

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR
INDIAN TRIBES AND ALASKA
NATIVE VILLAGES**

FUNDING AVAILABILITY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

Program Overview

Purpose of the Program. 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.

Available Funds. Approximately \$71,284,661 is available for the ICDBG Program.

Eligible Applicants. Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.
Application Deadline. May 23, 2001.
Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (one original and two copies) is due on or before 12:00 midnight, Eastern time, on May 23, 2001.

See the General Section of this SuperNOFA for specific procedures that

you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications to the Appropriate Area ONAP. Submit original signed application and two copies to the appropriate Area Office of Native American Programs for your jurisdiction. A list of jurisdictions is given below. A hand carried application will be accepted at the specified HUD Area ONAP during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 p.m. local time. Please be sure to arrive at the Area ONAP with adequate time to submit the application before the 6:00 p.m. deadline by the application due date.

If you are applying from this geographic location then . . .	send your application to this Area ONAP:
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.
Louisiana, Kansas, Oklahoma, and Texas, except West Texas.	Southern Plains Office of Native American Programs, Grants Management Division, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102-3202, Telephone: (405) 553-7525.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, Grants Management Division, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Telephone: (303) 672-5465.
Arizona, California, and Nevada	Southwest Office of Native American Programs, Grants Management Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, AZ 85004-2361, Telephone: (602) 379-3865.
New Mexico and West Texas	Southwest Office of Native American Programs, Grants Management Division, Albuquerque Plaza, 201 3rd Street N.W., Suite 1830, Albuquerque, NM 87102-3368, Telephone: (505) 346-6923.
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) 220-5271.
Alaska	Alaska Office of Native American Programs, Grants Management Division, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399, (907) 271-4603.

In order to expedite the review of your application and to ensure that your application is given a thorough and complete review of all responses to each of the components of the selection criteria, HUD strongly requests that you use separate tabs for each selection criterion and sub-criterion. In order to be rated, make sure the response is beneath the appropriate heading. Keep the responses in the same order as the NOFA. 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. Do not assume the reviewer will search for the answer or information to support the answer elsewhere in the application. Do not include documentation that is not required by the selection criteria

because irrelevant information will be disregarded during the review of your application. HUD asks that you do a preliminary rating for your project, providing a score according to the NOFA point system and submit your preliminary rating with your application. This will help to show you how your project might be scored by reviewers. Also, it will help to show you where the strengths and weaknesses of the application are located so that you may improve your application prior to its submission by the deadline date.

For Application Kits. For an application kit and any supplemental material please call the SuperNOFA Information Center at 1-800-HUD-8929 or the appropriate Area ONAP for your jurisdiction as listed above. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-HUD-2209. An application kit also

will be available on the Internet through the HUD web site at <http://www.hud.gov>. When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

For Further Information. You should direct general program questions to the Area ONAP serving your area or to Jackie Kruszek, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202; telephone (800) 561-5913. Persons with speech or hearing impairments may call HUD's TTY number (202) 708-0770, or 1-800-877-8399 (the Federal Information Relay Service TTY). Other than the "800" number, these numbers are not toll-free.

For Technical Assistance. Before the application deadline, we will be available to provide you with general guidance. We cannot, however, provide you with guidance on the actual contents of your application. If applicable, after selection but before award, we will be available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition.

II. Amount Allocated

Approximately \$70,843,800 is available for the ICDBG Program.

General. Title I of the Housing and Community Development Act of 1974 (the CDBG statute) requires 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.

Allocations. 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 \$ 70,843,800, the allocations for FY 2001 are as follows:

Eastern/Woodland	\$5,481,761
Southern Plains	12,972,631
Northern Plains	10,941,946
Southwest	29,848,823
Northwest	4,180,664
Alaska	5,858,836
Total	\$69,284,661

The total allocation includes \$440,861 in unused funds from the amount reserved by the Assistant Secretary in Fiscal Year 2000 for Imminent Threat grants. As indicated below, \$2,000,000 will be retained to fund Imminent Threat grants.

Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2001 funding at the following levels:

Area ONAP	Population	Ceiling
Eastern/Woodlands:	ALL	\$500,000
Southern Plains:	ALL	750,000
Northern Plains:	ALL	800,000
Southwest:	50,001+	5,000,000
	10,501-50,000	2,500,000
	7,501-10,500	2,000,000

Area ONAP	Population	Ceiling
	6,001-7,500 ..	1,000,000
	1,501-6,000 ..	750,000
	0-1,500	550,000
Northwest:	ALL	350,000
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 accept any corrections or revisions before you submit your application.

Imminent Threats. The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 1003, subpart E. In order to satisfy these criteria, the problem to be addressed must be such that an emergency situation exists or would exist if the problem were not addressed. In addition, you may use funds provided under that subpart only to address imminent threats that are not of a recurring nature and that represent a unique and unusual circumstance that impacts an entire service area. In accordance with the provisions of 24 CFR part 1003, subpart E, we will retain \$2,000,000 to meet the funding needs of imminent threat applications submitted to any of the Area ONAPs. The grant ceiling for imminent threat applications for FY 2001 is \$350,000. We established this ceiling pursuant to the provisions of 24 CFR 1003.400(c).

You do not have to submit a request for assistance under the imminent threat set-aside (24 CFR part 1003, subpart E) 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.

If, in response to a request for assistance, an Area ONAP issues you a letter to proceed under the authority of 1003.401(a), then your application must be submitted to and approved by the Area ONAP before a grant agreement may be executed. This application must contain: Standard Form 424, Application for Federal Assistance; a brief description of the proposed project; Form HUD-4123, Cost Summary; Form HUD-4125, Implementation Schedule; Form HUD-2880, Applicant/Recipient Disclosure/Update Report; Form HUD-4126,

Certifications; and, Form HUD-50070, Certification for a Drug-Free Workplace.

III. Program Description; Eligible Applicants; and Eligible Activities

Program Description. The purpose of the ICDBG Program 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.

Eligible Applicants. To apply for funding you must be eligible as an Indian Tribe (or as a tribal organization) 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. A determination of such eligibility must be made by the Bureau of Indian Affairs or the Indian Health Service, as appropriate. This determination must be provided to the ONAPs by the application submission date.

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

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 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 March 13, 2000 (65 FR 13298), the Bureau of Indian Affairs 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.)

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, ANCSA Village Corporations, and ANCSA Regional Corporations.

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 which was 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. The rating factors included under IV (K) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition, homeownership assistance, public facilities and improvements, economic development, and micro-enterprise programs. However, the following eligible activities not clearly identified by the rating factors may be proposed and rated as described below. For a complete description of eligible activities, please refer to 24 CFR Part 1003 Subpart C.

Acquisition of property. This activity can be proposed as Land to Support New Housing or as part of New Housing Construction, Community Facilities or Economic Development depending on the purpose of the land acquisition.

Assistance to Institutions of Higher Learning. If such entities have the capacity, they can help the ICDBG grantees to implement eligible projects.

Assistance to Community Based Development Organizations (CBDO's).

Grantees may provide assistance to these organizations to undertake activities related to neighborhood revitalization, community economic development or energy conservation.

Clearance, Demolition. These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Community Facilities or Land to Support New Housing.

Code Enforcement. This activity can be proposed as Housing Rehabilitation. The activity must comply with the requirements at 24 CFR 1003.202. HUD approval is required prior to demolition of any assisted housing.

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.

Energy Efficiency. Associated activities can be proposed under Housing Rehabilitation or Community Facilities depending upon the type of energy efficiency activity.

Lead Based Paint Abatement and Evaluation. These activities can be proposed under Housing Rehabilitation.

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.

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.

Privately Owned Utilities. Assistance to privately owned utilities can be proposed under Community Facilities.

Removal of Architectural Barriers. This includes removing barriers that restrict mobility and access for elderly and severely disabled persons. This activity can be proposed under Housing Rehabilitation or Community Facilities depending upon the type of structure where the barrier will be removed.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, as an applicant you must comply with the following requirements:

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.

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.

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.

Economic Opportunities for Low and Very Low-Income Persons (Section 3). Section 3 requirements apply to the ICDBG Program, but as stated in § 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.

