

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**FAIR HOUSING INITIATIVES
PROGRAMS**

**Fair Housing Initiatives Program, Education
and Outreach Initiative - Partnership with
Historically Black Colleges and Universities**

**Fair Housing Initiatives Program,
Education and Outreach Initiative-
Partnership With Historically Black
Colleges and Universities**

Overview Information

A. *Federal Agency Name*: Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.

B. *Funding Opportunity Title*: Fair Housing Initiatives Program (FHIP).

C. *Announcement Type*: Initial announcement.

D. *Funding Opportunity Number*: The **Federal Register** number for this NOFA is FR-4894-N-01. The OMB approval number for this program is 2539-0033.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s)*: Education and Outreach Initiative 14.409.

F. *Dates*: The application due is June 18, 2004.

G. Additional Overview Content Information:

General description. The Education and Outreach Initiative (EOI) assists projects that educate and inform the public about the rights and obligations under the Fair Housing Act (Act) and substantially equivalent state and local fair housing laws. Applications are solicited for this initiative under the EOI-College and University Component to organize and operate a fair housing legal-clinical education program that will benefit the public by producing well-trained clinicians and lawyers who are capable of educating and informing the public on fair housing rights and obligations. This fair housing legal-clinical education program will also serve as a national model that can be replicated at any ABA-accredited law school.

FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent state and local fair housing laws. This NOFA furthers this goal by seeking to provide funding to Historically Black Colleges and Universities (HBCUs) with Law schools accredited by the American Bar Association (ABA) to develop fair housing curricula and a clinical fair housing law program for law students. While this effort was announced in the April 25, 2003, **Federal Register**, in the NOFA for the FHIP (at 68 FR 21197), no applications were solicited at that time. This NOFA solicits applications for this effort only.

1. HUD intends to award cost reimbursable Cooperative Agreements.

2. Eligible applicants are HBCUs with American Bar Association (ABA) accredited law schools.

3. If you are interested in applying for funding under the FHIP please review the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), and the FHIP Regulations (24 CFR 125.103-501), the FHIP Authorizing Statute (sec. 561 of the Housing and Community Development Act of 1987, as amended), and the FHIP Regulations (24 CFR 125.103-501).

Full Text of Announcement'

I. Funding Opportunity Description

\$20,118,375 was appropriated for the FHIP in FY2003. Of this amount, \$1 million is being made available on a competitive basis to eligible organizations responding to this FHIP NOFA. The term for this Cooperative Agreement will be one year. HUD may exercise the option to extend this Cooperative Agreement for two additional one-year terms, based on satisfactory performance of the awardee in the first year and the availability of FHIP funds. Rolling out the model Fair Housing Law-Clinical Program to other accredited law schools will be the focus of subsequent years.

HUD is seeking to establish a national model for a Fair Housing Law-Clinical Program at an accredited HBCU law school. Pursuant to Executive Order 13256, HUD is strongly committed to broadening the participation of HBCUs in federal programs. Establishing a Fair Housing Law-Clinical Program will serve to better inform and educate the public about the rights and obligations under the Act and substantially equivalent State and local fair housing laws, and will also enhance the HBCU's ability to serve its students and the public by providing Fair Housing Law as another field of study and career option.

Authority. Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the FHIP (FHIP) and the implementing regulations are found at 24 CFR part 125.

A. *Program Definitions.* The definitions that apply to this FHIP NOFA are as follows:

1. *Fair Housing Act* (the Act) means Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

2. *Fair Housing Assistance Program (FHAP) Agencies* mean State and local fair housing enforcement government agencies that receive FHAP funds because they administer laws deemed substantially equivalent to the Act, as described in 24 CFR part 115.

3. *Fair Housing Enforcement Organization (FHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

4. *Minority-Serving Institutions (MSI)* (see General Section).

5. *Qualified Fair Housing Enforcement Organization (QFHO)* means an organization engaged in fair housing activities as defined in 24 CFR 125.103.

6. *Regional/Local/Community-Based Activities* are defined at 24 CFR 125.301(a) & (d).

II. Award Information

A. Approximately \$1 million will be awarded under the EOI Minority Serving Institutions Component of the Fair Housing Initiatives Program (FHIP-EOI).

