los Angeles Hub. All future references shall use the term ''local HUD office'' unless a more detailed description is necessary as in Limitations on Applications and Ranking and Selection Procedures, below.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description. HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used for the construction or rehabilitation of a structure or acquisition of a structure with or without rehabilitation (including structures from the Federal Deposit Insurance Corporation (FDIC)), to be developed into a variety of housing options described in Section III.C. Capital advance funds bear no interest and are based on development cost limits in Section IV.E.3. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income persons with disabilities for at least 40 years.

PRAC funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

B. Authority. 42 U.S.C. 8013 (Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990)(NAHA), as amended by the Housing and Community Development Act of 1992) (Pub. L. 102–550, approved October 28, 1992)(HCD Act of 1992); the Rescissions Act (Pub. L. 104–19, approved July 27, 1995); the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) and the Consolidated Appropriations Act, 2005, (Pub. L.108–447, approved December 8, 2004) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly)).

C. Eligible Occupancy. You may propose a Section 811 project to serve persons with physical disabilities, developmental disabilities, chronic mental illness, or any combination of the three as defined in 24 CFR 891.305. In addition, you may request HUD approval to restrict occupancy to a subcategory of one of these three defined categories (*e.g.*, HIV/AIDS is a subcategory of physical disability). If restricted occupancy is approved, however, you cannot deny occupancy to any otherwise qualified person that meets the definition of the overall category of disability under which the subcategory falls.

D. Calculation of Fund Reservation. If selected, you will receive a fund reservation that will consist of both a reservation of capital advance funds and a reservation of contract authority (one year) and budget authority (five years) for project rental assistance.

1. Capital advance funds. The reservation of capital advance funds is based on a formula which, for an independent living project (including condominiums), takes the development cost limit for the appropriate building type (elevator, non-elevator) and unit size(s) and multiplies it by the number of units of each size (including a unit for a resident manager, if applicable) and then multiplies the result by the high cost factor for the area. For a group home, the formula is based on the number of persons with disabilities in the appropriate disability category (excluding any unit for a resident manager since such a unit is already incorporated in the development cost limit) multiplied by the high cost factor for the area. The development cost limits can be found in Section IV.E.3. of this program section of the SuperNOFA.

2. PRAC funds. The PRAC contract authority is determined by multiplying the number of units for residents with disabilities in an independent living project or the number of residents with disabilities in a group home by the appropriate operating cost standard. The PRAC budget authority is determined by multiplying the PRAC contract authority by 5 (years). The operating cost standards will be published by Notice.

II. Award Information

A. Available Funds. For FY 2005, approximately $95.8 million is available for capital advances for the Section 811 Program of Supportive Housing for Persons with Disabilities. The Consolidated Appropriations Act, 2005 (Pub. L. 108–447, approved December 8, 2004) provides $240,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities as authorized by section 811 of the National Affordable Housing Act of 1990 (NAHA); for project rental assistance for supportive housing for

persons with disabilities under section 811 of the NAHA, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a one-year term and for tenant-based rental assistance contracts and renewal of expiring contracts for such assistance entered into pursuant to section 811 of the NAHA, and $450,000to be transferred to the Working Capital Fund, all of which is subject to a .8% across-the-board rescission pursuant to Public Law 108–447. $38,890,000 will be provided for tenant-based rental assistance for persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program and $50,000,000 will be provided for one-year renewal costs of Section 811 rental assistance.

In accordance with the waiver authority provided in the Consolidated Appropriations Act, 2005, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 811 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY2005 formula consists of the following data element from the 2000 Census: the number of non-institutionalized persons age 16 to 64 with a disability. The data on disability status were derived from answers to a two-part question that asked about the existence of the following long-lasting conditions: (a) blindness, deafness, or a severe vision or hearing impairment (sensory disability) and (b) a condition that substantially limits one or more basic physical activities, such as walking, climbing stairs, reaching, lifting, or carrying (physical disability); and a four-part question that asked if the individual had a physical, mental, or emotional condition lasting 6 months or more that made it difficult to perform certain activities. The four activity categories were: (a) Learning, remembering, or concentrating (mental disability); (b) dressing, bathing, or getting around inside the home (self-care disability); (c) going outside the home alone to shop or visit a doctor's office (going outside the home disability); and (d) working at a job or business (employment disability).

Under the Section 811 Program, each local HUD office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each local HUD office jurisdiction whose fair share would exceed the set-aside based on the allocation formula fair share factors described below.

The fair share factors were developed by taking the count of disabilities in the data element for each state, or state portion, of each local HUD office jurisdiction as a percent of the data element from the 2000 Census, described above, for the total United States. The resulting percentage for each local HUD office is then adjusted to reflect the relative cost of providing housing among the local HUD office jurisdictions. The adjusted needs percentage for each local HUD office is then multiplied by the total amount of capital advance funds available nationwide.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 local HUD offices as shown on the following chart:

FY 2005 SECTION 811 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES OFFICES	UNITS	CAPITAL ADVANCE
BOSTON HUB		
BOSTON	22	$2,398,668
HARTFORD	16	$1,785,186
MANCHESTER	16	$1,385,566
PROVIDENCE	10	$1,108,095
TOTAL	64	$6,677,515
NEW YORK HUB		
NEW YORK	38	$4,545,118
BUFFALO HUB		
BUFFALO	21	$2,035,471
PHILADELPHIA HUB		
CHARLESTON	10	$851,390
NEWARK	24	$2,830,651
PHILADELPHIA	26	$2,752,470
PITTSBURGH	17	$1,507,508
TOTAL	77	$7,942,019
BALTIMORE HUB		
BALTIMORE	21	$1,864,134
RICHMOND	23	$1,835,344
TOTAL	44	$3,699,478
GREENSBORO HUB		
COLUMBIA	19	$1,640,939
GREENSBORO	27	$2,758,602
TOTAL	46	$4,399,541
ATLANTA HUB		
ATLANTA	27	$2,115,223
KNOXVILLE	10	$752,275
LOUISVILLE	20	$1,683,293
NASHVILLE	18	$1,364,401
SAN JUAN	20	$1,891,504
TOTAL	95	$7,806,696

JACKSONVILLE HUB		
BIRMINGHAM	20	$1,547,906
JACKSON	17	$1,237,302
JACKSONVILLE	44	$3,332,023
TOTAL	81	$6,117,231
CHICAGO HUB		
CHICAGO	32	$3,475,935
INDIANAPOLIS	21	$1,808,450
TOTAL	53	$5,284,385
COLUMBUS HUB		
CINCINNATI	10	$799,850
CLEVELAND	20	$1,815,499
COLUMBUS	16	$1,305,206
TOTAL	46	$3,920,555
OFFICES	UNITS	CAPITAL ADVANCE
DETROIT HUB		
DETROIT	22	$2,103,141
GRAND RAPIDS	16	$1,348,851
TOTAL	38	$3,451,992
MINNEAPOLIS HUB		
MINNEAPOLIS	17	$1,754,819
MILWAUKEE	18	$1,778,607
TOTAL	35	$3,533,426
FT. WORTH HUB		
FT. WORTH	34	$2,428,008
HOUSTON	22	$1,602,083
LITTLE ROCK	17	$1,151,687
NEW ORLEANS	20	$1,463,333
SAN ANTONIO	21	$1,499,724
TOTAL	114	$8,144,835
KANSAS CITY HUB		
DES MOINES	10	$767,142
KANSAS CITY	19	$1,585,632
OKLAHOMA CITY	17	$1,273,505
OMAHA	10	$843,460
ST LOUIS	16	$1,501,660
TOTAL	72	$5,971,399

DENVER HUB		
DENVER	25	$2,186,342
SAN FRANCISCO HUB		
SAN FRANCISCO	33	$3,701,585
HONOLULU	10	$1,784,052
PHOENIX	20	$1,555,489
SACRAMENTO	17	$1,830,465
TOTAL	80	$8,871,591
LOS ANGELES HUB		
LOS ANGELES	52	$5,627,172
SEATTLE HUB		
SEATTLE	21	$2,133,231
ANCHORAGE	10	$1,784,052
PORTLAND	18	$1,646,208
TOTAL	49	$5,563,491
NATIONAL TOTAL	**1,030**	**$95,778,257**

B. Type of Award. Capital Advance and Project Rental Assistance Contract Funds for new Section 811 applications.

C. Type of Assistance Instrument. The Agreement Letter stipulates the terms and conditions for the Section 811 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

D. Anticipated Start and Completion Date. Immediately upon your acceptance of the Agreement Letter, you are expected to begin work toward the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award as indicated in the above paragraph regarding the Type of Assistance Instrument. Final closing of this capital advance is expected to occur no later than six months after completion of project construction.

III. Eligibility Information

A. Eligible Applicants: Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service and who meet the threshold requirements contained in the General Section of the SuperNOFA and Section III.C.2. below are the only eligible applicants for this program.

Applicant eligibility for purposes of applying for a Section 811 fund reservation under this NOFA has not changed; *i.e.*, all Section 811 Sponsors and Co-Sponsors must be nonprofit organizations. However, the Owner corporation, when later formed by the Sponsor, may be (1) a single-purpose nonprofit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (IRS) of 1986, OR (2) for purposes of developing a mixed-finance project pursuant to the statutory provision under Title VIII of the American Homeownership and Economic Opportunity Act of 2000, a for-profit limited partnership with a nonprofit organization that has tax exempt status under Section 501(c)(3) of the IRS code as the sole general partner.

See Section IV.E.2. below regarding limits on the total number of units and projects for which you may apply for funding.

B. Cost Sharing or Matching: No cost sharing or match is required; however, you are required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of one half of one percent of the HUD-approved capital advance, not to exceed $10,000, and any funds required in excess of the capital advance, including the estimated cost of any amenities or features (and operating costs related thereto) which are not covered by the capital advance. You must make such a commitment by signing the form HUD–92042, Sponsor's Resolution for Commitment to Project, in Exhibit 8(g) of the application found in Section IV.B. below.

C. Other: 1. Eligible Activities. Section 811 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition with or without rehabilitation. Capital advance funds may also be used in combination with other non-Section 811 funding sources leveraged by a for-profit limited partnership (of which a single-purpose nonprofit organization with a 501(c)(3) tax exemption is the sole general partner) to develop a mixed-finance project, including a mixed-finance project for additional units over and above the Section 811 units. The development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure is not considered a mixed-finance project. Project rental assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income). The types of housing that can be developed with Section 811 capital advance funds include independent living projects, dwelling units in

multifamily housing developments, condominium and cooperative housing and small group homes.

Note: For purposes of approving Section 811 capital advances, HUD will consider proposals involving mixed-financing for additional units over and above the Section 811 units if you have legal control of an approvable site and the additional units do not cause the project, as a whole, to exceed the project size limits if the additional units will also house persons with disabilities (unless your project will be an independent living project and you request and receive HUD approval to exceed the project size limits (See IV.B.2.c.(1)(d)(xii).) However, you must obtain funds to assist the additional units with other than PRAC funds. HUD will not provide PRAC funds for non-Section 811 units.

2. Threshold Criteria for Funding Consideration. In addition to the threshold criteria outlined in the General Section of the SuperNOFA (such as the inclusion of a DUN and Bradstreet Data Universal Numbering System (DUNS) Number on the SF–424), the following threshold requirements must be met:

a. Non-Responsive Application. Your application will be considered non-responsive to the NOFA and will not be accepted for processing if you:

(1) Submit less than the required number of copies (an original and four copies are required if you requested and received approval for a waiver of the electronic submission requirement). Refer to the General Section of the SuperNOFA for information on application submission and receipt procedures;

(2) Request more units than were allocated to the local HUD office that will be reviewing your application (See the allocation chart in Section II.A. above);

(3) Request less than the minimum number of units for persons with disabilities in an independent living project (5 units) or a group home (2 units);

(4) Request more than the maximum number of units for a group home (6 units); or

(5) Request assistance for housing that you currently own or lease that has been occupied by people with disabilities for longer than one year prior to the application deadline date.

b. Other Criteria. (1) You, or a Co-Sponsor, must have experience in providing housing or services to persons with disabilities.

(2) You and any Co-Sponsor must be eligible nonprofit organizations with tax exempt status under Section 501(c)(3) of the Internal Revenue Service code.

(3) Your application must contain evidence of site control or the identification of a site. Section 811(d)(3) of the National Affordable Housing Act requires you to provide either evidence of site control or a reasonable assurance that you will have control of a site within six months of the date of the Agreement Letter notifying you that you have been selected to receive a Section 811 fund reservation. Accordingly, you must include in your application, the required information specified below for evidence of site control, or the required information specified below under site identification as a reasonable assurance that site control will be obtained within six months of the date of the Agreement Letter. If you submit the required information for an identified site(s), you must include a specific street address for each identified site or the application will be rejected.

(a) Evidence of Site Control—If you have control of a site at the time you submit your application, you must provide the information in Exhibit 4(d) in IV.B. of this program section of the SuperNOFA relative to site control; or

(b) Site Identification—If you do not have site control of one or more of your sites, you must provide the information required in Exhibit 4(e) in IV.B. of this program section of the SuperNOFA under ''Identification of a Site'' for any site not under control as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

If your application contains evidence of site control where either the evidence or the site is *not* approvable, your application will not be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification. During the selection process, all applications with acceptable evidence of site control for all proposed sites and all proposed sites that have been found approvable will be grouped in Category A. All applications that are submitted as ''site identified'' as well as those that are submitted with site control but the evidence of control and/or site(s) are not approvable (if the Sponsor indicates that it is willing to seek a different site if the proposed site is unapprovable) will be grouped in Category B. All applications in Category A will be selected before any applications are selected from Category B. See Section V.B.4. for further information on the selection process.

(c) Historic Preservation. If you submit an application with evidence of site control, you are required to send a letter to the State/Tribal Historic Preservation Officer (SHPO/THPO) that attempts to initiate consultation with their office and requests their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter to the SHPO/THPO that you may adapt for your use, if you so choose. You must include a copy of your letter to the SHPO/THPO in your application. You must then also include in your application either:

(i) The response letter(s) from the SHPO/THPO, or

(ii) A statement from you that you have not received a response letter(s) from the SHPO/THPO.

(d) Contamination. HUD must determine if a proposed site contains contamination and, if so, HUD must be satisfied that it is eliminated to the extent necessary to meet non site-specific Federal, State or local health standards. If you submit an application with evidence of site control, you must assist HUD by doing the following:

(i) Phase I Environmental Site Assessment (ESA)—You must submit a Phase I ESA, prepared in accordance with the ASTM Standards E 1527–00, as amended, completed or updated no earlier than six months prior to the application deadline date, in order for the application to be considered as an application with site control. The Phase I ESA must be completed and included in your application. Therefore, it is important that you start the Phase I ESA process as soon after publication of the SuperNOFA as possible. To help you choose an environmentally safe site, HUD invites you to review the document ''Choosing An Environmentally Safe Site'' which is available on HUD's web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm* and the ''Supplemental Guidance, Environmental Information'' in Appendix C to this program section of the SuperNOFA.

(ii) Phase II ESA—If the Phase I ESA indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. However, if you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. In order for your application to be considered as an application with site control, the Phase II must be received in the local HUD office on or before June 23, 2005.

(iii) Clean-up—If the Phase II ESA reveals site contamination, the extent of

the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable federal, state, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control, this information must be received by the appropriate local HUD office on or before June 23, 2005.

Note: Clean-up could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation. If the application is approved, clean-up must be completed prior to initial closing. Completion of clean-up means that HUD must be satisfied that the contamination has been eliminated to the extent necessary to meet non site-specific federal, state or local health standards, with no active or passive remediation still taking place, no capping over of any contamination, and no monitoring wells. However, it is acceptable if contamination remains solely in groundwater that is at least 25 feet below the surface.

(e) Asbestos. Asbestos is a hazardous substance commonly used in building products until the late 1970s. Therefore, if you submit an application with evidence of site control, you must submit one of the following with your application:

(i) If there is no pre-1978 structure on the site, a statement to this effect, or

(ii) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(4) There must be a market need for the number of units proposed in the area of the project location.

(5) Your application must contain a Supportive Services Plan and a Certification from the appropriate state or local agency that the Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Exhibit 5 in Section IV.B. of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the state or local agency to review your Supportive Services Plan and complete the Supportive Services Certification and return it to you so that you can include it in the application you submit to HUD.

(i) HUD will reject your application if the Supportive Services Certification:

A Is not submitted with your application *and* is not submitted to HUD within the 14-day cure period; or

B Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project; or

C Indicates that the provision of supportive services will not enhance independent living success or promote the dignity of the persons with disabilities who will live in your proposed project.

(ii) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's Supportive Services Certification indicates—or, where the agency fails to complete item 3 or 4 of the certification, HUD determines that:

A You failed to demonstrate that supportive services will be available on a consistent, long-term basis; and/or

B The proposed housing is not consistent with state or local agency plans/policies addressing the housing needs of people with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident.

You must not require residents to accept any supportive services as a condition of occupancy or admission.

(6) Delinquent Federal Debt. Refer to the General Section of the SuperNOFA for information regarding delinquent federal debt.

3. Program Requirements. By signing Form HUD–92016–CA, Supportive Housing for Persons with Disabilities Section 811, Application for Capital Advance Summary Information, you are certifying that you will comply with the program requirements listed in the General Section of the SuperNOFA as well as the following requirements:

a. Statutory and Regulatory Requirements. In addition to the statutory, regulatory, threshold and public policy requirements listed in the General Section of the SuperNOFA, you must comply with all statutory and regulatory requirements listed in Sections I and III of this program NOFA.

b. Project Size Limits. (1) Independent living project. The minimum number of units for persons with disabilities that can be applied for in one application is five units for persons with disabilities. All of the units are not required to be in one structure and they may be on scattered sites. The maximum number of persons with disabilities that can be housed in an independent living project on one or adjacent sites is 14 plus one additional one-or two-bedroom unit for a resident manager, if necessary. If the proposed independent living project will be located on a site already containing housing for persons with disabilities or on an adjacent site containing such housing, the total number of persons with disabilities housed in both the existing and the proposed project cannot exceed 14.

(2) Exception to project size limit for an independent living project. If you are submitting an application for an independent living project with site control, you may request an exception to the above project size limit by providing the information required in Exhibit 4(d)(xii) of Section IV.B. below in this program section of the SuperNOFA.

(3) Group home. The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. There are no exceptions to the maximum project size limit for a group home. An additional one-bedroom unit can be provided for a resident manager. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom. If you are applying for more than one group home, they cannot be located on the same or adjacent sites.

(4) Condominium Units. Condominium units are treated the same as units in an independent living project except that you cannot request an additional condominium unit for a resident manager.

c. Minimum Capital Investment. If selected, you must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed a maximum of $10,000 in accordance with 24 CFR 891.145.

d. Accessibility. Your project must meet accessibility requirements published at 24 CFR 891.120, 24 CFR 891.310 and Section 504 of the

Rehabilitation Act of 1973, and, if new construction, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100. In addition, 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. HUD will award higher points to applications that add accessible design features beyond those required under civil rights laws and regulations. Refer to Section V.A. below and the General Section of the SuperNOFA for information regarding the policy priority of encouraging accessible design.

e. Conducting Business in Accordance With Core Values and Ethical Standards. You are not subject to the requirements of 24 CFR parts 84 and 85 as outlined in the General Section of the SuperNOFA except for the disposition of real property, which may be subject to 24 CFR Part 84. However, you are still subject to the core values and ethical standards as they relate to the conflict of interest provisions in 24 CFR 891.130. To ensure compliance with the program's conflict of interest provisions, you are required to sign a Conflict of Interest Resolution and include it in your Section 811 application. Further, if awarded a Section 811 fund reservation, the officers, directors, board members, trustees, stockholders and authorized agents of the Section 811 Sponsor and Owner entities will be required to submit to HUD individual certifications regarding compliance with HUD's conflict of interest requirements.

f. National Environmental Policy Act. You must comply with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR 50.4, HUD's programmatic implementing regulations at 24 CFR part 50 and 24 CFR 891.155(b), especially, but not limited to, the provision of information to HUD at 24 CFR 50.31(b), and you must comply with any environmental ''conditions and safeguards'' at 24 CFR 50.3(c).

Under 24 CFR Part 50, HUD has the responsibility for conducting the environmental reviews. HUD cannot approve any site for which you have site control unless it first completes the environmental review. In rare cases where HUD is not able to complete the environmental review, it is due to a complex environmental issue that could not be resolved during the time period allocated for application processing. Thus, if you submit an application with evidence of site control, HUD requires you to attempt to obtain comments from the State/Tribal Historic Preservation Officer (see Exhibit 4(d)(ix) of Section IV.B. below) to help HUD complete the environmental review on time. It is also why HUD may contact you for additional environmental information. So that you can review the type of information that HUD needs for its preparation of the environmental review as well as the type of information requests that HUD may make to you, you are invited to go to the following web site to view the HUD form 4128, including the Sample Field Notes Checklist, which HUD uses to record the environmental review: *www.hud.gov/utilities/intercept.cfm?/offices/cpd/energyenviron/environment/compliance/forms/4128.pdf.*

g. Lead-Based Paint. You must comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35.

h. Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects. Refer to the General Section of the SuperNOFA for information regarding Executive Order 13202.

i. Fair Housing Requirements. Refer to the General Section of the SuperNOFA for information regarding fair housing requirements.

j. Economic Opportunities for Low and Very Low-Income Persons (Section 3). You must comply with Section 3 of the Housing and Urban Development Act of 1968, U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons) and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low and very-low income persons. To comply with Section 3 requirements you are hereby certifying that you will strongly encourage your general contractor and subcontractors to participate in local apprenticeship programs or training programs registered or certified by the Department of Labor's Office of Apprenticeship, Training, Employer and Labor Services or recognized State Apprenticeship Agency.

k. Design and Cost Standards. You must comply with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and, where applicable, the Americans with Disabilities Act of 1990.

HUD has adopted a wide-ranging energy action plan for improving energy efficiency in all program areas. As a first step in implementing the energy plan, HUD, the Environmental Protection Agency (EPA) and the Department of Energy (DoE) have signed a joint partnership to promote energy efficiency in HUD's affordable housing efforts and programs. The purpose of the Energy Star partnership is to promote energy efficiency of the affordable housing stock, but also to help protect the environment. Although it is not a requirement, you are nonetheless encouraged to promote energy efficiency in design and operations and your application will receive one (1) point if you describe your plans for doing so in the proposed project. You are especially urged to purchase and use Energy Star-labeled products. Program activities can include developing Energy Star promotional and information materials, outreach to low- and moderate-income renters on the benefits and savings when using Energy Star products and appliances, and promoting the designation of community buildings and homes as Energy Star compliant. For further information about Energy Star, see *http://www.energystar.gov* or call 888–STAR–YES (1–888–782–7937) or for the hearing-impaired, 888–588–9920 TTY.

l. Formation of Owner Corporation. You must form an ''Owner'' entity (in accordance with 24 CFR 891.305) after issuance of the capital advance fund reservation and must cause the Owner entity to file a request for determination of eligibility and a request for capital advance, and must provide sufficient resources to the Owner entity to ensure the development and long-term operation of the project, including capitalizing the Owner entity at firm commitment processing in an amount sufficient to meet its obligations in connection with the project over and above the capital advance amount.

m. Davis-Bacon. You must comply with the Davis-Bacon Requirements (42 U.S.C. 8013(j)(6)) and the Contract Work

Hours and Safety Standards Act in accordance with 24 CFR 891.155(d).

IV. Application and Submission Information

A. Address to Request Application Package. All information required to complete and return a valid application is included in the General Section and this program section of the SuperNOFA, including the appendices. Copies of the General Section, this program section, the required forms, and appendices, are available and may be downloaded from the Grants.gov Web site at *www.Grants.gov*.

You may request general information, copies of the General Section and program section of the SuperNOFA (including appendices), and required forms from the NOFA Information Center (800–HUD–8929 or 800–HUD–2209 (TTY)) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in.

B. Content and Form of Application Submission. The exhibits to be included in your application are contained in the body of this program section of the SuperNOFA below. There will not be a separate Application Kit provided this year. Before preparing your application, you should carefully review the requirements of the regulations (24 CFR Part 891) and general program instructions in Handbook 4571.2, Section 811 Capital Advance Program for Housing Persons with Disabilities. *Note:* Section 1001 of Title 18 of the United States Code (Criminal Code and Criminal Procedure, 72 Stat. 967) applies to all information supplied in the application submission. (18 U.S.C. 1001, among other things, provides that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.)

The Application for a Section 811 Capital Advance consists of four parts with a total of eight Exhibits. Included with the eight Exhibits are prescribed forms, certifications and resolutions. The components of the Application are:

Part 1—Application Form for Section 811 Supportive Housing—Capital Advance (Exhibit 1).

Part 2—Your Ability To Develop and Operate the Proposed Project (Exhibits 2 and 3).

Part 3—The Need for Supportive Housing for the Target Population in the Area to be Served, Site Control and/or Identification of Site, Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project (Exhibits 4 and 5).

Part 4—General Application Requirements, Certifications and Resolutions (Exhibits 6 through 8).

Appendix A—Listing of Local HUD Offices.

Appendix B—Letter Requesting SHPO/THPO Review.

Appendix C—Supplemental to Choosing An Environmentally Safe Site.

Your application must include all of the information, materials, forms, and exhibits listed below (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Exhibit 2(a), (b), and (c), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The local HUD office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate local HUD office based on information submitted.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

For programmatic information, you MUST contact the appropriate local HUD office about the submission of applications within the jurisdiction of that Office. (as well as information relating to the Phase I Environmental Site Assessment, Exhibit 4(d)(vii).)

Note: You may apply for a scattered site project in one application.

Please submit your application using the following format provided in this program section of the SuperNOFA. Unless you received a waiver of the electronic application submission, you must number the pages of each file, narratives and other attached files. Include the name of your organization and your DUNS number on the header of each document.

1. Table of Contents (This is also to be used as a checklist to assist you in submitting a complete application. For applicants who received a waiver of the electronic application submission, after your application is complete, you must insert the page number after each Exhibit or portion of the Exhibit item listed below.)

a. Part I—Application Form for Section 811 Supportive

Housing—Capital Advance

(1) Exhibit 1: Form HUD–92016–CA, Supportive Housing for Persons with Disabilities Section 811, Application for Capital Advance Summary Information.

b. Part II—Your Ability to Develop and Operate the Proposed Project

(1) Exhibit 2: Your Legal Status

(a) Articles of Incorporation (or other organizational documents).

(b) By-laws.

(c) IRS Tax Exemption Ruling. (Exception: See Exhibit to Determine if You May be Exempt from Submitting These Documents.)

(d) The number of people on your board and the number of board members who have disabilities.

(2) Exhibit 3: Your purpose, community(ties) and experience:

(a) Purpose(s), current activities, how long you have been in existence.

(b) Ties to the community at large, to the target population, and description of geographic areas served.

(c) Local government support for project.

(d) Letters of support for your organization and for the proposed project.

(e) Housing and/or supportive services experience.

(f) Efforts to involve target population.

(g) Description of practical solutions to be implemented.

(h) Project Development Timeline.

(i) Description of how project will remain viable.

(i) if service funds are depleted.

(ii) for State-funded services, if State changes policy.

(iii) if the need for project changes.

(j) Identification/coordination with other organizations.

(k) Description of consultation with Continuum of Care organizations.

(l) Description of efforts to remove barriers to affordable housing.

c. Part III—The Need for Supportive Housing for the Target Population in the Area to be Served, Site Control and/or Identification of Site and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project

(1) Exhibit 4: Project information including:
(a) Evidence of need for project.
(b) How project will benefit target population and community.
(c) A narrative description of the project, including:
(i) Building design.
(ii) Whether and how project will promote energy efficiency.
(iii) If applicable, description of plans and actions to create a mixed-finance project for additional units and the number of additional units.

Evidence of Site Control

(d) Evidence of site control and permissive zoning (If you do not have site control, skip to.
(e) Identification of a Site below):
(i) Site control document(s).
(ii) Evidence site is free of limitations, restrictions, or reverters.
(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible.
(iv) Evidence of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) site notification requirement.
(v) Narrative topographical/demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population.
(vi) Racial composition/concentration map of site.
(vii) Phase I Environmental Site Assessment.
(viii) Asbestos Statement or Report.
(ix) Letter to State/Tribal Historic Preservation Officer (SHPO/THPO).
(x) Response from SHPO/THPO or statement that SHPO/THPO failed to respond.
(xi) Willingness to seek an alternatesite.
(xii) Request for exception to project size limits (if applicable)—why site was selected and (ILP with site control only):
(A) Preference/acceptance of people with disabilities to live in proposed housing.
(B) Increased number of people warranted by market conditions in area.
(C) Compatibility of project with other residential development and population density of the area.
(D) Increased number of people will not prohibit successful integration into the community.
(E) Marketability of project in the community.
(F) Project size consistent with State and/or local policies governing similar housing.
(G) Willingness to have application processed at project size limit.
(e) Identification of a Site.
(i) Location of site.
(ii) Steps undertaken to identify site; what must be done to obtain site control.
(iii) Whether site is properly zoned.
(iv) Status of the sale of the site.
(v) Whether the site would involve relocation.
(2) Exhibit 5: Supportive Services Plan:
(a) Description of occupancy.
(b) Request for approval to limit occupancy, if applicable, including:
(i) Description of population to which occupancy will be limited.
(ii) Why it is necessary to limit occupancy, including:
(A) How Section 811 program goals willstill be achieved.
(B) Why housing and services needs cannot be met ina more integrated setting.
(iii) Experience in providing housing and/or supportive services to proposed population.
(iv) How you will ensure occupants will be integrated into neighborhood and community.
(c) Supportive services needs of proposed population.
(d) List of community service providers with letters of intent.
(e) Evidence of each service provider's capability and experience.
(f) Extent of State and local agency involvement in project.
(g) Letter indicating your commitment to make services available or coordinate their availability.
(h) How residents will be afforded employment opportunities.
(i) Whether project will includemanager's unit.
(j) Statement that you will not condition occupancy on the resident's acceptance of supportive services.

d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: Other Applications:
(a) A list of applications, if any, you are submitting to any other local HUD Office in response to the FY 2005 Section 202 or Section 811 NOFA, and required information about each.
(b) A list of all FY 2004 and prior year Section 202 or Section 811 projects to which you are a party and the required information about each.
(2) Exhibit 7: Applies to applications with site control only:
A statement that:
(a) Identifies all persons occupying property on application submission date.
(b) Indicates estimated cost of relocation payments/other services.
(c) Identifies staff organization that will carry out relocation activities.
(d) Identifies all persons who have moved from site within past 12 months.
(3) Exhibit 8: Certifications and Resolutions:
(a) Standard Form 424, Application for Federal Assistance.
(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants.
(c) Standard Form LLL, Disclosure of Lobbying Activities, if applicable.
(d) Form HUD–2880, Applicant/Recipient Disclosure/Update Report.
(e) Form HUD–2991, Certification of Consistency with the Consolidated Plan.
(f) Form HUD–92041, Sponsor's Conflict of Interest Resolution.
(g) Form HUD–92042, Sponsor's Resolution for Commitment to Project.
(h) Form HUD–2990, Certification of Consistency with the RC/EZ/EC–II Strategic Plan.
(i) Form HUD–2530, Previous Participation Certification.
(j) Form HUD–92043, Certification for Provision of Supportive Services.
(k) Form HUD–96010, Logic Model.
(l) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, including any required documentation or URL references.
(m) Form HUD–96011, Facsimile Transmittal, see the General Section for instructions.

2. General Applications Requirements

a. Part I—Application Form For Section 811 Supportive Housing—Capital Advance

(1) Exhibit 1—Form HUD–92016–CA, Supportive Housing for Persons with Disabilities Section 811 Application for Capital Advance Summary Information. Refer to Section IV.B.3. of this program section for a copy of this form.

b. Part II—Your Ability to Develop and Operate the Proposed Project

(1) Exhibit 2—Evidence of your legal status (Nonprofit with 501(c)(3) IRS tax exemption)(If another organization(s) is co-sponsoring the application with you, each Co-Sponsor must also submit the following):
(a) Articles of Incorporation, constitution, or other organizational documents.
(b) By-laws.
(c) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches).

(Exception: If you received a section 811 fund reservation within the last three funding cycles, you are not required to submit the documents described in (a), (b), and (c) above. Instead, submit the project number of the latest application and the local HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.)

(d) The number of people on your board and the number of board members who have disabilities.

(2) Exhibit 3—Your purpose, community ties and experience:

(a) A description of your purpose(s), current activities, and how long you have been in existence.

(b) A description of your ties to the community in which your project will be located and to the minority and disability communities in particular, including a description of the specific geographic area(s) in which you have served.

(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.).

(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the target population (*e.g.*, the local center for independent living, the Statewide Independent Living Council) that you expect to serve in the proposed project.

(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including any integrated housing developments) and/or supportive services facilities that you sponsored, own and/or operate, your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, your experience in serving the target population (persons with disabilities and minorities); and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(f) A description of your efforts to involve members of the target population (persons with disabilities including minority persons with disabilities and persons with disabilities similar to those of the prospective residents) in the development of the application as well as your intent to involve the target population in the development and operation of the project.

(g) A description of the practical solutions you will implement which will enable residents of your project to achieve independent living and economic empowerment. In addition, describe the educational opportunities you will provide for the residents and how you will provide them. This description should include the activities you will undertake to improve computer access, literacy and employment opportunities (*e.g.*, provide programs that can teach residents how to use computers to become educated as well as achieve economic self-sufficiency through job training and placement). And, finally, describe how your proposed project will be an improved living environment for the residents when compared to their previous place of residence.

(h) Describe your plan for completing the proposed project. Include a project development timeline which lists the major development stages for the project with associated dates that must be met in order to get the project to initial closing and start of construction within the 18-month fund reservation period as well as the full completion of the project, including final closing. Completion of Exhibit 8(l), Logic Model, will assist you in completing your response to this Exhibit.

(i) Describe how you will ensure that your proposed project will remain viable as housing with the availability of supportive services for the target population for the 40-year capital advance period. This description should address the measures you would take should any of the following occur:

(i) funding for any of the needed supportive services becomes depleted;

(ii) if, for any state-funded services for your project, the state changes its policy regarding the provision of supportive services to projects such as the one you propose; or

(iii) if the need for housing for the population you will be serving wanes over time, causing vacancies in your project.

(j) A description of the steps you took to coordinate your application with other organizations (*e.g.*, the local center for independent living) that will not be directly involved in your project but with which you share common goals and objectives, to complement and/or support the proposed project so that the project will provide a comprehensive and holistic solution to the needs of persons with disabilities.

(k) A description of your efforts to consult with Continuum of Care organizations in the community where the project will be located about the ways you can assist persons with disabilities who are chronically homeless as defined in the General Section of the SuperNOFA.

(l) A description of the successful efforts the jurisdiction in which your project will be located has taken in removing regulatory barriers to affordable housing. To obtain up to 2 points for this policy priority, you must complete the optional Form HUD–27300, sbull I11''Questionnaire for HUD's Initiative on Removal of Regulatory Barriers'' in Exhibit 8(l) of the application AND provide the necessary URL references or submit the documentary evidence.

c. Part III—The Need for Supportive Housing for the Target Population, Site Control and/or Identification of Site and Suitability of Site, Adequacy of the Provision of Supportive Services and of the Proposed Project

(1) Exhibit 4—Need and Project Information

(a) Evidence of need for supportive housing. Include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, state or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's or (where applicable) the State's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues was used in documenting the need for the project.

(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(c) Description of the project.

(i) Narrative description of the building(s) including the number and type of structure(s), number of units with bedroom distribution if

independent living units including dwelling units in multifamily housing developments, condominiums and cooperatives, number of bedrooms if group home, number of residents with disabilities, and any resident manager per structure; identification of all commercial and community spaces, amenities or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. A narrative description of the building design (both interior and exterior), including any special design features, as well as any features that incorporate visitability standards and universal design. Also include a description of how the design of the proposed project will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible.

Note: If the community spaces, amenities, or features do not comply with the project design and cost standards of 24 CFR 891.120 (a) and (c), and the special project standards of 24 CFR 891.310 (a), you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(ii) Describe whether and how the project will promote energy efficiency (in accordance with the requirements set forth in Section III.C.3.k. of this program NOFA), including any plans to incorporate energy efficiency features in the operation of the project through the use of Energy Star labeled products and appliances and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) For site control applications, if you are proposing to develop a mixed-finance project by developing additional units (*i.e.*, in addition to the 811 units), a description of any plans and actions you have taken to create such a mixed-finance project with the use of Section 811 capital advance funds, in combination with other funding sources. Provide the number of non-Section 811 units to be included in the mixed-finance project (also provide the number of additional units in the appropriate space on Form HUD–92016-CA). Also, provide copies of any letters you have sent seeking outside funding for the non-Section 811 units and any responses thereto. Your response to this Exhibit will be used to rate your application for Rating Factor 4.c. under Leveraging Resources.

Notes: (1) A proposal to develop a mixed-finance project for additional units must occur at the application for fund reservation stage. You cannot decide after selection that you want to do a mixed-finance project for additional units. (2) If you propose to develop a mixed-finance project for additional units, you must complete the development of such a proposal. If you are later unable to develop a mixed-finance project for additional units, you will not be permitted to proceed with a Section 811 project without additional units and your fund reservation will be canceled. This is due to the fact that the project would have received points in the rating of the application in consideration of the additional units and, if selected for funding, a later change in the proposal to exclude the additional units would alter the fairness of the competition. (3) Section 811 capital advance amendment money will not be approved for projects proposing mixed-financing for additional units. (4) If approved for a reservation of capital advance funds, you will be required to submit with your Firm Commitment Application, the additional documents required by HUD for mixed-finance proposals. (5) A mixed-finance project does not include the development of a mixed-use project in which the Section 811 units are mortgaged separately from the other uses of the structure. (6) For a Section 811 mixed-finance project, the additional units cannot cause the project to exceed the project size limit for the type of project proposed, unless you request and receive HUD approval to exceed the project size limit if the project will be an independent living project (See IV.B.2.c.(1)(d)(xii).) or the additional units will house people who do not have a disability.

(d) Evidence of site control and permissive zoning.

Note: If you are applying for Section 811 funding without control of any or all of your proposed sites, you must provide the information under (e) Identification of a Site below for any site you are submitting without evidence of control of that site.

(i) Acceptable evidence of site control is limited to any one of the following:

(A) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be 50 years with renewable provisions for 25 years except for sites on Indian trust land, in which case, the term of the lease must be at least 50 years with no requirements for extensions;

(B) Contract of sale for the site that is free of any limitations affecting the ability of the seller to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. (The only condition for closing on the sale can be your receipt and acceptance of the capital advance.) The contract of sale cannot require closing earlier than the Section 811 closing;

(C) Option to purchase or for a long-term leasehold, which must remain in effect for six months from the date on which the applications are due, must state a firm price binding on the seller, and be renewable at the end of the sixth month period. The only condition on which the option may be terminated is if you are not awarded a fund reservation;

(D) If the site is covered by a mortgage under a HUD program, (*e.g.*, a previously funded Section 202 or Section 811 project or an FHA-insured mortgage) you must submit evidence that consent to release the site from the mortgage has been obtained or has been requested from HUD (all required information in order for a decision on the request for a partial release of security must have been submitted to the local HUD office) and from the mortgagee, if other than HUD Approval to release the site from the mortgage must be done before the local HUD office makes its selection recommendations to HUD Headquarters. Refer to Chapter 16 of HUD Handbook 4350.1 Rev-1, Multifamily Asset Management and Project Servicing, for instructions on submitting requests to the local HUD Office for partial release of security from a mortgage under a HUD program; or

(E) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. Where HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community of Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter of commitment will be considered sufficient evidence of site control.

(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions

or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the site will be rejected and the application will be considered a ''site identified'' application. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the Section 811 project or from any other development team member.

(iii) Evidence that the project, as proposed, is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for the belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.).

Note: You should be aware that under certain circumstances the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement,then you must clearly articulate the basis for your reasonable accommodation theory.

(iv) Evidence of compliance with the URA requirement that the seller has been provided, in writing, with the required information regarding a voluntary, arm's length purchase transaction (*i.e.*, (1) applicant does not have the power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property).

Note: This information should have been provided before making the purchase offer. However, in those cases where there is an existing option or contract, the seller must be provided the opportunity to withdraw from the agreement or transaction, without penalty, after this information is provided.''

(v) Narrative describing topographical and demographic aspects of the site, the suitability of the site and area (as well as a description of the characteristics of the neighborhood), how use of the site will promote greater housing opportunities for minority persons with disabilities, and how use of the site will affirmatively further fair housing.

Note: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice, which is a component of the jurisdiction's Consolidated Plan or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the community's, the county's, or the state's, to which input should have been provided by local community organizations, agencies in the community and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved quality and services for all persons with disabilities.

(vi) A map showing the location of the site, the racial composition of the neighborhood, and any areas of racial concentration.

Note: For this competition, when determining the racial and ethnic composition of the neighborhood surrounding the proposed site, use data from the 2000 Census of Population. Data from the 2000 Census may be found at *www.factfinder.census.gov/servlet/BasicFactsServlet.*

(vii) A Phase I Environmental Site Assessment (ESA), in accordance with the ASTM Standards E 1527–00, as amended, must be completed and submitted with the application. In order for the Phase I ESA to be acceptable, it must have been completed or updated no earlier than six months prior to the application submission date. Therefore, it is important to start the site assessment process as soon after the publication of the NOFA as possible. If the Phase I ESA indicates possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same Phase I ESA process identified above must be followed for the new site. If the property is to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I ESA and applicable documentation, per the FDIC/RTC Environmental Guidelines. If you choose to continue with the original site on which the Phase I ESA indicated contamination or hazards, you must undertake a detailed Phase II ESA by an appropriate professional. If the Phase II Assessment reveals site contamination, your must submit the extent of the contamination and a plan for clean-up of the site including a contract for remediation of the problem(s) and an approval letter from the applicable federal, state and/or local agency with jurisdiction over the site to the local HUD office. The Phase II and any necessary plans for clean-up do not have to be submitted with the application but must be received in the local HUD office by June 23, 2005. If it is not received by that date, the site will be rejected and the application will be placed in Category B for selection purposes.

Note: You must pay for the cost of any clean-up or remediation which can be very expensive. [See **Note** at Section III.C.2.ciii.]