Please note that the requirements in the General Section regarding applicability of affirmatively furthering fair housing do not apply. The requirement is inconsistent with section 106(a) of the Housing and Community Development Act of 1974, as amended, which specifically makes inapplicable to the ICDBG program the requirement of section 104(b)(2) that the grantee certify that it will affirmatively further fair housing.

V. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the General Section of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 100.

(A) **Screening for acceptance.** ONAPs will screen applications for single purpose grants. The ONAPs will reject an application that fails this screening and will return the application unrated. The ONAPs will accept your application if it meets all the criteria listed below as items (1) through (6):

(1) Your application is received or submitted in accordance with the requirements set forth under

APPLICATION DUE DATE in this NOFA;

(2) You are eligible;

(3) The proposed activities are eligible;

(4) Your application contains substantially all the components specified in VI of this notice;

(5) Your application shows that at least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 1003.208; and

(6) Your application is for an amount that does not exceed the grant ceilings that are established by the NOFA.

(B) *Threshold review.* ONAPs will rate and rank 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 1003.302.

(C) *Rating.* The ONAPs will review and rate each project that meets the acceptance criteria and threshold requirements. The total points for all rating factors is 100. This is the maximum any project can receive. As indicated below, please note that to be considered for funding, a project must receive a minimum of 25 points under Rating Factor 1.

(D) *Public Service Projects.* Because there is a statutory 15 percent cap on the amount of grant funds that may be used for public services activities, you may not receive a single purpose grant solely to fund public services activities. Your application, however, may contain a public services 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 services 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 services allocation renders such a project infeasible, the project will not be funded.

(E) *Final Ranking.* We will rank all projects against each other according to the point totals they receive, regardless of the type of project or component under which the points were awarded. We will select projects for funding based on this final ranking, to the extent that funds are available. We will determine individual grant amounts in a manner consistent with the considerations set forth in 24 CFR 1003.100(b)(2). Specifically, ONAPs may approve a grant amount less than the amount requested. In doing so, ONAPs 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, the reasonableness of the project costs, and the administrative capacity of the applicant to complete the activities in a timely manner.

If the ONAPs determine that there are not enough funds available to fund a project as proposed by the applicant, they may decline to fund that project and may fund the next highest ranking project or projects for which adequate funds are available. The ONAPs 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.

(F) *Tiebreakers.* When rating results in a tie among projects and insufficient resources remain to fund all tied projects, the ONAPs will approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the ONAPs will use the following factors in the order listed to resolve the tie:

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

(2) The applicant with the fewest active ICDBGs.

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

(G) *Pre-award requirements.* If there are technical deficiencies in successful applications, you must satisfactorily address these deficiencies before we can make a grant award. Please see Section VIII of this NOFA for a definition of such a deficiency and a description of the process to address and correct the deficiency. You must correct all technical deficiencies within the timeframe established by HUD. If they are not corrected, we will not make the grant award and will reject your application.

We also may require a successful applicant to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. We will normally give you no less than thirty (30) calendar days to respond to these requirements. If you do not respond within the prescribed time period or you make an insufficient response, the ONAPs may determine that you have not met the requirements and may withdraw the grant offer. The ONAPs require you to submit supporting documentation if specific questions remain concerning the scope,

magnitude, timing, or method of implementing the project; or you have not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project. You may not substitute new projects for those originally proposed in your application. We will award, in accordance with the provisions of this NOFA, grant amounts that had been allocated for applicants unable to meet pre-award requirements.

(H) *Definitions.*

Adopt means to approve by formal tribal resolution.

Assure means to comply with a specific NOFA requirement. As an applicant, you should state your compliance or your intent to comply in your application.

Document means to supply supporting written information and/or data in the application that satisfies the NOFA requirement.

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 for housing. Entities other than the tribe must have the following characteristics: must be legally distinct from the tribal government; their assets and liabilities cannot be considered to be assets and liabilities of the tribal government; claims against such entities cannot be made against the tribal government; and, 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.

Entities other than the tribe may be completely external to the tribe, e.g., a Federal agency, or may be an entity formed or chartered under provisions of tribal law, e.g., a tribally chartered non-profit or for-profit corporation, tribal utility authority, or tribal political subdivision.