B. *Anticipated Number of Awards.* The estimated number of awards is one.

C. *Maximum Award Amount.* The maximum award amount is \$1 million under this NOFA.

D. *Anticipated Start Date and Period of Performance.* For planning purposes, assume a start date of no later than September 1, 2004. The period of performance shall be for one year, however, HUD may exercise the option to extend the agreement for two additional one-year terms.

E. *Funding Instrument.* Funds will be awarded as a Cooperative Agreement. HUD expects to have substantial involvement in the development of the awardee's academic approach in establishing the law clinic and services made available and allow for direct input into the development of a national model for replication at any ABA-accredited law school. The agreement will identify the eligible activities to be undertaken, financial controls, the awardees' proposed performance measures, and special conditions, including sanctions for violation of the agreement. HUD will use the Cooperative Agreement to monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the U.S. Department of Justice or other enforcement authorities.

III. Eligibility Information

A. Eligible Applicants

1. To qualify as an applicant under this Component, an institution must:

a. Be recognized by the American Bar Association as having an accredited law school;

b. Be legally authorized by the State in which it is located to provide a bachelor's degree program and a law degree program;

c. Be designated by the Secretary of the U.S. Department of Education as a Historically Black College or University; and

d. Have a high enrollment of needy students defined by 34 CFR 607.3. Applicants must submit documentation from the U.S. Department of Education establishing eligibility (except for item a. above).

2. *Consortium Requirements.* Two or more eligible applicants may file a joint application as a consortium. When filing jointly, you must designate one entity to be the lead applicant. The lead applicant will be the awardee if HUD funds your application. The lead applicant must include a Memorandum of Understanding (MOU) for each consortium member. Each MOU must provide a detailed description of the work to be performed by the consortium member(s) and the costs associated with the work. A draft MOU may be acceptable provided you include a detailed explanation of why a fully ratified MOU is not being presented in your application. A fully ratified MOU is contingent upon HUD funding the application. In addition, written commitment from the proposed consortium member(s) must be included in your application. If a draft MOU is submitted in the application, the finalized fully ratified MOU for each consortium member must be submitted to HUD within 15 calendar days after announcement of the award. Each MOU must commit the consortium member to actively supporting the development and implementation of the Fair Housing Legal-Clinical Program. Each MOU must also describe the skills and resources each consortium member brings to assist in implementation of your specific action plan activities. Each MOU will be considered in reviewing and rating your application, so you should strive to be as specific as possible in each MOU document.

B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach Initiative.

C. Other

1. Threshold Requirements.

a. *Ineligible Applicants.* HUD will not consider an application from an ineligible applicant.

b. *Compliance with Fair Housing and Civil Rights Laws.* See General Section.

c. *Debarment and Suspension.*

Applicants are ineligible for funding if they are debarred and suspended.

d. *Poor Performance.* Applicants are ineligible for funding if they are a previous FHIP awardee that has received a "Poor" performance rating for its most recent performance rating from its Government Technical Representative (GTR). HUD will assess performance ratings for applicants who have received FHIP funding in 2001 or 2002. If the applicant has received a "poor" performance rating for its most recent performance rating from its GTR, its application is ineligible for FY2004 competition. An applicant that does not agree with its determination of ineligibility for the FY2004 competition because of "poor" performance must address to HUD's satisfaction the factors resulting in the "poor" performance rating before the FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in increasing the performance level of all funded recipients; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition.

e. *Suits Against the United States.* Your application is ineligible for funding if as a current or past awardee of FHIP funds, your organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

f. *Other Litigation.* Your application is ineligible for funding if you used funds under this Program provided by HUD to settle a claim, satisfy a judgment or fulfill a court order in any defensive litigation (24 CFR 125.104).

g. *Delinquent Federal Debt.* See General Section.

h. *Name Check Review.* See General Section.

i. *False Statements.* See General Section.

j. *DUN and Bradstreet Universal Numbering System (DUNS) Number Requirement.* Refer to the General Section of the SuperNOFA for information regarding the DUNS requirement. You will need to obtain a DUNS number to receive an award from HUD.