(viii) If you submit an application with evidence of site control, you must submit one of the following:

(A) If there is no pre-1978 structure on the site, a statement to this effect, or

(B) If there is a pre-1978 structure on the site, an asbestos report which is based on a thorough inspection to identify the location and condition of asbestos throughout any structures. **Note:** In those cases where suspect asbestos is found, it would either be assumed to be asbestos or would require confirmatory testing. If the asbestos report indicates the presence of asbestos, or the presence of asbestos is assumed, and if the application is approved, HUD will condition the approval on an appropriate mix of asbestos abatement and an asbestos Operations and Maintenance Plan.

(ix) The letter you sent to the State/Tribal Historic Preservation Officer (SHPO/ THPO) initiating consultation with their office and requesting their review of your determinations and findings with respect to the historical significance of your proposed project. Appendix B to this program section of the SuperNOFA contains a sample letter that you mayadapt and send to the SHPO/THPO.

(x) The SHPO/THPO response to your letter or a statement that you have not

received a response letter from the SHPO/THPO.

(xi) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

(xii) If an exception to the project size limits is being requested, describe why the site was selected and demonstrate the following: (Only for applications for independent living projects and condominium units [not group homes] with site control)

(A) People with disabilities have indicated their acceptance or preference to live in housing with as many units/people as proposed for the project.

(B) The increased number of units/people is warranted by the market conditions in the area in which the project will be located.

(C) Your project is compatible with other residential development and the population density of the area in which the project is to be located.

(D) The increased number of people will not prohibit their successful integration into the community.

(E) The project is marketable in the community.

(F) The size of the project is consistent with state and/or local policies governing similar housing for the proposed population.

(G) A statement that you are willing to have your application processed at the project size limit should HUD not approve the exception.

(e) Identification of a Site. If you have identified a site, but do not have it under control, you must submit the following information:

Note: If an application is submitted without evidence of site control and does not provide a specific street address for the identified site(s) (*e.g.*, only an indication that the project will be developed in a particular part of town but a site(s) has not been chosen) the application will be rejected.

(i) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, how the site will promote greater housing opportunities for minority persons with disabilities and affirmatively further fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas.

(ii) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding.

(iii) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding.

(iv) A status of the sale of the site.

(v) An indication as to whether the site would involve relocation.

(2) Exhibit 5—Supportive Services Plan

Note: Your supportive services plan and the Supportive Services Certification (Exhibit 8(k)) must be sent to the appropriate state or local agency (identified by the local HUD office) far enough in advance of the application deadline date so that the agency can review the plan, complete the certification and return both to you for inclusion in your application to HUD.

(a) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, or chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred and admitted for occupancy in the project. You may, with the approval of the Secretary, restrict occupancy within housing developed under the SuperNOFA to a subcategory of one of the three main categories of disability noted above (*e.g.*, AIDS is a subcategory of physical disability). However, the Owner must permit occupancy by any qualified person with a disability that qualifies under the applicable main category of disability.

(b) If requesting approval to restrict occupancy, also submit the following:

(i) A description of the population of persons with disabilities to which occupancy will be limited.

(ii) An explanation of why it is necessary to restrict occupancy of the proposed project(s) to the population described in (i) above, including the following:

(A) An explanation of how restricting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 program.

(B) An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting.

(iii) A description of your experience in providing housing and/or supportive services to proposed occupants.

(iv) A description of how you will ensure that occupants of the proposed project will be integrated into the neighborhood and community.

(c) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(d) A list of community service providers, (including consumer-controlled providers), including letters of intent to provide services to proposed residents from as many potential providers as possible.

(e) The evidence of each service provider's capability and experience in providing such supportive services (even if you will be the service provider).

(f) Identification of the extent of state and/or local agency involvement in the project (*i.e.*, funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any state or local agency involvement, a description of the state/local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with state and/or local agency plans and policies governing the development and operation of housing for persons with disabilities.

(g) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(i) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(ii) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(iii) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(h) A description of how the residents will be afforded opportunities for employment.

(i) An indication as to whether the project will include a unit for a resident manager.

(j) A statement that you will not condition admission or occupancy on the resident's acceptance of any supportive services.

d. Part IV—General Application Requirements, Certifications and Resolutions

(1) Exhibit 6: Other Applications

(a) A list of the applications, if any, you are submitting to any other local HUD office in response to the FY 2005 Section 202 or Section 811 NOFA. Indicate by local HUD office, the proposed location by city and state and the number of units requested for each application.

(b) Include a list of all FY2004 and prior year Section 202 and Section 811 capital advance projects to which you are a party. Identify each by project number and local HUD office and include the following information:

(1) whether the project has initially closed and, if so, when;

(2) if the project was older than 24 months when it initially closed (specify how old) or if older than 24 months now (specify how old) and has not initially closed, provide the reasons for the delay in closing;

(3) whether amendment money was or will be needed for any project in (2) above; and,

(4) those projects which have not been finally closed.

(2) Exhibit 7: A statement that: (applicable to applications with site control only)

(a) identifies all persons (families, individuals, businesses and nonprofit organizations) by race/minority group, and status as owners or tenants occupying the property on the date of submission of the application for a capital advance.

(b) indicates the estimated cost of relocation payments and other services.

(c) identifies the staff organization that will carry out the relocation activities.

(d) identifies all persons that have moved from the site within the past 12 months.

[Note: If any of the relocation costs will be funded from sources other than the section 811 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (*i.e.*, cost of site acquisition, relocation, construction and other project costs).]

(3) Exhibit 8: Certifications and Resolutions—With the exception of Form HUD–424CB and Form HUD–424CBW listed in the General Section of the SuperNOFA, and OMB Circulars A–87 and A–21, you are required to submit copies of the following:

(a) Standard Form 424—Application for Federal Assistance, including a DUNS number, an indication of whether you are delinquent on any federal debt, and compliance with Executive Order 12372 (a certification that you have submitted a copy of your application, if required, to the State agency (Single Point of Contact) for state review in accordance with Executive Order 12372). A copy of this form and instructions on how to obtain a DUNS number are contained in the online application and the General Section of the SuperNOFA.

(b) Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants. Although the information on this form will not be considered in making funding decisions, it will assist the federal government in ensuring that all qualified applicants have an equal opportunity to compete for federal funding. A copy of this form is contained in the online application and the General Section of the NOFA.

(c) Standard Form LLL—Disclosure of Lobbying Activities (if applicable). A disclosure of activities conducted to influence any federal transactions. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(d) Form HUD–2880, Applicant/Recipient Disclosure/Update Report, including Social Security and Employee Identification Numbers. A disclosure of assistance from other government sources received in connection with the project. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(e) Form HUD–2991, Certification of Consistency with the Consolidated Plan (Plan), for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the state, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan. All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91. A copy of this form is contained in the online application and the General Section of the SuperNOFA.

(f) Form HUD–92041, Sponsor's Conflict of Interest Resolution. A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term. Refer to Section IV.B.3. below for a copy of this Resolution.

(g) Form HUD–92042, Sponsor's Resolution for Commitment to Project. A certified Board Resolution acknowledging responsibilities of sponsorship, long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance. Refer to Section IV.B.3.below for a copy of this Resolution.

(h) Form HUD–2990, Certification of Consistency with the RC/EZ/EC Strategic Plan. A certification that the project is consistent with the RC/EZ/EC–IIs strategic plan, is located within the RC/EZ/EC–II, and serves RC/EZ/EC–II residents. (This certification is not required if the project site(s) will not be located in an RC/EZ/ECII.) A copy of the RC/EZ/EC–II Certification form is contained in the online application and the General Section of the SuperNOFA.

(i) Form HUD–2530, Previous ParticipationCertification. This form must be submitted for the Sponsor and all of the Officers and Directors of the Board of the Sponsor, including any Co-Sponsor, if applicable. This form provides HUD with a certified report of all your previous participation in HUD multifamily housing projects. The information is used to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. Refer to Section IV.B.3. below for a copy of this form.

(j) Form HUD–92043, Certification for Provision of Supportive Services. A certification from the appropriate state or local agency (identified in the application or obtained from the local HUD office), indicating whether the:

(i) Provision of supportive services is well designed to serve the needs of

persons with disabilities the housing is expected to serve;

(ii) The provision of supportive services will enhance independent living success and promote the dignity of those who will access your proposed project;

(iii) Supportive services will be available on a consistent, long-term basis; and

(iv) Proposed housing is consistent with state or local plans and policies addressing the housing needs of people with disabilities if the state or local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency can also be obtained from the appropriate local HUD Office.) Refer to Section IV.B.3. below for a copy of this form.

(k) Form HUD–96010, Logic Model. In addition to the Project Development Timeline to be submitted in Exhibit 3(h) above, the information provided in the Logic Model will be used in rating your application for Rating Factor 5, Achieving Results and Program Evaluation. A copy of this form is contained in the online application and the General Section of the NOFA.

(l) Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. This form requires you to supply a reference, URL or brief statement documenting the successful efforts in removing barriers to affordable housing by the jurisdiction in which your project will be located. This Questionnaire will be considered in the rating of your application for Rating Factor 3.j. A copy of this form is contained in the online application and the General Section of the NOFA.

3. Required Forms. In addition to the required forms that are found in the General Section as specified above, the following required forms (HUD–92016-CA, HUD–92041, HUD–92042, HUD–2530, and HUD–92043) are specific to the Section 811 program.

Previous Participation Certification

U.S. Department of Housing and Urban Development
Office of Housing/Federal Housing Commissioner

U.S. Department of Agriculture
Farmers Home Administration

OMB Approval No. 2502-0118
(exp. 7/31/2006)

Part I To be completed by Principals of Multifamily Projects. See Instructions
Reason for Submitting Certification

For HUD HQ/FmHA use only

1. Agency Name and City where the application is filed

2. Project Name, Project Number, City and Zip Code contained in the application

3. Loan or Contract Amount	4. Number of Units or Beds	5. Section of Act	6. Type of Project (check one)
			☐ Existing ☐ Rehabilitation ☐ Proposed (New)

List of All Proposed Principal Participants

7. Names and Addresses of All Known Principals and Affiliates (people, businesses & organizations) proposing to participate in the project described above. (list names alphabetically; last, first, middle initial)	8. Role of Each Principal in Project	9. Expected % Owner ship Interest in Project	10. Social Security or IRS Employer Number

Certifications: I (meaning the individual who signs as well as the corporations, partnerships or other parties listed above who certify) hereby apply to HUD or USDA-FmHA, as the case may be, for approval to participate as a principal in the role and project listed above based upon my following previous participation record and this Certification.

I certify that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule A and Exhibits signed by me and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

I further certify that:

1. Schedule A contains a listing of every assisted or insured project of HUD, USDA-FmHA and State and local government housing finance agencies in which I have been or am now a principal.
2. For the period beginning 10 years prior to the date of this certification, and except as shown by me on the certification.
   a. No mortgage on a project listed by me has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
   b. I have not experienced defaults or noncompliances under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
   c. To the best of my knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning me or my projects;
   d. There has not been a suspension or termination of payments under any HUD assistance contract in which I have had a legal or beneficial interest;
   e. I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
   f. I have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
   g. I have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
3. **All** the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above.
4. I am not a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part O and USDA's Standard of Conduct in 7 C.F.R. Part O Subpart B.
5. I am not a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
6. To my knowledge I have not been found by HUD or FmHA to be in noncompliance with any applicable civil rights laws.
7. I am not a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

Typed or Printed Name of Principal	Signature of Principal	Certification Date (mm/dd/yyyy)	Area Code and Telephone No.

This form was prepared by (Please print name)

Area Code and Telephone No.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

Schedule A: List of Previous Projects and Section 8 Contracts. By my name below is the complete list of my previous projects and my participation history as a principal; in Multifamily Housing programs of HUD/FmHA, State, and Local Housing Finance Agencies. **Note:** Read and follow the instruction sheet carefully. Abbreviate where possible. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If you have no previous projects write, by your name, **"No previous participation, First Experience."**

1. List each Principal's Name (list in alphabetical order, last name first)	2. List Previous Projects (give the I.D. number, project name, city location, & government agency involved if other than HUD)	3. List Principals' Role(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of Loan (current, defaulted, assigned, or foreclosed)	5. Was Project ever in Default, during your participation? Yes	No	If "Yes," explain	6. Last Mgmt. and/or Physical Inspctn Rating

Part II – For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or transferral to Headquarters as checked below:

Date (mm/dd/yyyy)	Telephone Number and Area Code	☐ A. No adverse information; form HUD-2530 approval is recommended.	☐ C. Disclosure or Certification problem
Staff	Processing and Control	☐ B. Name match in system	☐ D. Other, our memorandum is attached.
Supervisor		Director of Housing / Director, Multifamily Division	Approved ☐ Yes ☐ No — Date (mm/dd/yyyy)

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of those regulations published at 24 C.F.R. 200.210 to 200.245 can be obtained from the Multifamily Housing Representative at any HUD Office. Type or print neatly in ink when filling out this form. Mark answers in all blocks of the form. If the form is not filled completely, it will delay approval of your application.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. If you have many projects to list (20 or more) and expect to be applying frequently for participation in HUD projects, you should consider filing a Master List. See Master List instructions below under "Instructions for Completing Schedule A."

Carefully read the certification before you sign it. Any questions regarding the form or how to complete it can be answered by your HUD Office Multifamily Housing Representative.

Purpose: This form provides HUD with a certified report of all previous participation in HUD multifamily housing projects by those parties making application. The information requested in this form is used by HUD to determine if you meet the standards established to ensure that all principal participants in HUD projects will honor their legal, financial and contractual obligations and are acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify your record of previous participation in HUD/USDA-FmHA, State and Local Housing Finance Agency projects by completing and signing this form, before your project application or participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all parties applying to become principal participants in HUD multifamily housing projects, including those who have no previous participation. The form must be signed and filed by all principals and their affiliates who propose participating in the HUD project. Use a separate form for each role in the project unless there is an identity of interest.

Principals include all individuals, joint ventures, partnerships, corporations, trusts, nonprofit organizations, any other public or private entity, that will participate in the proposed project as a sponsor, owner, prime contractor, turnkey developer, managing agent, nursing home administrator or operator, packager, or consultant. Architects and attorneys who have any interest in the project other than an arms length fee arrangement for professional services are also considered principals by HUD.

In the case of partnerships, all general partners regardless of their percentage interest and limited partners having a 25 percent or more interest in the partnership are considered principals. In the case of public or private corporations or governmental entities, principals include the president, vice president, secretary, treasurer and all other executive officers who are directly responsible to the board of directors, or any equivalent governing body, as well as all directors and each stockholder having a 10 percent or more interest in the corporation.

Affiliates are defined as any person or business concern that directly or indirectly controls the policy of a principal or has the power to do so. A holding or parent corporation would be an example of an affiliate if one of its subsidiaries is a principal.

Exception for Corporations – All principals and affiliates must personally sign the certificate except in the following situation. When a corporation is a principal, all of its officers, directors, trustees and stockholders with 10 percent or more of the common (voting) stock need not sign personally if they all have the same record to report. The officer who is authorized to sign for the corporation or agency will list the names and title of those who elect not to sign. However, any person who has a record of participation in HUD projects that is separate from that of his or her organization must report that activity on this form and sign his or her name. The objective is **full** disclosure.

Exemptions – The names of the following parties do not need to be listed on form HUD-2530: Public Housing Agencies, tenants, owners of less than five condominium or cooperative units and all others whose interests were acquired by inheritance or court order.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects, or when otherwise required in the situations listed below:

- Projects to be financed with mortgages insured under the National Housing Act (FHA).
- Projects to be financed according to Section 202 of the Housing Act of 1959 (Elderly and Handicapped).
- Projects in which 20 percent or more of the units are to receive a subsidy as described in 24 C.F.R. 200.213.
- Purchase of a project subject to a mortgage insured or held by the Secretary of HUD.
- Purchase of a Secretary-owned project.
- Proposed substitution or addition of a principal, or principal participation in a different capacity from that previously approved for the same project.
- Proposed acquisition by an existing limited partner of an additional interest in a project resulting in a total interest of 25 percent or more, or proposed acquisition by a corporate stockholder of an additional interest in a project resulting in a total interest of 10 percent or more.
- Projects with U.S.D.A., Farmers Home Administration, or with state or local government housing finance agencies that include rental assistance under Section 8 of the Housing Act of 1937. For projects of this type, form HUD-2530 should be filed with the appropriate applications directly to those agencies.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration by the HUD Review Committee. Alternatively, you may request a hearing before a Hearing Officer. Either request must be made in writing within 30 days from your receipt of the notice of determination.

If you do request reconsideration by the Review Committee and the reconsideration results in an adverse determination, you may then request a hearing before a Hearing Officer. The Hearing Officer will issue a report to the Review Committee. You will be notified of the final ruling by certified mail.

Specific Line Instructions:

Reason for submitting this Certificatioin: e.g., refinance, management, change in ownership, transfer of physical assets, etc.

Block 1: Fill in the name of the agency to which you are applying. For example: HUD Office, Farmers Home Administration District office, or the name of a State or local housing finance agency. Below that, fill in the name of the city where the office is located.

Block 2: Fill in the name of the project, such as "Greenwood Apts." If the name has not yet been selected, write "Name unknown." Below that, enter the HUD contract or project identification number, the Farmers Home Administration project number, or the State or local housing finance agency project or contract number. Include **all** project or contract identification numbers that are relevant to the project. Also enter the name of the city in which the project is located, and the ZIP Code of the site location.

Block 3: Fill in the dollar amount requested in the proposed mortgage, or the annual amount of rental assistance requested.

Block 4: Fill in the number of apartment units proposed, such as "40 units." For hospital projects or nursing homes, fill in the number of beds proposed, such as "100 beds."

Block 5: Fill in the section of the Housing Act under which the application is filed.

Block 7: Definitions of all those who are considered principals and affiliates are given above in the section titled "Who Must Sign and File...."

Block 8: Beside the name of each principal, fill in the role that each will perform. The following are possible roles that the principals may perform: Sponsor, Owner, Prime Contractor, Turnkey Developer, Managing Agent, Packager, Consultant, General Partner, Limited Partner (include percentage), Executive Officer, Director, Trustee, Major Stockholder, or Nursing Home Administrator. Beside the name of each affiliate, write the name of the person or firm of affiliation, such as "Affiliate of Smith Construction Co."

Block 9: Fill in the percentage of ownership in the proposed project that each principal is expected to have. Also specify if the participant is a general or limited partner. Beside the name of those parties who will not be owners, write "None."

Block 10: Fill in the Social Security Number or IRS employer number of every party listed, including affiliates.

Instructions for Completing Schedule A:

Be sure that Schedule A is filled-in completely, accurately and the certification is properly dated and signed, because it will serve as a legal record of your previous experience. All Multifamily Housing projects involving HUD/FmHA, and State and local Housing Finance Agencies in which you have previously participated **must** be listed. Applicants are reminded that previous participation pertains to the individual principal within an entity as well as the entity itself. A newly formed company may not have previous participation, but the principals within the company may have had extensive participation and disclosure of that activity is required. To avoid duplication of disclosure, list the project and then the entities or individuals involved in that project. You may use the name or a number code to denote the entity or individual that participated. The number code can then be used in column 3 to denote role.

Column 2 List the project or contract identification of each previous project. **All previous projects must be included or your certification cannot be processed.** Include the name of all projects, the cities in which they are located and the government agency (HUD, USDA-FmHA or State or local housing finance agency) that was involved. At the end of your list of projects, draw a straight line across the page to separate your record of projects from that of others signing this form who have a different record to report.

Column 3 List the role(s) of your participation, dates participated, and if fee or identity of interest with owners.

Column 4 Indicate the current status of the loan. Except for current loans, the date associated with the status is required. Loans under a workout arrangement are considered assigned. An explanation of the circumstances surrounding the status is required for all non-current loans.

Column 5 Explain any project defaults during your participation.

Column 6 Enter the latest Management and/or Physical Inspection Review rating. If either of the ratings are below average, the report issued by HUD is required to be submitted along with the applicant's explanation of the circumstances surrounding the rating.

No Previous Record: Even if you have never participated in a HUD project before, you must complete form HUD-2530. If you have no record of previous projects to list, fill in your name in column 1 of Schedule A, and write across the form by your name – "No previous participation, first experience."

Master List System: If you expect to file this form frequently and you have a long list of previous projects to report on Schedule A, you should consider filing a Master List. By doing so, you will avoid having to list all your previous projects each time you file a new application.

To make a Master List, use form HUD-2530. On page 1, in block 1, enter (in capital letters) the words "**Master List.**" In blocks 2 through 6 enter in "N.A." meaning Not Applicable. Complete blocks 7 through 10.

In the box below the statement of certification, fill in the names of all parties who wish to file a Master List together (type or print neatly). Beside each name, every party must sign the form. In the box titled "Proposed Role," fill in "N.A." Also, fill in the date you sign the form and provide a telephone number where you can be reached during the day. No determinations will be made on these certificates.

File one copy of the Master List with each HUD Office where you do business and mail one copy to the following address:

HUD-2530 Master List
Participation and Compliance
Division – Housing
U.S. Department of Housing and
Urban Development
451 Seventh Street, S.W.
Washington, D.C. 20410

Once you have filed a Master List, you do not need to complete Schedule A when you submit form HUD-2530. Instead, write the name of the participant in column 1 of Schedule A and beside that write "See Master List on file." Also give the date that appears on the Master List that you submitted. Below that, report all changes and additions that have occurred since that date. Be sure to include any mortgage defaults, assignments or foreclosures not listed previously.

If you have withdrawn from a project since the date the Master List was filed, be sure to name the project. Give the project identification number, the month and year your participation began and/or ended.

Certification:

After you have completed all other parts of form HUD-2530, including Schedule A, read the Certification carefully. In the box below the statement of certification, fill in the name of all principals and affiliates (type or print neatly). Beside the name of each principal and affiliate, each party must sign the form, with the exception in some cases of individuals associated with a corporation (see "Exception for Corporations" in the section of the instructions titled "Who Must Sign and File form HUD-2530"). Beside each signature, fill in the role of each party (the same as shown in block 8). In addition, each person who signs the form should fill in the date that he or she signs, as well as providing a telephone number where he or she can be reached during business hours. By providing a telephone number where you can be reached, you will help to prevent any possible delay caused by mailing and processing time in the event HUD has any questions.

If you cannot certify and sign the certification as it is printed because some statements do not correctly describe your record, use a pen and strike through those parts that differ with your record, then sign and certify to that remaining part which does describe you or your record.

Attach a signed letter, note or an explanation of the items you have struck out on the certification and report the facts of your correct record. Item A(2)(e) relates to felony convictions within the past 10 years. If you have been convicted of a felony within 10 years, strike out all of A(2)(e) on the certificate and attach your statement giving your explanation. A felony conviction will not necessarily cause your participation to be disapproved unless there is a criminal record or other evidence that your previous conduct or method of doing business has been such that your participation in the project would make it an unacceptable risk from the underwriting standpoint of an insurer, lender or governmental agency.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law (42 U.S.C. 3535(d) and 24 C.F.R. 200.217) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a principal may not participate in a proposed or existing multifamily project. HUD uses this information to evaluate whether or not principals pose an unsatisfactory underwriting risk. The information is used to evaluate the potential principals and approve only individuals and organizations who will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.
A response is mandatory. Failure to provide any of the information will result in your disapproval for participation in this HUD program.

Previous editions are obsolete

ref Handbook 4065.1 form **HUD-2530** (5/2001)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp. 07/31/2007)

Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____

day of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp 07/31/2007)

Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Supportive Housing for the Elderly under Section 202 and Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for the elderly and for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the Sponsor on the _____day of

_____, _____.

_____
Authorized Signature

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES (Section 811 Only)

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp. 04/30//2007)

Public reporting burden for this collection of information is estimated to average .40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required for HUD's Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD in determining applicant eligibility and ability to develop housing for persons with disabilities within statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This collection of information does not collect any sensitive information. HUD does not ensure confidentiality.

The undersigned certifies that this Agency has reviewed the Sponsor's supportive services plan and finds that:

1. The provision of supportive services is:

   ☐ Well designed ☐ Not well designed

   to serve the individual needs of persons with disabilities the housing is expected to serve.

2. The provision of supportive services will enhance independent living success and promote the dignity of those who will access the proposed project.

   ☐ Will enhance ☐ Will not enhance

3. The supportive services will be available on a consistent, long-term basis.

   ☐ Yes ☐ No

4. The proposed housing is:

   ☐ Consistent ☐ Inconsistent

   with State or local plans and policies addressing the housing needs of people with disabilities.

_____ Sponsor

_____ Project Location

_____ (Print Name of Authorized Official)

_____ (Signature) _____ (Date)

_____ (Title)

_____ (Agency Name)

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.04/30/2007)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

1a. Sponsor is a "grassroots" organization ☐ Yes ☐ No

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, (4) Strategic Planning Community, or (5) Renewal Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

Note: For a group home(s)in 10. below, include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes," identify subcategory

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms 0	1	2	3	Total Disabled Units	Residents	Resident Mgr. Unit (Y/N)	Total Units	Address
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Totals

	Units (Section 811)
	Disabled Residents
	Sites

Mixed Finance or Mixed Use Project for Additional Units
☐ Yes ☐ No # of Add'l Units _____

form **HUD-92016-CA** (04/2002)
ref Handbook 4571.2

Previous editions are obsolete

11. Check utilities and services not included in the rent and to be paid directly by the tenant
- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features
- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Spaces to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from the SuperNOFA, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)
- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

form **HUD-92016-CA** (04/2002)
ref Handbook 4571.2

Previous editions are obsolete

C. Submission Dates and Time. Your application must be submitted and received electronically by Grants.gov no later than 11:59:59 PM eastern time on the application submission date, unless a waiver of the electronic delivery

process has been approved by HUD. Please refer to the General Section for instructions on applying for a waiver. If a waiver is granted you must submit an original and four copies of your application on the application submission date following the mailing and timely receipt instructions in the General Section and Appendix A of this NOFA. These instructions have changed from the 2004 SuperNOFA.

D. Intergovernmental Review. 1. State Review. This funding opportunity is subject to Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs.'' You must contact your State's Single Point of Contact (SPOC) to find out about and comply with the state's process under EO 12372. The names and addresses of the SPOCs are listed in the Office of Management and Budget's web site at *http://www.whitehouse.gov/omb/grants/spoc.html.* If required by the state, the submission to the state needs to occur before the Section 811 application due date. It is recommended that you provide the state with sufficient time to review the application. Therefore, it is important that you consult with the SPOC for state review time frames and take that into account when submitting the application.

2. HUD/RHS Agreement. HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

E. Funding Restrictions: 1. Ineligible Activities. Section 811 funds may not be used for any of the following:

a. Supportive Services

b. Housing that you currently own or lease that has been occupied by people with disabilities for longer than one year prior to the application deadline date;

c. Nursing homes, infirmaries and medical facilities;

d. Transitional housing;

e. Mobile homes;

f. Intermediate care facilities;

g. Assisted living facilities;

h. Community centers, with or without special components for use by persons with disabilities;

i. Sheltered workshops and centers for persons with disabilities;

j. Headquarters for organizations for persons with disabilities; and

k. Refinancing of Sponsor-owned facilities without rehabilitation.

Note: You may propose to rehabilitate an existing currently-owned or leased structure (if the structure already serves persons with disabilities, it cannot have operated as housing for persons with disabilities for longer than one year prior to the application deadline date) , however, the refinancing of any federally funded or assisted project or project insured or guaranteed by a federal agency is not permissible under this Section 811 NOFA. HUD does not consider it appropriate to utilize scarce program resources to refinance projects that have already received some form of assistance under a federal program or that have been operating as housing for persons with disabilities for longer than one year prior to the application deadline date. (For example, Section 202, Section 202/8 or Section 202/PAC direct loan projects cannot be refinanced with capital advances and project rental assistance.)

2. Application Limits (Units/Projects). A Sponsor or Co-Sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub or more than 10 percent of the total units allocated to all local HUD offices. Affiliated entities (organizations that are branches or offshoots of a parent organization) that submit separate applications are considered a single entity for the purpose of these limits. In addition, no single application may propose more units in a given local HUD office than allocated for the Section 811 program in that local HUD office. If the proposed project will be an independent living project, your application must request at least five units for persons with disabilities, not necessarily in one structure. If your proposed project will be a group home, you must request at least two units for persons with disabilities per group home. If your proposed project will be a combination of an independent living project and a group home, your application must request at least the minimum number of units for each project type (*i.e.*, 5 units for an independent living project and 2 units for a group home).

3. Development Cost Limits.

a. The following development cost limits, adjusted by locality as described in Section IV.E.3.b. below must be used to determine the capital advance amount reserved for projects for persons with disabilities.

Note: The capital advance funds awarded for this project are to be considered the total amount of funds that the Department will provide for the development of this project. Amendment funds will only be provided in exceptional circumstances (*e.g.*, to cover increased costs for construction delays due to litigation or unforeseen environmental issues resulting in a change of sites) that are clearly beyond your control. Otherwise, you are responsible for any costs over and above the capital advance amount provided by the Department as well as any costs associated with any excess amenities and design features.

(1) For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing: The capital advance amount for the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features and other costs you must pay for) may not exceed:

Non-elevator structures:

$42,980 per family unit without a bedroom;
$49,557 per family unit with one bedroom;
$59,766 per family unit with two bedrooms;
$76,501 per family unit with three bedrooms;
$85,225 per family unit with four bedrooms.

For elevator structures:

$45,232 per family unit without a bedroom;
$51,849 per family unit with one bedroom;
$63,049 per family unit with two bedrooms;
$81,563 per family unit with three bedrooms;
$89,531 per family unit with four bedrooms.

(2) For group homes only (the development cost limits are capped by type of occupancy and number of person with disabilities):

TYPE OF DISABILITY

Residents	Physical/Developmental	Chronic mental illness
2	$172,303	$166,325
3	185,287	178,860
4	198,273	189,995
5	211,257	201,130
6	224,228	212,265

(3) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

b. Increased development cost limits.

(1) HUD may increase the development cost limits set forth above,

by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

Note: In applying the applicable high cost percentage, the local HUD office may use a percentage that is higher or lower than that which is assigned to the local HUD office if it is needed to provide a capital advance amount that is comparable to what it typically costs to develop a Section 811 project in that area.

(2) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV.E.3.a.(1) and IV.E.3.b.(1) above, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(3) For group homes only, local HUD offices may approve increases in the development cost limits in Section IV.E.3.a.(2), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is evidence of at least three land sales that have actually taken place (listed prices for land are not acceptable) within the last two years in the area where your project is to be built. The average cost of the documented sales must exceed ten percent of the development cost limit for your project in order for an increase to be considered.

4. Commercial Facilities. A commercial facility for the benefit of the residents may be located and operated in the Section 811 project. However, the commercial facility cannot be funded with the use of Section 811 capital advance or PRAC funds. The maximum amount of space permitted for a commercial facility cannot exceed 10 percent of the total project cost. An exception to this 10 percent limitation is if the project involves acquisition or rehabilitation and the additional space was incorporated in the existing structure at the time the proposal was submitted to HUD. Commercial facilities are considered public accommodations under Title III of the Americans with Disabilities Act of 1990 (ADA), and thus must comply with all the accessibility requirements of the ADA.

5. Expiration of Section 811 Funds. The Consolidated Appropriations Act, 2005, requires HUD to obligate all Section 811 funds appropriated for FY 2005 by September 30, 2008. Under 31 U.S.C. 1551, no funds can be disbursed from this account after September 30, 2013. Under Section 811, obligation of funds occurs for both capital advances and project rental assistance upon fund reservation and acceptance. If all funds are not disbursed by HUD and expended by the project Owner by September 30, 2013, the funds, even though obligated, will expire and no further disbursements can be made from this account. In submitting an application, you need to carefully consider whether your proposed project can be completed through final capital advance closing no later than September 30, 2013. Furthermore, all unexpended balances, including any remaining balance on PRAC contracts, will be cancelled as of October 1, 2013. Amounts needed to maintain PRAC payments for any remaining term on the affected contracts beyond that date will have to be funded from other current appropriations.

F. Other Submission Requirements:

Address for Submitting Applications. Applications must be submitted electronically through the *www.Grants.gov* web site, unless the applicant receives a waiver from the electronic submission requirement. See the General Section, Application Submission and Receipt Procedures, for information on applying online and requesting a waiver from the electronic application requirement. If you apply for and receive a waiver from the electronic application requirement, you must submit an original and four copies of your completed application to the Director of the appropriate local HUD office listed in Appendix A below. Note: Do not use the listing in Attachment B to the General Section of the SuperNOFA.

V. Application Review Information

A. Criteria

Policy Priorities. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which help the Department achieve its strategic goals for FY2005. Refer to the General Section of the SuperNOFA for information regarding HUD's Strategic Goals and Policy Priorities. For the Section 811 program, applicants who include work activities that specifically address the policy priorities of encouraging accessible design features by incorporating visitability standards and universal design, ending chronic homelessness, removing barriers to affordable housing and promoting energy efficiency in design and operations will receive additional points. A Notice pertaining to the removal of barriers to affordable housing was published in the **Federal Register** and may be downloaded from the HUD web site at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.*

Rating Factors. HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in this program section of the SuperNOFA. The maximum number of points an application may receive under this program is 102. This includes two (2) RC/EZ/EC–II bonus points, as described in the General Section of the SuperNOFA and Section V.A.6 below.

1. Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (30 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(a), 3(b), 3(e), 5 and 6 of Section IV.B. of this program section of the SuperNOFA. In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

a. (15 points) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.*, number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability.

b. (10 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families and your ties to the community at large and to the minority and disability communities in particular.

(1) (5 points) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families.

(2) (5 points) The scope, extent, and quality of your ties to the community at large and to the minority and disability communities in particular.

To earn the maximum number of points under subcriteria (b)(1) above, you must describe both your relationships over time with the minority community and significant previous experience in providing housing and/or supportive services to minorities generally and to minority persons with disabilities, in particular. For the purpose of this competition, ''significant previous experience'' means that the previous housing assistance or related services to minorities, *i.e.*, the percentage of minorities being provided housing or related services in your current developments, was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing or services occurred. To earn the maximum number of points under subcriteria (b)(2) above, you should submit materials that demonstrate your efforts to make housing available to the community at large and the minority and disable communities in particular. Examples of documents that may be submitted to earn the maximum number of points under subcriteria (b)(2), include copies of your affirmative marketing plan and the advertising/outreach materials you utilize to attract minority communities (including limited English proficient communities), disable community and the community at large. Regarding your advertising/outreach materials, you should identify when advertising/outreach materials are circulated, whom they are circulated to, where they are circulated and how they are circulated. Descriptions of other advertising/outreach efforts to the minority (including limited English proficient communities) and disable communities and the dates and places of such advertising/outreach efforts should also be included.

c. (-3 to -5 points) HUD will deduct (except if the delay was beyond your control) 3 points if a fund reservation you received under either the Section 811 program of Supportive Housing for Persons with Disabilities or the Section 202 program of Supportive Housing for the Elderly in FY2000 or later has been extended beyond 24 months, 4 points if beyond 36 points, and 5 points if beyond 48 months. Examples of delays beyond your control include, but are not limited to, initial closing delays that are: (1) directly attributable to HUD, (2) directly attributable to third party opposition, including litigation, and (3) due to a disaster, as declared by the President of the United States.

d. (-1 point) HUD will deduct 1 point if amendment money was required as a result of the delay (except if the delay was beyond your control).

e. (5 points) You have experience in developing integrated housing and/or the proposed project will be an integrated housing model (*e.g.*, condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

2. Rating Factor 2: Need/Extent of the Problem (13 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 4(a) and 4(b) of Section IV.B. of this program section of the SuperNOFA. HUD will consider the following in evaluating this factor:

The extent of the need for the project in the area based on a determination by the local HUD office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the local HUD office. The data should include a general assessment of the current conditions in the market for the type of housing proposed, an estimate of the demand for additional housing of the type proposed in the applicable housing market area; as well as, information on the numbers and types of existing comparable subsidized housing for persons with disabilities, current occupancy in such housing and recent market experience, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

For all Section 811 projects that are determined to have sufficient demand, HUD will rate your application based on the ratio of the number of units in the proposed project to the estimate of unmet need for housing assistance by the income eligible disabled households with selected housing conditions. Unmet need is defined as the number of very low-income disabled one-person renter households age 18 and older with housing conditions problems, as of the 2000 Census minus the number of project-based subsidized rental housing units (HUD, RHS, or LIHTC) that are affordable to very low-income disabled provided in the area since 1999. Units to be occupied by resident managers are not counted. After HUD determines the estimate of unmet need and whether a connection has been made between the project and community's Consolidated Plan, Analysis of Impediments to Fair Housing Choice, or other planning document, HUD will rate your application as follows:

a. (10 points) The area of the project has an unmet ratio of 15 percent or less; Or (0 points) The area of the proposed has no unmet needs for housing assistance.

b. (3 points) The extent that a connection has been established between the project and the community's Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization.

3. Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal, the extent to which you involved persons with disabilities, including minority persons with disabilities, in the development of the application and will involve them in the development and operation of the project, the extent to which you coordinated your application with other organizations, including local independent living centers, with which you share common goals and objectives and are working toward meeting these objectives in a holistic and comprehensive manner, whether you consulted with Continuum of Care organizations to address efforts to assist persons with disabilities who are chronically homeless as defined in the General Section, whether the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing, and whether you will promote energy efficiency in the design and operation of the proposed housing. There must be a clear relationship between the proposed

design, the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 2(d), 3(f), 3(j), 3(k), 3(l), 4(c)(i), 4(c)(ii), 4(c)(iii), 4(d)(iii), 4(d)(v), 4(d)(vi), 4(e)(i), 5, and 8(l) of Section IV.B. of this NOFA. In evaluating this factor, HUD will consider the following:

a. (14 points) Site approvability—The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e) and 24 CFR 891.320. Sites where amenities are accessible other than by project residence or private vehicle will be rated more favorably;

b. (-1 point) One or more of your proposed sites is not permissively zoned for the intended use.

c. (10 points) The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the local HUD office. If appropriate, HUD may visit the site.

(1) The site will be deemed acceptable if it increases housing choice and opportunity by expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood). The term ''non-minority area'' is defined as one in which the minority population is lower than 10 percent; or contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(2) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

(a) The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in that housing market as a whole;

(b) The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or

(c) In the case of a metropolitan area, the neighborhood's total percentage of minority persons exceeds 50 percent of its population.

d. (2 points) The extent to which the proposed design of the project (exterior and interior) and its placement in the neighborhood will meet the individual needs of the residents and will facilitate their integration into the surrounding community and promote their ability to live as independently as possible.

e. (1 point) The extent to which the proposed design incorporates visitability standards and universal design in the construction or rehabilitation of the project. Refer to the General Section of the SuperNOFA for further information.

f. (4 points) Your board is comprised of persons with disabilities.

g. (3 points) You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project.

h. (2 points) The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD office) that will not be directly participating in your project, but with which you share common goals and objectives and are working toward meeting these goals and objectives in a holistic and comprehensive manner.

i. (1 point) You consulted with the Continuum of Care organizations in the community in which your proposed project will be located and have developed ways in which the proposed project will assist persons with disabilities who have been experiencing chronic homelessness become more productive members of society. Refer to the General Section of the SuperNOFA for further information.

j. (2 points) The extent to which the jurisdiction in which your project will be located has undertaken successful efforts to remove regulatory barriers to affordable housing. (NOTE: To receive *up to 2 points,* the applicant must have submitted the optional Form HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers, AND provided URL references or submitted the required documentary evidence.)

k. (1 point) The extent to which you will promote energy efficiency in the design and operation of the proposed housing. Refer to Section III.C.3.k. of this program NOFA.

4. Rating Factor 4: Leveraging Resources (5 Points)

This factor addresses your ability to secure other funding sources, including funding sources to develop a mixed-finance project for additional units over and above the Section 811 units, if proposed, and community resources that can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(a), 3(b), 3(c), 3(d), 3(e), 4(c)(iii) and 5(f) of Section IV.B. of this program section of the SuperNOFA.

a. (1 point) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project.

b. (2 points) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

c. (2 points) The extent of your plans to develop a mixed-finance project for additional units over and above the Section 811 units.

(1) (1 point) The proposed project involves mixed-financing for additional units in which the non-Section 811 units represent 30 percent or less of the Section 811 units in the project; OR

(2) (2 points) The proposed project involves mixed-financing for additional units in which the non-Section 811 units represent over 30 percent of the Section 811 units in the project.

Note: If you are proposing a mixed-finance project for additional units over and above the Section 811 units, your application may receive a maximum of 2 points under Rating Factor 4(c). Your application will receive either 1 or 2 points under this Rating Factor, depending upon the number of non-Section 811 units to be developed in the project. If your project will not involve mixed-financing for additional units, no points will be assigned for Rating Factor 4(c).

5. Rating Factor 5: Achieving Results and Program Evaluation (12 Points)

This factor reflects HUD's goal to embrace high standards of ethics, management and accountability and, as such, emphasizes HUD's commitment to ensuring that you keep the promises made in your application. This factor requires that you clearly identify the benefits or outcomes of your project and develop an evaluation plan to measure performance, which includes what you are going to measure, how you are going to measure it, and the steps you will have in place to make adjustments to your project development timeline should you not be able to achieve any of the major milestones. Completion of Exhibit 8(k), Logic Model, will assist you in completing your response to this rating factor. This rating factor also addresses the extent to which your project will implement practical solutions that result in residents achieving independent living, economic empowerment, educational opportunities and improved living environments. Finally, this factor addresses the extent to which the long-term viability of your project will be sustained for the duration of the 40-year capital advance period. Submit information responding to this factor in accordance with Application Submission Requirements in Exhibits 3(e), 3(g), 3(h), 3(i), 6(b), and 8(k) of Section IV.B. of this program section of the SuperNOFA.

a. (5 points) The extent to which your project development timeline is indicative of your full understanding of the development process and will, therefore, result in the timely development of your project.

b. (2 points) The extent to which your past performance evidences that the proposed project will result in the timely development of the project. Evidence of your past performances could include the development of previous construction projects, including but not limited to Section 202 or Section 811 projects.

c. (2 points) The extent to which your project will implement practical solutions that will result in assisting residents in achieving independent living, economic empowerment, educational opportunities, and improved living environments (e.g., activities that will improve computer access, literacy and employment opportunities).

d. (3 points) The extent to which you demonstrated that your project will remain viable as housing with the availability of supportive services for very low income persons with disabilities for the 40-year capital advance period.

6. Bonus Points (2 bonus points). Location of proposed site in an RC/EZ/EC–II area, as described in the General Section. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in Exhibit 8(i) of Section IV.B. of this NOFA.

