

**DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT**

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**COMMUNITY DEVELOPMENT  
BLOCK GRANTS FOR INDIAN  
TRIBES AND ALASKAN NATIVE  
VILLAGES**

Billing Code 4210-32-C



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

**Program Overview**

*(A) 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.

*(B) 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.

*(C) Available Funds*

The FY 2002 appropriation for the ICDBG Program is \$70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

*(D) Eligible Applicants*

Eligible applicants are Indian tribes or tribal organizations on behalf of Indian tribes.

*(E) Application Deadline*

June 6, 2002.

*(F) Match*

None.

*(G) 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.

**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.

**I. Application Due Date, Addresses for Submission, Tips for Application Preparation, Application Kits, Further Information, and Technical Assistance**

*(A) Application Due Date*

Your completed application (one original and two copies) must be postmarked on or before 12:00

midnight, on June 6, 2002 and be received by the designated Area Office of Native American Programs (ONAP) on or within 15 days of the application due date.

See the General Section of this SuperNOFA for specific procedures that you must follow for the form of application submission. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the United States Postal Service. Hand carried applications will not be accepted.

*(B) Addresses for Submitting Applications to the Appropriate Area ONAP*

Submit original signed application and two copies to the appropriate Area ONAP for your jurisdiction. A list of jurisdictions is given below. Please note that for security purposes, applications can *only* be delivered to Area ONAPs via the *United States Postal Service*.

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.

*(C) General Tips for ICDBG Application Preparation*

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, 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 & Improvements. This will help to ensure that the appropriate project specific thresholds and rating sub-factors will be applied.

In addition, please use separate tabs for each rating factor and rating sub-factor. 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. Only include that 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 NOFA point system. 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. This will help you determine where improvements can be made to your application prior to its submission.

#### (D) 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/grants>. When requesting an application kit, please refer to ICDBG and provide your name, address (including zip code), and telephone number (including area code).

#### (E) 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.

#### (F) Technical Assistance

Before the application due date, we will be available to provide you with general guidance and technical assistance. We, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, we are available to assist you in clarifying or confirming information that is required to address a pre-award requirement or condition but will not affect the rating or ranking of your application.

#### Amount Allocated

##### (A) Available Funds

The FY 2002 appropriation for the ICDBG Program is \$70,000,000. In addition, any FY 2001 ICDBG carry-over funding would be available for distribution in FY 2002.

##### (B) General

Title I of the Housing and Community Development Act of 1974 which authorizes CDBG 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.

#### (C) 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 \$70,000,000 less \$2,000,000 retained to fund Imminent Threat Grants, the allocations for FY 2002 are as follows:

Eastern/Woodland .....	\$ 5,905,403
Southern Plains .....	12,608,675
Northern Plains .....	10,791,499
Southwest .....	27,710,487
Northwest .....	4,741,105
Alaska .....	6,242,832
Total .....	68,000,000

#### (D) 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 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 2002 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 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. 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; and, Form HUD-50070, Certification for a Drug-Free Workplace.

### III. Program Description; Eligible Applicants; Eligible Activities; and Definitions

#### (A) 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.

#### (B) 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.)

#### (C) 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. The rating factors included under V (J) specify many of the activities listed as eligible under part 1003, subpart C. Those listed include new housing construction, housing rehabilitation, land acquisition to support new housing, 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.

(1) *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.

(2) *Assistance to Institutions of Higher Learning.* If such entities have the

capacity, they can help the ICDBG grantees to implement eligible projects.

(3) *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.

(4) *Clearance, Demolition.* These activities can be proposed as part of Housing Rehabilitation, New Housing Construction, Public Facilities and Improvements or Land to Support New Housing.

(5) *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.

(6) *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.

(7) *Energy Efficiency.* Associated activities can be proposed under Housing Rehabilitation or Public Facilities and Improvements depending upon the type of energy efficiency activity.

(8) *Lead Based Paint Abatement and Evaluation.* These activities can be proposed under Housing Rehabilitation.

(9) *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.

(10) *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.

(11) *Privately Owned Utilities.* Assistance to privately owned utilities can be proposed under Public Facilities and Improvements.