If the nature of the entity is such that it is apparent that it is not the tribe, e.g., it is a Federal or state department or agency, information establishing that it is an entity other than the tribe need not be provided. However, if it is *not* apparent that the entity has all of the characteristics stated above, it is the applicant's responsibility to provide information to HUD to establish that this is true. If potential applicants are unsure whether or not a specific entity has the necessary characteristics, a request for review should be submitted to the ONAPs *prior* to the submission of

the application for assistance. If an applicant waits to submit the information on entity characteristics with an application and HUD found the information to be inadequate or inconclusive, the award of points would be jeopardized.

Homeownership Assistance Programs. Tribes may apply for assistance to provide direct homeownership assistance to low- and moderate-income households to: subsidize interest rates and mortgage principal amounts for low- and moderate-income homebuyers; finance the acquisition by low- and moderate-income homebuyers of housing that is occupied by the homebuyers; 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); provide up to 50 percent of any downpayment required from a low- and moderate-income homebuyer; or, pay reasonable closing costs (normally associated with the purchase of a home) incurred by a low- or moderate-income homebuyer.

Leverage means resources that you will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds; loans from individuals or organizations; State or Federal loans or guarantees; other grants; and non-cash contributions and donated services. (See Rating Factor 4 of this NOFA for documentation requirements for point award for leveraged resources.)

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: 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; providing technical assistance, advice, and business support services to owners of microenterprises and persons developing microenterprises; and, 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.

Operations and Maintenance (O&M) for Community Facilities. 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 maintenance and operation plan (tribe assumes responsibility) or 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.

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

Section 8 standards means housing quality standards contained in 24 CFR 982.401 (Section 8 Tenant-Based Assistance: Unified Rule for Tenant-Based Assistance Under the Section 8 Rental Certificate Program and the Section 8 Rental Voucher Program).

Standard Housing/Standard Condition means 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 standards unless the ONAPs approve less stringent standards based on a determination that local conditions make the use of Section 8 standards infeasible. You may submit, before the application due date, a request for the approval of standards less stringent than Section 8 standards. If you submit the request with your application, you should not assume automatic approval by the ONAPs. The adopted standards must provide for a safe house, in physically sound condition with all systems performing their intended design functions; a livable home environment and an energy efficient building and systems that incorporate energy conservation measures; and, an adequate space and privacy for all intended household members.

(I) **General threshold requirement.** According to 24 CFR 1003.301(a), an applicant that 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.

(J) **Project specific threshold requirements.** (1) Housing Projects (New Construction, Rehabilitation, Land Acquisition and Homeownership Assistance). For housing projects, you must provide an assurance that households that have been evicted from HUD-assisted housing within the past five years will not be assisted by the proposed project except in emergency situations. The ONAP Administrator will review each emergency situation proposed by an applicant on a case-by-case basis to determine whether an exception is warranted.

You also must provide an assurance that the proposed housing category project is consistent with and, to the extent possible, 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 you or on your behalf for the Indian Housing Block Grant Program under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). If the IHP for the IHBG 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 housing category project.

(2) Housing Rehabilitation Projects. For housing rehabilitation projects, you must adopt rehabilitation standards and rehabilitation policies before you submit an application. *You must submit these standards and policies with the application.* You must also provide an assurance that:

(a) All households that receive grant assistance under a housing rehabilitation project will be of low and moderate income status.

(b) Any house to be rehabilitated will be the permanent non-seasonal residence of the occupants; the residents will live in the unit at least nine months per year.

(c) Houses designated for eventual replacement will only receive repairs essential for the health and safety of the occupants.

(d) Project funds will be used to rehabilitate HUD-assisted houses only when the tenant/homebuyer's payments are current or the tenant/homebuyer is current in a repayment agreement. In emergency situations, the ONAP

Administrator may grant exceptions to this requirement on a case-by-case basis.

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

(f) Although you do not have to provide an assurance, grant funds spent on rehabilitation per house must fall within the following limits for each Area ONAP jurisdiction:

(i) Eastern/Woodlands	\$35,000
(ii) Southern Plains	20,000
(iii) Northern Plains	35,000
(iv) Southwest	40,000
(v) Northwest	40,000
(vi) Alaska	55,000

(3) Land Acquisition Projects. For land acquisition projects, your application must contain information and documentation, such as a preliminary plot plan or its equivalent, establishing 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 with documented housing needs. A clear objective of the applicant must be to make the most effective and economic use of the land proposed for acquisition.