B. Reviews and Selection Process: 1. Review for Curable Deficiencies. You should ensure that your application is complete before transmitting it to the following web site: *www.grants.gov/Apply* and, in the case of a waiver of the electronic submission requirement, that you have an original and four copies before submitting it to the appropriate local HUD office. Upon receipt of the application by HUD staff, HUD will screen all applications to determine if there are any curable deficiencies. For applicants receiving a waiver to submit a paper application, submitting fewer than the required original and four copies of the application is not a curable deficiency and will cause your application to be considered non-responsive to the NOFA and returned to you. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. Refer to the General Section for additional information regarding procedures for corrections to deficient applications. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

EXHIBIT		DESCRIPTION
1		Form 92016-CA (Application Form)*
2	(a)	Articles of Incorporation*
2	(b)	By-laws*
2	(c)	IRS tax exemption ruling*
4	(d)(i)	Evidence of site control
4	(d)(ii)	Evidence site is free of limitations, restrictions or reverters
4	(d)(iv)	Evidence of compliance with URA site notification requirement
4	(d)(vii)	Phase I ESA
4	(d)(viii)	Asbestos Statement or Report
4	(d)(ix)	Letter to the State Historic Preservation Officer (SHPO/THPO)
4	(d)(x)	Letter from the SHPO/THPO, or a statement that the SHPO/THPO failed to respond Seek alternate site
4	(d)(xi)	Exception to project size limit
4	(d)(xii)	Steps undertaken to identify site
4	(e)(ii)	Status of the sale of the site
4	(e)(iv)	Whether the site would involve relocation
4	(e)(v)	
5		Supportive Services Plan
7		Relocation
8	(a)	Standard Form 424, Application for Federal Assistance
8	(b)	Standard Form 424 Supplement, Survey on Ensuring Equal Opportunity for Applicants
8	(c)	Standard Form LLL, Disclosure of Lobbying Activities (if applicable)
8	(d)	Form HUD-2880, Applicant/Recipient Disclosure/Update Report
8	(e)	Form HUD-2991, Certification of Consistency with Consolidated Plan
8	(f)	Form HUD-92041, Sponsor's Conflict of Interest Resolution
8	(g)	Form HUD-92042, Sponsor's Resolution for Commitment to Project*
8	(i)	Form HUD-2530, Previous Participation Certification
8	(j)	Form HUD-92043, Supportive Services Certification

The local HUD office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will provide you with a specified deadline to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application submission date. If an Exhibit or portion of an Exhibit listed above as curable is not discovered as missing until technical processing, HUD will provide you with a deadline to cure the deficiency.

2. Rating. HUD will review and rate your application in accordance with the Reviews and Selection Process in the General Section of the SuperNOFA except as described in 3. Appeal Process below. Your application will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, including HUD approval of you, the Section 811 applicant, based on HUD's evaluation of the applicant's previous participation activities as reported on Form HUD–2530, Previous Participation Certification, it will be rated according to the rating factors in Section V.A. above.

3. Appeal Process. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the local HUD office. In HUD's review of any appeal, it should be noted that in conformance with its regulations at 24 CFR part 4, subpart B, HUD will not consider any unsolicited information that you, the applicant, may want to provide. The local HUD office will make a determination on any appeals before making its selection recommendations.

4. Ranking and Selection Procedures. Applications that have a total base score of 75 points or more (without the addition of RC/EC/EZ–II bonus points) and meet all of the applicable threshold requirements in the General Section of the SuperNOFA and this program NOFA will be eligible for selection and will be placed in rank order in two categories; Category A and Category B. Category A will consist of approvable applications that contain acceptable evidence of control of all proposed sites and all proposed sites have been found approvable. Category B will consist of

the following approvable applications: (a) Those that were submitted with identified sites; (b) those that were submitted with evidence of site control where the evidence and/or any of the proposed sites were found unapprovable provided you indicate your willingness to locate another site(s) should the proposed site(s) be found unapprovable; and (c) those that were submitted with a combination of sites under control and identified sites. Each HUD Multifamily Program Center will select applications, after adding any bonus points for RC/EC/EZ–II, based on rank order, from Category A first that most closely approximates the capital advance authority available in its allocation. If capital advance authority remains after selecting all approvable applications from Category A, each HUD Multifamily Program Center shall then select applications, in rank order, from Category B that most closely approximates the capital advance authority remaining in its allocation. HUD Multifamily Program Centers will not skip over any applications in order to select one based on the funds remaining. After making the initial selections from the applicable category, however, HUD Multifamily Program Centers may use any residual funds to select the next rank-ordered application in that category by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After the HUD Multifamily Program Centers have funded all possible projects based on the process above, residual funds from all HUD Multifamily Program Centers within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Multifamily Program Centers based on the above instructions. Second, additional approvable applications within each Multifamily Hub will be selected in rank order, first from Category A, and if sufficient funds remain, from Category B, with only one application selected per HUD Multifamily Program Center. More than one application may be selected per HUD Multifamily Program Center if there are no approvable applications in other HUD Multifamily Program Centers within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds. Applications may not be skipped over to select one based on funds remaining. However, the Multifamily Hub may use any remaining residual funds to select the next rank-ordered application in the applicable category by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than 5 units.

Funds remaining after the Multifamily Hub selection process is completed will be returned to Headquarters. HUD Headquarters will use these residual funds first to restore units to projects reduced by HUD Multifamily Program Center or Multifamily Hub as a result of the instructions for using their residual funds. Second, HUD Headquarters will use these funds for selecting applications based on HUD Program Centers' rankings, beginning with the highest rated application nationwide in Category A. Only one application will be selected per HUD Multifamily Program Center in Category A from the national residual amount, excluding the Columbia Multifamily Program Center, already funded. If there are no approvable applications in Category A in other HUD Multifamily Program Centers, then the next highest rated application in Category B in another HUD Multifamily Program Center will be selected, excluding the Columbia Multifamily Program Center, already funded. This process will begin again with the selection of the next highest rated application in Category A nationwide. Once each HUD Multifamily Program Center that has approvable applications in Category A receives another selection then the next highest rated application in Category B will be selected. This process will continue until all approvable applications are selected using the available remaining funds. Headquarters may skip over a higher rated application in order to use as much of the available remaining funds as possible.

5. HUD Error. In the event HUD commits an error that, when corrected, would have resulted in the selection of an otherwise eligible applicant during the funding round of the SuperNOFA, HUD may select that applicant when sufficient funds become available.

VI. Award Administration Information

A. Award Notices

1. Agreement Letter. If you are selected to receive a Section 811 fund reservation, you will receive an Agreement Letter that stipulates the terms and conditions for the Section 811 fund reservation award as well as the submission requirements following the fund reservation award. The duration of the fund reservation award for the capital advance is 18 months from the date of issuance of the fund reservation.

Immediately upon your acceptance of the Agreement Letter, you are expected to begin work towards the submission of a Firm Commitment Application, which is the next application submission stage. You are required to submit a Firm Commitment Application to the local HUD office within 180 days from the date of the Agreement Letter. Initial closing of the capital advance and start of construction of the project are expected to be accomplished within the duration of the fund reservation award. Final closing of the capital advance is expected to occur no later than six months after completion of project construction.

2. Non-selection Letter. If your application is approvable but unfunded due to insufficient funds or receives a rating that is below the minimum threshold score established for funding eligibility, you will receive a letter to this effect.

3. Debriefing. Refer to the General Section for further information regarding debriefings except that the request must be made to the Director of Multifamily Housing in the appropriate local HUD office.

B. Administrative and National Policy Requirements

1. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women-Owned Businesses. Although the Section 811 program is not subject to the provisions of 24 CFR 85.36(e) as described in the corresponding paragraph in the General Section of the SuperNOFA, you are required to comply with Executive Order 12432, Minority Business Enterprise Development and Executive Order 11625, Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise as they relate to the encouragement of HUD grantees to utilize minority business enterprises.

2. Acquisition and Relocation. You must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e)) (URA), which covers the acquisition of sites, with or without existing structures, and with 24 CFR 8.4(b)(5) of the Section 504 regulations which prohibits discrimination based on disability in determining the site or location of a federally-assisted facility. However, you are exempt from

complying with the site acquisition requirements of the URA if you do not have the power of eminent domain and prior to entering into a contract of sale, option to purchase or any other method of obtaining site control, you inform the seller of the land *in writing*: (1) That you do not have the power of eminent domain and, therefore, you will not acquire the property if negotiations fail to result in an amicable agreement, and (2) of the estimate of the fair market value of the property. An appraisal is not required to meet this requirement; however, your files must include an explanation, (with reasonable evidence) of the basis for the estimate. *Evidence of compliance with this advance notice requirement must be included in Exhibit 4(d)(iv) of your application.*

3. Flood Disaster Protection Act of 1973 and Coastal Barriers Resources Act. You must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

C. Reporting

1. The Program Outcome Logic Model (Form HUD–96010) must be completed indicating the results achieved against the proposed output goal(s) and proposed outcome(s) which you stated in your approved application and agreed upon by HUD.

2. The Regulatory Agreement (Form HUD–92466–CA) requires the Owner of the Section 811 project to submit an annual financial statement for the project. This financial statement must be audited by an Independent Public Accountant who is a Certified Public Accountant or other person accepted by HUD and filed electronically with HUD's Real Estate Assessment Center (REAC) through the Financial Assessment Subsystem for Multifamily Housing (MF–FASS). The submission of annual financial statements is required throughout the 40-year term of the mortgage.

3. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD–27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found at: www.hudclips.org, a comparable program form, or a comparable electronic data system for this purpose.

VII. Agency Contact(s)

For Technical Assistance. For technical assistance in downloading an application package from *http://www.grants.gov/Apply*, contact the Grants.gov help desk at 800–518–Grants or by sending an email to *support@grants.gov*. For programmatic information, you may contact the appropriate local HUD office, or Frank Tolliver at HUD Headquarters at (202) 708–3000 (this is not a toll-free number), or access the Internet at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*. Persons with hearing and speech impairments may access the above number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

VIII. Other Information

A. Field Office Workshop. HUD encourages minority organizations and grassroots organizations (*e.g.*, civic organizations, faith-communities and grassroots faith-based and other community-based organizations) to participate in this program and strongly recommends prospective applicants attend the local HUD office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, contamination identification and remediation, historic preservation, floodplain management, other environmental requirements, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate local HUD office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate local HUD office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate local HUD office if you have any questions regarding the submission of applications to that particular office and to request any materials distributed at the workshop.

B. Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. It is strongly recommended that potential applicants, especially those who may be applying for Section 811 funding for the first time, tune in to this broadcast, if at all possible. Copies of the broadcast tapes are also available from the NOFA Information Center. For more information about the date and time of the broadcast, you should consult the HUD web site at: *http://www.hud.gov/offices/adm/grants/fundsavail.cfm*.

C. Related Programs. Section 811 funding for tenant-based assistance is administered by public housing agencies and nonprofit organizations through the Mainstream Housing Opportunities for Persons with Disabilities Program.

D. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0462. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB number. Public reporting burden for the collection of information is estimated to average 35.92 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits derived.

APPENDIX A

LOCAL HUD OFFICES

NOTES:

1. Your application must be transmitted electronically using www.grants.gov unless you request and receive a waiver of the requirement for electronic application submittal. See the General Section for further information and instructions pertaining to electronic application submission and waiver request requirements. The following information applies only to those applicants that have received a waiver to the electronic application submission requirement.

2. If you received a waiver to the electronic application submission requirement, you must send an original and four (4) copies of your application to the appropriate local HUD office having jurisdiction over the locality in which your project will be located. If you send your application to the wrong local HUD office, it will be rejected. Therefore, if you are uncertain as to which local HUD office to submit your application, you are encouraged to contact the local HUD office below that is closest to your proposed project location(s) to ascertain the office's jurisdiction and ensure that you submit your application to the correct local HUD office.

a. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

b. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

c. Applications for projects proposed to be located in Maryland that are within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

d. Applications for projects proposed to be located in Northern Virginia that are within the jurisdiction of the Washington, DC Office must be submitted to the Richmond, Virginia Office.

e. Applications for projects proposed to be located within the jurisdiction of the Grand Rapids, Michigan Office must be submitted to the Detroit, Michigan Office.

f. Applications for projects proposed to be located within the jurisdiction of the Anchorage, Alaska Office must be submitted to the Seattle, Washington Office.

HUD - BOSTON HUB	HUD - BUFFALO HUB
HARTFORD OFFICE One Corporate Center 19th Floor Hartford, CT 06103-3220 (860) 240-4800 TTY Number: (860) 240-4665	**BUFFALO OFFICE** Lafayette Court Building 465 Main Street, 2nd Floor Buffalo, NY 14203-1780 (716) 551-5755, ext. 5000 TTY Number: (716) 551-5787
BOSTON OFFICE Room 301 Thomas P. O'Neill, Jr. Federal Building 10 Causeway Street Boston, MA 02222-1092 (617) 994-8500 TTY Number: (617) 565-5453	**HUD - PHILADELPHIA HUB** **PHILADELPHIA OFFICE** The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 (215) 656-0609 TTY Number: (215) 656-3452
MANCHESTER OFFICE 1000 Elm Street 8th Floor Manchester, NH 03101 (603) 666-7510 TTY Number: (603) 666-7518	**CHARLESTON OFFICE** Suite 708 405 Capitol Street Charleston, WV 25301-1795 (304) 347-7000 TTY Number: (304) 347-5332
PROVIDENCE OFFICE Sixth Floor 10 Weybosset Street Providence, RI 02903-2818 (401) 528-5230 TTY Number: (401) 528-5403	**NEWARK OFFICE** Thirteenth Floor One Newark Center Newark, NJ 07102-5260 (973) 622-7900 TTY Number: (973) 645-3298
HUD - NEW YORK HUB **NEW YORK OFFICE** 26 Federal Plaza, Room 3200 New York, NY 10278-0068 (212) 264-8000 TTY Number: (212) 264-0927	**PITTSBURGH OFFICE** 339 Sixth Avenue Sixth Floor Pittsburgh, PA 15222-2507 (412) 644-6428 TTY Number: (412) 644-5747

HUD - BALTIMORE HUB **BALTIMORE OFFICE** Fifth Floor City Crescent Building 10 South Howard Street Baltimore, MD 21201-2505 (410) 962-2520 TTY Number: (410) 962-0106	**HUD - ATLANTA HUB** **ATLANTA OFFICE** ATTN: Multifamily Housing, 12th Floor 40 Marietta Street - Five Points Plaza Atlanta, GA 30303- 2806 (404) 331- 4976 TTY Number: (404) 730-2654
RICHMOND OFFICE 600 East Broad Street Richmond, VA 23219 (804) 771-2100, ext. 3839 TTY Number: (804) 771-2038	**SAN JUAN OFFICE** Edificio Administracion de Terrenos 171 Carlos Chardon Avenue Suite 301 San Juan, PR 00918-0903 (787) 766-5401 TTY Number: (787) 766-5104
HUD - GREENSBORO HUB **GREENSBORO OFFICE** Asheville Building 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838 (336) 547-4000 TTY Number: (336) 547-4020	 **LOUISVILLE OFFICE** 601 West Broadway, Room110 Louisville, KY 40202 (502) 582-5251 TTY Number: (866) 800-0289
COLUMBIA OFFICE Strom Thurmond Federal Building 13th Floor 1835-45 Assembly Street Columbia, SC 29201-2480 (803) 765-5592 TTY Number: (803) 253-3209	**KNOXVILLE OFFICE** Third Floor, Room #315 John J. Duncan Federal Building 710 Locust Street Knoxville, TN 37902-2526 (423) 545-4384 TTY Number: (423) 545-4559
	NASHVILLE OFFICE Suite 200 235 Cumberland Bend Nashville, TN 37228-1803 (615) 736-5213 TTY Number: (866) 503-0264

HUD - JACKSONVILLE HUB	HUD - DETROIT HUB
JACKSONVILLE OFFICE Suite 1015 Charles Bennett Federal Building 400 West Bay Street Jacksonville, FL 32202 (904) 232-2626 TTY Number: (904) 232-2631	**DETROIT OFFICE** Patrick V. McNamara Federal Building 477 Michigan Avenue, Suite 1635 Detroit, MI 48226-2592 (313) 226-7900 TTY Number: (313) 226-6899
	HUD - COLUMBUS HUB
BIRMINGHAM OFFICE Medical Forum Building 950 22nd St., North Suite 900 Birmingham, AL 35203-5301 (205) 731-2630 TTY Number: (205) 731-2624	**COLUMBUS OFFICE** 200 North High Street 7th Floor Columbus, OH 43215-2499 (614) 469-5737 TTY Number: (614) 469-6694
JACKSON OFFICE Suite 910 Doctor A.H. McCoy Federal Building 100 West Capitol Street Jackson, MS 39269-1096 (601) 965-4700 TTY Number: (601) 965-4171	**CLEVELAND OFFICE** US Bank Centre 1350 Euclid Avenue Suite 500 Cleveland, OH 44115-1815 (216) 522-4058 TTY Number: (216) 522-2261
HUD - CHICAGO HUB	**HUD - MINNEAPOLIS HUB**
CHICAGO OFFICE Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard, 23rd Floor Chicago, IL 60604-3507 (312) 353-5680 TTY Number: (312) 353-5944	**MINNEAPOLIS OFFICE** 920 Second Avenue South, Suite 1300 Minneapolis, MN 55402-4012 (612) 370-3051 TTY Number: (612) 370-3186
INDIANAPOLIS OFFICE 151 North Delaware Street Indianapolis, IN 46204-2526 (317) 226-6303 x 6482 or 6831	**MILWAUKEE OFFICE** Suite 1380 Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 1380 Milwaukee, WI 53203-2289 (414) 297-3214, ext. 8673 TTY Number: (414) 297-1423

HUD - FT. WORTH HUB	**HUD – KANSAS CITY HUB**
LITTLE ROCK OFFICE Suite 900 TCBY Tower 425 West Capitol Avenue Little Rock, AR 72201-3488 (501) 324-5931 TTY Number: (501) 324-5931	**DES MOINES OFFICE** Room 239 Federal Building 210 Walnut Street Des Moines, IA 50309-2155 (515) 284-4583 TTY Number: (515) 284-4728
NEW ORLEANS OFFICE Ninth Floor Hale Boggs Federal Building 500 Poydras Street New Orleans, LA 70130-3099 (504) 589-7200 TTY Number: (504) 589-7279	**KANSAS CITY OFFICE** Room 200 Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406 (913) 551-5462 TTY Number: (913) 551-6972
FT. WORTH OFFICE 801 Cherry Street P.O. Box 2905 Fort Worth, TX 76113-2905 (817) 978-5965 TTY Number: (817) 978-5595	**OMAHA OFFICE** Executive Tower Centre 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 (402) 492-3122 TTY Number: (402) 492-3183
HOUSTON OFFICE 1301 Fannin, Suite 2200 Houston, TX 77002 (713) 718-3199 TTY Number: (713) 718-3289	**ST. LOUIS OFFICE** Third Floor Robert A. Young Federal Building 1222 Spruce Street, Room 3.203 St. Louis, MO 63103-2836 (314) 539-6583 TTY Number: (314) 539-6331
SAN ANTONIO OFFICE 106 South St. Mary's, Suite 405 San Antonio, TX 78205 (210) 475-6800 TTY Number: (210) 475-6885	**OKLAHOMA CITY OFFICE** 301 N.W. 6th, Suite 200 Oklahoma City, OK 73102 (405) 609-8410 TTY Number: (405) 609-8480

HUD - DENVER HUB	HUD - LOS ANGELES HUB
DENVER OFFICE UMB Bank Building 23rd Floor 1670 Broadway Denver, CO 80202 (303) 672-5343 TTY Number: (303) 672-5113	**LOS ANGELES OFFICE** 611 West 6th Street Suite 800 Los Angeles, CA 90017-3106 (213) 894-8000 TTY Number: (213) 894-8133
HUD - SAN FRANCISCO HUB	**HUD - SEATTLE HUB**
PHOENIX OFFICE One North Central #600 Phoenix, AZ 85004 (602) 379-7149 TTY Number: (602) 379-4557	**PORTLAND OFFICE** 400 Southwest Sixth Avenue Suite 700 Portland, OR 97204-1632 (206) 220-5241 TTY Number: (206) 220-5254
SAN FRANCISCO OFFICE 600 Harrison Street, 3rd Floor San Francisco, CA 94107-1300 (415) 436-8356 TTY Number: (415) 436-6594	**SEATTLE OFFICE** 909 First Avenue, Suite 200 Seattle, WA 98104-5254 (206) 220-5241 TTY Number: (206) 220-5254
HONOLULU OFFICE 500 Ala Moana Boulevard, Suite 3A Honolulu, HI 96813 (808) 522-8185 TTY Number: (808) 522-8193	

APPENDIX B

Sample Letter Requesting SHPO/THPO Review

Applicant return address

Date

[SHPO/THPO mailing address]
(see: www.ncshpo.org or www.nathpo.org)

Dear [SHPO/THPO]:

In accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, "Protection of Historic Properties," and as authorized by the U.S. Department of Housing and Urban Development (HUD) as an applicant for a Section [202/811] Supportive Housing Capital Advance, we are initiating consultation with your office regarding the proposed [xxx project] (ex. rehabilitation of 123 Elm Street, Anytown, AB). Please find enclosed the necessary documentation per §800.11.

Based on our initial research, we have made the required determinations and findings, which we now ask you to review. Please respond in writing to us and HUD within the thirty-day time period as noted at §800.3(c)4. HUD's mailing address is:

[xxx]

If you concur with the findings in this submission, please sign and date on the line below and return as noted above. If you do not concur, we request that you express your concerns and objections clearly in writing so that HUD may continue the consultation process as needed. Please also indicate in your non-concurrence letter if there are other sources of information that should be checked, and if there are other parties, tribes, or members of the public you believe should be included in the consultation process. Thank you for your prompt attention to this matter.

Sincerely,

Applicant signatory

CONCURRENCE:_____

State/Tribal Historic Preservation Officer Date

Description of the Undertaking

[xxx] (Specify federal involvement; include photographs, drawings, location map, etc).

Area of Potential Effect

We define the Area of Potential Effect for this proposed project as [xxx] (written boundary description). Please see the attached map marked with the APE boundary. We made this determination for the following reason(s): [xxx].

Basis for Determining No Historic Properties Affected (Option #1)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that no historic properties will be affected by this project. We base this finding on: [xxx].

OR

Basis for Determining Historic Properties Affected (Option #2)

To obtain background information on the APE and to identify any potential historic properties, we researched and contacted the following sources:

[xxx] (list surveys, National Register data, research at SHPO office or local govt, etc.)

Based on our initial information search, it is our determination that historic properties will be affected by this project and that additional consultation will be required to assess/resolve effects.

We base this finding on: [xxx].

APPENDIX C
Choosing an Environmentally "Safe" Site Supplemental Guidance Environmental Information For 202/811 Programs

Under 24 CFR Part 50, the U.S. Department of Housing and Urban Development (HUD) has the responsibility for conducting the environmental review for 202 and 811 Programs. **In the conduct of its review, applicants may be asked to provide information necessary for completing the environmental review in an expeditious and comprehensive manner.** What follows is the type of information collected and analyzed in the conduct of the environmental review.

NATURAL RESOURCES

The natural environment is important, and there are many federal regulations and executive orders promulgated to "protect" and conserve natural resources, historic properties, endangered and threatened species and their habitats. Wetlands, coastal barrier resources, and wild and scenic rivers are natural resources, which may also be under threat from development activities. Each of these natural resources has their own regulatory requirements with regard to determining potential environmental impacts.

Natural Resources

+ Rivers
+ Streams
+ Lakes
+ Ponds
+ Designated Wetlands
+ Drainage ways
+ Swamps
+ Creeks
+ Waterways
+ Coastlines
+ Unique natural features
+ Endangered Species*

ENDANGERED AND THREATENED SPECIES

*In some areas, like Seattle, Washington or Portland, Oregon for example, there is an aggressive effort to protect certain types of salmon and their habitat (living environment). As a result, all projects may be considered a "threat" to their survival, as they may impact either the species or their habitat. In other areas, especially with regard to endangered species, it may be a butterfly, insect, or certain types of birds that are under threat. Articles in newspapers or on the news may alert you to controversies surrounding natural resource issues, especially those involving endangered species and wetlands.

**Applicants must comply with the requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (19 U.S.C. 3601).

MANMADE HAZARDS

Completion of the Phase I Assessment is required and must be included among the Exhibits for submission. **However, other potential hazardous or site contaminations problems may be discovered during the conduct of they environmental review. Specific environmental risks and hazards that may result in site contamination are discussed in Choosing and Environmentally "Safe " Site. Additional environmental information on manmade hazards that HUD may collect in the conduct of the environmental review may include the following categories.**

Manmade Hazards

+ Industrial Operations
(e.g. lead smelter, facilities handling explosive material, heavy industry, etc.

+ Airports

+ Landfills, dumps,

+ Odors

+ Noise

+ Traffic (major transportation or truck routes, railroad lines, highways, etc)

+ Agricultural operations

+ Incinerators, oil refineries

+ Large parking facilities/lots

+ Nuisances and Hazards (natural and built)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

SUPPORTIVE HOUSING PROGRAM (SHP)

SHELTER PLUS CARE (S+C),

SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

Billing Code 4210-32-C

Continuum of Care Homeless Assistance Programs

Overview Information

A. Federal Agency Name: Department of Housing and Urban Development, Office of Community Planning and Development.

B. Funding Opportunity Title: Funding Availability for Continuum of Care (CoC) Homeless Assistance Programs.

C. Announcement Type: Initial Announcement.

D. Funding Opportunity Number: The **Federal Register** number is FR–4950–N–15. The OMB Approval number is pending.

E. Catalog of Federal Domestic Assistance (CFDA) Numbers:

1. 14.235, Supportive Housing Program (SHP)

2. 14.238, Shelter Plus Care (S+C) and

3. 14.249, Section 8 Moderate Rehabilitation Single Room Occupancy (SRO).

F. Dates: Application Submission Date: Applications should be submitted no later than June 10, 2005. Please see the General Section for detailed instructions and Section IV of this NOFA for application submission and timely receipt requirements.

G. Additional Overview Content Information:

1. *Purpose of the Programs:* The purpose of the CoC Homeless Assistance Programs is to assist homeless persons to move to self-sufficiency and permanent housing.

2. *Available Funds:* Approximately $1 billion is available for funding.

3. *Eligible Applicants:* The program summary chart in Section III.A.3 identifies the eligible applicants for each of the three programs under the CoC Homeless Assistance Programs.

4. *Match:* Matching funds are required from local, state, federal or private resources.

Full Text of Announcement

I. Funding Opportunity Description

A. Program Description

1. Overview

a. The purpose of the CoC Homeless Assistance Programs is to reduce the incidence of homelessness in CoC communities by assisting homeless individuals and families to move to self-sufficiency and permanent housing. Projects that sustain current successful interventions and fill gaps in locally developed CoC systems will be funded. To help meet the Administration's goal of ending chronic homelessness, priority will be placed on programs that target the supportive housing needs of chronically homeless persons.

2. The authorizing legislation and implementing regulations for all programs covered by this NOFA are outlined on the chart in Section III.A.3. HUD published a proposed rule updating the Supportive Housing Program at 69 FR 43488 on July 20, 2004 and is currently considering the public comments received. HUD expects to publish a final rule based on the proposed rule and comments in 2005. If a final rule is published before announcement of awards under this NOFA, the new final rule will apply to those awards.

3. *Changes for 2005.* These changes include, but are not limited to, the following:

A. *CoC Hold Harmless Amount.* This is the total of the one-year amount of all SHP projects eligible for renewal. CoC's shall receive the higher of: (1) the preliminary pro rata need (PRN) or (2) the CoC hold harmless amount. In the past, HUD awarded a renewal adjustment when the amount needed to fund all eligible renewals for one year exceeded the preliminary pro rata need. An unintended consequence of this policy resulted in CoCs having to request renewal of projects that in their judgment did not best reflect the current needs of the community. CoCs receiving the CoC hold harmless amount will now have the opportunity to reallocate their PRN funds in order to create new permanent supportive housing projects. This will provide them with the same flexibility that CoCs without excessive SHP renewals have. See Section V.A.2.b of this program section for this significant change.

b. *Samaritan Housing Initiative.* The Samaritan Initiative (formerly known as the Permanent Housing Bonus) will be integrated into this NOFA as part of the larger CoC process and is only for projects serving exclusively chronically homeless persons. It is 15 percent of a CoC's preliminary PRN amount or $6 million, whichever is less. Applicants may use no more than 20 percent of this bonus for case management costs. See Section V.A.2.b(3) for additional information on this subject.

c. *Grant Terms.* The grant terms for all newly proposed SHP projects are two (2) or three (3) years. See Section II.A.3 for additional information on this subject.

d. *Participant Eligibility for Permanent Housing.* The *only* persons who may be served by permanent housing projects (both new and renewal) are those who come from the streets, emergency shelters, or transitional housing. People who are currently housed but may become homeless within seven days, remain eligible for transitional housing and emergency shelters. Please see Section III.C.2.a(3) and the Questions and Answers Supplement for further information.

e. *Pro Rata Need.* Any project not falling fully within the 40 need point range will receive 10 need points. Please see Section V.A.2.b(4) for more information.

f. Fair Market Rent (FMR) Updates. HUD will select projects using the FMRs in place at the time of application. HUD will then apply the FMRs in place at the time of award. See V.A.2.b(3) for more information.

g. *Conducting Business In Accordance with Core Values and Ethical Standards.* All applicants will be required, prior to entering into an agreement with HUD, to submit a copy of their Code of Conduct. Refer to the General Section for detailed instructions regarding this requirement.

h. *Form HUD 96010, Logic Model.* Applicants must submit a Logic Model for each project, new and renewal. Refer to the General Section for instructions and a copy of this form.

i. *CoC Planning Process Organizations.* A description of the ''level of participation'' has been included for the list of organizations involved in your CoC planning efforts. See Exhibit 1, Form HUD–40076 CoC–B.

j. The *Discharge Planning Policy* narrative has been replaced with a chart. See Exhibit 1, Form HUD–40076 CoC–D.

k. The *Service Activity Chart* has been streamlined to reflect an inventory of supportive services and the agencies providing these services. The description of planned services and how participants access/receive assistance is no longer required. See Exhibit 1, Form HUD–40076 CoC–F.

l. The *Housing Gaps Analysis Chart* has been eliminated. That information is now reported in the Housing Activity Charts, which have been substantially revised. See Exhibit 1, Form HUD–40076 CoC–G.

m. *Participation in Energy Star.* Form HUD–40076 CoC–H has been changed to capture CoCs' efforts to promote energy efficiency in HUD assisted programs. See Exhibit 1.

n. The *Homeless Management Information System (HMIS) Section* has been revised to capture more information on HMIS implementation efforts. See Exhibit 1, Form HUD–40076 CoC–J.

o. The *Project Priorities* Section has been updated to include a *Reallocation Chart* and required narrative response.

See Exhibit 1, Form HUD–40076 CoC–K.

p. The *Continuum of Care Use of Other Resources Chart* has been eliminated.

q. *Audits.* The Reporting Section has been updated to reflect the requirement for annual audits for those grantees that expend more than $500,000 in Federal funds. See Section VI.C for additional information on this subject.

r. Appropriate Discharge Planning and Coordination and Integration of Mainstream Programs are still required, but the *Special Project Certifications* have been eliminated.

s. The *''Housing Emphasis''* scoring has been increased from 10 to 12 points. See Section V.A.2.a.(5) for additional information on this subject.

t. The *''Performance Measurement''* scoring has been increased from 5 to 8 points. See Section V.A.2.a.(6) for additional information on this subject.

u. The *''Leveraging Supplemental Resources''* scoring has been reduced from 13 to 8 points. See Section V.A.2.a.(4) for additional information on this subject.

v. The ''Questions and Answers Supplement'' should be thoroughly reviewed and is now available on the web at *www.hud.gov/offices/adm/grants/fundsavail.cfm*. Please see Section IV.A.

4. *Developing and Coordinating CoC Systems:* Developing a CoC system should be an inclusive process that brings together participants from the state, local, private and nonprofit sectors to assist homeless persons. It should be coordinated and consistent with the community's larger effort of developing a HUD required Consolidated Plan. The Consolidated Plan serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them. State and local 10-year plans to end chronic homelessness must be aligned with (if not identical to) the CoC plan to end chronic homelessness. For a community to successfully address the complex and interrelated problems related to homelessness, the community must marshal its varied resources—community and economic development resources, social service resources, housing and homeless assistance resources—and use them in a coordinated and effective manner.

5. *CoC Components.* A CoC system consists of five basic components:

a. A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

b. Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing search counselors;

c. Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

d. Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

e. Prevention strategies play an integral role in a community's plan to eliminate homelessness. By law, prevention activities are ineligible activities in the three programs for which funds are awarded in this competition but are eligible for funding under the Emergency Shelter Grants block grant program.

6. *CoC Planning Process.* A CoC system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, community and faith-based organizations, other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, private funding providers, and homeless or formerly homeless persons. A CoC system should address the specific needs of each homeless subpopulation: those experiencing chronic homelessness, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with co-occurring diagnoses (may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types), victims of domestic violence, youth, and any others. To ensure that the CoC system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans.

7. *CoC Funding* is provided through the programs briefly described below. Please refer to the CoC Homeless Assistance Programs Chart in Section III.A.3 for a more detailed description of each program:

a. *The Supportive Housing Program (SHP)* provides funding for the development of transitional and permanent supportive housing and services that help homeless persons transition from homelessness to living as independently as possible. Some services are also funded to assist in achieving the goal of self-sufficiency.

b. *The Shelter Plus Care (S+C) Program* provides funding for rental assistance and requires grantees to identify service dollars. This gives applicants flexibility in devising appropriate housing and supportive services for homeless persons with disabilities.

c. *The Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program* provides rental assistance on behalf of homeless individuals in connection with the moderate rehabilitation of SRO dwellings.

8. *Glossary of Terms:* a. *Applicant.* An entity that applies to HUD for funds. See the CoC Homeless Assistance Programs Chart in Section III.A.3 for a list of entities that are eligible. An applicant must submit a SF–424. If selected for funding, the applicant becomes the grantee and is responsible for the overall management of the grant, including drawing grant funds and distributing them to project sponsors. The applicant is also responsible for supervision of project sponsor compliance with grant requirements. The applicant may also be a project sponsor.

b. *Applicant Certification.* The form, required by law, in which an applicant certifies that it will adhere to certain statutory requirements, such as the Civil Rights Act of 1964.

c. *Chronically Homeless Person.* An unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years. A disabling condition is defined as ''a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.'' In defining the chronically homeless, the term ''homeless'' means ''a person sleeping in a place not meant for human habitation (*e.g.*, living on the streets) or in an emergency homeless shelter.''

d. *Consolidated Plan.* A long-term housing and community development plan developed by state and local governments and approved by HUD. The Consolidated Plan contains information on homeless populations and should be coordinated with the CoC plan. It can be a source of information for the Unmet Need sections of the Housing Activities Chart. The plan contains both narratives and maps, the latter developed by localities using software provided by HUD.

e. *Consolidated Plan Certification.* The form, required by law, in which a state or local official certifies that the proposed activities or projects are consistent with the jurisdiction's Consolidated Plan and, if the applicant is a state or unit of local government, that the jurisdiction is following its Consolidated Plan.

f. *Continuum of Care.* A collaborative funding approach that helps communities plan for and provide a full range of emergency, transitional, and permanent housing and service resources to address the various needs of homeless persons.

g. *Current Inventory.* A complete listing of the community's existing beds and supportive services.

h. *Homeless Management Information Systems (HMIS).* An HMIS is a computerized data collection application designed to capture client-level information over time on the characteristics and service needs of men, women, and children experiencing homelessness, while also protecting client confidentiality. It is designed to aggregate client-level data to generate an unduplicated count of clients served within a community's system of homeless services. An HMIS may also cover a statewide or regional area, and include several CoCs. The HMIS can provide data on client characteristics and service utilization.

i. *Homeless Person* means a person sleeping in a place not meant for human habitation or in an emergency shelter; and a person in transitional housing for homeless persons who originally came from the street or an emergency shelter. For a more detailed discussion, see the Questions and Answers Supplement available on the web at *www.hud.gov/offices/adm/grants/fundsavail.cfm.* The programs covered by this NOFA are not for populations who are at risk of becoming homeless.

j. NOFA. Notice of Funding Availability, published in the **Federal Register** to announce available funds and application requirements.

k. *Private Nonprofit Status.* Private nonprofit status is documented by submitting either: (1) a copy of the Internal Revenue Service (IRS) ruling providing tax-exempt status under Section 501(c)(3) of the IRS Code; or (2) documentation showing that the applicant is a certified United Way agency; or (3) a certification from a designated official of the organization that no part of the net earnings of the organization inures to the benefit of any member, founder, contributor, or individual; that the organization has a voluntary board; that the organization practices nondiscrimination in the provision of assistance; and that the organization has a functioning accounting system that provides for each of the following (mention each in the certification):

(1) Accurate, current and complete disclosure of the financial results of each federally sponsored project.

(2) Records that identify adequately the source and application of funds for federally sponsored activities.

(3) Effective control over and accountability for all funds, property and other assets.

(4) Comparison of outlays with budget amounts.

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the use of the funds for program purposes.

(6) Written procedures for determining the reasonableness, allocability and allowability of costs.

(7) Accounting records, including cost accounting records, which are supported by source documentation.

1. *Public Nonprofit Status.* Public nonprofit status is documented for community mental health centers by including a letter or other document from an authorized official stating that the organization is a public nonprofit organization.

m. *Project Sponsor.* The organization that is responsible for carrying out the proposed project activities. A project sponsor does not submit a SF–424, unless it is also the applicant. To be eligible to be a project sponsor, you must meet the same program eligibility standards as applicants do, as outlined in Section III.A.3, except in the Sponsor-based rental assistance (SRA) component of the S+C Program. Eligible sponsors for the SRA component are statutorily precluded from also applying for S+C funding.

n. SF 424. The application cover sheet required to be submitted by applicants requesting HUD Federal Assistance.

o. *Safe Haven.* A Safe Haven is a form of supportive housing funded and administered under the Supportive Housing Program serving hard-to-reach homeless persons with severe mental illness and other debilitating behavioral conditions who are on the streets and have been unwilling or unable to participate in supportive services. Safe Havens may be transitional supportive housing, or permanent supportive housing if it has the characteristics of permanent housing and requires participants to sign a lease.

9. *Applicant Roles and Responsibilities.* An applicant will be responsible for the overall management and administration of a particular grant, including drawing down the grant funds, distributing them to the project sponsors, overseeing project sponsors, collecting and disseminating community-level data, and reporting to HUD. Applicants can submit applications for projects on behalf of project sponsors, who will actually carry out the proposed project activities. Applicants can also carry out their own projects. In these cases, the applicant is responsible for both administering and managing a grant (as the grantee) and carrying out the project activities (as the project sponsor).

II. Award Information

A. Amount Allocated. Approximately $1 billion is available for this CoC competition in FY 2005. Any unobligated funds from previous CoC competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards or budget transfers may be used in addition to FY 2005 appropriations to fund applications submitted in response to this NOFA. The FY 2005 Consolidated Appropriations Act requires HUD to obligate all CoC homeless assistance funds by September 30, 2007. These funds will remain available for expenditure for five (5) years following that date, except as provided by the 2005 Consolidated Appropriations Act, including up to $20 million awarded for the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program to be available until expended. The funds available for the CoC competition can be used under any of the three programs that can assist in creating community systems for combating homelessness.

1. *Distribution of Funds:* As in previous NOFAs for the CoC Homeless Assistance Programs, HUD will not specify amounts for each of the three programs this year. Instead, the distribution of funds among the three programs will depend largely on locally determined priorities and overall demand.

a. *Permanent Housing Requirement.* Local priorities notwithstanding, the FY 2005 Consolidated Appropriations Act requires that not less than 30 percent of this year's Homeless Assistance Grants (HAG) appropriation, excluding amounts provided for one-year renewals under the Shelter Plus Care Program, must be used for permanent housing projects for all homeless populations.

b. *Chronic Homelessness Requirement.* The Administration has established as a policy priority the goal of ending chronic homelessness. CoCs

are strongly encouraged to use the funds available in this NOFA to target persons experiencing chronic homelessness in their communities. HUD encourages communities to select projects that will contribute to the achievement of this important goal. CoCs should work closely with appropriate state and local governments and interagency councils on homelessness that are establishing their own ten-year plan for eliminating chronic homelessness. All these efforts should be coordinated and consistent with the community's HUD Consolidated Plan as well as the CoC's plan to end chronic homelessness. To work towards this goal, HUD is targeting the Samaritan Initiative for projects that exclusively serve individuals who are experiencing chronic homelessness. In addition, at least 10 percent of the appropriation will be awarded to new or renewal, transitional or permanent housing projects where at least 70 percent of the project's clients are expected to be chronically homeless (as defined by HUD) immediately prior to entry into the project. Housing projects include: SHP transitional housing, permanent housing and Safe Havens; S+C; and SRO projects. Since the housing funding allocation set-aside requirements are expected to continue in future competitions and may affect project funding selections, you are strongly encouraged to begin planning for new housing projects, particularly those serving individuals experiencing chronic homelessness, and include them as part of your submission in this competition. See Section V.B.3.a and V.B.3.b of this NOFA for additional information on the permanent housing and chronic homeless requirements.

c. *Lower-rated SHP Renewals.* HUD reserves the authority to conditionally select for one year of funding lower-rated eligible SHP renewal projects that are assigned 40 need points in a CoC application receiving at least 25 points under the CoC scoring factor that would not otherwise receive funding for these projects. (See Section V.A.2.a and V.A.2.b of this NOFA for information on project rating and scoring.) Therefore, the projects must receive a minimum score of 65 points. Although these lower-rated SHP renewal projects will have scored below the otherwise recognized funding line, their funding allows homeless persons to continue to be served and move towards self-sufficiency. Not renewing these projects would likely result in the closure of these projects and displacement of the homeless people being served.

2. *Prioritizing Projects for Funding.* Project priority decisions are best made by members of the local community, including local government and community and faith-based organizations, which represent the various economic, housing and social resources within that community. For example, if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first 8 eligible projects listed, except as may be necessary to achieve the 30 percent overall permanent housing and the 10 percent chronic homelessness requirements; see Section V.B.3.a. and V.B.3.b. of this NOFA for additional information. In such cases, higher priority non-permanent housing projects may be de-selected to fund lower priority permanent housing projects and housing projects predominantly serving those persons experiencing chronic homelessness.

3. *Grant Term.* See chart in Section III.A.3. of this NOFA for information on the term of assistance for each of the three CoC programs covered in this NOFA.