2. *Requirements under this NOFA.* In addition to the Threshold Requirements, your application for FHIP-program funding must also meet the following requirements:

a. *Protected Basis.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin.

b. *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD's goals to increase compliance with the Act and with substantially equivalent state and local fair housing laws, identify performance measures/outcomes in support of those goals, and describe your proposed record-keeping and evaluation systems. If selected for funding, your final performance measures will be negotiated between you and HUD as part of your executed Cooperative Agreement.

c. *Reports and Meetings on Performance Measures and Products.* Applicants must use the Logic Model, Form HUD-96010.

d. *Discrimination Covered Under the Act.* The applicant must describe how it will address all housing discrimination covered under the Act.

e. *Screening/Threshold Review.* Only applications that satisfy all of the applicable requirements under this FHIP NOFA will be considered for funding. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, subrecipient, and members of consortia that are firmly committed to the project.

3. *Specific activities.* An application under this NOFA must address how the applicant proposes to undertake each of the activities listed below:

a. Development of a comprehensive concept and design of an Action Plan for the Fair Housing Legal-Clinical Program that can serve as a national model for replication at any accredited law school. The Action Plan must include a design concept and academic structural approach that will be used in developing and operating the Fair Housing Legal-Clinical Program.

b. Design of a course curriculum that will:

(1) Review and identify all of the prohibitions contained in the Act;

(2) Explain how, and in what manner, the prohibitions apply to each protected class identified in the law;

(3) Provide examples of the contexts and the numerous factual circumstances that can be presented in establishing applicability;

(4) Implement the curriculum design at an HBCU with an ABA-accredited law school;

(5) Develop training that will be provided to faculty and, as appropriate, other key support staff and establishment of a training schedule;

(6) Develop procedures that will be used to recruit law students to participate in the program and the procedures for such students to receive credit for their participation;

(7) Project the number of students expected to participate in the program;

(8) Develop the procedures that will be used to assure that law students enrolled in the legal-clinical program are adequately supervised in processing fair housing cases;

(9) Develop a comprehensive concept and design for a legal-clinical program that can serve as a national model for replication at any ABA-accredited law school; and

(10) Develop a plan to promote the replication of the fair housing curriculum and clinical law program at other accredited law schools.

(11) An applicant may propose other activities, but the application must consist of items (1)–(10) above to be considered eligible for funding.

4. Statutory and Regulatory Requirements. To be eligible for funding under this NOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the FHIP. If you need copies of the FHIP regulations, they are available through the HUD Web site <http://www.hud.gov>.

IV. Application and Submission Information

A. Addresses To Request Application Package

1. Copies of the published FHIP NOFA and application forms can be secured by calling HUD at 202-708-0800 or for the hearing impaired, 800-290-1617.

2. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this NOFA. However, HUD staff is not permitted to assist you in preparing your application. Following selection of applicants, but before the announcement of awards is made, HUD staff is available to assist in clarifying or confirming information

that is a prerequisite to the offer of an award.

B. Content and Form of Application Submission

The maximum narrative page requirement is 10 pages per Factor. All pages in your application must be numbered consecutively from beginning to end. The narrative pages must be double-spaced (no more than three lines per vertical inch). This includes all narrative text, titles and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures and graphs). You are required to use 12-point type size. A page is 8.5 x 11 inch, on one side only, with one inch margins on the top, bottom, right and left. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point type size narrative responses will result in five points being deducted from your overall score (one point per factor). Failure to consecutively number pages within your application will result in one point being deducted from your overall score.

1. Please ensure that your application contains all of the following:

- Copy of SF-424 (Place a copy of the SF-424 on top of application package).
- Transmittal Letter.
- Checklist for Completion of Applications.
- Project Abstract Outlining Project Activities.
- Factor No. 1 Narrative.
- Factor No. 2 Narrative.
- Factor No. 3 Narrative.
- Factor No. 3 Attachments: Statement of Work, Budget Form, Budget Narrative.
- Factor No. 4 Narrative.
- Factor No. 4 Attachments: Letter(s) of Firm Commitment.
- Factor No. 5 Narrative.
- Responses to Additional Requirements for Specific Initiative/ Project.

Application Forms and Certifications

- SF-424 Application for Federal Assistance.
- SF-424B Applicant Assurances and Certifications.
- SF-424CB Grant Application Detailed Budget.
- SF-424CBW Grant Application Detailed Budget Worksheet.
- HUD-2880 (Applicant Recipient Disclosure Update Report).
- OMB SF-LLL Disclosure of Lobbying Activities.
- HUD 2993 Acknowledgment of Application Receipt.