(12) *Removal of Architectural Barriers.* This includes removing barriers that restrict mobility and access for elderly and persons with disabilities. 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.

#### (D) Definitions

(1) *Adopt.* To approve by formal tribal resolution.

(2) *Assure.* To comply with a specific NOFA requirement. As an applicant,

you must state your compliance or your intent to comply in your application.

(3) *Document.* To supply supporting written information and/or data in the application that satisfies the NOFA requirement.

(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: 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. For example, a housing office that is operated as a department of the tribe would be considered the tribe. However, a housing office that is operated as a tribally designated housing entity (TDHE) would be considered an entity other than the tribe.

(5) *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.

(6) *Leverage*. 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.)

(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: 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.

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

(10) *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 due date, 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 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.

**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:

(A) *Program Requirements Applying to All Projects*

(1) *Grant Ceilings*. The authority to establish grant ceilings is found at 24 CFR 1003.100(b)(1). Grant ceilings are established for FY 2002 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
	6,001-7,500 .....	1,000,000
	1,501-6,000 .....	750,000
	0-1,500 .....	550,000
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.

(2) *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 HUD approval may result in the denial of assistance for the project or activities under consideration.

(3) *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.

*(4) 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.

*(5) 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.

*(6) 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.

*(B) Program Requirements Applying to Specific Projects*

*(1) Low and Moderate Income Status for Rehabilitation Projects.*

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

*(2) Housing Rehabilitation Cost Limits.*

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) 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 III) submitted on or on behalf of the applicant as an affordable housing resource with a commensurate commitment of Indian Housing Block Grant (IHBG) (aka the Native American Housing Block Grant (NAHBG)) resources. If the IHP for the IHBG (aka 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.

*(4) 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.

*(C) Inapplicable General Section Program Requirements*

Please note that the requirements in the General Section regarding conducting business in accordance with HUD core values and ethical standards do not apply to the ICDBG Program. The provision in II(C) of the General Section giving two bonus points for eligible activities/projects to be located in a RC/EZ/EC does not apply. In addition, the requirements in Section II(D) of the General Section of the SuperNOFA 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. Your application must meet all screening for acceptance requirements and all applicant and project specific thresholds listed below. HUD will review each application and assign points in accordance with the selection factors described in this section. A maximum of 100 points may

be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. 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.

*(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 Address and Application and Submission Procedures in the General Section of this SuperNOFA;

(2) You are eligible;

(3) The proposed project is eligible;

(4) Your application contains substantially all the components specified in VI of the ICDBG Program Section of this SuperNOFA;

(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 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.

*(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. A maximum of 100 points may be awarded under Rating Factors 1 through 5 including 1 point awarded for applications incorporating accessible design features into the proposed project with associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA. 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.

*(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, and the reasonableness of the project costs. 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 V of the General Section 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 nor will this information affect your project's rating and ranking. 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) General Threshold Requirement*

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.

*(I) Project Specific Threshold Requirements*

Please indicate on the first page of each project submission, the type of project(s) (Economic Development, Homeownership Assistance, Housing Rehabilitation, Land Acquisition to Support New Housing, Microenterprise Programs, New Housing Construction or Public Facilities & Improvements) that is (are) being proposed. This will help to ensure that the appropriate project specific thresholds and rating sub-factor will be applied.

In addition, for definitions of "assure" and "document", please refer to Section III(D), Definitions of this Program Section of the SuperNOFA.

*(1) Housing Rehabilitation Project Thresholds.*

(a) 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 these standards and policies with the application.*

(b) In accordance with 24 CFR 1003.302(a), you must also provide an assurance that 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 except in an emergency situation. Exceptions to this requirement must be approved by the ONAP Administrator on a case-by-case basis.

*(2) Land Acquisition to Support New Housing Project Thresholds.* No project specific thresholds.

*(3) New Housing Construction Project Thresholds.* (a) In accordance with 24 CFR 1003.302, 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 documentation establishing that the entity implementing your new housing construction project qualifies as a CBDO.