III. Eligibility Information

A. Eligible Applicants

1. Eligible applicants for each program are those identified in the following chart.

2. *Renewal Applicants.* As a project applicant, you are eligible to apply for renewal of a grant only if you have executed a grant agreement for the project directly with HUD for SHP or S+C programs under a CoC NOFA. If you are a project sponsor or sub-recipient who has not signed such an agreement, you are not eligible to apply for renewal of these projects.

3.—CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

Elements	Supportive housing	Shelter plus care	Section 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11381.	Subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11403.	Section 441 of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11401.
IMPLEMENTING REGULATIONS	24 CFR part 583	24 CFR part 582	24 CFR part 882, subpart H, except that all persons receiving rental assistance must meet the McKinney-Vento definition of homelessness.
ELIGIBLE APPLICANT(S)	• States • Units of general local government. • Special purpose units of government, *e.g.* PHAs. • Private nonprofit organizations • Community Mental Health Centers that are public nonprofit organizations.	• States • Units of general local government. • PHAs	• PHAs • Private nonprofit organizations.
ELIGIBLE COMPONENTST	• Transitional housing • Permanent housing for disabled persons only. • Supportive services not in conjunction with supportive housing. • Safe Havens • Innovative supportive housing • Homeless Mngt. Info. System (HMIS).	• Tenant-based housing • Sponsor-based housing • Project-based housing • SRO-based housing	• SRO housing.

3.—CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS—Continued

Elements	Supportive housing	Shelter plus care	Section 8 SRO
ELIGIBLE ACTIVITIES (See footnotes 1,2 and 3).	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental assistance.
ELIGIBLE POPULATIONS (See footnote 2).	• Homeless individuals and families.	• Homeless disabled individuals .. • Homeless disabled individuals & their families.	• Homeless individuals.
POPULATIONS GIVEN SPECIAL CONSIDERATION.	• Homeless persons with disabilities. • Homeless families with children	• Homeless persons who are seriously mentally ill, Have chronic problems with alcohol and/or drugs, Have AIDS & related diseases..	• N/A.
INITIAL TERM OF ASSISTANCE	2 or 3 years for new SHP 1, 2 or 3 years for new HMIS.	5 years: TRA, SRA, and PRA if no rehab, 10 years: SRO, and PRA with rehab.	10 years.

Footnote 1: Homeless prevention activities are statutorily ineligible under these programs.
Footnote 2: Persons at risk of homelessness are statutorily ineligible for assistance under these programs.
Footnote 3: Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible for assistance under Shelter Plus Care and Section 8 SRO.

B. Matching (Cost Sharing)

You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of cash from other sources. Since SHP by statute can pay no more than 75 percent of the total operating budget for supportive housing, you must provide at least a 25 percent cash match of the total annual operating costs. In addition, for all SHP funding for supportive services and Homeless Management Information Systems (HMIS) you must provide a 25 percent cash match. This means that of the total supportive services budget line item, no more than 80 percent may be from SHP grant funds. The cash source may be your agency, other Federal programs, state and local governments, or private resources.

You must match rental assistance provided through the Shelter Plus Care Program in the aggregate with supportive services. Shelter Plus Care requires a dollar for dollar match; the recipient's match source can be cash or in kind from any of the sources above.

Documentation of the match requirement must be maintained in the grantee's financial records on a grant-specific basis.

C. Other

1. *Eligible Activities.* Eligible activities for the SHP, S+C, and SRO Programs are outlined in the preceding CoC Homeless Assistance Programs Chart at Section III.A.3.

2. *Threshold Requirements.* a. *Project Eligibility Threshold.* HUD will review projects to determine if they meet the following eligibility threshold requirements. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

(1) Applicants and sponsors must meet the eligibility requirements of the specific program as described in program regulations and provide evidence of eligibility and appropriate certifications as specified by the attachments in Section VIII.

(2) The population to be served must meet the eligibility requirements of the specific program as described in the program regulations and the application must clearly establish eligibility of program participants to be served pertaining to homelessness and disability status.

(3) New this year, the only persons who may be served by new and renewal permanent housing projects are those who come from the streets, emergency shelters, or transitional housing. As participants leave currently operating projects, participants who meet this new eligibility standard must replace them.

(4) Projects that involve rehabilitation or new construction must meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, the design and construction requirements of the Fair Housing Act and the accessibility requirements of the Americans with Disabilities Act, as applicable.

(5) The project must be cost-effective, including costs associated with construction, operations and supportive services with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity.

(6) For those applicants applying for the Innovative component of SHP, whether or not a project is considered innovative will be determined on the basis that the particular approach proposed is new and can be replicated.

(7) S+C renewal applications that are not submitted as part of a CoC application will not be considered as eligible for funding.

(8) Under the Sponsor-based rental assistance S+C component, an applicant must subcontract the funding awarded with an eligible sponsor: a private nonprofit organization or a community mental health agency established as a public nonprofit organization, that owns or leases the housing where participants will reside..

(9) For the Section 8 SRO program, only individuals meeting HUD's definition of homeless are eligible to receive rental assistance. Therefore, any individual occupying a unit at commencement of the unit's rehabilitation will not receive rental assistance if they return to their unit (or any other) upon completion of its rehabilitation.

(10) Applicants agree to participate in a local HMIS system when it is implemented in their community.

b. *Project Quality Threshold.* HUD will review projects to determine if they meet the following quality threshold requirements. A S+C or SHP project renewal will be considered as having met these requirements through its previously approved grant application unless information to the contrary is received. The housing and services proposed must be appropriate to the needs of the program participants and

the community. HUD will assess the following:

(1) The type, scale and general location of the housing fit the needs of the participants and that the housing is readily accessible to community amenities.

(2) That the vast majority of the proposed participants come from the streets or homeless shelters or transitional housing for homeless persons.

(3) The type, scale and location of the supportive services fit the needs of the participants and the mode of transportation to those services is described.

(4) The specific plan for ensuring clients will be individually assisted to obtain the benefits of the mainstream health, social service, and employment programs for which they are eligible is provided.

(5) How participants are helped to obtain and remain in permanent housing is described.

(6) How participants are assisted to both increase their incomes and live independently is provided.

(7) Applicants and sponsors must evidence satisfactory performance for existing grant(s).

c. *Project Renewal Threshold.* Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2006. HUD will not fund competitive renewals out of order on the priority list except as may be necessary to achieve the 30 percent overall permanent housing requirement and the 10 percent requirement for individuals experiencing chronic homelessness requirement. It is important that SHP renewals and S+C non-competitive renewals meet minimum project eligibility, capacity and performance standards identified in this NOFA or they will be rejected from consideration for either competitive or non-competitive funding.

d. *Civil Rights Thresholds:* Applicants and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of the General Section.

(1) Projects funded under this NOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601–19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) or the Age Discrimination Act of 1975 (42 U.S.C. 6101).

(2) *Local Resident Employment.* To the extent that any housing assistance (including rental assistance) funded through this NOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(3) *Relocation.* The SHP, S+C, and SRO programs are subject to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA). These requirements are explained in HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Also see General Section.

(4) *Environmental Reviews.* All CoC assistance is subject to the National Environmental Policy Act and applicable related Federal environmental authorities. Conditional selection of projects under the CoC Homeless Assistance competition is subject to the environmental review requirements of 24 CFR 582.230, 583.230 and 882.804(c), as applicable. The recipient, its project partners and their contractors may not acquire, rehabilitate, convert, lease (under S+C/TRA where participants are required to live in a particular structure or area as described in Section III.C.3.e(3)(a)), repair, dispose of, demolish or construct property for a project under this CoC NOFA, or commit or expend HUD or local funds for such eligible activities, until the responsible entity has completed the environmental review procedures required by Part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under Part 50 and the recipient has received HUD approval of the property. The expenditure or commitment of Continuum of Care assistance or nonfederal funds for such activities prior to this HUD approval may result in the denial of assistance for the project under consideration.

3. *Program Requirements.* a. *CoC Geographic Area.* In deciding what geographic area you will cover in your CoC strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your CoC strategy when measured against the CoC rating factors described in this NOFA. When you determine what jurisdictions to include in your CoC strategy area, include only those jurisdictions that are fully involved in the development and implementation of the CoC strategy.

The more jurisdictions you include in the CoC strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V.B.2.b. of this NOFA). If you are a rural county, you may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county CoC strategy covering the combined service areas of these counties. The areas covered by CoC strategies should not overlap.

b. *Expiring/Extended Grants.* If your SHP or S+C Program grant will be expiring in calendar year 2006, or if your S+C Program grant has been extended beyond its original five-year term and is projected to run out of funds in FY 2006, you must apply as a renewal under this CoC NOFA to get continued funding.

c. *Coordination with Mainstream Resources.* If your project is selected for funding as a result of the competition, you will be required to coordinate and integrate your homeless program with other mainstream (non-homeless targeted) health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funded through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program and Veterans Health Care.

d. *Prevention Strategies and Discharge Policies.* In addition, as a condition for award, any governmental entity serving as an applicant must agree to develop and implement, to the maximum extent practical and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. While the state or local governmental entity having

jurisdiction in the area of the Continuum's application has the formal responsibility to enact the discharge policy, the Continuum is expected to actively involve itself in the planning and implementation of the discharge policy. This condition for award is intended to emphasize that states and units of general local government are primarily responsible for the care of these individuals, and to forestall attempts to use scarce McKinney-Vento Act homeless assistance funds to assist such persons in lieu of state and local resources.

e. *Program-Specific Requirements.* Please be advised that where an applicant for the SHP funding is a state or unit of general local government that utilizes one or more nonprofit organizations to administer the homeless assistance project(s), administrative funds provided as part of the SHP grant must be passed on to the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). HUD will consider states or units of general local government that pass on at least 50 percent of the administrative funds made available under the grant as having met this requirement. This requirement does not apply to either the SRO Program, since only PHAs administer the SRO rental assistance, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

(1) SHP—New Projects

(a) Please note that the grant term for new SHP projects is two (2) or three (3) years.

(b) *HUD will require recordation of a HUD-approved use and repayment covenant* (a form may be obtained from your field office) for all grants of funds for acquisition, rehabilitation or new construction. The covenant will enforce the use and repayment requirements found at section 423(b)(1) and (c) of the McKinney-Vento Act and must be approved by HUD counsel before execution and recordation. Proof of recordation must be provided to HUD counsel before funds for rehabilitation or new construction may be drawn down.

(c) All project sponsors must meet applicant eligibility standards as described in Section III.A.3. As in past years, HUD will review sponsor eligibility as part of the selection process. Project sponsors are required to submit evidence of their eligibility with the application (See Section IV.B.1.(3)(a).

(2) SHP—Renewal Projects

(a) For the renewal of a SHP project, you may request funding for one (1), two (2) or three (3) years.

(b) The total request for each renewable project cannot exceed the average yearly amount received in your current grant for that project, plus up to five percent for administration. Projects proposing both to renew the existing project and expand the number of units or number of participants receiving services must submit a new project proposal for the expansion portion of the project. HMIS activities being renewed should be included on the HMIS budget chart.

(c) HUD will recapture SHP grant funds remaining unspent at the end of the previous grant period when it renews a grant.

(3) S+C—New Projects

(a) A project may not include more than one component, *e.g.*, combining Tenant-based Rental Assistance (TRA) with Sponsor-based Rental Assistance (SRA) is prohibited within the same grant. Under the TRA component, in order to help provide supportive services or for the purposes of controlling housing costs, a grantee may require participants to live in a particular structure for the first year of assistance or to live in a particular area for the entire rental assistance period. Where this option is exercised, an environmental review and clearance must be performed prior to any commitment to lease a particular structure or unit for participant occupancy as described in Section III.C.2.d.(4), Environmental Reviews.

(b) *S+C/SRO Component.* If you are a state or a unit of general local government, you must subcontract with a Public Housing Authority to administer the S+C assistance. Also, no single project may contain more than 100 units.

(c) *S+C SRA Component.* Project sponsors must submit proof of their eligibility to serve as a project sponsor.

(4) S+C Renewal Projects

HUD encourages the consolidation of appropriate S+C renewal grants when the grants are under the same grantee, same component and expire in the same year. However, renewal requests for expiring S+C grants should still be listed individually on the CoC priority list and will be awarded as individual renewal grants. Where the grantee wishes to consolidate the renewal grants, this action may be subsequently accomplished by the field office at the point of renewal grant agreement execution. The field office will receive instructions for this process in the S+C Operating Procedures guidance for 2005 awards.

(a) For the renewal of a S+C project, including S+C SROs, the grant term will be one (1) year, as specified by Congress. For the renewal of S+C rental assistance that is Tenant-based (TRA), Sponsor-based (SRA) or Project-based (PRA), you may request up to the amount determined by multiplying the number of units under lease at the time of your application for renewal funding by the applicable 2005 Fair Market Rent(s) by 12 months. Current FMRs can be found at *www.hudclips.org.* For S+C grants having been awarded one year of renewal funding in 2004, the number of units requested for renewal this year must not exceed the number of units funded in 2004. As is the case with SHP, HUD will recapture S+C grant funds remaining unspent at the end of the previous grant period when it renews a grant. The one-year term of non-competitively awarded S+C renewal projects may not be extended.

(b) The renewal of S+C SROs expiring in 2006 will also be non-competitively awarded under this NOFA. For the renewal of S+C SRO rental assistance, you may request up to the amount determined by multiplying the number of units under contract at the time of your application for renewal funding by the contract rent at the time of expiration by 12 months.

(c) Under the FY 2005 Consolidated Appropriations Act, eligible S+C Program grants whose terms are expiring in 2006, and S+C Program grants that have been extended beyond their original five-year terms but which are projected to run out of funds in 2006, will be renewed for one year provided that they are determined to be needed by the CoC as evidenced by their inclusion on the priority chart. These projects must also demonstrate that their applicant and sponsor meet eligibility, capacity and performance requirements described in Section V.A.1 of this NOFA. Non-competitive S+C renewals should be submitted by the application deadline. These S+C renewal projects will not count against a continuum's pro rata need amount, but should be numbered, continuing the priority sequence, on the CoC Priority Chart. On the other hand, no community hold harmless amount will be computed for any CoC using S+C renewal amounts since these projects are being funded outside of the competition.

(5) Section 8 Moderate Rehabilitation SRO Program—New Projects

As an applicant, the following limitations apply to the Section 8 SRO program:

(a) Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units.

(b) Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance.

(c) Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Physical Condition Standards.

(d) Under section 441(e) of the McKinney-Vento Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments (HAP) Contract. For purposes of Fiscal Year 2005 funding, the cost limitation is raised from $19,500 to $20,000 per unit to take into account increases in construction costs during the past 12-month period.

(e) The SRO Program is subject to the Federal standards at 24 CFR part 882, subpart H.

(f) Individuals assisted through the SRO Program must meet the definition of homeless individual found at section 103 of the McKinney-Vento Act.

(g) Resources outside the program pay for the rehabilitation, and rehabilitation financing. The rental assistance covers operating expenses of the SRO housing, including debt service for rehabilitation financing. Units may contain food preparation or sanitary facilities or both.

(6) Section 8 Moderate Rehabilitation SRO Program—Renewals

This program section of the NOFA is not applicable to the renewal of funding under the Section 8 SRO program. The renewal of expiring Section 8 SRO projects is not part of the competitive CoC NOFA process. Rather, expiring Section 8 SROs will be identified at the beginning of the applicable year by the public housing authority and HUD field office. One-year renewal funds for expiring Section 8 SRO HAP contracts will be provided by HUD under a separate, non-competitive process. For further guidance on Section 8 SRO renewals, please contact your local HUD field office.

f. *Timeliness Standards.* As an applicant, you are expected to initiate your approved projects promptly in accordance with Section VI.A of this NOFA. In addition, HUD will take action if you fail to satisfy the following timeliness standards:

(1) *SHP:* HUD will deselect your award if you do not demonstrate site control within one (1) year of the date of your grant award letter, as required by the McKinney-Vento Act (see 42 U.S.C. 11386(a)(3)) and implemented in program regulations at 24 CFR 583.320(a). Subsequent loss of site control beyond the 12-month statutory limit will be cause for cancellation of the award and recapture of funds. HUD may deobligate SHP funds if the following additional timeliness standards are not met:

(a) You must begin construction activities within eighteen (18) months of the date of HUD's grant award letter and complete them within thirty-six (36) months after that notification.

(b) For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, you must begin these activities within three (3) months after you complete construction.

(c) You must begin all activities that may proceed independent of construction activities, including HMIS, within twelve (12) months of the date of HUD's grant award letter. HUD may reduce a grant agreement term to one (1) year where implementation delays have reduced the amount of funds that reasonably can be used in the original term.

(2) *S+C Except SRO Component.* HUD may deobligate S+C funds if you do not meet the following timeliness standards:

(a) For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, you must start the rental assistance within twelve (12) months of the date of HUD's grant award letter.

(b) For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of the date of HUD's grant award letter.

(3) *Section 8 Moderate Rehabilitation SRO Program and SRO Component of the S+C Program.* For projects carried out under the Section 8 SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the HAP contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in HUD's determination, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

IV. Application and Submission Information

A. Addresses to Request Application Package. A checklist of forms needed to complete the application is provided. Exhibits 1–4 and the Applicant Certifications are attachments as described in Section VIII below. The Exhibits, Geographic Codes, Initial Pro Rata Need Amounts, Applicant Certifications, and the Questions and Answers Supplement can be accessed at *http://www.hud.gov/offices/adm/grants/fundsavail.cfm.* An applicant may also obtain a copy of the SuperNOFA by calling the NOFA Information Center at 1–800–HUD–8929 (voice) (this is a toll free number) or you may download it from the web site at *http://www.grants.gov.* Please note that all sections of the SuperNOFA are critical and must be carefully reviewed to ensure your application can be considered for funding.

B. *Content and Form of Application Submission.* The only option for submitting a viable application under this NOFA is to submit the entire Continuum of Care application, with all of its projects, together in a single package mailed to HUD. Each application will consist of one Continuum of Care Exhibit and submissions from one or more applicants and project sponsors. Although HUD will accept an application for a project exclusive of participation in any community-wide or region-wide CoC development process, projects will receive few, if any, points under the CoC rating factors and are very unlikely to be funded. To ensure that no applicant is afforded an advantage in the rating of the CoC element (described in Section V.A.2.a.) HUD is establishing a limitation of 30 pages, excluding required multiple page tables or charts but including any attachments, on the length of Exhibit 1 of any application submitted in response to this NOFA. HUD will not consider the contents of any pages exceeding this limit when rating the Continuum of Care element of any application. Please note Exhibit 1, as well as Exhibits 2–4, should only include the actual application questions and responses being provided and should not include the HUD application instructions or any blank tables and

charts. The General Section contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable state or unit of general local government. Attachment 7 to this NOFA contains program-specific Applicant Certifications.

1. Application Submission Requirements:

a. A completed application will include one Exhibit 1 (CoC) and any number of Exhibits 2 (SHP New), 2R (SHP Renewal), 3 (S+C New), 3R (S+C Renewal) and 4 (SRO New), depending on the number of projects and type of programs proposed for funding. For example, if you were proposing five SHP Renewal projects and one S+C New project, then you would submit one Exhibit 1, five Exhibits 2R and one Exhibit 3. No submission would be necessary for Exhibit 4 because funding is not being requested under the Section 8 SRO program in this example. Refer to Assembly Order below for full assembling instructions.

b. *Assembly Order:* Each CoC must submit the entire CoC application, with all of its parts, in a single package to HUD. There are three separate sections to a CoC submission: The CoC Exhibit 1, all applicant documentation, and all project documentation. The application must be assembled in the following order:

(1) Section I—Exhibit 1 Narrative and Charts

(a) Exhibit 1, the CoC plan with Forms CoC–A through N;

(b) HUD–27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers;

(c) HUD 2993, Acknowledgment of Application Receipt; and

(d) HUD 2994, Client Comments and Suggestions (optional).

(2) Section II—Applicant Documentation

(a) SF–424 Application for Federal Assistance. Submit one SF–424 for each applicant in the Continuum. Attached to each SF–424 must be a list of all the applicant's projects in priority number order, with project name and requested amount. Each SF–424 must also include the applicant's DUNS number. Please see the General Section for more information on obtaining a DUNS number. The SF–424 SUPP, Survey on Ensuring Equal Opportunity for Applicants, is for private nonprofits applicants only and completion/submission of this survey is voluntary. Additionally, each applicant must attach the following documentation (i-v) to its SF–424:

(i) Documentation of Applicant Eligibility. Only applicants for new projects must include documentation of eligibility as defined in the chart in Section III.A.3. Also, see Section I.A.8.k. & l. of this NOFA for information on the documentation required to validate non-profit status.

(ii) SF–LLL, Disclosure of Lobbying Activities, where applicable.

(iii) Applicant Code of Conduct. (New applicants and applicants awarded HUD funding prior to 2005).

(iv) HUD 40076–CoC, Applicant Certifications, located in Attachment 7 of this NOFA.

(3) Section III—Project Documentation: Each project applying under Exhibits 2–4 must be submitted in its priority list order with all required forms for that exhibit. The following documentation must be included after each project submission:

(a) Documentation of Sponsor Eligibility. Only sponsors for new projects must include documentation of eligibility as defined in the chart in Section III.A.3. See also Section I.A.8.m. for information on the documentation required to validate sponsor eligibility.

(b) HUD–96010, Logic Model;

(c) HUD–2880, Applicant/Recipient Disclosure/Update Report;

(d) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(e) SF 424–SUPP, Survey on Ensuring Equal Opportunity for Applicants (for private nonprofit applicants only—completion of survey is voluntary).

2. Assembly Format

a. The standard font to be used for narratives is Times New Roman, size 12 (pitch). Number all pages within each exhibit sequentially and insert tabs marking each exhibit. For Exhibit 1, CoC narrative, number pages from 1 up to 30 using letter suffixes where appropriate to indicate pages that do not count toward the 30 page limit as per the instructions for completing the CoC narrative. For example, the first page of a 4 page project leveraging chart would be numbered 23 while the next 3 pages of the chart would be numbered 23–A, 23–B, and 23–C.

b. Please use a two-hole punch to insert holes at the top of your application.

c. Please do not bind your application, since this impedes processing.

C. Submission Dates and Times: 1. *Application Submission Date.* Your completed application should be submitted on or before June 10, 2005 to the addresses shown below. HUD will not accept faxed or hand delivered applications.

a. *Timeliness.* Your application will be considered timely filed if your application is postmarked on or before 11:59:59 on the application submission date and received by HUD on or within fifteen (15) days of the application submission date. Applicants mailing their applications must take their application to a post office to get a receipt of mailing that provides the date and time the package was submitted to the USPS. Postal Service rules now require that large packages must be brought to a postal facility for mailing. In many areas, the USPS has made a practice of returning to the sender, large packages that have been dropped in a mail collection box. Paper copy applications submitted to the USPS by the submission date and time and received by HUD no later than 15 days after the established submission date will receive funding consideration. Applicants should request a receipt for mailing their application submission, which shows the date and time it was received by the Postal Service. If the USPS does not have a receipt showing a digital time stamp to record the submission time, HUD will also accept USPS Form 3817, Certificate of Mailing, date stamped by the Postal Service. Applicants may use any type of mail service provided by the USPS to have their application package delivered to HUD in time to meet the timely submission requirements. Applicants whose applications are determined to be late, who *cannot* furnish HUD with a receipt from the USPS that verifies the package was submitted to the USPS prior to the submission due date and time, will not receive funding. If your application is sent by overnight delivery or express mail, other than the United States Postal Service, your application will be timely filed if it is placed in transit with the overnight/express mail service on or before the application due date. Applicants should retain a receipt from these services showing that it was submitted for delivery by the application submission date and time.

b. *Field Office Copies.* The HUD Field Office must also receive one copy of your application, with the same due date and timely filed requirements as described in Section IV.C.1.a above. The General Section provides for a process to use the HUD Field Office copy of the application when a portion may be missing from the HUD Headquarters copy. To supplement that guidance, in the rare event that a CoC's entire

application is not received at HUD Headquarters on time, HUD may similarly request proof that the Headquarters and Field Office copy was timely filed and, if so, may use the copy received by the Field Office for review.

D. Intergovernmental Review. Not applicable. This funding opportunity is not subject to Executive Order (EO) 12372.

E. Funding Restrictions. Funding Restrictions are outlined in Sections V.B.3.a and V.B.3.b.

F. Other Submission Requirements:

1. Addresses for Submitting Applications

a. *To HUD Headquarters.* Submit your original completed application (the application with the original signed documentation) and one additional copy of Exhibit 1 only to: HUD Headquarters, Robert C. Weaver Building, 451 Seventh Street, SW., Room 7270, Washington, DC 20410, Attention: Continuum of Care Programs.

b. *To the Appropriate CPD Field Office.* Also submit one copy of your completed application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. Please see the General Section for Field Office addresses.

2. Security Procedures. HUD recommends that applications be mailed or shipped express using the United States Postal Service (USPS). However, applications shipped via United Parcel Service (UPS), FedEX, DHL, or Falcon Carrier will also be accepted. Due to HUD security regulations, *no other delivery service is permitted into HUD Headquarters without escort. You must, therefore, use one of the four carriers listed above.* HUD will not be responsible if a carrier other than one of the named carriers is unable to deliver your application.

V. Application Review Information

A. Criteria. Your application will receive a higher score under the CoC scoring factors if the application demonstrates the achievement of three basic goals:

—One, that you have provided maximum participation in the planning process by nonprofit organizations (including those representing persons with disabilities), government agencies, public housing authorities, faith-based and other community-based organizations, other homeless providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons. Also, you ensure that other 10 year plans within your CoC's geographic area are aligned with the CoC plan;

—Two, that you have created, maintained, and built upon a community-wide inventory of housing and services for homeless families and individuals (both HUD and non-HUD funded); identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing; and

—Three, that you have instituted a CoC-wide strategy to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless individuals and families may be eligible. These programs include, but are not limited to, Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funded through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, Welfare-to-Work grant program, and Veterans Health Care.

1. *Applicant and sponsor eligibility, capacity and performance:* HUD will review applications to ensure that the applicant and project sponsor meet the eligibility and capacity standards outlined in this section. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility, capacity and performance standards are as follows:

a. You must be eligible to apply for the specific program.

b. You must demonstrate ability to carry out the project(s). With respect to each proposed project, this means that, in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery.

c. If you or the project sponsor is a current or past recipient of assistance under a HUD McKinney-Vento Act program, there must have been no delay in meeting applicable program timeliness standards unless HUD determines the delay in project implementation is beyond your or the project sponsor's control, there are no serious unresolved HUD monitoring finding, and no outstanding audit finding of a material nature regarding the administration of the program.

2. *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (SHP, S+C and SRO). The standard factors for award identified in the General Section have been modified in this NOFA as described below. Only the factors described in this NOFA—Continuum of Care and Need—will be used to assign points. Paragraphs 2a and 2b in this section describe selection factors. Up to 100 points will be assigned using these factors, including rating points for HUD's policy priority of ending chronic homelessness by 2012; and the policy priority for removing regulatory barriers to affordable housing (see Section V.A.2.a.(1)(c) and (d) below on both policy priorities). There are no bonus points for proposing projects in an RC/EZ/EC–IIs.

a. *Continuum of Care.* HUD will award up to 60 points as follows:

(1) *Process and Strategy:* HUD will award up to 17 points based on the extent to which your application demonstrates:

(a) The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a CoC strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, faith-based and other community-based organizations, and other groups serving homeless and other low-income persons), state and local governmental agencies, public housing authorities, housing developers and service providers, law enforcement, hospital and medical entities, funding providers, local businesses and business associations, and homeless or formerly homeless persons; and

(b) That a well-defined and comprehensive strategy has been developed which addresses the components of a CoC system (i.e., prevention, outreach, intake, and assessment; emergency shelter; transitional housing; permanent independent housing; and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (e.g., seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for,

or ordinarily used as, a regular sleeping accommodation for human beings.

(c) The existence of a realistic strategy for ending chronic homelessness that establishes past performance, future goals and action steps. It should be aligned with other 10-year plans in the community to eliminate chronic homelessness (if applicable), and the local HUD Consolidated Plan.

(d) A local plan and/or existing policy to remove regulatory barriers to the production of affordable housing. As provided for in the General Section, HUD will award up to 2 points, within the 17 points for this rating factor, based on the extent that the CoC's application demonstrates a local plan to remove regulatory barriers to affordable housing. Applicable activities include the support of state and local efforts to streamline processes, eliminate redundant requirements, statutes, regulations, and codes that impede the availability of affordable housing. The response (one questionnaire per CoC) should be submitted for consideration as a completed HUD Form 27300, Questionnaire for HUD's Initiative on Removal of Regulatory Barriers. The continuum should submit the questionnaire for the local jurisdiction where the majority of its CoC assistance will be provided. Please identify the name of the jurisdiction reported on the top of the first page of the returned questionnaire. This questionnaire can be found in the attachments to the General Section and should be submitted with Exhibit 1.

(e) *Participation in Energy Star.* In keeping with the Administration's policy priority of promoting energy efficient housing while protecting the environment, applicants applying for new construction or rehabilitation funding, who maintain housing or community facilities or provide services in those facilities, are encouraged to promote energy efficiency and are specifically encouraged to purchase and use Energy Star labeled products. Refer to the General Section for detailed information.

(f) Your Continuum's progress in working with the appropriate local government entity to develop and implement a discharge policy for persons leaving publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

(2) *HMIS Implementation.* HUD will award up to 5 points based upon the extent to which your application demonstrates progress in the planning, implementation and operation of an HMIS system covering at a minimum all street outreach, emergency shelters and transitional housing programs so that a reliable, unduplicated count of homeless persons on the street and in shelters may be conducted.

(3) *Gaps and Priorities:* HUD will award up to 10 points based on the extent to which your application:

(a) Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately; and

(b) Proposes projects that are not inconsistent with the unmet need described in the CoC strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

(4) *Leveraging Supplemental Resources:* HUD will award up to 8 points based on the extent to which your application demonstrates leveraging of funds requested under this NOFA with other resources, including private, other public, and mainstream services and housing programs, for proposed projects and ongoing efforts. To achieve the highest rating for this factor, applicants must evidence explicit Continuum-wide strategies to coordinate homeless assistance with mainstream health, social services and employment programs for which homeless populations may be eligible, and to use those benefits as appropriate and practicable to help offset supportive service costs of the programs that would otherwise be paid for with HUD funding. These include, but are not limited to, Medicaid, Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health Block Grant and Substance Abuse Block Grant, Workforce Investment Act, the Welfare-to-Work grant program, and Veterans Health Care.

(5) *Emphasis on Housing Activities:* HUD will award up to 12 points based upon the relationship between funds requested for housing activities (*i.e.*, transitional and permanent) and funds requested for supportive service activities among projects assigned 40 need points (excluding S+C renewals). Points will be awarded on a sliding scale with the Continuums with the highest percentage of approvable requests for funds for housing activities receiving the highest points. HUD will count as housing activity all approvable requests for funds for rental assistance and approvable requests for funds for acquisition, rehabilitation, construction, leasing and operations when used in connection with housing. HMIS costs and administrative costs will be excluded from this calculation as either a housing or supportive service cost.

(6) *Performance Measurement:* HUD will award up to 8 points based upon the CoC's progress in reducing homelessness. This will be measured by program participants' success in moving to and maintaining permanent housing as reported in the most recent APR. HUD will also be assessing the extent to which participants successfully become employed and access mainstream programs. These measures emphasize HUD's determination to assess grantees' performance in the prior program year and to determine if they are meeting the overall goal of the Homeless Assistance Grants under which they are funded. Both housing and supportive services only projects will be assessed, using the data submitted in the Exhibit 1 CoC Project Performance on Form HUD 40076 CoC–M.

b. *Need:* HUD will award up to 40 points for need. There is a three-step approach to determining the need scores to be awarded to projects

(1) *Step 1—HUD's Determination of preliminary pro rata need:* To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants (ESG) program; data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those factors to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this NOFA.

(2) *Step 2—Determining CoC hold harmless pro rata need:* In CoCs where the total amount needed to fund, for one year, all SHP grants eligible for renewal in this competition exceeds the preliminary pro rata need amount for that CoC, the CoC will receive this higher amount, referred to as the CoC hold harmless amount. This adjustment was formerly known as the renewal bonus. SHP grants eligible for renewal are those that expire between January 1, 2006 and December 31, 2006. No adjustment will be made for S+C renewals. To provide communities with maximum flexibility in addressing current needs, CoCs have the discretion to not fund or to reduce one or more SHP renewal project applications and still receive the benefit of the hold harmless amount if the CoC proposes to use that amount of reduced renewal funds for new permanent supportive housing projects. . Please be advised

that the new projects (and the renewal dollars attached) proposed through this reallocation are subject to the competitive process, i.e., the CoC must score above the national funding line for the projects to be funded.

(3) *Step 3—Samaritan Housing Initiative:* Formerly referred to as the Permanent Housing Bonus, this special incentive to promote permanent supportive housing for the chronically homeless is provided to CoC systems that place an eligible, new permanent housing project in the number one priority position on the priority list. If the number one priority project qualifies as an eligible, new permanent housing project exclusively serving the chronically homeless, then the full amount of that project's eligible housing activities, up to a maximum 15 percent of the CoC's preliminary pro rata need, will be added to the pro rata need amount for the Continuum. The only eligible activities that will be counted toward this bonus are housing activities and for SHP, case management, and administration. Applicants may use no more than 20 percent of this bonus for case management costs. Please note: any amount of the proposed project exceeds the limitations described above will be applied against the pro rata need for the CoC. For the SHP program, housing activities are acquisition, new construction, rehabilitation, leasing of housing and operating costs when used in connection with housing. S+C and SRO rental assistance are defined as housing activities and are eligible under the incentive as well. HMIS costs will be excluded from this calculation as either a housing or supportive service cost.

The dollar amount determined after application of each of these steps, as applicable, is referred to as the ''final pro rata need amount.'' Please be advised that the final funding amount awarded to Shelter Plus Care or Section 8 SRO projects may be different from the requested amount due to changes in the FMRs. HUD will apply FMR changes after selection.

(4) *Awarding need points to projects:* Once HUD establishes the final pro rata need, HUD will apply it against the priority project list in the application. Starting from the highest priority project, HUD will proceed down the list to award need points to each project. Any project not falling fully within the 40 point need range will receive 10 need points. Thereafter, HUD will proceed further down the priority project list and award 10 points for need to each project if it falls fully within the ''second level'' of pro rata need amount for that CoC. The ''second level'' is the amount between the pro rata need and twice the pro rata need for the CoC. Remaining projects each receive 5 points. If the projects for the Continuum are not prioritized, then all projects will receive 0 points for Need.

B. *Reviews and Selection Process.* 1. Review, Rating and Ranking. HUD may employ rating panels to review and rate applications. See the General Section for more information on rating panels. Two types of reviews will be conducted—threshold review and selection factor (CoC and Need) rating. Applicant and Sponsor Eligibility and Capacity as well as Project Eligibility and Project Quality are threshold reviews. Threshold reviews are explained in Section III.C.2 of this NOFA, which covers eligible applicants and projects. HUD will add the score for the CoC to the Need score to obtain a total score for each project. The projects will then be ranked nationally from highest to lowest according to the total combined score.

2. *Conditional Selection and Adjustments to Funding.* a. *Conditional Selection.* Whether a project is conditionally selected, as described in Section VI.A, will depend on its overall ranking compared to others, except that HUD reserves the right to select lower rated eligible projects in order to meet the 30 percent overall permanent housing requirement, as well as the 10 percent chronic homeless requirement. Projects that are included in the 10 percent chronic homeless requirement may also be part of the 30 percent overall permanent housing requirement. (See Section V.B.3 for additional selection considerations regarding these requirements.)

When insufficient funds remain to fund all projects in the competition having the same total score, HUD will first fund permanent housing projects if necessary to achieve the 30 percent overall permanent housing requirement. HUD will then fund non-permanent housing, safe haven-TH and transitional housing projects that predominantly serve individuals experiencing chronic homelessness in order to achieve the 10 percent chronic homeless requirement. HUD will then break ties among the remaining projects with the same total score by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall CoC score, CoC Process and Strategy, CoC Gaps and Priorities, CoC Supplemental Resources, Housing Emphasis and Performance. The final tie-breaking factor is the priority number of the competing projects on the applicable CoC priority list(s).

HUD has determined that the Congressional goal of enhancing homeless data collection at the CoC level is best achieved by assisting CoCs seeking dedicated Homeless Management Information Systems (HMIS) to receive Supportive Housing Program funds. To this end, HUD reserves the right to fund for at least one year lower rated eligible dedicated HMIS projects receiving 40 need points and at least 25 Continuum points.

b. *Adjustments to Funding:* HUD has determined that geographic diversity is an appropriate consideration in selecting homeless assistance projects in the competition. HUD believes that geographic diversity can be achieved best by awarding grants to as many CoCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa does not have at least one funded CoC, HUD reserves the right to fund eligible project(s) receiving 40 Need points in the CoC with the highest total score in that jurisdiction. To qualify for funding, the total score for these first level projects on the CoC priority list must be at least 65 points. In the case of two or more CoCs with the same total score, HUD will use the tie-breaking rules described above. In addition, if the highest priority project passing threshold requirements within a CoC fails to meet the criteria for receiving 40 Need points, HUD reserves the right to reduce the total requested amount for that project to allow it to qualify for 40 Need points. If you do not submit clear project priority designations for the Continuum or if HUD, at its sole discretion, cannot determine the CoC's priority designations, then HUD will give all such projects 0 Need points. If the CoC requests a new permanent housing project as the highest priority, and HUD determines that it is not a permanent housing project, HUD reserves the right to not award funds to that project rather than reclassify the component. The intent of this provision is to preserve PRN for lower ranking projects. Finally, if the total amount that would be awarded for first level projects in a CoC exceeds the final pro rata need amount for that CoC, the lowest priority first level project being selected for funding will be reduced to the amount that is wholly within the higher need level. HUD may otherwise adjust funding of applications in accordance with the provisions of the General Section. In addition, HUD reserves the right to ensure that a project that is applying for, and eligible for, selection under this competition is not awarded funds that

duplicate activities. If the geography included in your CoC strategy substantially overlaps that of another application, projects within the CoC application that receive the highest CoC score will be eligible for up to 40 Need points. Projects in the competing CoC application with the lower CoC score will receive 0 need points. In no case will the same geographical area be used more than one time in assigning Need points. The local HUD Field Office can help you determine if any of the areas proposed for inclusion by your CoC system is also likely to be claimed under another CoC system in this competition.

3. *Additional Selection Considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

a. *Thirty Percent Permanent Housing Requirement.* In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2005 Consolidated Appropriations Act, HUD will use not less than 30 percent of the total FY 2005 Homeless Assistance Grants appropriation, excluding amounts provided for renewals under the S+C Program, to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing for this purpose are:

(1) New and renewal projects under the SHP that are designated as either permanent housing for homeless persons with disabilities or Safe Haven projects designated as having the characteristics of permanent housing for homeless persons with disabilities, including having leases with all program participants. All such permanent housing projects chosen for this purpose must have received at least 10 Need points, and must be submitted as part of a CoC application receiving at least 25 points under the CoC scoring factor. However, no CoC applicant may receive more than 30 percent of its pro rata need, up to $3 million, for ''second-level'' permanent housing projects assigned 10 Need points that are selected for funding under this procedure. (See Section V.A.2.b (4) for definition of ''second-level''.) HUD will award no less than 30 percent of the total FY 2005 Homeless Assistance Grants appropriation, excluding amounts for S+C renewals, for permanent housing projects unless an insufficient number of approvable permanent housing projects are submitted. In order to meet this permanent housing funding requirement and stay within the total funding amount available, initially selected Supportive Service Only (SSO) and non-permanent housing projects will be deselected if necessary to add an adequate number of permanent housing projects, even if they are lower scoring housing projects. HUD will, if necessary, first proceed to de-select new SSO projects initially selected, starting with lowest scoring new projects and proceeding to higher scoring new SSO projects initially selected. If the funding line is still exceeded, HUD will proceed to de-select the lowest scoring new non-permanent housing projects initially selected and proceed to higher scoring new non-permanent housing projects. Finally, if the funding line is still exceeded HUD will proceed to de-select SSO and then other non-permanent housing renewal projects until all selected projects are within the funding line.

(2) New S+C projects; and

(3) SRO projects.

b. *Ten Percent Housing for Chronic Homeless Requirement:* HUD has implemented a requirement that at least 10 percent of the appropriation must be awarded for projects predominantly serving individuals experiencing chronic homelessness. To be considered predominantly serving chronically homeless people, at least 70 percent of the persons served in this project must meet HUD's definition of chronic homelessness. Permanent housing, transitional and safe haven housing projects, whether new or renewal, that commit to predominantly serving persons experiencing chronic homelessness will be counted for this purpose. To meet this requirement, HUD will also include permanent housing projects selected for the 30 percent requirement that predominantly serve chronically homeless persons. S+C renewals will then be screened to count projects predominantly serving chronically homeless persons. If the 10 percent requirement is not yet met, permanent, transitional and safe haven housing projects below the funding line that predominantly serve chronically homeless persons will also be selected to achieve this requirement.

c. *Distribution of Selections:* In accordance with section 429 of the McKinney-Vento Act, HUD will award Supportive Housing Program funds as follows: not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 463(a) of the McKinney-Vento Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of S+C funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Single Room Occupancy (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 455(b) of the McKinney-Vento Act, no more than 10 percent of the assistance made available for S+C in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney-Vento Act, no city or urban county may have SRO Section 8 projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as $10 million for S+C and $10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds $100 million, then the amount awarded to any one unit of general local government (for purposes of the S+C Program) or city or urban county (for the purposes of the Section 8 SRO Program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this NOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this NOFA, that right will be exercised uniformly across all applications received in response to this NOFA.

4. *Corrections to Deficient Applications.* The General Section provides the procedures for corrections to deficient applications.

VI. Award Administration Information

A. Award Notices

1. *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. HUD may subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review; a copy of your Code of Conduct; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. HUD will notify SHP, SRO, S+C and S+C/SRO applicants of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant and add them to funds available for the next competition for the applicable program.

2. *Applicant Debriefing:* See the General Section for applicant debriefing procedures.

3. *Appeals Process:* Applicants may appeal the results of HUD's review and selection process if they believe a HUD error has occurred. Appeals must be submitted in writing to the Assistant Secretary for Community Planning and Development and must state what HUD error the applicant believes has occurred.