This Checklist reflects all forms that must be included in your application submission.

2. **Attachments.** All applicants must submit resumes or position descriptions for newly created positions. If you received HUD funding in the past, please submit the most recent Financial Status Report, Standard Form (SF) 269.

3. Within 30 days after the due date for this NOFA applicants are invited, on a voluntary basis, to submit applications via the use of <http://www.Grants.gov>. For your fiscal year 2004 application, use of grants.gov/APPLY is strictly voluntary and intended to help HUD test the system to ensure that future applications can be received at HUD without problems and also, to help you, the applicant, become familiar with the use of the system. It is HUD's intent to move to electronic submissions in Federal Fiscal Year 2005 and beyond and you can help us in our planning by submitting your application electronically within 30 days after you have submitted your paper copies by the due date and time per the mailing instructions in this program section and general Section of this SuperNOFA.

C. Submission Dates and Times

You must submit a completed application (one original and three copies) for the specific initiative and component for which you are applying on or before June 14, 2004 to the HUD Headquarters building. Applicants missing the deadline will have their applications returned without further review by the Technical Evaluation Panel.

What to submit	Required content	Required form or format	When to submit it
Application:			
Cover sheet	(Per required form)	Form SF-424.	
Budget information	(Per required form)	Form SF-424CBW.	
Narrative	Described in Section IV.B of this announcement.	Format described in Section IV.B of this announcement.	
Assurances	(Per required form)	Form SF-424B, available from.	
Letters from third parties contributing to cost sharing.	Third parties' affirmations of amounts of their commitments.	No specific form or format	By June 14, 2004.

D. Intergovernmental Review

Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of Federal financial assistance and direct Federal development. HUD implementing regulations are published in 24 CFR part 52. The Order allows each state to designate an entity to perform a state review function. The official listing of State Points of Contact (SPOC) for this review process can be found at <http://www.whitehouse.gov/omb/grants/spoc.html>. States not listed on the website have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your state has a SPOC, you should contact them to see if they are interested in reviewing your application prior to submission to HUD. Please make sure that you allow ample time for this review process when developing and submitting your applications. If your state does not have a SPOC, you may send applications directly to HUD.

E. Funding Restrictions

1. Applicants are ineligible for funding if they request funding in excess of the maximum allowed under the initiative or component for which they are applying. Any amount over the maximum award, even if less than one dollar, will be considered a request in excess of the maximum award. In addition, inconsistencies in the amount requested and/or miscalculations that result in amounts over the maximum award will be considered excessive; therefore the application is ineligible.

2. *Ineligible Activities.* Fair Housing and Free Speech. None of the amounts made available under this FHIP Program Section of the NOFA may be used to investigate or prosecute under the Act any activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action that is protected by the First Amendment to the U.S. Constitution. This includes activities engaged in for the purpose of achieving or preventing action by a government official or entity.

F. Other Submission Requirements

Your application consists of an original signed application form (SF-424) and all items listed in the Checklist (above). Mail your completed application (one original and three copies) to: FHIP SuperNOFA 2004 Attn: EOI-Fair Housing Legal-Clinical Component, FHIP/FHAP Support Division, Office of Fair Housing and Equal Opportunity, U.S. Department of

Housing and Urban Development, 451 Seventh Street, SW., Room 5224, Washington, DC 20410-2000.

See the General Section of the SuperNOFA for additional information regarding the mailing and receipt procedures that apply to all HUD NOFAs.

V. Application Review Information

A. Criteria

Factors for Award Used to Evaluate and Rate Applications. Applications for funding will be evaluated competitively against all applications submitted under this NOFA. The maximum number of points to be awarded for the Rating Factors is 100. Applications with a score of 75 points or more will be selected in rank order except as provided below:

The factors for rating and ranking applications and the maximum points for each Rating Factor are described below. Failure to provide the required information under the appropriate Factor will result in a lower score for that Factor. Please respond fully to the criteria in each Rating Factor and sub-factor and, when directed, provide other information in support of your response. Your responses to each Rating Factor must not exceed the 10-page Rating Factor requirement. The Factors for Award are set below:

1. Rating Factor 1. Capacity of Applicant and Relevant Organizational Experience (40 Points Maximum)

You must describe staff expertise and your organization's ability to complete the proposed activities within the Cooperative Agreement period. Your staff must discuss their experience in implementing and maintaining a legal-clinical program and in Civil Rights law.