Your application must clearly demonstrate and document housing assistance needs with a survey that identifies the households to be served, their size, income levels, and the condition of current housing or, if applicable, Table I, Statement of Needs from your Tribe's Indian Housing Plan (IHP). *The survey and/or Table I from the IHP must be submitted with the application.*

Your application must include evidence of a 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 submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) resources.

(4) New Housing Construction. New housing construction can only be implemented through a Community

Based Development Organization (CBDO). Eligible CBDOs are described in 24 CFR 1003.204(c). You must provide an assurance that you understand this requirement.

You must include in the application, documentation supporting the following determinations: all households to be assisted under a new housing construction project must be of low or moderate income status; no other housing is available in the immediate reservation area that is suitable for the households to be assisted; no other funding sources including an Indian Housing Block Grant can meet the needs of the household(s) to be served; the house occupied by the household to be assisted is not in standard condition and rehabilitation is not economically feasible, the household is currently in an overcrowded house (sharing house with another household(s)), or the household to be assisted has no current residence.

Before you submit an application for new housing construction projects, you must adopt construction standards and construction policies. You must identify the building code to be used when constructing the houses and must document that this code has been adopted. The building code may be a tribal building code or a nationally recognized model code. If it is a tribal code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b). If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c).

You must provide an assurance that any house to be constructed will be the permanent non-seasonal residence of the household to be assisted. This household must live in the house at least nine months per year.

(5) Homeownership Assistance Projects. No project specific thresholds.

(6) Infrastructure. No project specific thresholds.

(7) Buildings. 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.

(8) Economic Development. Economic development assistance may be provided only when a financial analysis is provided that shows public benefit commensurate with the assistance to the business can reasonably be expected to

result from the assisted project. The analysis should 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. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

Microenterprise Projects. No project specific thresholds.

(K) *Factors for Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applications and the points for each factor are provided below. The maximum number of points for all rating factors is 100. This is the maximum any project can receive.

Rating Factor 1: Capacity of the Applicant (35 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. If applicable, past performance in administering previous ICDBG will be taken into consideration. Please specifically 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 25 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 25 points under this factor.

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.

Your application describes the experience and expertise of existing staff in the implementation of the specific activity for which you are applying and what responsibilities they will have in project implementation, as well as those aspects of project implementation that will be contracted to outside parties. (5 points)

Your application addresses overall project management. (5 Points)

Your application addresses financial management. (4 Points)

Your application addresses procurement and contract administration. (3 Points)

Your application addresses environmental reviews. (3 Points)

Your performance in administering ICDBG grants over the preceding 12-month period on any open grant will be evaluated based on the following performance measures. If you do not have any open ICDBG grants, then you will receive 15 points under this sub-factor.

You have had satisfactory progress in meeting the time frames established in the HUD-approved Implementation Schedule for the ICDBG Program. (3 Points)

You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program. (3 Points)

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 completion of project activities. (3 Points)

You have submitted in a timely fashion annual audits in accordance with the ICDBG Program requirements. (3 Points)

You have resolved in a timely fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports. (3 Points)

Rating Factor 2: Need/Extent of the Problem (25 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.

Your application includes documentation demonstrating that the proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community. (10 points)

For public facilities and improvements and economic development projects, the proposed activities benefit the neediest segment of the population, as identified below. You must include information demonstrating that income data were collected in a statistically reliable and independently verifiable manner.

85 percent or more of the beneficiaries are low or moderate income. (15 points)

At least 75 percent but less than 85 percent of the beneficiaries are low or moderate income. (10 points)

At least 55 percent but less than 75 percent of the beneficiaries are low or moderate income. (5 points)

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

For new housing, housing rehabilitation, land acquisition, and homeownership assistance projects, the proposed activities are limited to low or moderate income beneficiaries. To evaluate need, the applicant must demonstrate that the amount of the Indian Housing Block Grant (IHBG) most recently received by the tribe or its tribally designated housing entity (TDHE) is not sufficient to have a significant impact on identified housing needs of low or moderate income households.