B. Administrative and National Policy Requirements

1. *Administrative Requirements.* a. The Government Performance and Results Act (GPRA) require Federal agencies to measure the performance of their programs. HUD captures this information not only from monitoring visits and APRs, but also on the data gathered in annual competitions. For example, the description of methods used in determining the project priority order submitted in Exhibit 1, Form HUD 40076 CoC-K, Project Priorities Chart, provides verification that projects are performing satisfactorily and are effectively addressing the needs for which they were designed. HUD's homeless assistance programs are measured in 2005 by the objective to ''end chronic homelessness and to move homeless families and individuals to permanent housing.'' This objective has a number of measurable indicators, five of which relate directly to the Continuum of Care homeless assistance programs. These five indicators are:

(1) At least 386 functioning CoC communities or 93 percent of our continuums will have a Homeless Management Information System (HMIS) in 2005. This information is collected via Exhibit 1, Form HUD 40076 CoC-J, HMIS;

(2) The number of persons experiencing chronic homelessness declines by up to 50 percent by FY 2008. This information is captured in Exhibit 1, Form HUD 40076 CoC-I, Homeless Population and Subpopulations Chart;

(3) The percentage of formerly homeless individuals who remain housed in HUD permanent housing projects for at least 6 months will be 70 percent. Stability in this permanent housing is addressed in Exhibit 1, Form HUD 40076 CoC-M, CoC Project Performance;

(4) The percentage of homeless persons who have moved from HUD transitional housing to a form of permanent housing will be 60 percent. The success of transitional housing is addressed in Exhibit 1, Form HUD 40076 CoC-M, CoC Project Performance; and

(5) The employment rate of persons exiting HUD homeless assistance projects will be 10 percentage points greater than the employment rate of those entering. Obtaining employment is addressed in Exhibit 1, Form HUD 40076 CoC-M, Project Performance Chart.

b. To achieve this objective and each of these measurable indicators, HUD needs your community's help. The emphasis in this year's competition on housing chronically homeless persons, using HUD funds for transitional and especially permanent housing, helping clients access mainstream service programs and jobs, and implementing HMIS are all aligned with this GPRA objective and its performance indicators.

2. *Sanctions.* Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the CoC process in a community has failed to follow locally established or accepted procedures governing the conduct of that process or has failed to provide for a fair process, including a project priority selection process that gives equal consideration to projects proposed by nonprofit organizations, HUD reserves the authority to impose sanctions up to and including a prohibition on that entity and the individuals comprising that entity from participating in that capacity in the future. In making this determination, HUD will consider as evidence court proceedings and decisions, or the determinations of other independent and impartial review bodies. This authority cannot be exercised until after a description of procedural safeguards, including an opportunity for comment and appeal, and the specific process and procedures for imposing a prohibition or debarment, have been published in the **Federal Register**.

C. Reporting: Once conditionally selected applications advance to full award and execution of a grant agreement, grantees are required to submit an Annual Progress Report (APR) and a completed Logic Model showing outputs and outcomes achieved for the year to both HUD Headquarters and the respective Field Office each year. Also, Grantees who expend $500,000 or more in a year in Federal awards are reminded they must have a single or program-specific audit for that year in accordance with the provisions of 24 CFR 45 and OMB Circular No. A–133. The APR for HUD's competitive homeless programs provides information to HUD necessary for program monitoring and evaluation. A key element that has been recently added to the APR is measuring the incidence of chronic homelessness and your Continuum's progress in moving individuals into permanent housing. The process of gathering and analyzing the information needed to complete the APR also assists local projects with their own program evaluation. The APR is the mechanism used by HUD Headquarters and Field Offices to review the performance of funding recipients on an annual basis. The reports permit HUD to understand what types of clients are being served in its homeless assistance programs and what the programs' success rate is in helping homeless families and individuals achieve residential stability and increase their skills and/or incomes. For the SHP and S+C programs, the APR also reports to HUD the amount of local match that has been provided to fulfill statutory and regulatory requirements. The Department has used the reports to monitor grant execution and to evaluate the eligibility of the population being served and housed, as well as the supportive services offered to the participants. The APR helps identify how effective the grantee has been in helping program participants achieve residential stability, greater self-determination, and increase skills or income which are our program goals and objectives. This also allows the

grantee to revise or set goals for the next year.

VII. Agency Contacts

A. For Further Information. You may contact the HUD Field Office serving your area, at the telephone number shown in the General Section, or you may contact the NOFA Information Center at 1–800–483–8929 or by Internet at: *http://www.hud.gov.* Individuals who are hearing-or speech-impaired should use the Information Relay Service at 1–800–877–8339 (these are toll-free numbers).

B. For Technical Assistance. Before the application deadline, HUD staff will be available to provide you with general guidance. HUD staff, however, cannot provide you with guidance in actually preparing your application. HUD Field Office staff also will be available to help you identify organizations in your community that are involved in developing the CoC system. Following conditional selection of applications, HUD staff will be available to assist selected applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of your application pertinent to HUD's funding decision.

C. Satellite Broadcast. HUD will hold one or more information broadcasts via satellite for potential applicants to learn more about the program and preparation of the application. Viewing of these broadcasts, which will provide critical information on the application process, is highly recommended. For more information about the date and time of the broadcast, you should consult the HUD Web site at *http://www.hud.gov.*

VIII. Other Information

A. Paperwork Reduction Act

The information collection requirements contained in this document have been submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and OMB approval is pending. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 44 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. This final section lists the attachments that are critical to the application process. Please see Section IV.B.1.b of this NOFA for a complete description of the forms and certifications required and the order of assembly. In addition to applicant and sponsor documentation of eligibility, please provide:

1. Forms to complete Exhibit 1, CoC. These include:

Form HUD-40076 CoC-A	2005 Application Summary
Form HUD-40076 CoC-B	Planning Process Organizations
Form HUD-40076 CoC-C	Goals and System Under Development
Form HUD-40076 CoC-D	Discharge Planning Policy Chart
Form HUD-40076 CoC-E	Unexecuted Grants Chart
Form HUD-40076 CoC-F	Service Activity Chart
Form HUD-40076 CoC-G	Housing Activity Chart
Form HUD-40076 CoC-H	Energy Star Initiative Chart
Form HUD-40076 CoC-I	Homeless Population and Subpopulations Chart/Information Collection Methods
Form HUD-40076 CoC-J	Homeless Management Information System
Form HUD-40076 CoC-K	Project Priorities/Reallocation Charts/Information
Form HUD-40076 CoC-L	Enrollment and Participation in Mainstream Programs
Form HUD-40076 CoC-M	CoC Project Performance
Form HUD-40076 CoC-N	Project Leveraging Chart
Form HUD-27300	Questionnaire for HUD's Initiative on Removal of Regulatory Barriers
Form HUD 2993	Acknowledgment of Application Receipt
Form HUD 2994	Client Comments and Suggestions

2. Forms to complete Exhibit 2, SHP – New Projects. These include:

SF-424	Application for Federal Assistance
Form HUD-40076 CoC-2A	Project Narrative
Form HUD-40076 CoC-2B	Project Information
Form HUD-40076 CoC-2C	Existing Facilities and/or Activities
Form HUD-40076 CoC-2D	Number of Beds, Participants, and Supportive Services
Form HUD-40076 CoC-2E	HMIS Budget
Form HUD-40076 CoC-2F	Operating Costs Chart
Form HUD-40076 CoC-2G	Leasing Information
Form HUD-40076 CoC-2H	Project Budget
Form HUD-40076 CoC-2I	Additional Key Information
Form HUD-96010	Logic Model
Form HUD-2991	Certification of Consistency with the Consolidated Plan;
Form HUD-2992	Certification Regarding Debarment and Suspension;
Form HUD-2880	Applicant/Recipient Disclosure/Update Report; and
SF-424 SUPP	Voluntary Survey on Ensuring Equal Opportunity

3. Forms to complete Exhibit 2R, SHP – Renewal Projects. These include:

SF-424	Application for Federal Assistance

Form HUD 40076 CoC-2RA	Project Information/Project Budget
Form HUD 40076 CoC-2RB	Supportive Services Chart
Form HUD 40076 CoC-2RC	HMIS Budget
Form HUD 40076 CoC-2RD	Operating Costs Chart
Form HUD-96010	Logic Model
Form HUD-2991	Certification of Consistency with the Consolidated Plan;
Form HUD-2992	Certification Regarding Debarment and Suspension;
Form HUD-2880	Applicant/Recipient Disclosure/Update Report;
SF-424 SUPP	Voluntary Survey on Ensuring Equal Opportunity

4. Forms to complete Exhibit 3, S+C –New Projects. These include:

SF-424	Application for Federal Assistance
Form HUD 40076 CoC-3A	S+C Component Comparisons
Form HUD 40076 CoC-3B	Project Narrative
Form HUD 40076 CoC-3C	Project Component/Information/Participant Count/Major Milestones
Form HUD 40076 CoC-3D	TRA Project Budget
Form HUD 40076 CoC-3E	SRA Project Budget
Form HUD 40076 CoC-3F	PRA Project Budget
Form HUD 40076 CoC-3G	SRO Project Budget
Form HUD 40076 CoC-3H	Additional Key Information
Form HUD-96010	Logic Model
Form HUD-2991	Certification of Consistency with the Consolidated Plan;
Form HUD-2992	Certification Regarding Debarment and Suspension;
Form HUD-2880	Applicant/Recipient Disclosure/Update Report; and
SF-424 SUPP	Voluntary Survey on Ensuring Equal Opportunity

5. Forms to complete Exhibit 3R, S+C Renewal Projects. These include:

SF424	Application for Federal Assistance
Form HUD 40076 CoC-3RA	Project Narrative/Performance/Component/ Information
Form HUD 40076 CoC-3RB	Participant Count
Form HUD 40076 CoC-3RC	S+C Renewal Budget
Form HUD 40076 CoC-3RD	S+C Renewal Budget/SRO Only
Form HUD 40076 CoC-3RE	Additional Key Information
Form HUD-96010	Logic Model
Form HUD-2991	Certification of Consistency with the Consolidated Plan;
Form HUD-2992	Certification Regarding Debarment and Suspension;
Form HUD-2880	Applicant/Recipient Disclosure/Update Report; and
SF-424 SUPP	Voluntary Survey on Ensuring Equal Opportunity

6. Forms to complete Exhibit 4, SRO–New Projects. These include:

SF-424	Application for Federal Assistance
Form HUD 40076 CoC-4A	Project Narrative
Form HUD 40076 CoC-4B	Experience Narrative/Project Information
Form HUD 40076 CoC-4C	Budget
Form HUD 40076 CoC-4D	PHA Certification
Form HUD 40076 CoC-4E	Additional Key Information
Form HUD-96010	Logic Model
Form HUD-2991	Certification of Consistency with the Consolidated Plan;
Form HUD-2992	Certification Regarding Debarment and Suspension;
Form HUD-2880	Applicant/Recipient Disclosure/Update Report;
Form HUD-92041	Sponsor's Conflict of Interest Resolution; and
Form HUD-96010	Logic Model
SF-424 SUPP	Voluntary Survey on Ensuring Equal Opportunity

7. Applicant Certifications.

Note: This year, the Questions and Answers Supplement can be accessed at: http://ww.hud.gov/offices/adm/grants/fundsavail.cfm.

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. PENDING
(exp. pending)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Continuum of Care Homeless Assistance Programs - Exhibit 1

(Exhibit 1 consists of forms HUD 40076-COC-A through form HUD 40076-CoC-N, plus narrative text as specified in the instructions for each form)

Exhibit 1: Continuum of Care (Exhibit 1 consists of HUD Forms 40076-COC A through HUD 40076-CoC N, plus narrative text as specified in the instructions for each form)

2005 Application Summary

Place this page in the front of your application. This page does not count towards the page limitation.

Continuum of Care (CoC) Name: _____

CoC Contact Person and Organization: _____

Address: _____

_____

Phone Number: _____ E-mail Address: _____

Continuum of Care Geography

Using the Geographic Area Guide found on HUD's website at http://www.hud.gov/grants/index.cfm, list the name and the six-digit geographic code number for *each* city and/or county participating in your Continuum of Care. Because the geography covered by your system will affect your Need score, it is important to be accurate. Enter the name of ***every listed*** city and/or county that makes up the geography for your Continuum of Care system and its assigned code. Leaving out a jurisdiction could reduce your pro rata need amount. Before completing, please read the guidance in Section III.C.3.a of this NOFA regarding geographically overlapping Continuum of Care systems.

Geographic Area Name	6-digit Code	Geographic Area Name	6-digit Code
example: Syracuse	**366376**		
example: Onondaga County	**369067**		

Reproduce this page to include additional names and codes.

Form HUD-40076 COC-A

Exhibit 1: Continuum of Care Planning Process Organizations

Specific Names of CoC Organizations/Persons	Geographic Area Represented	Subpopulations Represented, if any*	Level of Participation (activity and frequency) in Planning Process
Example: Nonprofit Org.: ABC, Inc.	**City of Ajax**	**HIV/AIDS**	**Com. Chair attends 100% planning meetings**
State agencies:			
Local government agencies:			
Public Housing Authorities (PHAs):			
Nonprofit organizations:			
Faith-Based organizations:			
Businesses / Business Associations:			
Homeless / Formerly homeless persons:			
Other: e.g.: Law Enforcement Hospital/Medical, Funders			

***Subpopulations Key:** Seriously Mentally Ill (SMI), Substance Abuse (SA), Veterans (VETS), HIV/AIDS, Domestic Violence (DV), and Youth (Y).

Form HUD 40076 CoC-B

Exhibit 1: Continuum of Care Narrative and Form HUD-40076 CoC-B Instructions

Continuum of Care Narrative

Your response should consist of narrative text and a completed form HUD-40076 CoC-B

1. **Your community's *planning process* for developing a Continuum of Care strategy.**

In order to determine the quality and inclusiveness of your Continuum of Care (CoC) **planning process**, please provide the following information:

a. ***Identify*** the lead entity (i.e., convenor or organization managing the overall process) for the CoC planning process.

b. ***Describe*** your community's CoC planning process, clearly defining the organizational structure. Demonstrate that one well-coordinated process is in place with no overlapping or duplicative efforts.

c. ***List*** the dates and main topics of your CoC planning meetings held since June 2004, which should demonstrate that these meetings **(both plenary and committee)** are: (1) regularly scheduled; (2) held year round; and (3) not solely focused on developing an application in response to the NOFA.

d. ***Describe*** which and how local, and/or state elected officials are involved in the process.

e. ***List,*** using the format in HUD 40076 CoC - B:(1) The specific names and types of organizations involved in your Continuum of Care (CoC) planning process, such as State and local government agencies, Public Housing Authorities (PHAs), nonprofit organizations, individual businesses or business associations, homeless or formerly homeless persons, and others, including law enforcement, hospital or medical facility representatives, and funders; (2) the one or two subpopulation(s) the organization/entity primarily serves and whose interests they are specifically focused on representing; and (3) each organization's level of participation in the planning process. High participation levels might include: steering committee member attends all monthly planning meetings, housing subcommittee member attends most CoC planning meetings, gaps analysis subcommittee chairperson attends all group meetings and most CoC planning meetings, etc. Medium attendance levels might include attending between 40% and 80% of CoC planning meetings. Participants who attend less than 40% of CoC planning meetings have low participation levels. In order to obtain a higher competitive score for "participation," planning participants must attend more than 50% of the planning and/or committee meetings. In addition, if more than one geographic area is claimed on the 2005 Application Summary page, you must indicate which geographic area(s) each organization represents in your Continuum of Care planning process.
(***Although you may require multiple pages to respond to 2d, your response will count as only one page towards the 30-page limitation.***)

Exhibit 1: Continuum of Care Goals and System

1. Your community's CoC *goals, strategy, and progress*

The key to developing a successful CoC is to reassess regularly the existing system and identify shortcomings or gaps, then establish a set of goals and action steps to address those shortcomings of gaps. With this in mind, please provide the following:

a. Chronic Homelessness Goals/Strategy

A chronic homeless person is defined as an unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more **OR** has had at least four (4) episodes of homelessness in the past three (3) years. To be considered chronically homeless, persons must have been sleeping in a place not meant for human habitation (e.g., living on the streets) and/or in an emergency shelter during that time. An episode is a separate, distinct and sustained stay on the streets and/or in an emergency homeless shelter.

(1) Past Performance. HUD must track local CoC progress made toward the Administration's goal of ending chronic homelessness. Please complete the charts below, indicating for each year the total unduplicated point-in-time count of the chronic homeless and the number of existing and new permanent beds from **all** funding sources targeted to house the chronically homeless. In the charts below, please use the data provided in your 2004 and 2005 Homeless Population and Subpopulations Charts for the number of individuals. For the number of permanent beds, please use the data provided in the 2005 Housing Activity Chart and, to the extent possible, estimates for 2004. Please also tell us using no more than two pages:

(a) The specific actions that your community has taken over the past year towards ending chronic homelessness;

(b) Any remaining obstacles to achieving this goal; and

(c) Describe any changes in the total number of chronic homeless persons reported in 2004 and 2005.

Individuals Chart

Number of Chronic Homeless Individuals	
	Point in time count
2004	
2005	

Beds Chart

Number of permanent beds for house the chronically homeless			
	Permanent beds as of Jan	Permanent beds Net Change	End of Year TOTAL
2004			
2005			

(2) Current Chronic Homelessness Strategy. In order to keep HUD informed of your long-term chronic homelessness strategy, please provide a brief summary of the community's strategy for ending chronic homelessness, including any updates to your strategy. (***Your response to this item is expected to be no more than 2 pages, however, none of it will count towards your 30-page limitation.***)

Exhibit 1: Continuum of Care Goals and System

(3) **Coordination.** If your CoC covers a jurisdiction that has developed, or is developing, a separate strategy to end chronic homelessness, please provide a narrative description of efforts made to ensure coordination between that strategy and the overall CoC strategy, i.e. endorsement of that coordination by the applicable unit of government chief executive officer, etc.

Chronic Homelessness Goals Chart

(4) Indicate future-oriented goals, and the specific action steps for each that will be taken over the next 18 months in carrying out a strategy to end **chronic** homelessness in your community. Specify the entity that has the lead responsibility for success or failure in carrying out each step and provide specific target dates for completion.

Goal: End Chronic Homelessness ("What" are you trying to accomplish)	Action Steps ("How" are you to go about accomplishing it)	Responsible Person/Organization ("Who" is responsible for accomplishing it)	Target Dates (mo/yr will be accomplished)
Ex: Count unsheltered homeless to establish baseline	**a. Develop strategy of who does what. b. Get concurrence of best date. c. Train volunteers in techniques.**	**Emergency Shelter Commission**	**January 2006**
Goal 1:			
Goal 2:			
Goal 3:			

b. Other Homeless Goals Chart

In addition to the goals for ending chronic homelessness, please describe the goals and specific action steps for each that will be taken over the next 18 months that your community has developed to address homelessness. Specify the entity that has lead responsibility for carrying out each step and specific target date for completion. Please use the following format.

Goal: Other Homelessness	Action Steps	Responsible Person/ Organization	Target Dates
Goal 1:			
Goal 2:			
Goal 3:			

Exhibit 1: Continuum of Care – Discharge Planning Policy Chart

HUD McKinney-Vento homeless assistance funds are **not** to be used for projects that target persons being systematically discharged from publicly funded institutions or systems of care.

Please complete the following to illustrate the current level of development and implementation within your CoC geographic areas.

Development and Implementation of Discharge Planning
Indicate **Yes** or **No** in appropriate box

Publicly Funded System(s) of Care/Institution(s) in CoC Geographic Area	Initial Discussion	Protocol in Development	Formal Protocol Finalized	Protocol Implemented
Foster Care				
Health Care				
Mental Health				
Correctional				

Form HUD 40076 CoC-D

Exhibit 1: Continuum of Care – Unexecuted Grants Chart

Unexecuted Grants Awarded Prior to the 2004 Continuum of Care Competition

Using the prescribed format, please provide a list of all HUD McKinney-Vento Act awards announced prior to 2004 that are not yet under contract (i.e., signed grant agreement or executed ACC).

Project Number	Applicant Name	Project Name	Grant Amount
Ex: MI23B901002	Michiana Homes, Inc.	TH for Homeless Families	$514,000
		Total	

Form HUD 40076 CoC-E

Exhibit 1: Continuum of Care Service Activity Chart

Using the format below, describe the fundamental service components of your Continuum of Care system currently in place, and *agencies that provide that service.* ***(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)***

Fundamental Components in CoC System -- Service Activity Chart
Component: ***Prevention*** Services in place: Please list by type (e.g., rental/mortgage assistance) Service Providers:
Component: ***Outreach*** Outreach in place: Please list the outreach activities, e.g., mobile van, for homeless persons who are **living on the streets** in your CoC area. Service Providers:
Component: ***Supportive Services*** Services in place: Please list each of the following services, if provided in your community: case management, life skills, alcohol and drug abuse treatment, mental health treatment, AIDS-related treatment, education, employment assistance, child care, transportation, and other. Service Providers:

Form HUD 40076 CoC-F

Exhibit 1: Continuum of Care Housing Activity Charts

Fundamental Components in CoC System - Housing Activity Chart

EMERGENCY SHELTER

Provider Name	Facility Name	HMIS Part. Code	HMIS Number of Year-Round Beds		Geo Code	Target Pop. A	Target Pop. B	2005 Year-Round Units/Beds: Family Units	Family Beds	Individual Beds	Total Year-Round	2005 Other Beds: Seasonal	Overflow/ Voucher
Current Inventory			Ind.	Fam.									
	TOTALS					TOTALS							
Under Development		Anticipated Occupancy Date											
						TOTALS							
Unmet Need						TOTALS							

1. Total Year-Round Individual ES Beds		4. Total Year-Round Family ES Beds	
2. Year-Round Individual ES Beds in HMIS		5. Family ES Beds in HMIS	
3. HMIS Coverage Individual ES Beds	%	6. HMIS Coverage Family ES Beds	%
(Divide line 2 by line 1 and multiply by 100. Round to whole number.)		(Divide line 5 by line 4 and multiply by 100. Round to whole number.)	

Form HUD 40076 CoC-G

Exhibit 1: Continuum of Care Housing Activity Charts

Fundamental Components in CoC System - Housing Activity Chart

Transitional Housing

Provider Name	Facility Name	HMIS Part. Code	HMIS #Yr. Round Ind	HMIS #Yr. Round Fam	Geo Code	Target Pop A	Target Pop B	2005 Year-Round Units/Beds: Family Units	Family Beds	Individual Beds	Total Year-Round Beds
Current Inventory											
	TOTALS					**TOTALS**					
Under Development		**Anticipated Occupancy Date**									
						TOTALS					
Unmet Need						**TOTALS**					

1. Total Year Round Individual TH Beds		4. Total Year Round Family TH Beds	
2. Individual TH Beds in HMIS		5. Family TH Beds in HMIS	
3. HMIS Coverage Individual TH Beds	%	6. HMIS Coverage Family TH Beds	
(Divide line 2 by line 1 and multiply by 100. Round to whole number)		(Divide line 5 by line 4 and multiply by 100. Round to whole number)	

Form HUD 40076 CoC-G

Exhibit 1: Continuum of Care Housing Activity Charts

Fundamental Components in CoC System - Housing Activity Chart

Permanent Supportive Housing

Provider Name	Facility Name	HMIS Part. Code	HMIS #Yr. Round		Geo Code	Target Pop A	Target Pop B	2005 Year-Round Units/Beds: Family Units	Family Beds	Individual /CH Beds	Total Year-Round Beds
Current Inventory			Ind	Fam							
	TOTALS					**TOTALS**				/CH	
Under Development		**Anticipated Occupancy Date**									
						TOTALS				/CH	
Unmet Need						**TOTALS**				/CH	

1. Total Year Round Individual PSH Beds		4. Total Year Round Family PSH Beds	
2. Individual PSH Beds in HMIS		5. Family PSH Beds in HMIS	
3. HMIS Coverage Individual PSH Beds	%	6. HMIS Coverage Family PSH Beds	
(Divide line 2 by line 1 and multiply by 100. Round to whole number)		(Divide line 5 by line 4 and multiply by 100. Round to whole number)	

Form HUD 40076 CoC-G

Exhibit 1: Continuum of Care Housing Activity Chart Instructions

Please provide information on each project/voucher program (Current and Under Development) at the time of point-in-time date of your Housing Activity Survey.

Column Name

Provider Name: Self-explanatory.
Facility Name: Self-explanatory.

HMIS Participation Code: Enter one of the following four codes for each facility concerning its participation in the CoC's HMIS.
A = all of the clients served by this program have data entered into the HMIS; S= some of the clients served by this program have data entered into the HMIS; N= none of the clients served by this program have data entered into the HMIS but they plan to participate in the future; Z=this program does not plan to participate in HMIS

Number of Year-Round Beds in HMIS: Enter the number of year-round individual beds and number of year-round family beds that are covered by the HMIS. A bed is "covered" if the provider is entering data about the clients served by that bed. If an agency is only reporting data for clients staying in a portion of its beds, then only that portion of the beds should be counted as "covered". These numbers should be consistent with the participation code and should not exceed the total number of beds provided in each project, as reported in the subsequent columns in this table.

Geo Code: Indicate the Geographic Area Code (Geo Code) for the project. Where there is only one geographic code for the Continuum, check the box and indicate that code in the first project only. If the project is located in multiple jurisdictions, select the jurisdiction where the majority of the provider's inventory is located.

Target Population A: Select the code that best represents your project: **SM**= only Single Males (18 years and older); **SF**= only Single Females (18 years and older); **SMF**= only Single Males and Females (18 years and older with no children); **FC**= only Families with Children; **YM**= only unaccompanied Young Males (under 18 years); **YF**= only unaccompanied Young Females (under 18 years); **YMF**= only unaccompanied Young Males and Females (under 18 years); **M**= mixed populations. Only one code should be used per facility. If more than one group is served use the **M**=mixed populations code.

Target Population B: Indicate whether the project serves these additional characteristics: **DV**= only Domestic Violence victims; **VET**= only Veterans, and **AIDS**= only persons with HIV/AIDS.

2005 Year-Round Units/Beds:

Family Units: Enter the number of units that the project set-aside for serving families.

Family Beds: Enter the number of beds that are contained in family units.

Individual Beds: Enter the number of beds that are serving individuals. For the Permanent Supportive Housing Chart only (both Current and Under Development Inventories), indicate first the total number of individual beds, then the estimated number of those beds designated for CH individuals or occupied by persons who met the definition of chronic homelessness at the time of placement into PSH beds. (Example: 115/5 indicates that there are a total of 115 PSH beds for individuals in the COC, 5 of which are designated for or occupied by a CH person.)

2005 All Beds (Emergency Shelters Only)

Emergency shelters are usually structures with year-round beds, but there are structures with seasonal beds that are made available to homeless persons during particularly high-demand seasons of the year, usually wintertime. In addition, projects may have overflow capacity that includes cots or mats in addition to permanent bed capacity that is not ordinarily available but can be marshaled when demand is especially great, for example, on the coldest nights of the year. Vouchers are to be identified under overflow beds. The total number of year-round, seasonal and overflow beds would provide a point-in-time snapshot of the housing inventory for homeless people at its highest point in the year.

Year-Round Beds: The number of family beds in (column "Family Beds") **plus** the number of beds for individuals (column "Individual Beds").

Seasonal Beds: The number of beds made available to individuals and families on a seasonal basis.

Overflow Beds: The number of beds, mats or spaces or vouchers that are made available on a very temporary basis.

Current Inventory: List all facilities and voucher programs that are currently operating.

Under Development: List all the projects that are fully funded but are not yet serving homeless people. Indicate the anticipated occupancy date for project.

(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)

Exhibit 1: Continuum of Care Participation in Energy Star Chart

HUD promotes energy efficient housing. CoCs that have applicants applying for new construction or rehabilitation funding or who maintain housing or community facilities or provide services in those facilities are also encouraged to promote energy efficiency, and are specifically encouraged to purchase and use Energy Star labeled products. Please check all that apply:

Are you aware of the Energy Star Initiative? ☐Yes ☐ No

Have you notified CoC members of this initiative? ☐Yes ☐ No

Percentage of CoC projects on Priority Chart to use Energy Star appliances: ___%

Form HUD 40076 CoC–H

Exhibit 1: Continuum of Care Homeless Population and Subpopulations Chart

Part 1: Homeless Population	**Sheltered**		**Unsheltered**	**Total**
	Emergency	**Transitional**		
Example:	**75 (A)**	**125 (A)**	**105 (N)**	**305**
1. Homeless Individuals				
2. Homeless Families with Children				
2a. Persons in Homeless Families with Children				
Total (**lines 1 + 2a only**)				
Part 2: Homeless Subpopulations	**Sheltered**		**Unsheltered**	**Total**
1. Chronically Homeless				
2. Severely Mentally Ill			*	
3. Chronic Substance Abuse			*	
4. Veterans			*	
5. Persons with HIV/AIDS			*	
6. Victims of Domestic Violence			*	
7. Youth (Under 18 years of age)			*	

*Optional for Unsheltered

Form HUD 40076 CoC-I

Exhibit 1: Continuum of Care Homeless Population and Subpopulations Instructions

Completing Part 1: Homeless Population. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The counts must be from: **(A)** administrative records, **(N)** enumerations or **(S)** statistically reliable samples. The quality of the data presented in each box must be identified as: **(A), (N),** or **(S)**.

Completing Part 2: Homeless Subpopulations. This must be completed using statistically reliable, unduplicated counts or estimates of homeless persons in sheltered and unsheltered locations at a one-day point in time. The numbers must be from: **(A)** administrative records, **(N)** enumerations or **(S)** statistically reliable samples. The quality of the data presented in each box must be identified as: **(A), (N),** or **(S)**.

Sheltered Homeless. Count adults, children and youth residing in shelters for the homeless. "Shelters" include all emergency shelters and transitional shelters for the homeless, including domestic violence shelters, residential programs for runaway/homeless youth, and any hotel/motel/apartment voucher arrangements paid by a public/private agency because the person or family is homeless. Do not count: (1) persons who are living doubled up in conventional housing; (2) formerly homeless persons who are residing in Section 8 SRO, Shelter Plus Care, SHP permanent housing or other permanent housing units; (3) children or youth, who because of their own or a parent's homelessness or abandonment, now reside temporarily and for a short anticipated duration in hospitals, residential treatment facilities, emergency foster care, detention facilities and the like; and (4) adults living in mental health facilities, chemical dependency facilities, or criminal justice facilities.

Unsheltered Homeless. Count adults, children and youth sleeping in places not meant for human habitation. Places not meant for human habitation include streets, parks, alleys, parking ramps, parts of the highway system, transportation depots and other parts of transportation systems (e.g. subway tunnels, railroad car), all-night commercial establishments (e.g. movie theaters, laundromats, restaurants), abandoned buildings, building roofs or stairwells, chicken coops and other farm outbuildings, caves, campgrounds, vehicles, and other similar places.

Form HUD 40076 CoC-I

Exhibit 1: Continuum of Care Information Collection Methods Instructions

Methods used to Collect Information for the Fundamental Components of the CoC System Housing Activity Chart and Homeless Population/Subpopulations Charts

1. Housing Activity Chart.

(a) Describe your community's methods for conducting an annual update of the emergency, transitional housing and permanent supportive current housing inventory in place and under development contained in the 2005 CoC competition, including the definition your community used for emergency shelter and transitional housing. Specify the data source (e.g., City Shelter Survey), the method (e.g., mail survey), and response rate for filling out the "Current Inventory in 2005" and "Under Development in 2005" columns. The survey must be for a one night point-in-time count in the last week of January 2005.

2. Unmet Housing Needs.

(a) Briefly describe the basis for your CoC's determination as to the amount of unmet need for emergency shelter, transitional housing and permanent supportive housing for the homeless.

3. Part 1 and 2 Homeless Population and Subpopulations Chart.

(a) Describe your CoC's methods (e.g., on-line HMIS data, mail survey, response rate) for data collection used to complete the "sheltered" portion of Part 1 and 2 based upon a one day, point-in-time study in the last week of January 2005. Please indicate whether your CoC does annual shelter counts. Describe your plans for the next required sheltered count in January 2007.

(b) Describe your CoC's methods for data collection used to complete the "unsheltered" portion of Part 1 and 2 based upon a one day, point-in-time study, preferably in the last week of January 2005. If your CoC uses point-in-time other than a day in the last week in January, please describe the basis for selecting that date. Please indicate whether your CoC does annual unsheltered counts. Describe your plans for the next required unsheltered count in January 2007.

Form HUD 40076 CoC-I

Exhibit 1: Continuum of Care Homeless Management Information System (HMIS)

Please complete the information below. Your response to this item will not count towards your 30-page limitation.

This section should be completed in conjunction with the lead agency/organization responsible for HMIS implementation. Note: all information requested in questions 1 through 3 should apply only to the Continuum of Care as defined in Exhibit One, even if your CoC is part of a multi-CoC implementation.

For questions 1, 2 and 3, please provide information related to the CoC as defined in Exhibit One only, even if the CoC is part of a multi-CoC HMIS implementation

1. HMIS implementation:
   a. Phases of HMIS Implementation

Planning Start Date (mm/yyyy): _____

If not yet planning, please select a reason:

- ❑ New CoC in 2005
- ❑ Lack of funding for planning
- ❑ Other _____

Data Collection Start Date: _____

Date the CoC achieved or anticipates achieving 75% bed coverage in:

	Date Achieved (mm/yyyy)	Date Anticipated (mm/yyyy)
Emergency Shelter		
Transitional Housing		
Permanent Supportive Housing (McKinney-Vento funded units)		
	Number of Programs	**Percent of Total Programs**
Street outreach programs participating in HMIS		%
Other non-housing programs participating in HMIS		%

Exhibit 1: Continuum of Care Homeless Management Information System (HMIS)

b. Describe in a brief narrative the progress of the HMIS implementation since July 2004, including the engagement and participation of special populations such as domestic violence providers.
c. Describe any challenges and/or barriers the CoC have experienced implementing the HMIS since July 2004.

2. Describe in a brief narrative current and/or future strategies to implement the HMIS Data & Technical Standards (participation, data elements, privacy, security) and the CoC's strategy to monitor and enforce compliance.

3. Counting Procedures

a. Describe in a brief narrative the CoC's methodology to generate an unduplicated count of homeless persons (e.g. in emergency shelters, transitional housing programs and living on the street). If the CoC is currently unable to generate an unduplicated count across all programs within the CoC, describe the strategy for achieving an unduplicated count in the future.

b. List the total number of duplicated and unduplicated client records entered during 2004 by all providers within the CoC

Total Duplicated Client Records Entered in 2004: _____
Total Unduplicated Client Records Entered in 2004: _____

For questions 4 and 5, please provide information on the HMIS implementation as a whole. If your CoC is part of a multi-CoC implementation, the lead organization may be from outside of the CoC defined in Exhibit One.

4. HMIS Lead Organization Information:
Organization Name: _____
Contact Person: _____
Phone: _____
Email: _____

5. List the HUD-defined CoC name and number for each CoC in the HMIS implementation. If the CoC is part of a multi-CoC implementation, this information should be provided by the HMIS lead organization. (HUD-defined CoC names and numbers are available at www.hud.gov/___.

HUD-Defined CoC Name	CoC Number	HUD-Defined CoC Name	CoC Number
Ex. District of Columbia	DC04-500		

Exhibit 1: Continuum of Care Homeless Management Information System (HMIS) Instructions:

1a. **Planning Start Date** - CoCs can record approximate month and year to report on the planning start date, particularly if the planning process occurred a long time ago.

Data Collection Start Date – CoCs should provide the month and year that providers began entering data into the HMIS. If this is a multi-CoC HMIS implementation, this response should refer to the date providers within this CoC began entering data.

Bed Coverage – If the CoC has already achieved 75% bed coverage in a specific category, please record the approximate month/year that this occurred. If the CoC has not yet achieved 75% bed coverage in a specific category, please provide the month/year that the CoC anticipates that 75% bed coverage will be achieved. The responses to this question should be consistent with the detailed program information recorded in the Housing Activity Chart. A bed is "covered" if the provider is entering data about the clients served by that bed. If an agency is only reporting data for clients staying in a portion of its beds, then only that portion of the beds should be counted as "covered".
Bed coverage is calculated by dividing the number of "covered" beds by the total number of beds in that category. For example, if a CoC has two programs that each operate 50 emergency shelter beds and only one of the providers enters client data, then the current emergency shelter bed coverage is 50%.

Outreach and Non-housing Program Participation – The numbers in the first column represent the number of programs within the CoC in each of these categories that are entering client-level data in the HMIS. The percentages in the second column should be calculated by dividing the number of participating agencies by the total number of programs in that category that operate within the CoC. For instance, if two of the four outreach programs in a CoC are entering client-level data, then the CoC would enter "2" in the first column and "50%" in the second.

3b. If providers share basic client identifiers with each other for the purposes of searching for existing client records during initial intake, the duplicated and unduplicated counts may be the same. If basic client identifiers are not shared with other providers during the client search process, then the duplicated count represents the sum of all client records entered by each provider and the unduplicated count represents the total number of clients served within the CoC after duplicates between agencies are eliminated.

Exhibit 1: Continuum of Care – Project Priorities Chart

(This entire chart will count as only one page towards the 30-page limitation)

(1) Applicant	(2) Project Sponsor	(3) Project Name	(4) Numeric Priority	(5) **Requested Project Amount	(6) Term of Project	(7) Program and Component Type*				
						SHP new	SHP renew	S+C new	S+C renew	SRO new
Example: ABC Nonprofit	ABC Nonprofit	Annie's House	1	$1,026,000	3 (yrs)	PH				
Example: XYZ County	AJAY Nonprofit/	Pierce's Place	2	$800,000	5 (yrs)			TRA		
			1							
			2							
			3							
			4							
			5							
			6							
			7							
			8							
			9							
			10							
			11							
			12							
			**Total Requested Amount:							

*Place the component type for each project under column 7.

The Requested Project Amount **must not exceed the amount entered in the project budget in Exhibits 2, 3, and 4. If the project budget exceeds the amount shown on the priority list, the **project budget will be reduced** to the amount shown on the priority list.

Please Note:

(1) Place all Shelter Plus Care renewal projects as the last entries on the Chart, continuing the priority numbering sequence.

(2) For all Shelter Plus Care and SRO projects, please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the October 1, 2004 Federal Register.

(3) Requested subsidy cannot exceed current FMR unless a PHA Letter or Exception Rent approval letter are attached.

Form HUD 40076 CoC-K

Exhibit 1: Continuum of Care: Project Priorities Chart Instructions

A priority ordering of all projects proposed for each community in the Continuum of Care strategy should be included on the Project Priority chart. The projects that communities rank as higher priorities will receive the most points under the "Need" criterion. If you do not provide a Project Priorities Chart in Exhibit 1, all proposed projects may lose up to 30 points of the 40-point Need total. There should be ***only one project per line.*** Projects submitted in response to the 2005 NOFA should fill gaps identified as priorities for funding as determined by your community's gaps analysis.

1. In the ***first column***, enter the name of the ***applicant***, the entity that is responsible for the overall management of the grant. This entity becomes the grantee if the project is selected for funding. (*You must submit a SF-424*).
2. In the ***second column***, enter the ***project sponsor*** that will carry out the project.
3. The ***third column*** is the ***name of the project.***
4. The ***fourth column*** is the numeric priority that your Continuum of Care community has assigned to each project. For your convenience, this column has been pre-filled, with number 1 as the highest priority and number 12 as lowest. Please reproduce this ***required*** chart if you need additional space to accommodate more projects, renumbering as necessary.
5. In the ***fifth column***, enter the requested amount of project funding for each project.
6. In the ***sixth column***, enter the requested term of your project in years.
7. In the ***seventh column***, enter the **component/type of** each project. Codes for the project components/type are:

SHP new and renewal—Transitional Housing **(TH)**, Permanent Housing for Persons with Disabilities **(PH)**, Supportive Services Only **(SSO)**, Safe Haven/transitional **(SH-th)**, Safe Haven/permanent **(SH-ph)**, Homeless Management Information Systems **(HMIS)**, and Innovative Supportive Housing **(IH)**.

Shelter Plus Care new and renewal—Tenant-based Rental Assistance **(TRA)**, Sponsor-based Rental Assistance **(SRA)**, Project-based Rental Assistance **(PRA)**, Project-based Rental Assistance with Rehabilitation **(PRAR)**, and Moderate Rehabilitation Single Room Occupancy rental assistance **(SRO)**.

8. At the bottom of the chart, fill in the total requested amount for the projects in the chart. (If multiple pages are being submitted, provide only a grand total at the end of the last page.)
9. Place all Shelter Plus Care renewal projects as the last entries in the chart, continuing the numbering sequence. They are not "prioritized" with the other programs because they are being funded non-competitively.
10. The tiering of projects on your priority list is no longer permitted.

Form HUD 40076 CoC-K

Exhibit 1: Continuum of Care Pro Rata Need (PRN) Reallocation Chart and Instructions (only for eligible Hold Harmless Continuums)

Reduced or Eliminated Grant in the 2005 Competition

A	B	C	D	E	F
Expiring Grants	Prog. Code	Comp-onent	Annual Renewal Amount	Reduced Amount	Retained Amount from Existing Grant
Ex: MA01B300002	SHP	TH	$100,000	$60,000	$40,000
Ex: MA01B400003	SHP	SSO	$80,000	$80,000	$0
		TOTAL:	$180,000	$140,000	$40,000

Newly Created Permanent Housing Projects in the 2005 Competition

G	H	I	J
2005 Project Priority Number	Prog. Code	Comp-onent	Transferred Amounts
Ex: #5	SHP	PH	$90,000
Ex: #12	S+C	TRA	$50,000
TOTAL:			$140,000

Continuum of Care PRN Reallocation Chart Submission Instructions

Continuums that receive the Hold Harmless PRN amount may reduce or eliminate one or more of the SHP grants eligible for renewal in the 2005 CoC competition. Continuums may reallocate the funds made available through this process to create new permanent housing project(s). These new project(s) may be for SHP, S+C, and Section 8 SRO projects and their respective eligible activities.

Advisory Warning: According to the CoC competitive process, a CoC that scores below the funding line will not have the new projects on this chart funded. As such the reallocated funds that had been used for renewals would no longer be available to the Continuum.

The purpose of the chart above is to assist Continuums eligible for Hold Harmless PRN to identify:

(1) The PRN funds the Continuum is making available for reallocation through the reduction or elimination of project(s) eligible for renewal.

(2) The amount transferred to the new project(s) created for the 2005 competition.