In carrying out the proposed activities, you must identify persons already on staff who will be assigned to carry out the tasks of this Cooperative Agreement. If you plan to hire additional staff or rely on subcontractors or consultants to perform specific tasks, you must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using a consortium, each member of the consortium must have staff assigned to carry out the tasks of this Cooperative Agreement. In addition, consortium proposals must specify a lead member who will be responsible for ensuring that all tasks and activities are being carried out.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (20 Points Maximum)

(1) You must show that you will have sufficient, qualified staff or faculty who will be available to:

(2) Develop an academic structural approach and comprehensive concept and design for a fair housing legal-clinical program that can serve as a national model for replication at any ABA-accredited law school (submit a draft curriculum with the application); and

(3) Implement the curriculum design at an HBCU with an ABA-accredited law school.

(a) You must also:

(b) Identify all of the administrators of the clinical program and describe their function, qualifications, and experience;

(c) Identify persons who will constitute the faculty for the program and describe their functions, qualifications, and experience; and

(d) Identify and describe the functions and qualifications of any other program staff.

(e) For consortium applicants, identify and describe:

(f) The qualifications of each consortium member;

(g) The faculty and staff to be assigned for each member and

(h) The ability of each member to develop an overall design concept, curriculum; and academic structural approach that will be used in developing and operating the Fair Housing Legal-Clinical Component.

(i) You must describe the knowledge and experience of the proposed overall Faculty Administrator and day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing a fair housing legal-clinical program. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must devote a minimum of 75 percent of his/her time to the project. For day-to-day managers who do not have at least 75 percent of their time devoted to the project, no points will be awarded under this sub-factor. You must indicate how your prior experience will be used in carrying out your proposed activities. All applicants must clearly identify those persons that are on staff at the time this application is filed for each member and those persons who will be assigned at a later date. Each consortium member must describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time. For part-

time staff, indicate the percentage of time each person is assigned to the project. In addition, provide information on the training that will be provided to each clinical staff person.

(j) Attach resumes or curriculum vitae for all key personnel or position descriptions for newly created positions. (Resumes, curriculum vitae or position descriptions do not count against the 10-page limit.)

b. *Organizational experience.* (20 Points Maximum)

(1) In responding to this sub-factor, you must show that your organization is:

(2) Designated by the Secretary of the U.S. Department of Education as a Historically Black College or University;

(3) Accredited by the ABA as a law school; and

(4) You must also show that you have conducted a past clinical project or projects similar in scope and complexity to the clinical project proposed in this application (whether FHIP-funded or not) or that you have engaged in activities that, although not similar, are readily transferable to the proposed project. Experience will be judged in terms of recent, relevant and successful experience of your staff and institution to undertake eligible activities.

(5) In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

2. Rating Factor 2. Soundness of Approach (40 Points Maximum)

You must describe your project in detail, demonstrate how your project activities will support HUD goals, propose suggested performance measures/outcomes in support of these goals, and identify current baseline conditions and target levels of the performance measures that you plan to achieve. A Statement of Work (SOW) and budget must be included. Your proposed activities must support HUD's policy priorities as referenced in the General Section.

a. *Proposed SOW.* (25 Points Maximum)

The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned

based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

Submit a proposed SOW that comprehensively outlines in chronological order the administrative, program activities, and tasks to be performed during the one-year Cooperative Agreement period. Your outline should identify all activities and tasks to be performed in developing a fair housing curriculum and clinical law program. You must also describe how you will promote the replication of the fair housing curriculum and clinical law program at other accredited law schools. This description must provide a timeline, identify any subcontractors or partners involved with promoting the replication process, and describe products that will be provided to HUD. You must also include a schedule of your activities and products, staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors.