The Indian tribe's IHBG amount was \$100,000 or less in IHBG funds. (15 points)

The Indian tribe's IHBG amount was more than \$100,000 but at most \$300,000 in IHBG funds. (10 points)

The Indian tribe's IHBG amount was more than \$300,000 but at most \$500,000 in IHBG funds. (5 points)

The Indian tribe's IHBG amount was more than \$500,000 in IHBG funds. (0 points)

For programs which will assist in the development, expansion, or stabilization of microenterprises, 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:

All employees are low or moderate income. (15 points)

At least 75 percent but less than 100 percent of the employees are low or moderate income. (10 points)

At least 55 percent but less than 75 percent of the employees are low or moderate income. (5 points)

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

Rating Factor 3: Soundness of Approach (25 Points)

This factor addresses the quality and cost effectiveness of your proposal, the degree to which your project provides other benefits to community members, and the commitment to sustain your proposed activities.

(1) Your proposed project is a viable and cost effective approach to address the identified need. Appropriate information to include in the application to address this factor is a description of other options considered

during project planning, an explanation of how the size, type, and location of the project, if applicable and appropriate, were determined, and a discussion of anticipated cost savings due to innovative program design and/or construction methods. (5 points)

(2) Your proposed project will contribute to community objectives other than the direct objective of the project, such as job creation or retention, education and job training opportunities, economic self-sufficiency, homeownership, and reduction of drug-related crime. (5 points)

(3) Your application demonstrates your commitment to sustain your proposed activities. This commitment must be demonstrated in the following project specific ways:

(a) Public facilities and improvements. (i) If the tribe assumes operation and maintenance responsibilities for public facilities and improvements, a resolution that both adopts the operation and maintenance plan and commits necessary funds must be included in the application.

The plan itself is included and addresses maintenance, repairs, insurance, replacement reserves and includes a cost breakdown for annual expenses; for community buildings only, the source of operating funds is identified for any recreation, social or other services to be provided by other entity/ies and letters of commitment from service providers are included which address both operating expenses and space needs. (15 points)

A resolution adopting the operation and maintenance plan and committing funds is included; the plan is included and addresses most, but not all above items, but does include a satisfactory cost breakdown; for community buildings only, above service provider commitments (if applicable) as well as the source of operating funds are included. Information provided is sufficient to determine that the project will proceed effectively. (10 points)

A resolution adopting the plan and committing funds, or a plan addressing most of the above items is included. Information provided is sufficient to determine that the project will proceed effectively. (5 points)

None of the above criteria are met. (0 points)

(ii) If an entity other than the tribe commits to pay for operation and maintenance for public facilities and improvements, the application must contain a letter of commitment from the entity that assumes the operation and maintenance responsibilities.

Your application contains a letter of commitment from the entity that identifies the maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, as well as its financial capacity to provide for these responsibilities; for community buildings only, the source of funds for program service provision is identified for any recreation, social or other services to be provided by other entities and letters of commitment from service providers are included which address both these funds and space needs. (15 points)

Your application contains a letter of commitment identifying maintenance responsibilities and, if applicable, responsibilities for operations the entity will assume, but no information regarding the entity's financial capacity is included; for community buildings only, the source of funds for program service provision is identified for any applicable services to be provided and letters of commitment from applicable providers are included which address both these funds and space needs. (10 points)

Your application identifies the maintenance provider and, if applicable, responsibilities for operations the entity will assume, but a letter of commitment is not provided; for community buildings only, letters of commitment to provide services are included but no information regarding the provision of these funds or space needs is provided. (5 points)

None of the above criteria are met. (0 points)

(b) New housing construction, housing rehabilitation, and homeownership assistance projects.

The ongoing maintenance responsibilities are clearly identified for the tribe and/or the participants, as applicable. All 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. (15 points)

Maintenance responsibilities are identified, but in insufficient detail, and the above statement to be signed by the participant is submitted. (10 points)

Tribal maintenance responsibilities are identified but participant responsibilities are either not addressed or do not exist. (5 points)

None of the above criteria are met. (0 points)

(c) Economic development. You must include information or documentation which addresses or provides the following in the application: a

description of the organizational system and capacity of the entity that will operate the business; 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.