Exhibit 1: PRN Reallocation Chart Instructions and CoC Priorities Narrative

Column A: Identify the project number of each expiring SHP grant that will be reduced or eliminated;
Column B: Identify the program code of the grant to be reallocated;
Column C: Identify the component of the grant to be reallocated;
Column D: Identify each grant's Annual Renewal Amount. Verify these amounts with your HUD Field Office. **
Column E: Identify the amount that will be reduced from each grant's one-year amount;
Column F: Identify any retained amount from the existing grant by subtracting the amount in Column E from the amount in Column D. Any remaining amount in Column F can be renewed in the 2005 competition;
Column G: Identify the 2005 priority number given to each new project being created using Hold Harmless funding;
Column H: Identify the program of the newly created project. (SHP, S+C, Section 8 SRO)
Column I: Identify the component of the newly created project (PH, SH-ph, SRA, TRA, PRA, PRAR, SRO);
Column J: Identify the amount(s) being transferred from Column E for the respective project(s) identified in Column G.
Finally: To insure that the Continuum has completed this process correctly, the total of Column J cannot exceed the total of Column E.

****Note:** For the first time, Annual Renewal Amounts include the previously awarded administration funds; therefore no additional administration funds may be requested.

Continuum of Care Priorities Narrative Instructions

Having assessed the need in your community and having compared it to your existing Continuum of Care system, please provide the following:

a. The sources you use to determine whether projects up for renewal are performing satisfactorily and effectively addressing the need(s) for which they were designed **(Check all that apply):**
☐**Audit** ☐**APR** ☐**Site Visit** ☐**Monitoring Visit** ☐ **Client Satisfaction**

b. Describe how each **new** project proposed for funding will fill a gap in your community's Continuum of Care system. ***(Although you may require multiple pages to respond to this item, your response will count as only one page towards the 30-page limitation.)***

c. Demonstrate how the project selection and priority placement processes for all projects were conducted **fairly and impartially.** In doing so:
(1) Specify your open solicitation efforts for projects;
(2) Identify the objective rating measures applied to the projects;
(3) Demonstrate that participants on the review panel or committee are unbiased;
(4) Explain the voting system/decision making process used;
(5) If your CoC receives the hold harmless pro rata need amount and has used the reallocation process to free up PRN to create new projects, please explain the open decision making process used to reduce and/or eliminate projects;
(6) If written complaints concerning the process were received during the last 12 months, please briefly describe them and how they were resolved;

Exhibit 1: Continuum of Care Supplemental Resources

Enrollment and Participation in Mainstream Programs

(1) Check those mainstream programs for which your COC systematically helps homeless persons identify, apply for and follow-up to receive benefit under:

☐ SSI ☐ SSDI ☐ TANF ☐ Medicaid ☐ Food Stamps
☐ SCHIP ☐ WIA ☐ Veterans Health Care

(2) Which policies are currently in place in your CoC to help clients secure these mainstream benefits for which they are eligible? Check those policies implemented by a majority of your CoC's homeless assistance providers:

☐ A majority of homeless assistance providers have case managers systematically assist clients in completing applications for mainstream benefit programs.

☐ The CoC systematically analyzes its projects' APRs to assess and improve access to mainstream programs.

☐ CoC contains a specific planning committee to improve CoC-wide participation in mainstream programs.

☐ A majority of homeless assistance providers use a single application form for four or more of the above mainstream programs.

☐ The COC systematically provides outreach and intake staff specific, ongoing training on how to identify eligibility and program changes for mainstream programs.

☐ CoC has specialized staff whose only responsibility is to identify, enroll, and follow-up with homeless persons on participation in mainstream programs.

☐ A majority of homeless assistance providers supply transportation assistance to clients to attend mainstream benefit appointments.

☐ A majority of homeless assistance providers have staff systematically follow-up to ensure that mainstream benefits are received.

☐ Other (Please describe in 1-2 sentences.)

Exhibit 1: CoC Project Performance - Housing and Services

This section will assess your CoC's progress in reducing homelessness by helping clients move to permanent housing, access mainstream services and gain employment. Both housing and supportive services projects in your CoC will be examined. For each area below (e.g., permanent housing), tally information from the APR most recently submitted for the appropriate RENEWAL project(s) on the 2005 Priority Chart. Note: If you are not submitting any renewals in this year's competition for one or more of the areas presented below check the appropriate box.

A. Housing

1. **Permanent Housing**. HUD will be assessing the percentage of all participants who remain in permanent SHP or S+C housing for over six months. (SHP projects include both SHP-PH and SHP-Safe Haven permanent housing renewals.) Based on responses to APR Question 12(a) and information available on persons who did not leave (e.g., information to respond to APR Question 12(b)) from each of the above permanent housing projects included on your Priority Chart, complete the following:

Check here ☐ if there are no applicable permanent housing renewal projects.
Check here ☐ to indicate that all permanent housing renewal projects on the Priority Chart which submitted an APR are included in calculating the below responses.

a. What is the number of participants who **exited** the permanent housing project(s) during the operating year (from APR Question 12(a))? _____.
b. What is the number of participants who did **not leave** the project(s) during the operating year? _____.
c. Of those who **exited**, how many stayed longer than **6 months** in the permanent housing (from APR Question 12(a))? _____.
d. Of those who did **not leave**, how many stayed longer than **6 months** in the permanent housing? _____.
e. Of the total number of participants in the permanent housing project(s) (both those who left and those who stayed), what percentage stayed longer than 6 months (both those who left and those who stayed)? (c+d divided by a+b x 100 = e) Example: (11 + 10) divided by (20 + 20) x 100 = 52.5% _____%. Round all percentages to the first decimal place.

2. **Transitional Housing**. HUD will be assessing the percentage of all TH clients who move to a permanent housing situation. (SHP-TH, SHP-Safe Haven that is *not* identified as permanent housing, and SHP-Innovative renewal projects should all be included as transitional housing.) Based on responses to APR Question 14 from each of the above projects included on your Priority Chart complete the following:

Check here ☐ if there are no applicable transitional housing renewal projects.
Check here ☐ to indicate that all transitional housing renewal projects on the Priority Chart which submitted an APR are included in calculating the below responses.

a. What is the total number of participants who left transitional housing project(s) during the operating year? (Include all persons who left, including those who left to an unknown destination.) _____.
b. What is the number of participants who left transitional housing project(s) and **moved to permanent housing**? _____.
c. Of the number of participants who left transitional housing, what percentage moved to permanent housing? (b divided by a x 100 = c) _____%.

Exhibit 1. CoC Project Performance - Housing and Services Continued

B. Supportive Services

Mainstream Programs and Employment Chart. HUD will be assessing the percentage of clients in all your renewal projects who gained access to mainstream services and who gained employment. This includes all S+C renewals and all SHP renewals, excluding HMIS projects. Based on responses to APR Question 11 for each of the renewal projects included on your Priority Chart complete the following:

Check here ☐ if there are no applicable renewal projects.
Check here ☐ to indicate that all non-HMIS renewal projects on the Priority Chart which submitted an APR are included in calculating the below responses.

1 Number of Adults Who Left (Use the same number in each cell)	2 Income Source	3 Number of Exiting Adults with Each Source of Income	4 % with Income at Exit (Col 3 ÷ Col 1 x 100)
Example: 105	**a. SSI**	**40**	**38.1%**
105	**b. SSDI**	**35**	**33.3%**
105	**c. Social Security**	**25**	**23.8%**
	a. SSI		
	b. SSDI		
	c. Social Security		
	d. General Public Assistance		
	e. TANF		
	f. SCHIP		
	g. Veterans Benefits		
	h. Employment Income		
	i. **Unemployment Benefits**		
	j. Veterans Health Care		
	k. Medicaid		
	l. Food Stamps		
	m. Other (please specify)		
	n. No Financial Resources		

Column 1: ***Number of Adults Who Left.*** For each SHP and S+C renewal being submitted in this year's competition, use APR **Question 2C** (*Number who left the program during the operating year*). For **each** APR, add the *Number of Singles Not in Families* and the *Number of Adults in Families.* The total represents the number of adults who exited the project during the operating year. Add the totals from each renewal's APR to get the total number of adults in the CoC who left these projects during the operating year.

Column 2: ***Income Source.*** Income sources from the APR Question 11.

Column 3: ***Number of Exiting Adults with Source of Income.*** Using the information in each project's APR Question 11D (*Income Sources at Exit*), add the total number of adults who, upon exiting the project, had each source of income.

Column 4: ***% with Income at Exit.*** Divide Column 3 by Column 1, then multiply by 100 and round to the nearest first decimal place (e.g. 38.1%).

Exhibit 1: Continuum of Care Supplemental Resources Project Leveraging Chart

HUD homeless program funding is limited and, therefore, can provide only a portion of the resources needed to successfully address the needs of homeless families and individuals. Therefore, HUD is interested in applicants using supplemental resources, including HUD CDBG and other Federal and state mainstream programs, to address homeless needs.

Please complete the following Project Leveraging Chart *(HUD 40076 CoC –N).* (Instructions follow the chart)

Continuum of Care: Project Leveraging

(Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. ***This entire chart will count as only one page towards the 30-page limitation***)

Project Priority Number	Name of Project	Type of Contribution	Source or Provider	*Value of Written Commitment
3	Example: Sarah's House	Child Care	City CDBG	$10,000
			TOTAL	

Please enter the value of the contribution for which you have a written commitment at time of application submission.

Exhibit 1: Continuum of Care Project Leveraging Chart - Instructions

Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. Provide information ***only*** for contributions for which you have a ***written commitment in hand at the time of application***. A written agreement could include signed letters, memoranda of agreement, and other documented evidence of a commitment. Leveraging items may include any written commitments that will be used towards your cash match requirements in the project, as well as any written commitments for buildings, equipment, materials, services and volunteer time. The value of commitments of land, buildings and equipment are **one-time only** and cannot be claimed by more than one project (e.g., the value of donated land, buildings or equipment claimed in 2004 and prior years for a project cannot be claimed as leveraging by that project or any other project in subsequent competitions). The written commitments must be documented on letterhead stationery, signed by an authorized representative, dated **and** in your possession prior to the deadline for submitting your application, and must, at a minimum, contain the following elements: the name of the organization providing the contribution; the type of contribution (e.g., cash, child care, case management, etc.); the value of the contribution; the name of the project and its sponsor organization to which the contribution will be given; and, the date the contribution will be available. The ***documentation will be required at Technical Submission*** if a project is conditionally selected. If you ***do not*** have in hand at the time of application submission a written agreement for a contribution that will be used in your project, ***do not*** enter the contribution. **Please be aware that undocumented leveraging claims may result in a re-scoring of your application and possible withdrawal of your conditional award(s).**

1. In the ***first column***, enter the project priority number.
2. In the ***second column***, enter the name of the project.
3. In the ***third column***, identify the type of contribution being leveraged by the proposed project. Types of contributions could include cash, buildings, equipment, materials, and services, such as transportation, health care, and mental health counseling.
4. In the ***fourth column***, enter the name of the source or provider from whom the contribution is being leveraged. The contribution may be leveraged through Federal, State, local, or private sources, including mainstream housing and social service programs.
5. In the ***last column***, enter the value of the contribution. Donated professional services should be valued at the customary rate; volunteer time should be valued at $10 per hour. Donated buildings should be valued at their fair market value or fair rental value minus any charge to the SHP, S+C, or SRO program.
6. At the bottom of the chart, fill in the total amount. (If multiple pages are being submitted, provide only a grand total at the end of the last page.)

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Form HUD 40076 CoC-N

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. PENDING
(exp. pending)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 2: Supportive Housing Program – New Project Instructions

(Exhibit 2 is the application for a new SHP project, consisting of forms HUD 40076-CoC-2A through form HUD 40076-CoC-2I, plus narrative text as specified in the instructions for each form)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – New Project Instructions

Project Definition

Under SHP, a "project" may be either for supportive housing, supportive services only or HMIS. For a supportive housing project, one project sponsor provides housing in one or more structures and delivers services, or arranges with other organizations to deliver services, to the residents. For a Supportive Services Only project, one sponsor delivers services to homeless persons, but the sponsor does not provide housing to the same persons receiving the services. Supportive services can be delivered from a structure(s) or they can be delivered independent of a structure(s), such as street outreach. The following are examples of SHP projects:

Example 1: Project sponsor Serenity House will provide 10 units of permanent housing to homeless persons with serious mental illness. The project sponsor is requesting funding for rehabilitation, supportive services, and operations. The supportive services will be provided by the local day treatment center. This is one project and is classified under the permanent housing component.

Example 2: Project sponsor Greenville Nonprofit proposes to acquire, rehabilitate, and operate a transitional housing facility for homeless women and children. Services will be coordinated by Greenville Nonprofit but delivered by a local charitable organization and a health clinic. This is one project and is classified under the transitional housing component.

Example 3: Project sponsor Health Care, Inc., currently owns a van from which it does outreach and provides health care services to homeless persons and families on the streets and in emergency shelters. Health Care proposes to expand its service level to serve more people and to provide immunizations and help refer homeless persons to appropriate housing. The expansion is one project and is classified under the supportive services only (SSO) component. SHP funds may be requested for the expansion only; the project sponsor would continue to provide funding for the current activities from other sources.

Example 4: Project sponsor Second Chance is part of a CoC which has decided to implement a community-wide Homeless Management Information System (HMIS). The CoC has determined that Second Chance will propose a dedicated HMIS project. The project's funds will be used to purchase HMIS software and computers and to pay the salary of HMIS staff. (See the "Question and Answer" supplement to the application for further information on funding for HMIS activities.)

Project Narrative

The project narrative is a description of your proposed project. Please respond to the items in this section according to the following:

- ***New project applicants for TH, PH, Safe Havens, or Innovative components -*** answer items 1-6, and 8 (if applicable).
- ***New project applicants for the SSO component -*** answer items 1, 2, 4, 5, 6 and 8 (if applicable).
- ***New project applicants for dedicated HMIS projects - answer items 1 and 7.***

1. **Project narrative**. Please provide the following:
   a. Applicant **and** sponsor names

   b. Program component

   c. Total SHP request and the percent of this request for housing activities. SHP housing activities include acquisition, rehabilitation, and new construction; leasing of housing; and operations for supportive housing.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – New Project Instructions (continued)

d. The type of housing (e.g., apartments, group home) proposed, if applicable

e. The population(s) to be served (N/A for dedicated-HMIS projects)

f. Grant term of the proposed project (**2 or 3 year required term**, except for dedicated HMIS projects)

g. If this is the Priority #1 permanent housing bonus project, indicate that 100 % of the persons to be served will be chronically homeless: ☐ Yes ☐ No

2. **Homeless population to be served**. Briefly describe the following:
   a. Their characteristics and need for housing and supportive services.

   b. Where they will come from. Indicate percentage coming from: (e.g., streets, emergency shelters, transitional housing for homeless persons who came from street/shelters, or other). New this year, permanent housing projects may only serve those who come from the street, emergency shelter or transitional housing.

   c. The outreach plan to bring them into the project.

3. **Housing where participants will reside**. For applicants requesting SHP funds for Transitional Housing, Permanent Housing for Persons with Disabilities, Safe Havens, or Innovative Supportive Housing components, demonstrate each of the following:

   a. What the TYPE (e.g., apartments, group home) **and** SCALE (e.g., number of units, number of persons per unit) of the proposed housing will be to fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g., medical facilities, grocery store, recreation facilities, schools, etc.) will be readily ACCESSIBLE (e.g., walking distance, bus, etc.) to your clients.

   c. For transitional housing component only: the residents' length of stay.

   d. For permanent housing for persons with disabilities component where **more** than 16 persons will reside in a structure: describe what local market conditions necessitate the development of a project of this size and how the housing will be integrated into the neighborhood.

   e. For innovative supportive housing component projects only: how the project represents an approach that is new to the area, is a sensible model for others, and can be replicated in other communities.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – New Project Instructions (continued)

4. **Supportive services the participants will receive**. Demonstrate for each of the following:

   a. What the TYPE (e.g., case management, job training) **and** SCALE (the frequency and duration) of the supportive services proposed will be to fit the needs of the participants.

   b. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to participants to access those services.

   c. The details of your plan to ensure that all homeless clients will be individually assisted to identify, apply for and obtain benefits under each of the following mainstream health and social services programs for which they are eligible: SSI, TANF, Medicaid, Food Stamps, SCHIP, Workforce Investment Act and Veterans Health Care programs.

5. **Accessing permanent housing**. Describe specifically how participants will be assisted **both** to OBTAIN **and** REMAIN in PERMANENT HOUSING.

6. **Self-sufficiency**. Describe specifically how participants will be assisted **both** to increase their INCOMES **and** to maximize their ability to LIVE INDEPENDENTLY.

7. **Homeless Management Information System.** Describe the following

   For all Projects:

   a. Date (mm/yyyy) this project will begin participating (entering data) in the HMIS _____/_____

   b. Will all clients served by this project be entered in the HMIS? ☐Yes ☐No

   For all Dedicated HMIS projects ONLY:

   c. How the CoC's homeless needs will be assessed, resources allocated and services coordinated more efficiently and effectively through the introduction of a new or expanded CoC-wide HMIS.

   d. Demonstrate that at least 50 percent of the beds (emergency, transitional and McKinney-Vento permanent housing) listed in the "Current Inventory in 2005" categories in the Fundamental Components in the CoC System – Housing Activity Chart will be included in the CoC-wide HMIS.

   e. Name the lead agency designated to oversee the HMIS project.

   f. Provide the timetable for implementing the new or expanded HMIS.

   g. Demonstrate that no State or local government funds would be replaced with the funding being requested of HUD for this project.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – New Project Instructions (continued)

8. **Discharge Policy.** For State and local government applicants who submitted a Discharge Policy certification within their 2001 through 2004 applications, please describe any policies and protocols subsequently developed or implemented affecting the discharge of persons from publicly funded institutions or systems of care (e.g., health care facilities, foster care or other youth facilities, or corrections programs and institutions) in your jurisdiction. Indicate how these changes have or will prevent such discharges from immediately resulting in homelessness for such persons. (You may submit a single response for all projects for which you are the applicant. Be sure a copy is inserted with each project.)

Experience Narrative

The experience narrative is a description of the experience of all the organizations involved in carrying out the project. Refer to the program section of the NOFA for the applicant and project sponsor eligibility. **A project sponsor must meet the same eligibility standards as applicants.**

Please describe the following:

1. The specific type and length of experience of ***all organizations*** involved in implementing the project, including the project sponsor, housing and supportive service organizations, and any key subcontractors. Describe experience directly related to carrying out the project and experience working with homeless people.

2. If your project structure will be constructed or rehabilitated, please describe experience in these areas and/or experience in contracting for and overseeing the rehabilitation or construction of housing.

3. List ***all*** HUD McKinney-Vento Act grants, other than ESG, received after 1999, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date. Only list HUD-issued grant numbers. If you are unclear about the HUD grant number assigned to any project, please contact your HUD field office for assistance.

Year Awarded	Grant Number	Grant Amount	Amount Spent to Date
Example: 2000	CA16B000-062	$500,000	$375,412

4. Please explain any delays in implementing any of the grants listed in (3) above which exceed the SHP timeliness standards described in Section III.C.3.f of the Notice of Funding Availability (NOFA).

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – New Project Instructions (continued)

5. Identify any unresolved HUD findings, or outstanding audit findings related to any of the grants listed in (3).

6. If sponsor is a nonprofit organization (rather than a State or unit of local government), one of the following must be attached:

    - Private nonprofit organizations must submit a copy of their IRS ruling, providing tax-exempt status under Section 501 C (3) of the IRS Code of 1986, as amended, or documentation of nonprofit status as described in the Glossary in Section I.A.7 of the program section of the NOFA.

    - Public nonprofit community mental health centers must attach a letter or other document acceptable to HUD from an authorized official stating that the organization is a public nonprofit organization.

Form HUD 400076 CoC-2A

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Project Information

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name:	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax):	

Program Components/Types

Please check the box that best classifies the project for which you are requesting funding. Check only **one** box. The components/types are:

☐ Transitional Housing

☐ Permanent Housing for Persons with Disabilities

☐ Supportive Services Only

Safe Havens, select only one type of SH project:

☐ Safe Haven – Transitional. Check here if your Safe Haven project has the characteristics of transitional housing.

☐ Safe Haven – Permanent. Check here if your Safe Haven project has the characteristics of permanent housing and will require participants to execute a lease agreement.

☐ HMIS

☐ Innovative Supportive Housing (check this box only if your project cannot be classified under any other component)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Existing Facilities and/or Activities Serving Homeless Persons (*To be completed for new projects only; renewal projects see Exhibit 2R.*)

1. Will your proposed project use an existing homeless facility or incorporate activities that you are currently providing?

   ☐ Yes (Check one or more of the activities below that describe your proposed project, then proceed to Number of Beds, Participants and Supportive Services Charts –Form HUD 40076 CoC–2D.)

   ☐ No (Skip to Number of Beds, Participants and Supportive Services Charts –Form HUD 40076 CoC–2D.)

2. Facilities that you are currently operating and activities you are currently undertaking to serve homeless persons may only receive SHP funding for the four purposes listed below. SHP cannot be used to fund ongoing activities. My project will:

   ☐ Increase the number of homeless persons served.

   ☐ Provide additional supportive services for residents of supportive housing and/or homeless persons not residing in supportive housing.

   ☐ Bring existing facilities up to a level that meets State and local government health and safety standards. Please explain.

   ☐ Replace the loss of nonrenewable funding from private, Federal, or other sources (except from the State or local government), which will cease on or before the end of the current calendar year. By law, no SHP funds may be used to replace State or local government funds previously used, or designated for use, to assist homeless persons [see 24 CFR 583.150(a)]. ***If this box is checked, you must fully describe the following in order to be eligible for funding*:**

   a. The source of the nonrenewable funding, indicating that it is not under the control of the State or local government.

   b. Why it is nonrenewable.

   c. When it will cease.

   d. Document the specific steps you took to obtain other funding, why there are no other sources of funding and why, without the SHP assistance, the activity will cease.

Exhibit 2. SHP - Number of Bed, Participants, and Supportive Services

Applicant Name_____ Project Name_____ DUNS #_____

Charts

Chart 1: Beds

Beds	Current Level (if applicable)	New Effort or Change in Effort	Projected Level (col. 1 + col. 2)
Number of Bedrooms*			
Number of beds*			

*Do not complete information on the number of bedrooms and beds for Supportive Services Only (SSO) or Dedicated HMIS projects. In those instances, enter "N/A" in the appropriate cells.

Chart 2: Participants

Participants	Current Level (if applicable)	New Effort or change in Effort	Projected Level (col. 1 + col. 2)	No. Projected to be served over the grant term
Number of families with children				
Of persons in families with children a. number of disabled				
b. number of other adults				
c. number of children				
Of single individuals not in families				
a. number of disabled individuals				
a.1. number of disabled individuals who are chronically homeless				
b. number of other individuals				

Note: If your project is funded you will be held responsible for achieving the numbers submitted.

Form HUD 40076 CoC-2D p

Exhibit 2. SHP - Number of Bed, Participants and Supportive Services Charts (continued)

Applicant Name_____ Project Name_____ DUNS #_____

Chart 3: Supportive Services

Supportive Service Costs	SHP Dollars Requested	Est. No. of Persons Served (point in time)
Service Activity: Outreach **Quantity:**		
Service Activity: Case Management **Quantity:**		
Service Activity: Life Skills (outside of case management) **Quantity:**		
Service Activity: Alcohol and Drug Abuse Services **Quantity:**		
Service Activity: Mental Health and Counseling Services **Quantity:**		
Service Activity: HIV/AIDS Services **Quantity:**		
Service Activity: Health Related and Home Health Services **Quantity:**		
Service Activity: Education and Instruction **Quantity:**		
Service Activity: Employment Services **Quantity:**		
Service Activity: Child Care **Quantity:**		
Service Activity: Transportation **Quantity:**		
Service Activity: Transitional Living Services **Quantity:**		
Other Service Activity: (please specify *) **Quantity:**		
Total SHP Dollars Requested**		
Total Supportive Services Costs***		

****If not specified, the costs will be removed from the budget.***

*****SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 6, of the Project Budget portion on Form HUD 40076 CoC -2H.*

******The total supportive service costs entered here should equal the amount shown in the "Total Budget" column, Line 6, of the Project Budget on Form HUD 40076 CoC -2H.*

Form HUD 40076 CoC-2D

Exhibit 2: SHP - Number of Beds, Participants, and Supportive Services - Instructions

Applicant Name_____ Project Name_____ DUNS #_____

Chart 1 is for recording the number of beds/bedrooms in the project. Do not complete Chart 1 if the project is for supportive services only (SSO) or Dedicated HMIS projects.
Chart 2 is for recording the number of participants to be served. Information on ***all*** projects should be entered in this section except for dedicated HMIS projects.
Chart 3 is for recording the supportive services proposed for your homeless clients. Do not include costs for HMIS activities, as these costs should be included on Form HUD 40076 CoC-2E.

Instructions for Completing Chart 1 and Chart 2

1. In the first column, please enter the requested information for all items at a point in time (a given night). You should only fill out this column if you checked "Yes" in Form HUD 40076 CoC-2C to using existing facilities to serve the homeless. If you checked "No" in Form HUD 40076 CoC-2C enter "N/A" in this column.

2. In the second column, enter the new number of beds and persons served at a point in time if this project is funded

3. In the third column, enter the projected level (columns 1 and 2 added together) that your project will attain at a point in time.

4. In the fourth column, enter the number of persons to be served over the grant term.

Note: If your project is funded you will be responsible for achieving the numbers submitted.

Instructions for Completing Chart 3 Supportive Services

If your new project is requesting the use of SHP funds for any supportive services, please complete Chart 3 for your project's supportive services budget. If you need additional space for more services, you may reproduce this chart.

In the first column, the supportive service activity is given. Please enter the quantity for each supportive service that will be provided in your project (see example). Any other eligible supportive service and quantity that will be paid for using SHP funding that is not listed on the chart may be added under "other service activity". For staff positions please include the job title and quantity (or FTE-full time equivalent); for supportive services (such as transportation services) please include the type (e.g., bus tokens) and quantity. Please ensure that the total SHP dollars requested match the amount you entered in the "SHP Request" column on Line 6, Supportive Services, in your Project Budget on Form HUD 40076 CoC-2H.

Form HUD 40076 CoC-2D

Exhibit 2: Instructions for Completing Chart 3 Supportive Services (continued):

Applicant Name_____ Project Name_____ DUNS #_____

In the second column, enter the amount of SHP funding requested for each eligible supportive service that will be provided in your project.

In the third column, enter the estimated number of persons that will be served at a point in time.

Supportive services are designed to address the special needs of the homeless persons to be served by the project. Services may be provided directly by the project sponsor and/or through an arrangement with public or private service providers, including the grantee. By law, SHP funds may be used to pay for up to 80% of the total supportive services budget for each year of the grant term. This means that the grantee or project sponsor must make a cash payment for at least 20% of the project's total supportive services budget annually.

If a project sponsor's staff will deliver a service, only the staff time directly related to the delivery of that service to the project is eligible for SHP supportive services funding. For example, the project sponsor, ABC, Inc., will use 25% of its substance abuse counselor's time for recovery planning for residents of its transitional housing program. The remainder of the counselor's time will be spent counseling persons in another program. Using this example, only 25% of the counselor's salary may be paid for with SHP supportive service funds.

Example:

Supportive Service Costs	SHP Dollars Requested	Est. No. of Persons Served (point in time)
Service Activity: Case Management **Quantity: 2 FTE @ $25,000 per year**	$80,000	60
Service Activity: Education—job training **Quantity: 20 slots per year**	$50,000	40

Form HUD 40076 CoC-2D

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - HMIS Budget for Dedicated and Shared HMIS Projects

Complete the entire HMIS Budget Chart for a dedicated HMIS project. A project for shared HMIS costs with other projects need *only* complete the "Total" lines of the chart. In the personnel section, the number of staff positions in Full-Time Equivalents (FTEs) should be present for each category, where appropriate.

Example:

Personnel	***SHP Dollars Requested (1, 2, or 3 years)***
Project Management /Coordination 1 – Staff x .5 FTE @ $56,000/annual x 3 years = $84,000	$67,200
Administrative Support Staff 1 – Staff x .5 FTE @ $16,000/annual x 3 years = $24,000	$19,200

Chart: HMIS Budget

Cost Item	SHP Dollars Requested
Equipment	**Total**
Central Server(s)	
Personal Computers and Printers	
Networking	
Security	
Software	**Total**
Software/User Licensing	
Software Installation	
Support and Maintenance	
Supporting Software Tools	
Services	**Total**
Training by Third Parties	
Hosting/Technical Services	
Programming: Customization	
Programming: System Interface	
Programming: Data Conversion	
Security Assessment and Setup	
On-line Connectivity (Internet Access)	
Facilitation	
Disaster and Recovery	
Personnel	**Total**
Project Management/Coordination	
Data Analysis	
Programming	
Technical Assistance and Training	
Administrative Support Staff	
HMIS Space and Operations	**Total**
Space Costs	
Operational Costs	
Total SHP Dollars Requested*	
Total HMIS Costs**	

***SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 8, of the Project Budget on** Form HUD 40076 CoC -2H.*

** **The total HMIS costs entered here should equal the amount shown in the "Total Budget" column, Line 8, of the Project on** Form HUD 40076 CoC -2H.*

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Operating Costs Chart

Identify the day-to-day costs of operating supportive housing that will be paid for using SHP funding during the requested term of the project.

Operating Costs	SHP Dollars Requested
Maintenance, Repair	
Staff (position, salary, % of time, fringe benefits)	
Utilities	
Equipment (lease/buy)	
Supplies (quantity)	
Insurance	
Furnishing (quantity)	
Relocation (no. of persons)	
Food	
Other operating costs (please specify*)	
Total SHP Dollars Requested**	
Total Operating Costs Budget ***	

****If not specified, the costs will be removed from the budget.*

*****Total SHP dollars requested must equal the amount shown in the "SHP Request" column, Line 7, of the Project Budget on* Form HUD 40076 CoC -2H.

******The total operating costs entered here must equal the amount shown in the "Total Budget" column, Line 7 of the Project Budget on* Form HUD 40076 CoC -2H.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Instructions for Completing the Operating Costs Chart

Complete the Operating Costs Chart for your new project's total operations budget. ***Please remember operating costs are ineligible for Supportive Services Only projects.***

In the first column, the operating cost activity is given. You must enter the quantity (if applicable) for each operating item that will be paid for using SHP funds. Add any other eligible operating costs that will be paid for using SHP funding that is not listed on the chart. For staff positions please include the job title, salary, % of time allocated for the position, and fringe benefits. Please ensure that the total SHP dollars requested match the amount you entered in the "SHP Request" column on Line 7, Operations, in your Project Budget on Form HUD CoC 40076 CoC-2H.

In the second column, enter the amount of SHP funding requested for each eligible operating cost that will be needed in your project.

Operating costs are those costs associated with the day-to-day operation of supportive housing. Operating costs differ from supportive service costs in that operating costs support the function and the operation of the housing project.

If requesting SHP operating funds, only the portion of the costs directly related to the operation of the housing project are eligible. For example, if a project sponsor's executive director will spend 10% of his/her time providing management to the housing project, then (up to) 10% of his/her salary can be charged as an SHP operating expense. As another example, in cases of shared utilities, SHP operating funds may pay only for the portion of the utilities associated with the housing project based on the square footage of the project's space. If the housing project occupies 25% of the building's space, then (up to) 25% of the monthly utility bill can be paid for using SHP operating funds.

SHP operating funds **may not** be used to pay for the following costs:

- Operating costs of a supportive services only facility;
- Administrative expenses such as audits and preparing HUD reports;
- Rent of space for supportive housing and/or supportive services (see SHP Leasing Information, Form HUD CoC-2G); and
- The payment of principal and interest on a loan for a facility currently being used as supportive housing and/or for the delivery of services; and depreciation, because it does not constitute an incurred cost that requires a cash outlay.

SHP funds can be used to pay up to 75% of the total operations budget for the housing project. This means that the project sponsor must make cash payment for 25% of the project's operating budget annually.

Example:

Operating Costs	**SHP Dollars Requested**
Utilities	$32,000
Maintenance Engineer (salary, % time, fringe benefits) $40,000/annually .20 x .15 fringe benefits x 2 years = $18,400	$13,800

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Leasing Charts

Chart A should be filled out only if you will lease individual units or structures that are currently configured for housing and/or services and, therefore, an FMR or actual rent can be used. ***If you have negotiated an actual rent (s) which is lower than the FMR, please use that amount instead of the FMR. The actual rent may not exceed the FMR.***

Chart A:

Name of metropolitan or non-metropolitan FMR area:

Address (indicate if scattered site):

Size of units	No. of Units	FMR or actual rent	No. of months	Total
1. SRO	x			
2. 0 bdrm	x			
3. 1 bdrm	x			
4. 2 bdrm	x			
5. 3 bdrm	x			
6. 4 bdrm	x			
7. 5 bdrm	x			
8. 6 bdrm	x			
9. Other	x			
10. Totals				$

Chart B should be filled out only if you will lease a structure or portion of a structure for which an FMR is **not** applicable.

Chart B:

Structure 1	Monthly Leasing Cost	Number of Months	Total
	$ x	=	$

Address:

Structure 2	Monthly Leasing Cost	Number of Months	Total
	$ x	=	$

Address:

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Instructions for Completing the Leasing Charts

SHP funds may be used to lease space for supportive housing or supportive services. If you are requesting SHP leasing funds, fill out the appropriate tables that follow. Housing and service space may be in the form of scattered-site leased units, or within a structure. The structures to be leased may be structures currently configured for, or structures to be converted to provide, supportive housing and/or supportive services.

A. Leased Unit(s) for Housing and/or Services

Under no circumstances may SHP leasing funds be used to lease units or structures owned by the project sponsor, the selectee, or their parent organizations. This includes organizations which are members of a general partnership where the general partnership owns the structure.

If you propose to lease units in more than one metropolitan or non-metropolitan area, fill in the appropriate number of tables for each area with a different FMR or actual rent. Please reproduce this Chart as needed to accommodate projects using more than one FMR or actual rent.

Enter the number of unit(s) by the bedroom size to be leased and the lower of the actual rent or the FMR as published in the Federal Register on October 1, 2004. (FMRs may be found using this web site: http://www.huduser.org/datasets/fmr.html) The space to be leased may be scattered-site (e.g., one-bedroom apartments in five different apartment complexes) or contained within a structure (e.g., a group home with six bedrooms).

Multiply the number of units by the FMR or actual rent, whichever is lower, by the length of the grant (# of units x FMR or actual rent x months based on grant term) and enter the result in the total column.

Please note that the FMR for a single room occupancy (SRO) unit is equal to 75% (0.75) of the 0-bedroom FMR. The FMRs for unit sizes larger than 4-bedrooms are calculated by adding 15% to the 4-bedroom FMR for each extra bedroom. For example, the FMR for a 5-bedroom unit is 1.15 times the 4-bedroom FMR, and the FMR for a 6-bedroom unit is 1.30 times the 4-bedroom FMR.

If your project has been approved for **exception rents**, use those amounts when completing these charts **AND your current approval letter must be submitted** with this document.

B. Leased Structure(s) for Housing and/or Services

If you will lease a structure or portion of a structure for housing and/or services, fill out Chart B using a monthly leasing cost that is comparable to and no more than the rents being charged for similar space in the area. This applies to structures already configured for housing and for those that will be converted. **If your project has more than one structure, reproduce Chart B and fill it out starting with structure 2.**

Multiply the monthly leasing costs by the number of months requested for funding and enter the result in the total column.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Project Budget (*complete all 3 columns*)

Enter the amount of SHP funds requested by line item in the "SHP Request" column. All SHP projects may request funding for two or three years (dedicated HMIS may request a one, two or three year term). **If the grant term is not provided, HUD will consider that the project has a three (3) year grant term.** The term you select must be the same for leasing, supportive services, and operations. *In the **"Applicant Cash" column, enter the amount of other** cash that will be contributed to the project. This amount plus the SHP request must equal the "Total Budget" amount for the project, as shown in the last column.*

If your project contains one structure or no structures, this is the only budget you need to fill out. If your project contains multiple structures (projects that request funds for acquisition, rehabilitation or new construction), please add up the SHP structure budgets *on page 3 of this form* and enter those totals below.

HUD will review this chart in relation to the proposed activities and the number of persons to be served to determine whether the project is cost-effective (which is a threshold criterion).

Part I. Indicate grant term. Please circle one: 1 2 3 year (s)

Part II. Complete the Project Budget

Proposed Activities	SHP Request	Applicant Cash	Total Budget (Col. 1 + Col. 2)
1. Acquisition			
2. Rehabilitation			
3. New Construction			
4. Subtotal (lines 1 through 3)	*		
5. Real Property Leasing			
6. Supportive Services	**		
7. Operations	***		
8. HMIS	**		
9. SHP Request (subtotal lines 4 through 8)			
10. Administrative Costs (up to 5% of line 9)	****		
11. Total SHP Request (total lines 9 and 10)			

* By law, SHP funds can be no more than 50% of the total acquisition, rehabilitation, and new construction budget.

** By law, SHP funds can be no more than 80% of the **total** supportive services and HMIS budget.

*** By law, SHP can pay no more than 75% of the **total** operating budget.

**** Applicants may request up to 5% of each project award for administrative costs, such as accounting for the use of the grant funds, preparing HUD reports, obtaining audits, and other costs associated with administering the grant. ***State and local government applicants*** and project sponsors ***must*** work together to determine the plan for distributing administrative funds between applicant and project sponsor (if different). Please refer to Section I (C) (3) of the NOFA. If selected for funding, all applicants ***will be required*** to submit a plan for distributing administrative funds as part of the technical submission.

NOTE: The total SHP Request on line 11 cannot exceed the dollar amount on the Priority Chart for the project.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP – Project Budget Instructions

This section consists of two budgets—a project budget and a structure budget. Please refer to the budgets for specific instructions. When developing your budget(s), please keep in mind that each structure can receive the maximum amount of funds according to the following per-structure limits:

For acquisition and/or rehabilitation, the SHP request for these activities ***combined*** is limited by law to between $200,000 and $400,000 depending on whether the structure is in a HUD-identified high-cost area for acquisition and rehabilitation. Contact your local HUD Field Office to determine if your project is in a high-cost area, and, if so, which of the following percentages or limits apply:

- 100% to 119%, the limit is $200,000
- 120% to 139%, the limit is $250,000
- 140% to 159%, the limit is $300,000
- 160% to 174%, the limit is $350,000
- 175% and up, the limit is $400,000

For new construction, the SHP request is limited by law to $400,000 per structure, regardless of where the structure is located. If you propose to acquire land in tandem with new construction, the $400,000 limit applies to both activities combined. Please note that you can apply for funding to construct and/or operate supportive housing; however, by law you cannot request either of these activities for supportive services only projects.

If you request funds for acquisition, rehabilitation, or new construction, the law requires that you **match** the requested amount with an equal amount of cash for the activities. Documentation of matching funds is not required in this application; however, you will be asked to submit it at a later date.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP Structure Budgets - Projects With Multiple Structures

If your project contains only one structure or no structures, please fill out ***only*** the project budget *on the previous page.* If, however, your project contains more than one structure, fill out the information requested below for the number of structures your project proposes. Do not fill out structure budgets for scattered site leasing projects unless SHP funds for rehabilitation are being requested. For each structure budget, enter the amount of SHP funds requested by line item in the first column. For leasing, supportive services, and operations, the amounts you enter should be for one (1), two (2) , or three (3) years, which is the SHP grant term. The term you select must be the same for leasing, supportive services, and operations. In the second column, enter the total cost for each line item, which is the SHP request ***plus*** all other funds needed to pay for each line item, again, for **three years**. For your convenience, four structure budgets are provided below. You may reproduce this page if your project will have five or more structures; however, please attach the additional structure budgets to this page and label them appropriately starting with structure E. Enter administrative costs only on the Project Budget.

Structure A
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure B
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure C
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Structure D
Structure Address:
City, State, Zip:

	SHP Request	Total Budget
1. Acquisition		
2. Rehabilitation		
3. New Construction		
4. Real Property Leasing		
5. Supportive Services		
6. Operations		
7. Total		

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2: SHP - Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project predominately assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, **or** the *Serve box* if less than 70 percent.)

Subpopulation	Serve (less than 70%)	Predominantly Serve (70% or more)
Chronically Homeless		
Severely Mentally Ill		
Chronic Substance Abuse		
Veterans		
Persons with HIV/AIDS		
Victims of Domestic Violence		
Women with Children		
Youth (Under 18 years of age)		

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served (at a point in time): _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)
   ☐ Yes
   ☐ No

4. Is the sponsor and/or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

   Sponsor: ☐ Yes ☐ No Applicant: ☐ Yes ☐ No

5. Is the Logic Model attached? Please see the General Section for instructions.
   ☐ Yes ☐ No

6. Have you ever received a Federal grant, either directly from a Federal Agency or through a state/local agency? ☐ Yes ☐ No

7. Have you ever received SHP or S+C or SRO funds? ☐ Yes ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. PENDING
(exp. pending)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 2R: Supportive Housing Program – Renewal Project Instructions

(Exhibit 2R is the application for a renewal SHP project, consisting of forms HUD 40076-COC-2RA through form HUD 40076-CoC-2RE, plus narrative text as specified in the instructions for each form.)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: SHP Project Information

Project Information

1. **Basic Identification**
   a. Grantee Name:
   b. Project Name:
   c. Sponsor Name:
   d. Address:
   e. Telephone:
   f. Fax Number:
   g. Contact Person:
   h. Project Congressional District:
   i. Project 6-digit Geographic Code:
   j. Project Number of Grant Being Renewed:_____ PIN:_____
   k. Component/Type: (please check one) TH☐ PH☐ SSO☐ SH-Th☐ SH-Ph ☐ HMIS☐ IH☐
   l. Priority Number on Exhibit 1: _____

2. **Number of Beds/Number of Participants**

Chart 1: Beds

Beds	Current Level
Number of Bedrooms*	
Number of beds*	

*Do not complete information on the number of bedrooms and beds for Supportive Services Only (SSO) or Dedicated HMIS projects. In those instances, enter "N/A" in the appropriate cells.

Chart 2: Participants

Participants	Current Level (if applicable)	No. Projected to be served over the grant term
Number of families with children		
Of persons in families with children a. number of disabled		
b. number of other adults		
c. number of children		
Of single individuals not in families		
a. number of disabled individuals		
a.1. number of disabled individuals who are chronically homeless		
b. number of other individuals		

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: SHP Project Information - Continued

Number of Participants/Number of Beds - Instructions

Chart 1 is for recording the number of beds/bedrooms in the project. Do not complete Chart 1 if the project is for supportive services only (SSO) or dedicated HMIS projects.