(b) In accordance with 24 CFR 1003.302, you must also submit with your application a current tribal resolution adopting and identifying construction standards. The construction standards 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).

(c) In accordance with 24 CFR 1003.302, you must also include in your application documentation supporting the following:

(i) All households to be assisted under a new housing construction project must be of low or moderate income status;

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

(iii) No other funding sources including an IHBG (aka NAHBG) can meet the needs of the household(s) to be served; and

(iv) 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 (more than one household per house), or the household to be assisted has no current residence.

(4) *Homeownership Assistance Project Thresholds*. No project specific thresholds.

(5) *Public Facilities and Improvements Project Thresholds*. No project specific thresholds.

(6) *Economic Development Project Thresholds*. In accordance with 24 CFR 1003.302, for economic development assistance 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. In addition, it must be established that the project is financially feasible and has a reasonable chance of success.

(7) *Microenterprise Program Thresholds*. No project specific threshold.

(J) *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. 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 sub-factor and lists which rating sub-factors apply to which project types. Please use this table to ensure you are addressing the appropriate rating sub-factor for your project.

Rating factor	Rating and 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	All Project Types.
	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.
3	(2)(c)	15	Microenterprise Programs.
	Total	35	
	(1)	19	All Project Types.
	(2)	1	All Project Types.
	(3)	1	All Project Types.
	(4)(a)(i)	15	Public Facilities and Improvements (tribe assumes O&M responsibilities).
	(4)(a)(ii)	15	Public Facilities and Improvements (entity other than tribe assumes O&M responsibilities).
	(4)(b)	15	New Housing Construction, Housing Rehabilitation, and Homeownership Assistance Projects.
	(4)(c)	15	Economic Development.
(4)(d)	15	Microenterprise Programs.	
4	(4)(e)	15	Land Acquisition to Support New Housing.
	Total	10	All Project Types.
5	Total	5	All Project Types.
Total possible.		100	Minimum of 70 Points Required.

\* The first number listed indicates the maximum number of points available to current ICDBG grantees under this sub-factor. 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 a timely manner. If applicable, past performance in administering previous

ICDBG grants 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 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.

(1) Managerial, Technical, and Administrative Capability

(20 points for current ICDBG grantees)  
(30 points for new applicants)

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.

(a) Managerial and Technical Staff  
(10 points)

The extent to which your application 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 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.

(b) Project Management Plan and Method

(5 points for current ICDBG grantees)  
(7 points for new applicants)

The extent to which your project management plan identifies the specific actions that you and your partners contractors and/or sub grantees will take to complete your proposed project on time and within budget. Your management plan must include a description of the management structure for the program and a schedule outlining the estimated completion of all tasks associated with your proposed project.

(c) Financial Management

(3 points for current ICDBG grantees)  
(8 points for new applicants)

The extent to which your application describes how your financial management systems will facilitate effective fiscal control over your proposed project. Effective fiscal control will be judged in terms of your financial management and/or internal control policies and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by a tribal resolution adopting such policies and procedures and the adopted resolution is included with your application; how you will apply your financial systems to the specific project for which you are applying; and, the findings of your most recent financial audit or a letter of endorsement from your auditor if the most recently conducted audit report has not been finalized is included with your application.

(d) Procurement and Contract Management

(2 points for current ICDBG grantees)  
(5 points for new applicants)

The extent to which your application describes how your procurement and contract administration policies and procedures will facilitate effective procurement and contract control over your proposed project. Effective procurement and contract control will be judged in terms of your procurement and contract administration policy and procedures meeting 24 CFR part 85 and 24 CFR part 1003 requirements as evidenced by an adopted resolution and included with your application, and how you will apply your procurement and contract systems to the specific project for which you are applying.

(2) Past Performance

(10 points for current ICDBG grantees)  
(0 points for new applicants)

Your performance in administering ICDBG grants over the preceding 12-month period on any open ICDBG grant will be evaluated based on the following performance measures.

(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.

(b) (2 points for current ICDBG grantees) (0 points for new applicants) You have had timely submission of required reports including the Annual Status and Evaluation Report and Federal Cash Transaction Report for the ICDBG Program.

(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.