(ii) Business operating plan.

(iii) Market study no more than two years old.

(iv) Feasibility study indicating how the proposed business will capture a fair share of the market.

(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).

All above documents applicable to the proposed project are included in your application and the chances for financial success are excellent. (15 points)

All or most of the above documents applicable to the proposed project are included in your application and the chances for financial success are reasonable. (8 points)

Neither of the above criteria are met. (0 points)

(d) Micro enterprise assistance. You must include the following information or documentation in the application:

(i) Program description: You must submit a description of the proposed microenterprise program, including the types of entities that will be eligible to apply for funds through the microenterprise program.

(ii) Business plan. You must demonstrate that you will require each microenterprise applicant to submit a business plan. You must describe your process for reviewing and analyzing these plans.

(iii) Underwriting. If a credit program is intended, you must indicate what your underwriting criteria will be. A thorough description of the process for how you will analyze the financial status of microenterprise applications is included.

(iv) Loan terms. If a credit program is intended, you must indicate their range of loan terms (i.e. interest rate, maximum loan amount, duration, loan servicing provisions) and you must also indicate how you will determine the terms offered to individual microenterprise applicants.

(v) Market. You must indicate how you will analyze the market for the proposed microenterprise businesses and ensure that each funded business has a well defined market strategy.

All above documents applicable to the proposed project are included in the application and the chances for success are excellent. (15 points)

All or most of the above documents applicable to the proposed project are included in the application and the chances for success are reasonable. (8 points)

Neither of the above criteria are met. (0 points)

(e) Land Acquisition: Submissions should 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, available drinking water, access to utilities, vehicular access, drainage, nearby social and community services, and no known environmental problems.

The submissions include all of the above mentioned items and all necessary infrastructure is in place. (15 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. (8 points)

Neither of the above criteria are met. (0 points)

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 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

Non-ICDBG resources to project costs	Points
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; State or Federal loans or guarantees; other grants; donated goods and services needed for the project; land needed for the project; and, direct administrative costs.

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, firm and projected commitments must be demonstrated at the time of application.

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 and favorable outcome of any environmental review required under 24 CFR part 58 for the project.

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. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization and must be conditional upon favorable outcome of any environmental review required under 24 CFR part 58 for the project.

HUD recognizes that in some cases, firm commitments of non-tribal resources may not be obtainable by your tribe by the application due date. 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 notification 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 (or time estimates, if appropriate) 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; or a reasonable extrapolation of land value based on current area realtor value guides.

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.

Your application includes a tribal resolution stating that the proposed project is included in an adopted comprehensive community plan. In the case of new housing, housing rehabilitation, land acquisition projects, and homeownership assistance projects, the NAHASDA Indian Housing Plan may be considered a comprehensive community plan. The resolution must identify the title and approval date of the plan and indicate how project implementation will be coordinated with tribal and other efforts directed towards addressing the identified needs. (5 Points)

Your application documents active participation in tribal planning efforts to coordinate your proposed project, but the project is not included in an adopted comprehensive community plan. (3 Points)

Your application contains no documentation regarding the inclusion of the project in a comprehensive

community plan or planning process. (0 Points)

VI. Application Submission Requirements

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

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

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

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

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

(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 1003.604.

(C) *Application Submission.* Your application must contain the items listed below. You must also include the forms, standard forms, certifications, and assurances listed in the General Section of the SuperNOFA that are applicable to this funding and can be found in Appendix B to the General Section of the SuperNOFA. Those forms listed in that Appendix which are not applicable to this funding are: SF 424 A—Standard Form for Budget Information—Non-Construction Programs; SP 424-B—Standard Form for Assurances—Non-Construction Programs; SP 424 C—Standard Form for Budget Information—Construction Programs; and, SP 424 D—Standard Form for Assurances—Construction Programs. In addition, 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. The other required items are as follows:

(1) Community Development Statement that includes:

(a) Components that address the relevant selection criteria;

(b) A brief description or an updated description of community development needs;

(c) A brief description of projects proposed to address needs, including scope, magnitude, and method of implementing the project;

(d) A schedule for implementing the project (form HUD-4125, Implementation Schedule); and

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

(2) Certifications (form HUD 4126);

(3) A map showing project location, if appropriate;

(4) 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;

(5) If applicable, evidence of the disclosure required by 24 CFR 1003.606(e) regarding conflict of interest.