Chart 2 is for recording the number of participants to be served. Information for each project should be entered in this section except for dedicated HMIS projects.

1. In the first column, please enter the requested information for all items at a point in time (a given night).
2. In second column, enter the number of persons to be served over the grant term.

Note: If your project is funded you will be responsible for achieving the numbers submitted.

3. **Performance**

a. Are there any significant changes in the project since the last funding approval:
☐ Yes ☐ No
If "yes", briefly describe the changes. (Attach additional pages as needed)

b. If one or more extensions have been provided for your current grant, please indicate:
☐ Yes ☐ No
If yes, please indicate the number of extensions approved: _____
The extension period (e.g., two months, one year): For each extension please indicate the extension period, providing dates and number of weeks or months.
- Extension 1: _____ weeks, or _____months
- Extension 2: _____ weeks, or _____ months

List additional extensions as necessary.
For each extension, identify the reason for the extension.

If not operating at full capacity, please explain.

4. **Additional Key Information**

a. Check the *Predominately Serve* box if your project primarily targets the given subpopulation, i.e., 70 or more of the persons you serve **or** the *Serve* box if less than 70%.

Subpopulation	Serve Less than 70%	Predominantly Serve (70% or more)
Chronically Homeless		
Severely Mentally Ill		
Chronic Substance Abuse		
Veterans		
Persons with HIV/AIDS		
Victims of Domestic Violence		
Women with Children		
Youth (Under 18 years of age)		

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: SHP Project Information - Continued

b. Project is in a rural area:
☐ Yes
☐ No

c. Is the sponsor and/or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

Sponsor: ☐ Yes ☐ No Applicant: ☐ Yes ☐ No

d. Is the Logic Model attached? Please see the General Section for instructions.
☐ Yes
☐ No

Project Information Instructions

Items 1, 2 and 3 are self-explanatory. Renewal applicants for a dedicated HMIS project answer items 1, 2c, and 3.

Item 4. – Additional Key Information

a. Check the subpopulations your project will assist. (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, or the *Serve box* if less than 70 percent.) Please identify all that apply. Responses will also be used to measure compliance with the requirement that no less than 10% of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness. New this year, existing permanent housing projects may only replace those exiting the project with homeless persons who come from the street, emergency shelter or transitional housing, not "Other" populations.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: SHP Supportive Services Chart

Supportive Services Chart

Supportive Service Expense	Year 1	Year 2	Year 3	Total
1. Service Category and Quantity				
a. Service Category: Quantity:				
b. Service Category: Quantity:				
c. Service Category: Quantity				
d. Service Category: Quantity				
e. Service Category: Quantity				
f. Service Category: Quantity				
g. Service Category: Quantity				
2. Total Supportive Services Budget (add lines under item 1 to obtain the total Supportive Services Budget)				
3. SHP REQUEST				
4. Selectee's Match (Line 2 minus Line 3)				

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: Supportive Services Chart - Instructions

Please fill out the Supportive Services Renewal Chart.

1. **Service Category and Quantity.** In the first column, fill in the supportive service expense(s) by service category and quantity. For each service provide the necessary number of staff positions, including the job title and number of persons to be filling the position. Please identify the staffing by FTE (FTE-full time equivalent), for supportive services, such as transportation, please include the type (e.g., bus tokens) and quantity. Use as many lines as needed to indicate the services to be provided. An example is provided below.

   In the year 1 column, enter the total amount needed to pay for the service in the first year. If the grant is multi-year, enter the amount of funds needed for Year 2, and if applicable, Year 3. In the last column, total the amount of funds needed for the full grant term. You may use percentages in your application to project the estimated staff time associated with an SHP grant position(s). However, applicants are reminded that all staff salary payments must be based on actual, incurred costs that are supported by signed and dated timesheets.

Supportive Service Expense	**Year 1**	**Year 2**	**Year 3**	**Total**
Service Category: Transportation **Quantity:** 1 - 15 Passenger Van @ $37,500 Gasoline/Maintenance/Repair @ $3,000/annual x 3 years = $9,000 Supportive Services Van Driver .5 FTE @ $20,000/annual x 3 years = $30,000 Staff Fringe/Benefits .5 FTE @ $3,000/annual x 3 years = $4,500	$52,000	$14,500	$14,500	$81,000

2. **Total Supportive Services Budget.** Add the supportive service line items to obtain the total supportive services request.

3. **SHP Request.** Enter the total SHP request for all years of the grant term.

4. **Selectee's Match.** Enter the selectee's match for all years of the grant term. The selectees match is line 2 minus line 3 of the total supportive services budget.

5. By law, SHP funds may be used to pay for up to 80% of the total supportive services budget for each year of the grant term. Enter this SHP request amount on line 3. This means that the grantee must make a cash payment for 20% of the project's supportive services budget annually. On line 4, enter the amount of the grantee's match.

6. Please note that for Year 1 of your grant term, documentation of firm commitments of the cash resources will be required prior to grant execution. For Years 2 and 3, if applicable, a grantee needs only to certify that cash resources will also be provided. **The match requirement for Year 2 and Year 3 must be met by the end of each of those years.**

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: HMIS Budget Chart

Cost Item	Year 1	Year 2	Year 3	Total
Equipment				
Central Server(s)				
Personal Computers and Printers				
Networking				
Security				
Subtotal				
Software				
Software/User Licensing				
Software Installation				
Support and Maintenance				
Supporting Software Tools				
Subtotal				
Services				
Training by Third Parties				
Hosting/Technical Services				
Programming				
Security Assessment and Setup				
On-line Connectivity (Internet Access)				
Disaster and Recovery				
Subtotal				
Personnel				
Project Management/Coordination				
Data Analysis				
Programming				
Technical Assistance and Training				
Administrative and Support Staff				
Subtotal				
HMIS Space and Operations				
Space Costs				
Operational Costs				
Subtotal				
Total HMIS Budget				
SHP Request				
Selectee's Match				

Form HUD 40076 CoC-2RC

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: HMIS Budget – Dedicated Projects and Shared Costs - Instructions

Complete the entire HMIS Budget Chart for a dedicated HMIS project. A project for shared HMIS costs with other projects need *only* complete the "Subtotal" lines of the chart. HMIS costs are those costs associated with the implementation of an HMIS. If requesting SHP HMIS funds, only the portion of the costs directly related to the HMIS is eligible. In the personnel section, the number of staff positions in Full-Time Equivalents (FTEs) should be present for each category, where appropriate.

EXAMPLE:

Personnel	Year 1	Year 2	Year 3	Total
Project Management / Coordination 1- .5 FTE @$56,000/annual x 3 years =$84,000 Data Analysis 1- .25 FTE @$28,000/annual x 3 years=$21,000 Administrative Support Staff 1- .5 FTE @$16,000/annual x 3 years =$24,000	$43,000	$43,000	$43,000	$129,000

1. In the Year 1 column of the form, enter the total amount of funds to be used to pay for the first year expenses. If the grant is a multi-year grant, enter the total funds to be used for the second and third years, if applicable.

2. In the last column, total the amount of funds needed to help pay for the identified HMIS expenses for the grant term.

3. Documentation of firm commitments of the cash resources for year 1 of your grant term will be required prior to grant execution. **Please note that the match requirement for Year 2 and Year 3, if applicable, must be met by the end of each of those years.**

4. Homeless Management Information System Participation
   a. Date (mm/yyyy) this project began participating (entering data) into the HMIS _____/_____

   If not yet participating, please explain why and when you intend to begin participating: _____.

   b. Are all clients served by this project entered into the HMIS?
      - ❑ Yes
      - ❑ No

   If not all clients served are entered into the HMIS, please explain why:

   _____.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: Operating Costs Chart

Operating Costs

Operating Expense	Year 1	Year 2	Year 3	Total
1. Maintenance/Repair				
2. Staff (position, salary, % time, fringe benefits)				
3. Utilities				
4. Equipment (lease/buy)				
5. Supplies (quantity)				
6. Insurance				
7. Furnishings (quantity)				
8. Other Operating Costs* (amounts/ quantities)				
Other*:				
Other*:				
9. Total Operating Budget				
10. SHP REQUEST				
11. Selectee's Match (Line 9 minus line 10)				

***Identify all operating expenses under this category. If the expense is not specified, the costs will be removed from the budget.**

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: Instructions for Completing Operating Costs Chart

Operating costs are those costs associated with the day-to-day operation of supportive housing. Operating costs differ from supportive service costs in that operating costs support the function and the operation of the housing project. If requesting SHP operating funds, only the portion of the costs directly related to the operation of the housing project are eligible. For example, in cases of shared utilities, SHP operating funds may only pay for the portion of the utilities associated with the housing project based on the square footage of the project's space. If the housing project occupies 25% of the building's space, then (up to) 25% of the monthly utility bill can be paid for using SHP operating funds.

1. The major operating expenses for an SHP project are listed in the first column of the chart. You may add to the list as needed under "other" operating costs line 8.

2. In the Year 1 column of the form, enter the total amount of funds to be used to pay for the first year expenses. If the grant is a multi-year grant, enter the total funds to be used for the second and third years, if applicable. In the last column, total the amount of funds needed to help pay for the identified operating expense for the grant term. An example is provided below:

EXAMPLE:

Operating Expense	Year 1	Year 2	Year 3	Total
Furnishings 10 – single beds @ $150 = $1,500 10 – 3-drawer dressers @$300 = $3,000 10 – bed linens/blanket/pillows @$150 = $1,500	$3,000	$3,000		$6,000

3. For Year 1 of your grant term, documentation of firm commitments of the cash resources will be required prior to grant execution. **Please note that the match requirement for Year 2 and Year 3, if applicable, must be met by the end of each of those years.**

4. Please note that percentages are used during the application process to project the estimated staff time associated with SHP funded position(s). Applicants are reminded that all staff salary payments must be based on **actual, incurred costs** that are supported by signed and dated timesheets.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 2R: SHP- Project Budget

Project Budget

Please fill out your proposed project budget and term of grant for the activities in which you are requesting funds, including the cash match resources and the total project budget.

Grant Term: (please check one) 1 ☐ 2 ☐ 3 ☐

Proposed Activities	SHP Request	Applicant Cash	Total Budget (Col. 1 + Col. 2)
1. Real Property Leasing			
2. Supportive Services	*		
3. Operations	**		
4. HMIS	*		
5. SHP Request (subtotal lines 1 through 4)			
6. Administrative Costs (up to 5% of line 5)	***		
7. Total SHP Request (total lines 5 and 6)			

* By law, SHP funds can be no more than 80% of the **total** supportive services and HMIS budget.

** By law, SHP can pay no more than 75% of the **total** operations budget.

*** Applicants may request up to 5% of each project award for administrative costs, such as accounting for the use of the grant funds, preparing HUD reports, obtaining audits, and other costs associated with administering the grant. ***State and local government applicants*** and project sponsors ***must*** work together to determine the plan for distributing administrative funds between applicant and project sponsor (if different).

NOTE: The total SHP Request on line 7 cannot exceed the dollar amount on the Priority Chart in Exhibit 1 for the project.

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

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Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 3: Shelter Plus Care Program – New Project Instructions

(Exhibit 3 is the application for a new S+C project, consisting of forms HUD 40076-COC-3A through form HUD 40076-CoC-3H, plus narrative text as specified in the instructions for each form)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: S+C Component Comparisons

Element	TRA	SRA	PRA	SRO
Entity Administering Rental Assistance	Recipient or other entity under contract to recipient	Recipient, nonprofit sponsor or other entity under contract to recipient	Recipient or other entity under contract to recipient	PHA
Type of Housing	Variety of types ranging from group homes to independent living units	Variety of types ranging from group homes to independent living units	Variety of types ranging from group homes to independent living units	SRO dwelling units
Living Requirements	Participants choose; recipient may require participant to live in a particular structure in first year and within a particular area in all years	Must live in structure owned or leased by sponsor	Must live in unit in particular property that is assisted	Must live in SRO structure
Eligible Participants	Homeless adults with disabilities and their families, if any	Homeless adults with disabilities and their families, if any	Homeless adults with disabilities and their families, if any	Homeless individuals with disabilities
Housing Quality Standards	24 CFR 982.401	24 CFR 982.401	24 CFR 982.401	24 CFR 882.803(b)
Rehabilitation	Not required	Not required	$3,000 minimum per unit for 10 years of assistance	$3,000 minimum per unit required
Term of Assistance	5 Years	5 Years	5 Years without rehabilitation; 10 Years with rehabilitation	10 Years
Unit (Contract) Rent	Reasonable rent	Reasonable rent	Reasonable rent	Rent calculated by PHA; limited by SRO Mod. Rehab. FMR

Form HUD 40076 CoC-3A

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Project Narrative

Section A is a description of your proposed project. Please respond to **all** of the items in this section. Submit a separate Exhibit 3 for each priority project. A project may include no more than one component (i.e., TRA, SRA, PRA without rehab, PRA with rehab, SRO) and may be carried out by no more than one project sponsor.

1. **Project summary**. Please provide the following:
   a. Applicant **and** sponsor (if appropriate) names
   b. Program component
   c. Total S+C request
   d. The type of housing and number of units proposed
   e. The population to be served
   f. If this is the Priority #1 permanent housing bonus project, indicate that 100 % of the persons to be served will be chronically homeless: ☐ Yes ☐ No

2. **Homeless population to be served.** Briefly describe the following:
   a. Their characteristics and needs for housing and supportive services.
   b. Where they will come from. Indicate percentage coming from: streets, emergency shelters, transitional housing for homeless persons who came from street/shelters, or other. New this year, permanent housing projects may only serve those who come from the street, emergency shelter or transitional housing.
   c. The outreach proposed to bring them into the project.

3. **Discharge planning changes.** For State and local government applicants who submitted a Discharge Policy certification in the FY 2001 through 2004 applications, please describe any policies and protocols subsequently implemented or developed affecting the discharge of persons from publicly funded institutions or systems of care (e.g. health care facilities, foster care or other youth facilities or correction programs and institutions) in your jurisdiction. Indicate how these changes have or will prevent such discharges from immediately resulting in homelessness and requiring assistance from homeless programs for such persons. (You may provide a single response for all projects for which you are the applicant. Be sure a copy is included with each project.)

4. **Housing where participants will reside.** Demonstrate for each of the following:
   a. What the TYPE (e.g., apartments, group home) **and** SCALE (e.g., number of units, number of persons per unit) of the proposed housing will be to fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g., grocery store, medical facilities, recreation) will be readily ACCESSIBLE (e.g., walking distance, near bus line) to your clients.
   c. For TRA projects, if participants are required to live in particular structures or units during the first year and in a particular area within the locality in subsequent years or to live a particular area for the entire period of participation, how and why the project will implement this requirement.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Project Narrative - Continued

5. **Supportive services the participants will receive.** Demonstrate for each of the following:

a. What the TYPE (e.g., case management, job training) **and** SCALE (the frequency and duration) of the supportive services proposed will be to fit the needs of the participants.

b. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to access those services.

c. The details of your plan to ensure that all homeless clients in this project will be systematically assisted to identify, apply for and obtain benefits under all of the following mainstream health and social services programs for which they are eligible: TANF, Medicaid, State CHIP, SSI, Food Stamps, Work Force Investment Act and Veterans' Health Care programs.

6. **Self-sufficiency.** Describe specifically how participants will be assisted **both** to increase their INCOMES and to maximize their ability to LIVE INDEPENDENTLY.

7. **Homeless Management Information System**

a. Date (mm/yyyy) this project will begin participating (entering data) in the HMIS _____/_____.

b. Will all clients served by this project be entered in the HMIS?

☐ Yes
☐ No

8. **Program Goals**. In a separate narrative, which should be submitted as an attachment to this exhibit, please describe the performance measures that will be used for each of the homeless assistance goals, and how success in meeting each of the goals will be measured. Please include the three programmatic goals listed below, and address both housing and services in your discussion. You will be reporting on your success in meeting the performance measures in your Annual Progress Report.

The programmatic goals for HUD's homeless assistance programs address the success of homeless persons in achieving residential stability, increasing skills and income, and achieving greater self-determination. These program goals directly complement HUD's Government Performance and Results Act (GPRA) goals of ending chronic homelessness and moving homeless families and individuals to permanent housing. In order to meet these program goals, each project should develop specific performance measures. Performance measures have three major components. First, they must relate to the outcomes (e.g., the program participant will successfully complete substance abuse treatment), rather than inputs (e.g., the program participant will attend 25 substance abuse sessions). Second, they must have a time frame for achievement and, third, they must have a percentage/number indicating a level of achievement.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Project Narrative – Continued

Goal: Obtain and Remain in Permanent Housing

Include the following: Your goals should show how you are helping homeless persons who have moved to permanent housing remain housed for six months or longer.

Example: 70% of those families entering the program will remain in permanent housing for more than six months.

Goal: Increase Skills and Income

Include the following: At least one goal must address how homeless persons are accessing mainstream health and human service programs, and one goal should show how you are helping to increase the income of the homeless participants.

Example: 30% of the participants who receive no employment benefits upon entry will receive employment benefits within 6 months.

Goal: Achieve Greater Self-Determination

Include the following: As with the other two goals, please address how homeless persons are achieving greater self-determination.

Example: 85% of clients will meet at least one goal on their Individual Service Plan.

9. **Major Milestones**

Please complete the chart by entering the number of months planned from grant execution to the following milestones:

First Unit Occupied	Supportive Services Begin	Last Unit Occupied
months	Months	months

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Experience Narrative

Section B is a description of the experience of all organizations involved in carrying out the proposed project. (Refer to section III.A. of the NOFA for Project Applicant and Sponsor Eligibility and Capacity Standards.) Please describe on preferably not more than 3 typed pages:

1. The specific type and length of experience of **all organizations** involved in implementing the proposed project, including the project sponsor, housing and supportive service providers, and any key subcontractors. Describe experience directly related to their role in the proposed project as well as their overall experience working with homeless people. This should include experience contracting for and overseeing the rehabilitation of housing, as applicable, and experience administering rental assistance.
2. List ***all*** HUD McKinney grants, other than ESG, received after 1999, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date.
3. Please explain any delays in implementing any of the grants listed in (2) above which exceed applicable program timeliness standards.
4. Identify any unresolved HUD findings, or outstanding audit findings related to any of the grants listed in (2) above.

Form HUD 40076 CoC-3B

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Project Component/Information/Participant Count

Component Selection

Select the S+C component which describes your project (check only one box)

☐ TRA ☐ SRA ☐ PRA without Rehab ☐ PRA with Rehab ☐ SRO

Check here if the rent for this project exceeds the published Fair Market Rent:
☐ 100-110%, PHA Letter attached; ☐ Greater than 110% , HUD Approval Letter attached.

Project Information (please type or print)

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name (for SRA projects):	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip) (for SRA projects):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax) (for SRA projects):	

Participant Count

In each category shown in the chart below, estimate, ***when the program is fully operational***, the number of proposed participants expected to receive rental assistance at a point in time. Include each participant only once, in either Part 1or Part 2. Part 1 should only include persons with disabilities who will not have family members living with them. The actual subpopulations to be served must be noted below on Form HUD 40076 CoC-3H, Targeted Subpopulations. *Do not double count*

Number of Participants	
Part 1: Individual Participants not in Families	
Part 2: Participants in Families	
(a) Total Targeted Participants: (in families)	
(b) Number of other Family Members Living with Participants	
Total Participants in Families	
Total Persons Served from Parts 1 and 2	

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Tenant-based Rental Assistance (TRA) Project Budget

Budget Forms

Fill out the information requested for the S+C component for which you are requesting funding. Make certain that **only one** component (TRA, SRA, PRA without rehab, PRA with rehab, and SRO) budget is completed in this section.
Requested subsidy cannot exceed current FMR unless an Exception Rent approval letter is attached. Requests for rents above 100% but not more than 110% must be accompanied by a statement from the PHA that they have exercised their authority to set rents above the published amount. The PHA statement must cite at what level the rents are set, up to 110% of the FMR.

TRA Project Budget

Applicants requesting TRA must complete the chart below showing the number of units expected to be used in your program. Multiply the applicable existing fair market rents (FMRs) as **revised** and published in the Federal Register (FR) on February 28, 2005, by the number of units of a given size by 60 months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005, FR Notice.] The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each single room occupancy SRO unit is equal to 75 percent of the 0-bedroom FMR.

Complete a separate chart for each jurisdiction that has a different FMR.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	FMR $	X	Number of Months	=	Total Amount Requested $
SRO					60		
0 Bedroom					60		
One Bedroom					60		
Two Bedroom					60		
Three Bedroom					60		
Four Bedroom					60		
Other: (specify)					60		
Total TRA Assistance							**$**

Form HUD 40076 CoC-3D

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Sponsor-based Rental Assistance (SRA) Project Budget

A. Nonprofit Status: Nonprofit organizations must attach to this section one of the following:

- Private nonprofit organizations must submit a copy of their IRS ruling, providing tax-exempt status under Section 501 C (3) of the IRS Code of 1986, as amended, or documentation of nonprofit status as described in the Glossary in Section I.A.6 of the program section of the NOFA.

- Public nonprofit community mental health centers must attach a letter or other document acceptable to HUD from an authorized official stating that the organization is a public nonprofit organization.

B. Housing Description. Complete the chart below indicating the address of the specific structure(s) to be used, the number of units by bedroom size in each, and whether it is or will be owned or leased by the nonprofit entity.

Address (street, city, State & zip)	Number of Units by Size							Owned / Leased (check one)	
	SRO	0	1	2	3	4	>4		

Reminder: You may only have one sponsor per project.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: SRA Project Budget (continued)

C. Applicants requesting SRA must complete the chart below showing the number of units expected to be used in your program. Multiply the applicable existing fair market rents (FMRs) as **revised** and published in the Federal Register (FR) on February 28, 2005, by the number of units of a given size by 60 months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005 FR Notice.] The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each single room occupancy SRO unit is equal to 75 percent of the 0-bedroom FMR.

Complete a separate chart for each jurisdiction that has a different FMR.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units X	FMR $	Number of Months X	Total Amount Requested = $
SRO			60	
0 Bedroom			60	
One Bedroom			60	
Two Bedroom			60	
Three Bedroom			60	
Four Bedroom			60	
Other: (specify)			60	
Total SRA Assistance				**$**

Form HUD 40076 CoC-3E

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Project-based Rental Assistance (PRA) Project Budget

PRA Project Budget

A. **Site.** In the chart below, indicate the address of the property to be assisted and whether or not rehabilitation that meets the requirements specified in 24 CFR 582.100(b) is to be completed.

Address: (street, city, State &zip)	Rehabilitation	
	Yes	No

Form HUD 40076 CoC –3F

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: PRA Project Budget (continued)

B. Grant Amount. For each property, complete a separate copy of the appropriate chart below showing the number of units by size, expected to be assisted at this property. Multiply the applicable existing FMRs as **revised and** published in the Federal Register (FR) on February 28, 2005, by the number of units of a given size by the number of months. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005 FR Notice.] If the units will be rehabilitated and your project qualifies for 10 years of rental assistance, complete chart 2. Otherwise, complete chart 1.

The SRO FMR should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each SRO unit is equal to 75 percent of the 0-bedroom FMR.

Chart 1. PRA Units without Rehabilitation

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	FMR $	Number of Months X	Total Amount Requested = $
SRO				60	
0 Bedroom				60	
One Bedroom				60	
Two Bedroom				60	
Three Bedroom				60	
Four Bedroom				60	
Other: (specify)				60	
Total PRA without Rehab					**$**

Chart 2. PRA Units with Rehabilitation

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	FMR $	Number of Months X	Total Amount Requested = $
SRO				120	
0 Bedroom				120	
One Bedroom				120	
Two Bedroom				120	
Three Bedroom				120	
Four Bedroom				120	
Other: (specify)				120	
Total PRA with Rehab					**$**

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Single Room Occupancy (SRO) Project Budget

A. **Project Site.** Complete a separate form for ***each site*** included under the SRO component of the S+C Program.

Name (if any) & Address of Site: (street, city, State & zip)

B. **Grant Amount.** Complete the chart below showing the number of units to be assisted. Note that the FMR for SRO = Existing FMR for 0-bedroom units x 0.75 x 1.20. The SRO FMR entered below should be a whole number - round before multiplying. If 0.5 or above, round to the next higher whole number. You may not request assistance for more than 100 units per project. Use the existing FMRs **revised** and published in the Federal Register (FR) on February 28, 2005. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005, FR Notice.]

Name of metropolitan or non-metropolitan area for the FMR used.

Dwelling Units	Number of Units	X	Mod. Rehab SRO FMR $	X	Number of Months	=	Total Amount Requested
SRO					120		**$**

C. **Certification Requirement for Non-PHA Applicants.** Non-PHA applicants must submit the following letter from the PHA that will administer the rental assistance.

(Date)

I, (name and title), authorized to act on behalf of (name of PHA), certify that this agency qualifies as a Public Housing Agency as specified in 24 CFR 882.102, is legally qualified and authorized to carry out this proposed project, and that if (name of applicant) is selected for an SRO award, this agency will administer the rental assistance.

(Signature of PHA official) (PHA number)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Single Room Occupancy (SRO) Project Budget - Continued

D. Project Costs. (1) List below an estimate of the costs of developing the project.

Total Rehabilitation Costs (Eligible and Ineligible)	$
Acquisition	$
Other Costs (Eligible & Ineligible, e.g., furniture)	$
Total	**$**

(2) List, on a separate sheet, any commitments from public and private sources that you are able to provide at this time to help cover the costs of developing the project.

Form HUD 40076 CoC-3G

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the Predominantly Serve box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, or the Serve box if less than 70 percent.)

Subpopulation	Serve (Less than 70%)	Predominantly Serve (70% or more)
Chronically Homeless		
Severely Mentally Ill		
Chronic Substance Abuse		
Veterans		
Persons with HIV/AIDS		
Victims of Domestic Violence		
Women with Children		

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served (at a point in time): _____.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)
   ☐ Yes ☐ No

4. Is the sponsor or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

   Sponsor: ☐ Yes ☐ No Applicant: ☐ Yes ☐ No

5. Is the Logic Model attached? Please see the General Section for instructions.
   ☐ Yes ☐ No

6. Have you ever received a Federal grant, either directly from a Federal Agency or through a state/local agency? ☐ Yes ☐ No

7. Have you ever received SHP or S+C or SRO funds? ☐ Yes ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0112
(exp. 08/31/2006)

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 3R: Shelter Plus Care Program – Renewal Project Instructions

(Exhibit 3R is the application for a renewal S+C project, consisting of forms HUD 40076-COC-3RA through form HUD 40076-CoC-3RE, plus narrative text as specified in the instructions for each form)

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: Project Narrative/Performance/Component/Information

Project Narrative

Project summary. Please provide the following:
a. Grantee Name
b. Program component
c. Total S+C request
d. The type of housing and number of participants originally proposed and ultimately served
e. The population to be served. New this year, permanent housing projects may only serve those who come from the street, emergency shelter or transitional housing.

f. Project number of grant being renewed:_____ PIN:_____.

Performance

Are there any significant changes in the project since the last funding approval: Yes☐ No☐
If "yes" briefly describe the changes.

Are all units funded with S+C funds occupied? Yes☐ No☐
If not, please explain the reasons.

Component

Select the S+C component which describes your existing project (check only one box)
☐ TRA ☐ SRA ☐ PRA without Rehab ☐ PRA with Rehab ☐ SRO

Project Information

Project Name:	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state, & zip):	
Project Sponsor's Name (for SRA only):	Proj. Congressional District(s):
Sponsor's Address (street, city, state, & zip) (for SRA only):	Project 6-digit Geographic Code:
Authorized Representative of Project Sponsor (name, title, phone number, & fax) (for SRA only):	**Grant being renewed -- Grant Number/PIN:**

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: Participant Count

In each category shown in the chart below, estimate, the number of proposed participants expected to receive rental assistance at a point in time. Include each participant only once, in either Part 1or Part 2. Part 1 should only include persons with disabilities who will not have family members living with them. The actual subpopulations to be served must be noted below in Targeted Subpopulations. *Do not double count.*

Number of Participants

Part 1: Individual Participants not in Families	
Part 2: Participants in Families	
(a) Total Targeted Participants: (in families)	
(b) Number of other Family Members Living with Participants	
Total Participants in Families	
Total Persons Served from Parts 1 and 2	

Form HUD 40076 CoC-3RB

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: S+C Renewal Budget

Complete this budget section for the TRA, SRA, PRA or SRO project you are submitting for renewal. ***Remember that a separate Exhibit 3R must be submitted for each project.***

1. Need for Renewal

To determine if a renewal grant is needed for your project (including the S+C SRO component), please complete the following chart **(skip to Question 2 if awarded a one-year renewal in 2004):**

A. S+C Funds Originally Awarded	$_____
B. Expenditure projected through 2006	$_____
C. Difference (A minus B)	$_____

If balance remains after the funds projected to be spent by the end of calendar year 2006 ("B" above) are subtracted from the amount awarded for your existing grant ("A" above), a renewal grant is not needed at this time. Instead, a grant extension should be requested from the appropriate HUD Field Office. Grant extensions for S+C SRO components will be processed in the same manner as the other S+C components.

2. Renewal Budget

The amount of rental assistance requested for a renewal may not exceed the number of S+C units currently under lease times the applicable current FMR(s) times 12 months, except that for S+C grants having been awarded one-year of renewal funding in 2004, the number of units requested for renewal this year may not exceed the number of units funded in 2004. If you received a one-year S+C renewal grant in 2004, please provide the number of units approved for funding that year: _____.

In the following chart for TRA, SRA or PRA renewals only, show the number of units, by size, to be owned or leased during the one-year renewal period. Multiply the applicable existing FMRs as **revised** and published in the Federal Register on February 28, 2005, by the number of units of a given size by 12 months. The FMR for SRO sized units under TRA, SRA or PRA should be rounded to the nearest whole number before multiplying by the number of units and the number of months. The FMR for each SRO unit is equal to 75 percent of the 0-bedroom FMR. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005, FR Notice.] ***Complete a separate chart for each jurisdiction that has a different FMR. Do not complete this section for S+C SRO components; use Form HUD 40076 CoC-3RD.***

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: S+C Renewal Budget - Continued

Requested subsidy cannot exceed current FMR unless an Exception Rent approval letter is attached. Requests for rents above 100% but not more than 110% must be accompanied by a statement from the PHA that they have exercised their authority to set rents above the published amount. The PHA statement must cite at what level the rents are set, up to 110% of the FMR.

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	FMR $	X	Number of Months	Total Amount Requested = $
SRO					12	
0 Bedroom					12	
One Bedroom					12	
Two Bedroom					12	
Three Bedroom					12	
Four Bedroom					12	
Other: (specify)					12	
Total Assistance						**$**

Form HUD 40076 CoC-3RC

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: S+C Renewal Budget/SRO Only

SRO Renewals Only

In the following chart for S+C/SRO renewals, show the number of units to be owned and leased under HAP contract during the one-year renewal period. Multiply the number of units by the current contract rent (at time of expiration) by 12 months.

Dwelling Units	Number of Units	X Contract Rent	X Number of Months	Total Amount Requested = $
			12	$
Total Assistance				$

If your project was completed in stages, you need to submit a separate exhibit for each distinct stage.

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, **or** the *Serve box* if less than 70 percent.)

Subpopulation	Serve (Less than 70%)	Predominantly Serve (70% or more)
Chronically Homeless		
Severely Mentally Ill		
Chronic Substance Abuse		
Veterans		
Persons with HIV/AIDS		
Victims of Domestic Violence		
Women with Children		

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served (at a point in time) _____.

3. The project is in a rural area:

☐ Yes ☐ No

4. Is the sponsor and/or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

Sponsor: ☐ Yes ☐ No Applicant: ☐ Yes ☐ No

Applicant Name_____ Project Name_____ DUNS #_____

Exhibit 3R: Additional Key Information

5. **Homeless Management Information System Participation**

   a. Date (mm/yyyy) this project began participating (entering data) in the HMIS _____/_____.

   b. If not yet participating, please explain why and when you intend to begin participating: _____.

   c. Are all clients served by this project entered in the HMIS?
   - ☐ Yes
   - ☐ No

   d. If not all clients served are entered in the HMIS, please explain why: _____ _____.

6. Is the Logic Model attached? Please see the General Section for instructions.
   - ☐ Yes
   - ☐ No

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. PENDING
(exp. pending)

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Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 3R: Shelter Plus Care Program – Renewal Project Instructions

(Exhibit 3R is the application for a renewal S+C project, consisting of forms HUD 40076-COC-3RA through form HUD 40076-CoC-3RE, plus narrative text as specified in the instructions for each form)

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. PENDING
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Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Selection of applications for funding under the Continuum of Care Homeless Assistance are based on rating factors listed in the Notice of Fund Availability (NOFA), which is published each year to announce the Continuum of Care Homeless Assistance funding round. The information collected in the application form will only be collected for specific funding competitions.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the Continuum of Care Homeless Assistance application does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit 4: Section 8 Moderate Rehabilitation SRO - New Project Instructions

(Exhibit 4 is the application for a new Section 8 Moderate Rehabilitation SRO project, consisting of forms HUD 40076-COC-4A through form HUD 40076-CoC-4E, plus narrative text as specified in the instructions for each form)

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Section 8 Moderate Rehabilitation SRO - Project Narrative

Eligible applicants for this program are non profit organizations and Public Housing Authorities. Nonprofits must contract with a PHA to administer the program. A separate Exhibit 4 should be submitted for each new project. (Moderate Rehabilitation SROs will be renewed under a separate, non-competitive process.) In calculating your rental assistance amount, please use the Fair Market Rents (FMR) revised and published in the Federal Register on February 28, 2005. You may obtain a copy of the applicable FMRs from your local HUD Field Office, which can also provide guidance on how to determine if your proposed project will be financially feasible. While housing providers should help residents to locate appropriate services, including services offered by the housing provider, to the extent possible, HUD encourages providers to develop housing programs that do not require participation in specific services as part of their tenancy requirements.

If a structure you plan to use in your project currently has occupants, you need to be aware that there are relocation requirements. These occupants will not receive rental assistance if they return to units assisted by this project following rehabilitation. Because these requirements are complex, please contact your HUD Field Office Relocation Specialist or an experienced government relocation agency in the planning stage of your application.

Project Narrative

1. **Project summary**. Please provide the following:
   a. Names of applicant and sponsor (if appropriate)
   b. Program component
   c. Total SRO request
   d. The type of housing and number of units proposed
   e. The population to be served.
   f. A photograph of the building to be assisted with the address (street, city, zip)
   g. If this is the Priority #1 permanent housing bonus project, indicate that 100 % of the persons to be served will be chronically homeless: ☐ Yes ☐ No

2. **Homeless population to be served**. Briefly describe the following:
   a. Their characteristics and needs for housing and supportive services.
   b. Where they will come from. Indicate percentage coming from: streets, emergency shelters, transitional housing for homeless persons who come from street/shelters or other. New this year, permanent housing projects may only serve those who come from the street, emergency shelter or transitional housing.
   c. The outreach proposed to bring them into the project.

3. **Housing where participants will reside**. Demonstrate for each of the following:
   a. What the TYPE (e.g., SRO or efficiency) **and** SCALE (e.g., number of units) of the proposed housing will be to fit the needs of the participants.
   b. That the basic COMMUNITY AMENITIES (e.g. grocery store, medical facilities, recreation) will be readily ACCESSIBLE (e.g., walking distance, near bus line) to your clients.
   c. The rehabilitation proposed for the property and the responsibility you and any other organizations will have in operating and maintaining the property.

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Section 8 Moderate Rehabilitation SRO - Project Narrative Continued

4. **Supportive services the participants will receive**. Demonstrate each of the following:
   a. How the supportive service needs of participants will be ASSESSED and TRACKED.
   b. What the TYPE (e.g., case management, job training) **and** SCALE (the frequency and duration) of the supportive services will be to fit the needs of the participants.
   c. WHERE the supportive services will be provided **and** what TRANSPORTATION will be available to the participant to access those services.
   d. The details of your plan to ensure that all homeless clients in this project will be systematically assisted to identify, apply for and obtain benefits under all of the following mainstream health and social services programs for which they are eligible: TANF, Medicaid, State CHIP, SSI, Workforce Investment Act, Food Stamps and Veterans' Health Care programs.

5. **Self-sufficiency**. Describe specifically how participants will be assisted **both** to increase their INCOMES **and** to maximize their ability to LIVE INDEPENDENTLY.

6. **Homeless Management Information System**
   a. Date (mm/yyyy) this project will begin participating (entering data) in the HMIS _____/_____.

   b. Will all clients served by this project be entered in the HMIS?
      ☐ Yes
      ☐ No

7. Check here if your project requests a rent exceeding the published FMR:
   ☐ 100-110%, PHA Letter attached; ☐ 110% or higher, HUD Approval Letter attached.

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Experience Narrative/Project Information

This is a description of the experience of all the organizations involved in carrying out the proposed project. (Refer to section III.A.1. of the NOFA for Project Applicant and Sponsor Eligibility and Capacity Standards.) Please describe on preferably not more than 3 typed pages:

1. The specific type and length of experience of ***all organizations*** involved in implementing the proposed project, including the project sponsor, housing and supportive service providers, and any key subcontractors. Describe experience directly related to their role in the proposed project as well as their overall and experience working with homeless people.
2. Describe experience contracting for and overseeing the rehabilitation of housing, and experience administering rental assistance.
3. List ***all*** HUD McKinney-Vento grants, other than ESG, received after 1999, including for each grant: the year awarded, grant number, grant amount, and amounts spent to date.
4. Please explain any delays in implementing any of the grants listed in (3) above which exceed applicable program timeliness standards.
5. Identify any unresolved HUD findings, or outstanding audit findings, related to any of the grants listed in (3) above.

Project Information (please type)

Project Name	Project Priority No. (from project priority chart in Exhibit 1):
Project Address (street, city, state & zip)	
Project Sponsor's Name:	Project Congressional District(s):
Sponsor's Address (street, city, state & zip)	Project 6-digit Geographic Code:
Authorized Representative of the Project Sponsor (name, title, phone number, & fax):	

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Budget

1. **Rental Assistance Award Amount.**

Please complete the chart below showing the number of units to be assisted, the applicable fair market rent (FMR) as revised and published in the Federal Register (FR) on February 28, 2005, and the total amount of rental assistance requested. [Please be advised that the actual FMRs used in calculating your grant will be those in effect at the time the grants are approved which may be higher or lower than those found in the revised February 28, 2005 FR Notice.] Note that the FMR for Moderate Rehabilitation SRO = Section 8 Existing Housing FMR for a 0-bedroom unit X 0.75 X 1.20. The SRO FMR entered below should be a whole number – round before multiplying. (If 0.5 or above, round to the next higher whole number.) Please remember that you cannot request assistance for more than 100 units per project. **Requested subsidy cannot exceed current FMR unless an Exception Rent approval letter is attached.** Requests for rents above 100% but not more than 110% must be accompanied by a statement from the PHA that they have exercised their authority to set rents above the published amount. The PHA statement must site what level the rents are set at, up to 110% of the FMR

Name of metropolitan or non-metropolitan area for the FMR used:

Dwelling Units	Number of Units	X	Mod. Rehab. SRO FMR $	X	Number of Months	=	Total Amount Requested
SRO					120		

2. **Project Costs.**

a. Please list below an ***estimate*** of the costs of developing the project.

Total Rehabilitation Costs (eligible and ineligible)	$
Acquisition	$
Other Costs (eligible and ineligible, e.g., furniture)	$
Total	$

b. Please list below (or on a separate sheet) any commitments from public and private sources that you might be able to provide to help cover the costs of ***developing*** the project. Firm financing commitments will need to be provided at technical submission.

Source	Amount
Total Funds	

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: PHA Certification

PHA Certification Requirements for Nonprofit Applicants

If the applicant for this project is a private nonprofit organization, please include in this exhibit the following letter from the PHA that will administer rental assistance:

(Date) _____.

I (name and title), authorized to act on behalf of (name of PHA), certify that this agency qualifies as a Public Housing Agency, as specified in 24 CFR 5.100, is legally qualified and authorized to carry out this proposed project, and that it (name of applicant) is selected for an SRO award, this agency will administer the rental assistance.

(Signature of PHA official)_____

(PHA number) _____.

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Additional Key Information

HUD needs the following information to respond to public and Congressional inquiries about program benefit. Responses from this section will also be used to measure compliance with the requirement that no less than 10 percent of the funds awarded are for projects predominantly serving individuals experiencing chronic homelessness, where at least 70 percent of the persons served meet HUD's definition of chronic homelessness.

1. Which of the following subpopulations will your project assist? (Check the *Predominantly Serve* box if your project primarily targets the given subpopulation, i.e., 70 percent or more of the persons you propose to serve, **or** the *Serve box* if less than 70 percent.)

Subpopulation	Serve (less than 70%)	Predominantly Serve (70% or more)
Chronically Homeless		
Severely Mentally Ill		
Chronic Substance Abuse		
Veterans		
Persons with HIV/AIDS		
Victims of Domestic Violence		

2. If you propose to serve persons experiencing chronic homelessness in your project, provide the number of chronically homeless persons to be served (at a point in time)_.

3. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project will be primarily operated either (1) in an area outside of a Metropolitan Area, or (2) in an area outside of the urbanized areas within a Metropolitan Area.)

☐ Yes
☐ No

4. Have you ever received a Federal grant, either directly from a Federal Agency or through a state/local agency? ☐ Yes ☐ No

5. Have you ever received SHP or S+C or SRO funds? ☐ Yes ☐ No

Applicant Name_____ Project Name_____ DUNS#_____

Exhibit 4: Additional Key Information (continued)

4. Is the sponsor and/or applicant of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

Sponsor: ☐ Yes ☐ No

Applicant: ☐ Yes ☐ No

5. Is the Logic Model attached? Please see the General Section for instructions.

☐ Yes
☐ No

6. Have you ever received a Federal grant, either directly from a Federal Agency or through a state/local agency?

☐ Yes
☐ No

7. Have you ever received a SHP or S+C or SRO funds?

☐ Yes
☐ No

Attachment 7: Applicant Certifications

(These certified statements are required by law.)

A. For the Supportive Housing (SHP), Shelter Plus Care (S+C), and Single Room Occupancy (SRO) programs:

1. Fair Housing and Equal Opportunity.

It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, disability, familial status or national origin.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to persons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit discrimination based on disability in Federally-assisted and conducted programs and activities.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested persons can obtain information concerning the assistance.

It will comply with the reasonable modification and accommodation requirements and, as appropriate, the accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, as amended.