Applicants must develop a curriculum that includes an analysis of judicial or administrative decisions or settlements; an examination and discussion of documents used in the preparation for trial, hearings and settlements; and discussion of any procedures used in the investigation of these matters.

b. *The Budget Form and the Budget Information.* (15 Points Maximum)

(1) Your Grant Application Detailed Budget SF-424-CBW must show the total cost of the project and indicate other sources of funds that will be used for the project. While the costs are based only on estimates, the budget narrative work plan may include information obtained from various vendors or you may rely on historical data. Applicants must round all budget items to the nearest dollar.

If you have a federally negotiated indirect rate, you should use that rate and the appropriate base in this section. In all other instances, you should include your current overhead rate, if any, which has been tailored to your organization's operating budget. The rate and base used here is illustrative only and you must use your organization's rate.

A written budget narrative must accompany the proposed budget explaining each budget category listed. Failure to provide a written budget narrative will result in two points being deducted from your application. It must explain each cost category you list.

Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which counts toward the 10-page limit) and supporting documentation (which does not count toward the 10-page limit) must address the Grant Application Detailed Budget as referenced in the General Section.

(2) HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that:

(a) Is reasonable in achieving the goals identified in your proposed SOW;

(b) Relates tasks in the SOW to the proposed budget costs;

(c) Is cost-effective;

(d) Is quantifiable; and

(e) Documents and justifies all cost categories in accordance with the cost categories indicated in the SF-424 CBW. In addition, if you already have an approved indirect cost rate, please provide the necessary contact information (*i.e.*, name, address, and telephone number of the cognizant agency). If you do not have an approved indirect cost rate, HUD will contact the cognizant agency or if HUD is the cognizant agency, we will determine the indirect cost rate.

(f) *Financial Management Capacity.* Describe and provide documentation to support your organization's financial management system. In addition, provide documentation about your capabilities in handling financial resources and maintenance of adequate accounting and internal control procedures.

3. Rating Factor 3. Leveraging Resources (10 Points Maximum)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources. HUD requires you to secure resources from sources other than what is requested under this FHIP NOFA. Describe the steps that will be taken to

obtain additional funding from sponsors, program partners or available grants or Cooperative Agreements for the initial and sustained operation of the program; Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Resources may be provided by governmental entities (including other federal funds if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

- a. Identify the organization and/or individual committing resources to the project,
- b. Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 2), and
- c. Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in kind resources.) In-kind and matching contributions and program income must be in accordance with 24 CFR 84.23 and 84.24. If the applicant has no funding source other than the FHIP, it cannot propose in-kind or donated resources. No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, State or national levels, and/or individuals in your community. If non-FHIP resources will not support your project, then you will not receive any points under this factor.

4. Rating Factor 4. Achieving Results and Program Evaluation (10 Points Maximum)

In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your future success or anticipated results to be achieved and how the project will be replicated based upon the work of your organization as set out in your budget.

Applicants must use the Logic Model, Form HUD-96010. Please refer to the

Logic Model Training that is archived on the HUD Web site at: <http://www.hud.gov/offices/adm/grants/training/training.cfm>, to describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance. The Logic Model should also be used to ensure commitments made will be kept, results to be achieved can be accounted for and independently assessed, and to ensure performance measures are met. Columns 5, Output Results and 7, End Results should be left blank initially and used later for reporting purposes.

a. Applicants who have identified inputs and outcome measurement and include means for assessing these measures, tracking and monitoring performance goals and achievements against these commitments made in the application, will receive higher points than those that do not. To meet this requirement, you must:

- (1) First, specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance.
- (2) Second, identify the indicator. An indicator should be explained using numerical measures that can determine the extent to which the outcome was or is expected to be achieved and/or utilized to assess your performance. You should also track or monitor how your projected outcomes will be successfully achieved.
- (3) Third, identify the outcome. You should use the Logic Model to specify what form of measurement tool(s) will be utilized to quantify the overall results of your project's performance. You may also access the Logic Model that is archived on the HUD Web site at: <http://www.hud.gov/offices/adm/grants/training/training.cfm>.

b. In formulating how you attain your end results, estimate the types and amounts of clients you expect to be served with the amount allocated as it relates to your proposed budget. Estimate approximately how many of those served will benefit from your project's activities and tasks and estimate the timeframe for this to be accomplished.