(6) If applicable, the demographic data certification described in Section IV(B) of the NOFA. The data accompanying the certification must identify the total number of persons benefiting from the project and the total number of low-and-moderate persons benefiting from the project. Supporting documentation should include a sample copy of a completed survey form and an explanation of the methods used to collect the data, and a listing of incomes by household.

VII. Clarifying Information

After the application due date, the ONAPs may not, consistent with 24 CFR part 4, subpart B, consider unsolicited information from you. The ONAPs may, however, but is under no obligation to, contact you to clarify an item in the application. You should note, however, that the ONAPs may not seek clarification of items or responses that improve the substantive quality of the applicant's response to any eligibility or selection criterion. The ONAPs will make any requests for clarifying information in writing and will specify the item, or items, that need clarification and a timeframe for response. Failure on your part to provide such requested information will result in the rejection of the application.

VIII. Correction of Technical Deficiencies

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications. Additionally, as indicated under Section V(G) above, only successful applicants will be required to address technical deficiencies and this must be done before we make a grant award. If you do not provide the information necessary to address the deficiency within the time allowed, we will not award you the grant and will reject your application. The ONAPs will notify you in writing and will describe the technical deficiency, what must be done to correct it, and the date by which you must submit this information. The ONAPs will notify you by facsimile or by return receipt requested. Your response must be submitted (postmarked) by no later than the date established by the ONAPs. The ONAPs must provide you at least 14 calendar days to respond to the request.

IX. Error and Appeals

Judgments made within the provisions of this 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 ONAPs within 30 days of being informed of your score. If an arithmetic error was made in the application review and rating process that, when corrected, would result in the award of sufficient points to warrant the funding of an otherwise approvable project, the ONAPs may fund that project in the next funding round without further competition.

X. 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. Grantees may not commit or expend any ICDBG or nonfederal funds on project activities (other than those listed in 24 CFR 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 this HUD approval may result in the denial of assistance for the project or activities under consideration.

XI. Authority

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) and the regulations in 24 CFR part 1003.

Appendix A

The non-standard forms, which follow, are required for your ICDBG application.

BILLING CODE 4210-32-P

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 1990. 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 Facilities

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

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.

Certifications

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. 5/31/2003)

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 1990. The information requested does not lend itself to confidentiality.

The grantee hereby certifies and assures that it will 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 gives assurances and certifies with respect to the grant that:

- A. It possesses the legal authority to apply for the grant and execute the proposed program.
 - B. 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.
 - C. It will comply with the HUD general administration requirements in 24 CFR Part 85.
 - D. It will comply with the requirements of Title II of Public Law 90-284 (25 USC 1301) (the Indian Civil Rights Act).
 - E. It will comply with the Indian preference provisions required in 24 CFR 1003.510.
 - F. 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. Nothing in this certification should be construed as to limit employees from benefiting from program activities for which they would otherwise be eligible.
 - G. 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.
 - H. Neither the applicant nor its principals are presently excluded from participation in any HUD programs, as required by 24 CFR part 24.
 - I. 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.
 - J. The chief executive officer or other official of the applicant approved by HUD:
 1. 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.
 2. Is authorized and consents on behalf of the applicant and him/her self 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 need not include the provision of paragraph J in their assurance.
- K. 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 USC. 450e(b)).
 - L. It will comply with the requirements of the Fire Authorization Administration Act of 1992 (Pub.L. 102-522).
 - M. It will provide the drug-free workplace required by 24 CFR part 24, subpart F.
 - N. 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.
 - O. 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.
 - P. It will administer and enforce the labor standard requirements prescribed in 24 CFR 1003.603.
 - Q. The Program 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.

Note: Applicants receiving Imminent Threat Grants need not include the provision of this paragraph in their assurance

Name (type or print)	Title
Signature	Date (mm/dd/yyyy)