Additional for S+C:
If applicant has established a preference for targeted populations of disabled persons pursuant to 24 CFR 582.330(a), it will comply with this section's nondiscrimination requirements within the designated population.

B. For SHP Only.

1. Maintenance of Effort.

It will comply with the maintenance of effort requirements described at 24 CFR 583.150(a).

2. 20-Year Operation Rule.

For applicants receiving assistance for acquisition, rehabilitation or new construction: The project will be operated for no less than 20 years from the date of initial occupancy or the date of initial service provision for the purpose specified in the application.

3. 1-Year Operation Rule.

For applicants receiving assistance for supportive services, leasing, or operating costs but not receiving

assistance for acquisition, rehabilitation, or new construction: The project will be operated for the purpose specified in the application for any year for which such assistance is provided.

C. For S+C Only.

1. Maintenance of Effort.

It will comply with the maintenance of effort requirements described at 24 CFR 582.115(d).

2. Supportive Services.

It will make available supportive services appropriate to the needs of the population served and equal in value to the aggregate amount of rental assistance funded by HUD for the full term of the rental assistance and that it will fund the supportive services itself if the planned resources do not become available for any reason.

3. Components: Standards, Definitions, and $3,000 Minimum.

(a) For the SRO component only, the proposed site meets HUD's site and neighborhood standards (24 CFR 882.803(b)(4), and meets the regulatory definition of single room occupancy housing (24 CFR 882.802).
(b) For the SRO and PRA with rehabilitation components, the rehabilitation costs will meet the per unit rehabilitation minimum of $3,000.

D. For SRO Only.

1. Standards, Definitions, and $3,000 Minimum.

The proposed site meets HUD's site and neighborhood standards (24 CFR 882.803(b)(4)), meets the regulatory definition of single room occupancy housing (24 CFR 882.802), and the rehabilitation costs will met the per unit rehabilitation minimum of $3,000.

E. For SHP and SRO

1. Nonprofit Board of Directors.

For private nonprofit applicants, members of its Board of Directors serve in a voluntary capacity and receive no compensation, other than reimbursement for expenses, for their services.

F. For SHP and S+C.

1. Lead-Based Paint.

It will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4821-4846, and implementing regulations at 24 CFR Part 35.

G. For S+C and SRO.

1. PHA Qualification.

For PHA applicants, that it qualifies as a Public Housing Agency as specified in 24 CFR 882.102 and is legally qualified and authorized to carry out the proposed project(s).

H. Explanation.

Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

Signature of Authorized Certifying Official:	**Date:**
Title:	
Applicant:	**For PHA Applicants Only: (PHA Number)**

OMB Approval No. Pending
Exp. pending

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Vol. 70, No. 53

Monday, March 21, 2005

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FEDERAL REGISTER PAGES AND DATE, MARCH

9843–10020 1
10021–10312 2
10313–10484 3
10485–10860 4
10861–11108 7
11109–11530 8
11531–11826 9
11827–12110 10
12111–12400 11
12401–12582 14
12585–12786 15
12787–12960 16
12961–13088 17
13089–13342 18
13343–14384 21

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7871 10483
7872 10857
7873 11531
7874 11533

Executive Orders:
11926 (Amended by EO 13373) 12579
12293 (Amended by 13374) 12961
12957 (See Notice of March 10, 2005) 12581
12959 (See Notice of March 10, 2005) 12581
13059 (See Notice of March 10, 2005) 12581
13286 (See EO 13373) 12579
13288 (See Notice of March 2, 2005) 10859
13325 (Revoked by 13374) 12961
13373 12579
13374 12961

Administrative Orders:
Memorandums:
Memorandum of February 18, 2005 11109
Notices:
Notice of March 2, 2005 10859
Notice of March 10, 2005 12581
Presidential Determinations:
No 2005–21 of February 15, 2005 10313

5 CFR

Ch. XIV 11535, 12583
630 13343
2634 12111
2635 12111

Proposed Rules:
213 12812

7 CFR

301 ..... 10315, 10861, 11111
331 13242
925 11112
955 11114
983 9843
987 11117
1131 9846
1160 11535
1924 10862

Proposed Rules:
56 9883
70 9883
319 11886
800 13411
927 11155
1033 10337

8 CFR

Proposed Rules:
214 11585

9 CFR

94 12112
95 12112
121 13242

Proposed Rules:
113 ..... 12813, 12814
381 12420

10 CFR

Proposed Rules:
50 10901
727 12974

11 CFR

100 13089
104 13089
300 12787

12 CFR

208 11827
225 11827
509 10021
563e 10023
622 12583

Proposed Rules:
Ch. 3 13413
25 12148
228 12148
345 12148
210 10509
229 10509

14 CFR

13 13345
23 ..... 11838, 11841
39 ..... 9848, 9851, 9853, 10030, 10032, 10034, 10035, 10485, 11536, 11844, 11846, 11848, 12113, 12115, 12117, 12119, 12120, 12124, 12125, 12401, 12402, 12404, 12406, 12408, 12410, 12790, 12791, 12963, 13074, 13092, 13094, 13345, 13347, 13349, 13353, 13356, 13359, 13362, 13365, 13368
71 ..... 10318, 10862, 11850, 11851, 11852, 11853, 11854, 11855, 11857, 12127, 12128, 12129, 12130, 12412, 12414, 13240, 13370
97 ..... 12131, 13095
1214 12966
1310 10037

Proposed Rules:
39 ..... 10337, 10339, 10342,

10344, 10513, 10517, 11165, 11166, 11168, 11170, 11172, 11585, 11588, 12421, 12612, 12614, 12616, 12618, 12815, 12816, 12819, 12978, 12981, 12982, 12986
71 .....10346, 10917, 11886, 12161, 12162, 12423, 12428, 12619
413.....9885
415.....9885
417.....9885

15 CFR

700.....10864
740.....11858
744.....10865, 11858
772.....11858
774.....11858
902 .....9856, 10174, 13097

16 CFR

801.....11502
802.....11502
803.....11502

Proposed Rules:

320.....12823

17 CFR

210.....11528
228.....11528
229.....11528
240.....11528
249.....11528
270.....13328

Proposed Rules:

150.....12621
239.....10521
240.....10521
274.....10521

19 CFR

10.....10868
12.....11539
24.....10868
162.....10868
163.....10868
178.....10868
191.....10868
360.....12133

20 CFR

404.....11863
1002.....12106

Proposed Rules:

418.....10558
655.....11592

21 CFR

101.....12414
510.....11120, 13098
520.....13098
573.....13099
862.....11865, 11867

Proposed Rules:

864.....11887
1310.....9889

25 CFR

15.....11804

Proposed Rules:

542.....11893

26 CFR

1 ...9869, 10037, 10319, 10488, 11121, 12439, 12793, 13100
301.....10885, 12140
602.....10319

Proposed Rules:

1 .....10062, 10349, 11903
31.....12164
301.....10572, 12166

27 CFR

Proposed Rules:

9.....11174, 11178

28 CFR

28.....10886
67.....12141
83.....12141

29 CFR

1915.....13370
4000.....11540
4010.....11540
4022.....12585
4044.....12585

Proposed Rules:

2200.....10574
2204.....10574
2520.....12046
2550.....12046
2578.....12046
4000.....11592
4007.....11592
4044.....12429

30 CFR

206.....11869
917.....11121

Proposed Rules:

250.....12626
256.....12626
816.....13076
817.....13076

32 CFR

199.....12798
725.....12966

33 CFR

100.....10887, 10889
117.....12805, 13101
165 .....11546, 11549, 12416
166.....11551
174.....13102
401.....12967

Proposed Rules:

Ch. I.....11912
100.....13122
110.....9892
117.....9895, 10349
165.....11595, 11598

34 CFR

606.....13371
607.....13371
611.....13371
637.....13371
648.....13371
656.....13371
657.....13371
658.....13371
660.....13371
661.....13371
662.....13371
663.....13371
664.....13371
669.....13371

36 CFR

242.....13377

Proposed Rules:

7.....12988

37 CFR

1.....10488
102.....10488
104.....10488
150.....10488

Proposed Rules:

270.....12631

40 CFR

52 .....11123, 11125, 11552, 11553, 11879, 11882, 12416, 12587, 13105
61.....13396
62 .....9872, 10490, 10891, 12591
63.....13108
81.....11553, 11882
122.....11560
180.....11563, 11572
228.....10041
260.....10776
261.....10776
262.....10776
263.....10776
264.....10776
265.....10776
271 .....10776, 12416, 12593, 12973
272.....11132

Proposed Rules:

51.....9897
52 .....11179, 11913, 12632, 13124, 13125, 13425
62 .....9901, 10581, 10918
63.....13127
78.....9897
81.....13425
97.....9897
152.....12276
158.....12276
194.....11913
228.....12632
271 .....12435, 12634, 13127
372.....10919
721.....9902

41 CFR

302-17.....12598

42 CFR

72.....13294
73.....13294
400.....13397
401.....11420
403.....13397
405.....11420
411.....13397
417.....13397, 13401
422.....13401
423.....13397
1003.....13294

Proposed Rules:

414.....10746

43 CFR

4.....11804

44 CFR

64.....12600

Proposed Rules:

67.....10582, 10583

45 CFR

1611.....10327

Proposed Rules:

1801.....12436

46 CFR

401.....12083, 13574
502.....10328
503.....10328
515.....10328
520.....10328
530.....10328
535.....10328
540.....10328
550.....10328
555.....10328
560.....10328

47 CFR

Ch. 1.....12601
54.....10057
64 .....9875, 10894, 12605
73 .....9876, 10895, 10896, 12807, 13116

Proposed Rules:

Ch. 1.....12828
15.....13139
22.....11916
64.....10930
73 .....10351, 10352, 12832, 12833, 12834, 13001, 13002, 13003, 13004, 13139
76.....11314
90.....13143

48 CFR

Ch. 1.....11736, 11764
2.....11737
6.....11739
8.....11737
13.....11740
16.....11737
19.....11740
25.....11742
28.....11763
30.....11743
31.....11763
36.....11737
42.....11763
44.....11761, 11762
52 .....11740, 11743, 11761, 11763
Ch. 3.....11583

Proposed Rules:

546.....12167, 13005
552.....12167, 13005
904.....12974
952.....12974

49 CFR

190.....11135
191.....11135
192.....10332, 11135
193.....11135
194.....11135
195.....10332, 11135
198.....11135
199.....11135
209.....11052
222.....13117
229.....13117
234.....11052
236.....11052
1540.....9877

Proposed Rules:

107.....11768

171.....11768
172.....11768
173.....11768
178.....11768
180.....11768
541.....10066
544.....12635
571.....11184, 11186
572.....11189

50 CFR

17.....10493, 11140
100.....13377
622.....9879, 13117
635.....10896, 12142
648 .....11584, 12808, 13402, 13406
660.....13118
679 ...9856, 9880, 9881, 10174, 10507, 10508, 11884, 12143, 12808, 12809, 12810, 12811, 13119, 13120
680.....10174

Proposed Rules:

223.....13151
224.....13151
622 .....10931, 10933, 11600, 13152
635.....11190, 11922
648 .....10585, 12168, 12639, 13156

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MARCH 21, 2005

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Plant-related quarantine, foreign:
Karnal bunt; wheat importation; published 2-18-05

AGRICULTURE DEPARTMENT
Rural Utilities Service
Grants:
Assistance to high energy cost rural communities; published 2-2-05

ENERGY DEPARTMENT
Federal Energy Regulatory Commission
Electric utilities (Federal Power Act) and natural gas companies (Natural Gas Act):
Commission issuances; electronic notification; published 2-23-05
Electric utilities (Federal Power Act):
Public utilities with market-based rate authority; status changes; reporting requirement; published 2-18-05

ENVIRONMENTAL PROTECTION AGENCY
Air programs; State authority delegations:
Louisiana; correction; published 3-21-05
Air quality implementation plans; approval and promulgation; various States:
Ohio; published 1-19-05

FEDERAL COMMUNICATIONS COMMISSION
Radio stations; table of assignments:
Arizona and Nevada; published 2-22-05
Washington; published 2-24-05
Wisconsin; published 2-22-05

LABOR DEPARTMENT
Occupational Safety and Health Administration
OMB Control Numbers under the Paperwork Reduction Act; published 3-21-05

PERSONNEL MANAGEMENT OFFICE
Annual leave:
Accrual amd accumulation; Senior Executive Service; published 3-21-05

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; published 2-14-05
Correction; published 3-11-05
BAE Systems (Operations) Ltd.; published 2-14-05
Cessna; published 3-21-05
Eurocopter France; published 2-14-05
Pacific Aerospace Corp., Ltd.; published 2-2-05
Raytheon; published 2-14-05
Procedural rules:
Investigative and enforcement procedures; civil penalty actions; published 3-21-05

TREASURY DEPARTMENT
Internal Revenue Service
Income taxes:
Section 108 application to consolidated group members; indebtedness income discharge; published 3-22-05

TREASURY DEPARTMENT
Alcohol and Tobacco Tax and Trade Bureau
Alcohol; viticultural area designations:
McMinnville, Yamhill County, OR; published 1-18-05
Alcoholic beverages:
Dried fruit and honey wine production; published 1-18-05

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Cotton classing, testing and standards:
Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]
Egg, poultry, and rabbit products; inspection and grading:
Fees and charges increase; comments due by 3-31-05; published 3-1-05 [FR 05-03929]
Hops produced in—
Various States; comments due by 3-28-05; published 2-24-05 [FR 05-03481]

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Plant-related quarantine, domestic:
Asian longhorned beetle; comments due by 3-29-05; published 1-28-05 [FR 05-01615]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
Americans with Disabilities Act:
Accessibility guidelines—
Large passenger vessels; comments due by 3-28-05; published 11-26-04 [FR 04-26000]
Small passenger vessels; comments due by 3-28-05; published 11-26-04 [FR 04-25999]

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Pollock; comments due by 3-29-05; published 3-18-05 [FR 05-05345]
Northeastern United States fisheries—
Spiny dogfish; comments due by 3-28-05; published 3-11-05 [FR 05-04840]
Summer flounder, scup and black sea bass; comments due by 3-30-05; published 3-15-05 [FR 05-05108]
Meetings:
Pacific Fishery Management Council; comments due by 3-29-05; published 1-26-05 [FR 05-01337]

COMMERCE DEPARTMENT
Patent and Trademark Office
Patent cases:
Fee revisions (2005 FY); comments due by 3-30-05; published 2-28-05 [FR 05-03743]

CONSUMER PRODUCT SAFETY COMMISSION
Flammable Fabrics Act:
Mattresses and mattress and foundation sets; flammability (open flame) standard; comments due by 3-29-05; published 1-13-05 [FR 05-00416]

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA
Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

DEFENSE DEPARTMENT
Acquisition regulations:
Pilot Mentor-Protege Program; Open for comments until further notice; published 12-15-04 [FR 04-27351]
Restoration Advisory Boards; general, operating, administrative support, funding, and reporting requirements; comments due by 3-29-05; published 1-28-05 [FR 05-01550]

EDUCATION DEPARTMENT
Grants and cooperative agreements; availability, etc.:
Vocational and adult education—
Smaller Learning Communities Program; Open for comments until further notice; published 2-25-05 [FR E5-00767]

ENERGY DEPARTMENT
Meetings:
Environmental Management Site-Specific Advisory Board—
Oak Ridge Reservation, TN; Open for comments until further notice; published 11-19-04 [FR 04-25693]

ENERGY DEPARTMENT
Energy Efficiency and Renewable Energy Office
Commercial and industrial equipment; energy efficiency program:
Commercial package air conditioners and heat pumps; energy conservation standards; joint stakeholders comments; comments due by 4-1-05; published 2-15-05 [FR 05-02875]
Test procedures and efficiency standards—
Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

ENERGY DEPARTMENT
Federal Energy Regulatory Commission
Electric rate and corporate regulation filings:

Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
Connecticut; comments due by 3-28-05; published 2-25-05 [FR 05-03682]
Maine; comments due by 3-31-05; published 3-1-05 [FR 05-03908]

Air quality implementation plans:
Interstate ozone transport; nitrogen oxides (NOx) SIP call, technical amendments, and Section 126 rules; response to court decisions
Georgia; significant contribution findings and rulemaking; stay; comments due by 3-31-05; published 3-1-05 [FR 05-03450]

Air quality implementation plans; approval and promulgation; various States:
Indiana; comments due by 3-30-05; published 2-28-05 [FR 05-03676]
Texas; comments due by 3-28-05; published 2-24-05 [FR 05-03526]

Environmental statements; availability, etc.:
Coastal nonpoint pollution control program—
Minnesota and Texas; Open for comments until further notice; published 10-16-03 [FR 03-26087]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Bifenazate; comments due by 3-29-05; published 1-28-05 [FR 05-01624]
Chlorfenapyr; comments due by 3-28-05; published 1-26-05 [FR 05-01439]
Fluroxypyr; comments due by 3-28-05; published 1-26-05 [FR 05-01440]
Imidacloprid; comments due by 3-28-05; published 1-26-05 [FR 05-01438]
Quinoxyfen; comments due by 3-29-05; published 1-28-05 [FR 05-01638]

Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update; comments due by 3-28-05; published 2-24-05 [FR 05-03452]

Water pollution control:
National Pollutant Discharge Elimination System—
Concentrated animal feeding operations in New Mexico and Oklahoma; general permit for discharges; Open for comments until further notice; published 12-7-04 [FR 04-26817]
Ocean dumping; site designations—
Columbia River mouth, OR and WA; comments due by 3-30-05; published 3-15-05 [FR 05-05049]

Water pollution; effluent guidelines for point source categories:
Meat and poultry products processing facilities; Open for comments until further notice; published 9-8-04 [FR 04-12017]

FEDERAL COMMUNICATIONS COMMISSION

Committees; establishment, renewal, termination, etc.:
Technological Advisory Council; Open for comments until further notice; published 3-18-05 [FR 05-05403]

Common carrier services:
Interconnection—
Incumbent local exchange carriers unbounding obligations; local competition provisions; wireline services offering advanced telecommunications capability; Open for comments until further notice; published 12-29-04 [FR 04-28531]
Satellite communications—
Satellite earth station use on board vessels in 5925-6425 M/Hz/ 3700-4200MHz Bands and 14.0-14.5 GHz/11.7-12.12 GHz Bands; comments due by 4-1-05; published 1-31-05 [FR 05-01359]
Telephone Consumer Protection Act; implementation—
TSA Stores, Inc.; Florida Statutes; declaratory ruling petition; comments due by 3-31-05; published 3-1-05 [FR 05-03931]

Radio stations; table of assignments:
Georgia; comments due by 3-28-05; published 2-18-05 [FR 05-03213]
Michigan; comments due by 3-28-05; published 2-18-05 [FR 05-03214]
Texas; comments due by 3-28-05; published 2-18-05 [FR 05-03211]
Texas and Louisiana; comments due by 3-28-05; published 2-18-05 [FR 05-03209]
Various States; comments due by 3-31-05; published 2-18-05 [FR 05-03208]

FEDERAL ELECTION COMMISSION

Bipartisan Campaign Reform Act; implementation:
Candidate solicitation at State, district, and local party fundraising events; exception for attending, speaking, or appearing as featured guest; comments due by 3-28-05; published 2-24-05 [FR 05-03471]

FEDERAL RESERVE SYSTEM

Truth in lending (Regulation Z):
Open-end (revolving) credit rules; disclosures and protections; comments due by 3-28-05; published 12-8-04 [FR 04-26935]

HEALTH AND HUMAN SERVICES DEPARTMENT

Children and Families Administration

Foster care eligibility and administrative cost provisions; comments due by 4-1-05; published 1-31-05 [FR 05-01307]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Health coverage portability; tolling certain time periods and interaction with Family and Medical Leave Act; comments due by 3-30-05; published 12-30-04 [FR 04-28113]

Health Insurance Portability and Accountability Act; benefit-specific waiting periods; comments due by 3-30-05; published 12-30-04 [FR 04-28114]

Medicare:
Long-term care hospitals; prospective payment system; annual payment rate updates and policy changes; comments due by 3-29-05; published 2-3-05 [FR 05-01901]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Biological products:
Bacterial vaccines and toxoids; efficacy review implementation; comments due by 3-29-05; published 12-29-04 [FR 04-28322]

Reports and guidance documents; availability, etc.:
Evaluating safety of antimicrobial new animal drugs with regard to their microbiological effects on bacteria of human health concern; Open for comments until further notice; published 10-27-03 [FR 03-27113]
Medical devices—
Dental noble metal alloys and base metal alloys; Class II special controls; Open for comments until further notice; published 8-23-04 [FR 04-19179]

HEALTH AND HUMAN SERVICES DEPARTMENT

National Institutes of Health

Fellowships, internships, training:
Pediatric research training grants; comments due by 3-29-05; published 1-28-05 [FR 05-01621]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Anchorage regulations:
Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]

Drawbridge operations:
Louisiana; comments due by 3-29-05; published 1-28-05 [FR 05-01654]

Pollution:
Great Lakes; regulation of non-hazardous and non-toxic dry cargo residues discharges; comments due by 3-28-05; published 12-27-04 [FR 04-28227]

Ports and waterways safety:
HOVENSA refinery, St. Croix, Virgin Islands; security zone; comments due by 3-28-05; published 2-10-05 [FR 05-02595]
Port Lavaca-Point Comfort et al., TX; security zones; comments due by 3-28-05; published 2-25-05 [FR 05-03605]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian housing:

Indian Housing Block Grant Program; minimum funding extension; comments due by 3-28-05; published 1-27-05 [FR 05-01454]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Enterprise Oversight Office

Safety and soundness:

Mortgage fraud reporting; comments due by 3-28-05; published 2-25-05 [FR 05-03590]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species permit applications

Recovery plans—

Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]

Endangered and threatened species:

Critical habitat designations—

Southwestern willow flycatcher; comments due by 3-31-05; published 12-13-04 [FR 04-27330]

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Surface coal mining and reclamation operations:

Transfer, assignment, or sale of permit rights; comments due by 3-28-05; published 1-26-05 [FR 05-01311]

JUSTICE DEPARTMENT

DNA identification system:

Qualifying Federal offenses for purposes of DNA sample collection; comments due by 4-1-05; published 1-31-05 [FR 05-01691]

Executive Office for Immigration Review:

Background and security investigations in proceedings before immigration judges and Immigration Appeals Board; comments due by 4-1-05; published 1-31-05 [FR 05-01782]

LABOR DEPARTMENT

Employee Benefits Security Administration

Health coverage portability; tolling certain time periods and interaction with Family and Medical Leave Act; comments due by 3-30-05; published 12-30-04 [FR 04-28113]

Health Insurance Portability and Accountability Act; benefit-specific waiting periods; comments due by 3-30-05; published 12-30-04 [FR 04-28114]

NUCLEAR REGULATORY COMMISSION

Environmental statements; availability, etc.:

Fort Wayne State Developmental Center; Open for comments until further notice; published 5-10-04 [FR 04-10516]

Safeguards information protection from inadvertent release and unauthorized disclosure; comments due by 3-28-05; published 2-11-05 [FR 05-02665]

Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:

Approved spent fuel storage casks; list; comments due by 3-30-05; published 2-28-05 [FR 05-03737]

PERSONNEL MANAGEMENT OFFICE

Pay administration:

Compensatory time off for travel; comments due by 3-28-05; published 1-27-05 [FR 05-01457]

SMALL BUSINESS ADMINISTRATION

Disaster loan areas:

Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

Hearings and Appeals Office proceedings:

Service-disabled veteran-owned small business concerns; practice for appeals rules; comments due by 3-28-05; published 2-24-05 [FR 05-03445]

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

Trade Representative, Office of United States

Generalized System of Preferences:

2003 Annual Product Review, 2002 Annual Country Practices Review, and previously deferred product decisions; petitions disposition; Open for comments until further notice; published 7-6-04 [FR 04-15361]

TRANSPORTATION DEPARTMENT

Americans with Disabilities Act:

Accessibility guidelines—

Passenger vessels; comments due by 3-28-05; published 11-26-04 [FR 04-26093]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 3-30-05; published 2-28-05 [FR 05-03783]

Boeing; comments due by 3-28-05; published 2-10-05 [FR 05-02575]

DG Flugzeugbau GmbH; comments due by 3-31-05; published 2-14-05 [FR 05-02765]

Honeywell International, Inc.; comments due by 3-31-05; published 3-14-05 [FR 05-04404]

McDonnell Douglas; comments due by 4-1-05; published 2-15-05 [FR 05-02837]

Precise Flight, Inc.; comments due by 3-29-05; published 3-4-05 [FR 05-04239]

Airworthiness standards:

Special conditions—

Cessna Aircraft Co. Model 501 airplanes; comments due by 3-28-05; published 2-25-05 [FR 05-03614]

Class E airspace; comments due by 3-28-05; published 2-25-05 [FR 05-03615]

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad workplace safety:

Working over or adjacent to water; comments due by 3-28-05; published 2-10-05 [FR 05-02560]

TREASURY DEPARTMENT

Internal Revenue Service

Excise taxes:

Health coverage portability; tolling certain time periods and interaction with Family and Medical Leave Act; comments due by 3-30-05; published 12-30-04 [FR 04-28113]

Health Insurance Portability and Accountability Act; benefit-specific waiting periods; comments due by 3-30-05; published 12-30-04 [FR 04-28114]

TREASURY DEPARTMENT

Alcohol and Tobacco Tax and Trade Bureau

Alcohol; viticultural area designations:

Russian River Valley, CA; comments due by 4-1-05; published 1-31-05 [FR 05-01667]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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S. 5/P.L. 109–2

Class Action Fairness Act of 2005 (Feb. 18, 2005; 119 Stat. 4)

Last List January 12, 2005

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Title	Stock Number	Price	Revision Date
1	(869–056–00001–4)	5.00	Jan. 1, 2005
2	(869–056–00002–2)	5.00	Jan. 1, 2005
3 (2003 Compilation and Parts 100 and 101)	(869–052–00002–7)	35.00	[1] Jan. 1, 2004
4	(869–056–00004–9)	10.00	[4] Jan. 1, 2005
5 Parts:			
1–699	(869–052–00004–3)	60.00	Jan. 1, 2004
700–1199	(869–056–00006–5)	50.00	Jan. 1, 2005
1200–End	(869–052–00006–0)	61.00	Jan. 1, 2004
6	(869–056–00008–1)	10.50	Jan. 1, 2005
7 Parts:			
1–26	(869–056–00009–0)	44.00	Jan. 1, 2005
27–52	(869–052–00009–4)	49.00	Jan. 1, 2004
53–209	(869–052–00010–8)	37.00	Jan. 1, 2004
210–299	(869–052–00011–6)	62.00	Jan. 1, 2004
300–399	(869–052–00012–4)	46.00	Jan. 1, 2004
400–699	(869–052–00013–2)	42.00	Jan. 1, 2004
700–899	(869–052–00014–1)	43.00	Jan. 1, 2004
900–999	(869–052–00015–9)	60.00	Jan. 1, 2004
*1000–1199	(869–056–00017–1)	22.00	Jan. 1, 2005
1200–1599	(869–052–00017–5)	61.00	Jan. 1, 2004
1600–1899	(869–052–00018–3)	64.00	Jan. 1, 2004
1900–1939	(869–052–00019–1)	31.00	Jan. 1, 2004
1940–1949	(869–052–00020–5)	50.00	Jan. 1, 2004
1950–1999	(869–056–00022–7)	46.00	Jan. 1, 2005
2000–End	(869–052–00022–1)	50.00	Jan. 1, 2004
8	(869–052–00023–0)	63.00	Jan. 1, 2004
9 Parts:			
1–199	(869–052–00024–8)	61.00	Jan. 1, 2004
200–End	(869–052–00025–6)	58.00	Jan. 1, 2004
10 Parts:			
1–50	(869–052–00026–4)	61.00	Jan. 1, 2004
51–199	(869–052–00027–2)	58.00	Jan. 1, 2004
200–499	(869–052–00028–1)	46.00	Jan. 1, 2004
500–End	(869–052–00029–9)	62.00	Jan. 1, 2004
11	(869–052–00030–2)	41.00	Feb. 3, 2004
12 Parts:			
1–199	(869–052–00031–1)	34.00	Jan. 1, 2004
200–219	(869–052–00032–9)	37.00	Jan. 1, 2004
220–299	(869–052–00033–7)	61.00	Jan. 1, 2004
300–499	(869–052–00034–5)	47.00	Jan. 1, 2004
500–599	(869–052–00035–3)	39.00	Jan. 1, 2004
600–899	(869–056–00037–5)	56.00	Jan. 1, 2005
900–End	(869–052–00037–0)	50.00	Jan. 1, 2004
13	(869–052–00038–8)	55.00	Jan. 1, 2004
14 Parts:			
1–59	(869–052–00039–6)	63.00	Jan. 1, 2004
60–139	(869–052–00040–0)	61.00	Jan. 1, 2004
140–199	(869–056–00042–1)	30.00	Jan. 1, 2005
200–1199	(869–052–00042–6)	50.00	Jan. 1, 2004
1200–End	(869–052–00043–4)	45.00	Jan. 1, 2004
15 Parts:			
0–299	(869–052–00044–2)	40.00	Jan. 1, 2004
300–799	(869–052–00045–1)	60.00	Jan. 1, 2004
800–End	(869–052–00046–9)	42.00	Jan. 1, 2004
16 Parts:			
0–999	(869–052–00047–7)	50.00	Jan. 1, 2004
1000–End	(869–056–00049–9)	60.00	Jan. 1, 2005
17 Parts:			
1–199	(869–052–00050–7)	50.00	Apr. 1, 2004
200–239	(869–052–00051–5)	58.00	Apr. 1, 2004
240–End	(869–052–00052–3)	62.00	Apr. 1, 2004
18 Parts:			
1–399	(869–052–00053–1)	62.00	Apr. 1, 2004
400–End	(869–052–00054–0)	26.00	Apr. 1, 2004
19 Parts:			
1–140	(869–052–00055–8)	61.00	Apr. 1, 2004
141–199	(869–052–00056–6)	58.00	Apr. 1, 2004
200–End	(869–052–00057–4)	31.00	Apr. 1, 2004
20 Parts:			
1–399	(869–052–00058–2)	50.00	Apr. 1, 2004
400–499	(869–052–00059–1)	64.00	Apr. 1, 2004
500–End	(869–052–00060–9)	63.00	Apr. 1, 2004
21 Parts:			
1–99	(869–052–00061–2)	42.00	Apr. 1, 2004
100–169	(869–052–00062–1)	49.00	Apr. 1, 2004
170–199	(869–052–00063–9)	50.00	Apr. 1, 2004
200–299	(869–052–00064–7)	17.00	Apr. 1, 2004
300–499	(869–052–00065–5)	31.00	Apr. 1, 2004
500–599	(869–052–00066–3)	47.00	Apr. 1, 2004
600–799	(869–052–00067–1)	15.00	Apr. 1, 2004
800–1299	(869–052–00068–0)	58.00	Apr. 1, 2004
1300–End	(869–052–00069–8)	24.00	Apr. 1, 2004
22 Parts:			
1–299	(869–052–00070–1)	63.00	Apr. 1, 2004
300–End	(869–052–00071–0)	45.00	Apr. 1, 2004
23	(869–052–00072–8)	45.00	Apr. 1, 2004
24 Parts:			
0–199	(869–052–00073–6)	60.00	Apr. 1, 2004
200–499	(869–052–00074–4)	50.00	Apr. 1, 2004
500–699	(869–052–00075–2)	30.00	Apr. 1, 2004
700–1699	(869–052–00076–1)	61.00	Apr. 1, 2004
1700–End	(869–052–00077–9)	30.00	Apr. 1, 2004
25	(869–052–00078–7)	63.00	Apr. 1, 2004
26 Parts:			
§§ 1.0–1–1.60	(869–052–00079–5)	49.00	Apr. 1, 2004
§§ 1.61–1.169	(869–052–00080–9)	63.00	Apr. 1, 2004
§§ 1.170–1.300	(869–052–00081–7)	60.00	Apr. 1, 2004
§§ 1.301–1.400	(869–052–00082–5)	46.00	Apr. 1, 2004
§§ 1.401–1.440	(869–052–00083–3)	62.00	Apr. 1, 2004
§§ 1.441–1.500	(869–052–00084–1)	57.00	Apr. 1, 2004
§§ 1.501–1.640	(869–052–00085–0)	49.00	Apr. 1, 2004
§§ 1.641–1.850	(869–052–00086–8)	60.00	Apr. 1, 2004
§§ 1.851–1.907	(869–052–00087–6)	61.00	Apr. 1, 2004
§§ 1.908–1.1000	(869–052–00088–4)	60.00	Apr. 1, 2004
§§ 1.1001–1.1400	(869–052–00089–2)	61.00	Apr. 1, 2004
§§ 1.1401–1.1503–2A	(869–052–00090–6)	55.00	Apr. 1, 2004
§§ 1.1551–End	(869–052–00091–4)	55.00	Apr. 1, 2004
2–29	(869–052–00092–2)	60.00	Apr. 1, 2004
30–39	(869–052–00093–1)	41.00	Apr. 1, 2004
40–49	(869–052–00094–9)	28.00	Apr. 1, 2004
50–299	(869–052–00095–7)	41.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date
300–499	(869–052–00096–5)	61.00	Apr. 1, 2004
500–599	(869–052–00097–3)	12.00	[5]Apr. 1, 2004
600–End	(869–052–00098–1)	17.00	Apr. 1, 2004
27 Parts:			
1–199	(869–052–00099–0)	64.00	Apr. 1, 2004
200–End	(869–052–00100–7)	21.00	Apr. 1, 2004
28 Parts:			
0–42	(869–052–00101–5)	61.00	July 1, 2004
43–End	(869–052–00102–3)	60.00	July 1, 2004
29 Parts:			
0–99	(869–052–00103–1)	50.00	July 1, 2004
100–499	(869–052–00104–0)	23.00	July 1, 2004
500–899	(869–052–00105–8)	61.00	July 1, 2004
900–1899	(869–052–00106–6)	36.00	July 1, 2004
1900–1910 (§§ 1900 to 1910.999)	(869–052–00107–4)	61.00	July 1, 2004
1910 (§§ 1910.1000 to end)	(869–052–00108–2)	46.00	[8]July 1, 2004
1911–1925	(869–052–00109–1)	30.00	July 1, 2004
1926	(869–052–00110–4)	50.00	July 1, 2004
1927–End	(869–052–00111–2)	62.00	July 1, 2004
30 Parts:			
1–199	(869–052–00112–1)	57.00	July 1, 2004
200–699	(869–052–00113–9)	50.00	July 1, 2004
700–End	(869–052–00114–7)	58.00	July 1, 2004
31 Parts:			
0–199	(869–052–00115–5)	41.00	July 1, 2004
200–End	(869–052–00116–3)	65.00	July 1, 2004
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–052–00117–1)	61.00	July 1, 2004
191–399	(869–052–00118–0)	63.00	July 1, 2004
400–629	(869–052–00119–8)	50.00	[8]July 1, 2004
630–699	(869–052–00120–1)	37.00	[7]July 1, 2004
700–799	(869–052–00121–0)	46.00	July 1, 2004
800–End	(869–052–00122–8)	47.00	July 1, 2004
33 Parts:			
1–124	(869–052–00123–6)	57.00	July 1, 2004
125–199	(869–052–00124–4)	61.00	July 1, 2004
200–End	(869–052–00125–2)	57.00	July 1, 2004
34 Parts:			
1–299	(869–052–00126–1)	50.00	July 1, 2004
300–399	(869–052–00127–9)	40.00	July 1, 2004
400–End	(869–052–00128–7)	61.00	July 1, 2004
35	(869–052–00129–5)	10.00	[6]July 1, 2004
36 Parts			
1–199	(869–052–00130–9)	37.00	July 1, 2004
200–299	(869–052–00131–7)	37.00	July 1, 2004
300–End	(869–052–00132–5)	61.00	July 1, 2004
37	(869–052–00133–3)	58.00	July 1, 2004
38 Parts:			
0–17	(869–052–00134–1)	60.00	July 1, 2004
18–End	(869–052–00135–0)	62.00	July 1, 2004
39	(869–052–00136–8)	42.00	July 1, 2004
40 Parts:			
1–49	(869–052–00137–6)	60.00	July 1, 2004
50–51	(869–052–00138–4)	45.00	July 1, 2004
52 (52.01–52.1018)	(869–052–00139–2)	60.00	July 1, 2004
52 (52.1019–End)	(869–052–00140–6)	61.00	July 1, 2004
53–59	(869–052–00141–4)	31.00	July 1, 2004
60 (60.1–End)	(869–052–00142–2)	58.00	July 1, 2004
60 (Apps)	(869–052–00143–1)	57.00	July 1, 2004
61–62	(869–052–00144–9)	45.00	July 1, 2004
63 (63.1–63.599)	(869–052–00145–7)	58.00	July 1, 2004
63 (63.600–63.1199)	(869–052–00146–5)	50.00	July 1, 2004
63 (63.1200–63.1439)	(869–052–00147–3)	50.00	July 1, 2004
63 (63.1440–63.8830)	(869–052–00148–1)	64.00	July 1, 2004
63 (63.8980–End)	(869–052–00149–0)	35.00	July 1, 2004
64–71	(869–052–00150–3)	29.00	July 1, 2004
72–80	(869–052–00151–1)	62.00	July 1, 2004
81–85	(869–052–00152–0)	60.00	July 1, 2004
86 (86.1–86.599–99)	(869–052–00153–8)	58.00	July 1, 2004
86 (86.600–1–End)	(869–052–00154–6)	50.00	July 1, 2004
87–99	(869–052–00155–4)	60.00	July 1, 2004
100–135	(869–052–00156–2)	45.00	July 1, 2004
136–149	(869–052–00157–1)	61.00	July 1, 2004
150–189	(869–052–00158–9)	50.00	July 1, 2004
190–259	(869–052–00159–7)	39.00	July 1, 2004
260–265	(869–052–00160–1)	50.00	July 1, 2004
266–299	(869–052–00161–9)	50.00	July 1, 2004
300–399	(869–052–00162–7)	42.00	July 1, 2004
400–424	(869–052–00163–5)	56.00	[8]July 1, 2004
425–699	(869–052–00164–3)	61.00	July 1, 2004
700–789	(869–052–00165–1)	61.00	July 1, 2004
790–End	(869–052–00166–0)	61.00	July 1, 2004
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–052–00167–8)	24.00	July 1, 2004
101	(869–052–00168–6)	21.00	July 1, 2004
102–200	(869–052–00169–4)	56.00	July 1, 2004
201–End	(869–052–00170–8)	24.00	July 1, 2004
42 Parts:			
1–399	(869–052–00171–6)	61.00	Oct. 1, 2004
400–429	(869–052–00172–4)	63.00	Oct. 1, 2004
430–End	(869–052–00173–2)	64.00	Oct. 1, 2004
43 Parts:			
1–999	(869–052–00174–1)	56.00	Oct. 1, 2004
1000–end	(869–052–00175–9)	62.00	Oct. 1, 2004
44	(869–052–00176–7)	50.00	Oct. 1, 2004
45 Parts:			
1–199	(869–052–00177–5)	60.00	Oct. 1, 2004
200–499	(869–052–00178–3)	34.00	Oct. 1, 2004
500–1199	(869–052–00179–1)	56.00	Oct. 1, 2004
1200–End	(869–052–00180–5)	61.00	Oct. 1, 2004
46 Parts:			
1–40	(869–052–00181–3)	46.00	Oct. 1, 2004
41–69	(869–052–00182–1)	39.00	Oct. 1, 2004
70–89	(869–052–00183–0)	14.00	Oct. 1, 2004
90–139	(869–052–00184–8)	44.00	Oct. 1, 2004
140–155	(869–052–00185–6)	25.00	Oct. 1, 2004
156–165	(869–052–00186–4)	34.00	Oct. 1, 2004
166–199	(869–052–00187–2)	46.00	Oct. 1, 2004
200–499	(869–052–00188–1)	40.00	Oct. 1, 2004
500–End	(869–052–00189–9)	25.00	Oct. 1, 2004
47 Parts:			
0–19	(869–052–00190–2)	61.00	Oct. 1, 2004
20–39	(869–052–00191–1)	46.00	Oct. 1, 2004
40–69	(869–052–00192–9)	40.00	Oct. 1, 2004
70–79	(869–052–00193–8)	63.00	Oct. 1, 2004
80–End	(869–052–00194–5)	61.00	Oct. 1, 2004
48 Chapters:			
1 (Parts 1–51)	(869–052–00195–3)	63.00	Oct. 1, 2004
1 (Parts 52–99)	(869–052–00196–1)	49.00	Oct. 1, 2004
2 (Parts 201–299)	(869–052–00197–0)	50.00	Oct. 1, 2004
3–6	(869–052–00198–8)	34.00	Oct. 1, 2004
7–14	(869–052–00199–6)	56.00	Oct. 1, 2004
15–28	(869–052–00200–3)	47.00	Oct. 1, 2004
29–End	(869–052–00201–1)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
49 Parts:			
1–99	(869–052–00202–0)	60.00	Oct. 1, 2004
100–185	(869–052–00203–8)	63.00	Oct. 1, 2004
186–199	(869–052–00204–6)	23.00	Oct. 1, 2004
200–399	(869–052–00205–4)	64.00	Oct. 1, 2004
400–599	(869–052–00206–2)	64.00	Oct. 1, 2004
600–999	(869–052–00207–1)	19.00	Oct. 1, 2004
1000–1199	(869–052–00208–9)	28.00	Oct. 1, 2004
1200–End	(869–052–00209–7)	34.00	Oct. 1, 2004
50 Parts:			
1–16	(869–052–00210–1)	11.00	Oct. 1, 2004
17.1–17.95	(869–052–00211–9)	64.00	Oct. 1, 2004
17.96–17.99(h)	(869–052–00212–7)	61.00	Oct. 1, 2004
17.99(i)–end and 17.100–end	(869–052–00213–5)	47.00	Oct. 1, 2004
18–199	(869–052–00214–3)	50.00	Oct. 1, 2004
200–599	(869–052–00215–1)	45.00	Oct. 1, 2004
600–End	(869–052–00216–0)	62.00	Oct. 1, 2004
CFR Index and Findings Aids	(869–052–00049–3)	62.00	Jan. 1, 2004
Complete 2005 CFR set		1,342.00	2005
Microfiche CFR Edition:			
Subscription (mailed as issued)		325.00	2005
Individual copies		4.00	2005
Complete set (one-time mailing)		325.00	2004
Complete set (one-time mailing)		298.00	2003

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2004, through January 1, 2005. The CFR volume issued as of January 1, 2004 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2004. The CFR volume issued as of July 1, 2002 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.