(d) (2 points for current ICDBG grantees) (0 points for new applicants) You have submitted in a timely fashion annual audits in accordance with the ICDBG Program 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 fashion ICDBG monitoring findings and controlled audit findings or no findings in current reports.

**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) (5 points) 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.

(2) (15 points) Your project benefits the neediest segment of the population. 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 certification along with supporting documentation as described in Section VI (A) and (C)(6) below.

*(a) Public Facilities and Improvements and Economic Development Project*

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.

(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*

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

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

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

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

*(c) Microenterprise Programs*

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 55 percent but less than 75 percent of the employees are low or moderate income.

(0 points) Less than 55 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 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*

The extent to which your proposed project is a viable and cost effective approach to address the needs outlined under Rating Factor 2 of your application. You must describe the proposed project in detail and indicate why you believe the proposed project will be most effective in addressing the identified need. Appropriate

information to address this subfactor includes the size, type and location of the project; rationale for project design; and, anticipated cost savings due to innovative program design and/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.

*(2) (5 points) Budget and Cost Estimates*

The quality, thoroughness, and reasonableness of the proposed project budget. Cost estimates must be broken down by line item for each proposed activity and documented by outside sources when appropriate.

*(3) (1 point) Accessible Design Features*

Your application incorporates accessible design features into your proposed project and provides associated performance measures. Promoting accessible design features is one of HUD's FY 2002 policy priorities as describes in Section (V) of the General Section of this SuperNOFA.

*(4) (15 points) Commitment to Sustain Activities*

Your application demonstrates your commitment to sustain your proposed activities. The criteria for this sub-factor vary according to the type of project for which you are applying.

*(a) Public Facilities and Improvement Projects*

*(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*

(15 points) 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 the tribe or other entities and letters of commitment from service providers are included which address both operating expenses and space needs.

(10 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.

(5 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.

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

*(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.*

(15 points) 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 commits the necessary funds 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 the tribe or other entities and letters of commitment from service providers are included which address both these funds and space needs.

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

(5 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.

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

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

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

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

*(c) Economic Development Projects*

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).

(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 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, available drinking water, 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 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; State or Federal loans or guarantees; other grants including IHBG (aka NAHBG) funds; 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, letters of firm commitments, memoranda of understanding, or agreements to participate from any entity, including the tribe that will be providing a contribution to the project must accompany the 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. In the case of IHBG (aka NAHBG) funds, whether they are administered by the tribe or a TDHE, an approved IHP must identify and commit the IHBG (aka 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 (aka

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. The commitment must be signed by an official of the organization legally authorize 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.

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; 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.

(1) (2 points) Your application addresses the extent to which you have coordinated your activities with other organizations that are not directly participating in your proposed work activities (not project partners such as those listed under Rating Factor 4: Leveraging), 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 (aka NAHBG) Program. If the IHP for the IHBG (aka 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 accomplish measurable outcomes such as number of jobs created or obtained; education or job training opportunities provided, increased economic self-sufficiency of recipients of program beneficiaries; increased homeownership rates; and, reduction of drug-related crime or health related hazards.

#### **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 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 that are applicable to this funding are as follows:

- (1) Standard Form for Application for Federal Assistance (SF-424)
- (2) Federal Assistance Funding Matrix and Certifications (HUD-424M)
- (3) Drug-Free Workplace Certification (HUD-50070).

- (4) Applicant/Recipient Disclosure/Update Report (HUD-2880).
- (5) Certification Regarding Debarment and Suspension (HUD-2992).
- (6) Certification of Consistency with RC/EZ/EC Strategic Plan (HUD-2990), if applicable;
- (7) Acknowledgement of Application Receipt (HUD-2993).
- (8) Client Comments and Suggestions (HUD-2994), optional.

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 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);

(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 VI(A) and V(J), Rating Factor 2 of this 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 must

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.

#### **VIII. Applicant Debriefing**

Please refer to Section VII (E)(2) of the General Section of this SuperNOFA.

#### **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.

#### **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 (2577-019), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3500. 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 CDBG 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)

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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)

Previous editions are obsolete

Form HUD-4126 (12/98)