This can be done using real numbers and reasonable estimates. If you are proposing a new program, and numbers have never been assessed, indicate that actual numbers will be reported as you submit your required quarterly reports, should you receive funding.

B. Review and Selection Process

1. *Independence of Awards.* HUD will review each application separately and

without reference to other applications submitted by you or others. Therefore, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants. An application from a consortium will be considered as a single application.

2. *Tie Breaking.* When two or more applications have the same total overall score, the application with the higher score under Rating Factor 2: Soundness of Approach, will be ranked higher. If this does not break the tie, the application with the higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience, will be ranked higher. If this does not break the tie, the application requesting the lower amount of FHIP funding will be ranked higher. Finally, if this does not break the tie, the application with the higher score under Rating Factor 3 will be rated higher.

3. *Adjustments to Funding.* HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your Cooperative Agreement, in accordance with 24 CFR 84.14, the requirements of this NOFA or where:

- a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- b. An ineligible activity is proposed in an otherwise eligible project;
- c. Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;
- d. The past record of key personnel warrants special conditions; or
- e. Training funds are not reserved for FHIP training.

4. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed and funds remain available, any remaining funds from this Component will be reallocated within the Education and Outreach Initiative.

VI. Award Administration Information

A. Award Notices

1. Applicant Notification and Award Procedures

a. *Notification.* No information about the review and award process will be available to you during the period of HUD's evaluation, which begins on the closing date for applications under this NOFA and lasts approximately 90 days thereafter, except to advise you, in

writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative agreement. After HUD has rated and ranked all applications and made selections, HUD may require, depending upon the program, that all selected applicants participate in negotiations to determine the specific terms of the funding agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award, and proceed with negotiations with the next highest-ranking applicant. The selection(s) is/are conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application, the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, etc.).

c. *Applicant Debriefing.* Debriefing. Beginning 30 days after the awards for assistance are publicly announced and for at least 120 days after awards for assistance are publicly announced, HUD will provide a debriefing to any applicant requesting one on their application. All debriefing requests must be made in writing or by e-mail by the authorized official whose signature appears on the SF-424 or his or her successor in office, and submitted to the person or organization identified as the Contact under the section entitled "Further Information and Technical Assistance" in the Program Section of the NOFA under which you applied for assistance. Information provided during a debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

Applicants requesting a debriefing must send a written request to Annette

Corley, Grant Officer; U.S. Department of Housing and Urban Development; FHIP/FHAP Support Division; 451 Seventh Street, SW., Room 5224; Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties. Selections do not become final until final negotiations with HUD are successfully concluded.

d. *Award Instrument.* The type of funding instrument that HUD may offer a successful applicant which sets forth the relationships between HUD and the recipient will be a Cooperative Agreement, where the principal purpose is the transfer of funds, property, services or anything of value to the applicant to accomplish a public purpose, and substantial direct involvement is expected between HUD and the awardee when carrying out the activities in the agreement. The agreement will identify the eligible activities to be undertaken, financial controls, the awardees proposed performance measures, and special conditions, including sanctions for violations of the agreement. HUD will use the Cooperative Agreement to monitor your progress to ensure that you have achieved the objectives set out in your agreement. Failure to meet such objectives may be the basis for HUD determining your agreement in default and exercising available sanctions, including suspension, termination, and/or the recapture of your funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the U.S. Department of Justice or other enforcement authorities.

e. *Product Information.* Press releases and any other product intended for dissemination to the public must be submitted to the (GTR) two weeks before release for approval and acceptance.

B. Administrative and National Policy Requirements

1. *Training funds.* Your proposed budget must set-aside \$6,000 per applicant per year to participate in HUD mandatory sponsored or approved training. If the application is from a consortium consisting of four members or more, the training budget cannot exceed \$24,000 for a 12-month Cooperative Agreement administration period. Requests to attend HUD-approved training must be submitted to the (GTR) for approval in advance of the requested training. Do not include amounts over the maximum (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD may modify your budget, reallocating the

appropriate amount for training. If awardees do not attend mandatory HUD-approved or HUD-sponsored training, the approved budget will be reduced by the amount allocated for the specific training that was not attended and the amount of funds allocated for the training must be returned to HUD. In addition, your failure to attend mandatory training will adversely impact your performance assessment.

2. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your Cooperative Agreement. Requests for funds must be accompanied by financial progress reports and deliverables, if applicable.

3. *Accessibility Requirements.* All activities, facilities, and materials funded by this NOFA must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

4. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish or otherwise use your work for federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

5. *Complaints Against Awardees.* A HUD Grant Officer oversees each FHIP award. Complaints from the public against FHIP recipients should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the Cooperative Agreement. If, after notice and consideration of relevant information, the Cooperative Agreement Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the Cooperative Agreement or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: Written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the Cooperative Agreement; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

6. *Double Payments.* If you are awarded funds under this NOFA, you (and any subcontractor or consultant) may not charge or claim credit for the activities performed under this project under any other federal project.

7. *Performance Sanctions.* A fund recipient or subcontractor failing to comply with the requirements set forth in its Cooperative Agreement will be

liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any federal agency.

C. Reporting

Reports. You must provide reports in a format (which may be computer-generated), at a frequency and with contents specified by HUD. At a minimum, the report must include the number and basis of complaints filed

with HUD as well achieved. You must submit monthly activity reports describing the administrative and program task completed and/or underway, and a corresponding financial report showing how the funds were disbursed during the reporting period. This narrative must also give qualitative and quantitative data relative to the success of the program or service, based on the performance measures in the Cooperative Agreement. You will also provide a narrative report within 90 days after all Cooperative Agreement

activities have ended or at the end of each 12-month period of the Cooperative Agreement, whichever comes first. This narrative report must identify and describe the program or services provided and give qualitative and quantitative data relative to the success of the program or service based on the performance measures in the Cooperative Agreement.

Listed below are sample reporting documents of activities and tasks to be performed by a FHIP Grantee.

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ADMINISTRATIVE ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
<p>ACTIVITIES</p> <p>1. Complete HUD-22081 Race and Ethnic Data Reporting Form</p>		45 Days	GTR/GTM
2. Complete HUD-2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
3. Complete SF-269A Financial Status Report and Written Quarterly Status Reports on All Activities	Submit SF-269A and Copy of Written Report.	Quarterly	GTR/GTM
4. Voucher for Payment	Submit payment request to LOCCS.	Per Payment Schedule	GTR/GTM
5. Complete Listing of Current or Pending Grants/Contracts/Other Financial Agreements	Submit listing for recipient and any contractors.	45 Days and At end of Grant	GTR/GTM
6. Prepare and Submit Draft of Final Report	Submit Draft of Report. Report Summary should include objectives, accomplishments, and results. Complaint and testing activities should summarize data on complaints received and tests conducted by basis, issues, and outcomes. This should include number of credible, legitimate complaints filed with HUD, a State or local Fair Housing Agency, Department of Justice or private Litigator; and types of relief/results.	One month before end of grant term.	GTR/GTM
7. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report and All Final Products not previously submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
8. Submit 2 copies of Final Report and all final program products produced under the Grant (with diskette, where feasible) to HUD.	Submit activities and database entry sheet(s) to HUD. Submit copy of HUD database entry sheet(s) or detailed description of items submitted to GTR and GTM.	Within 90 days after end of grant term.	GTR/GTM
PROGRAM ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new materials	Provide list of materials requested.	90 days	GTR/GTM. Submit one copy of all final products to HUD
2. Review/refine Referral Process to refer potential victims to HUD or a state or local agency.	Submit copy of Referral Process. All audit-based enforcement actions should be referred to HUD.	45 days	GTR/GTM

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VII. Agency Contacts

You may contact Myron P. Newry or Walter Ayers of the FHIP/FHAP Support Division, at 202-708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division via TTY by calling 800-290-1617 (this is a toll-free number).

VIII. Other Information

A. Accessibility Requirements. All activities, facilities, and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54).

B. Protected Basis. All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status or national origin.

C. Environmental Requirements. In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.

D. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2539-0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 100 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

E. Frequently Asked Questions.

Q. If data, tables, exhibits, reports, and studies are submitted with the application, will they be counted toward the 10-page limit requirement?

A. The attachments do not count toward the 10-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and

studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc., simply include a bibliography or other reference at the end of Factor.

Q. Where can I find a copy of the Application Kit?

A. There is no Application Kit for this FHIP NOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP NOFA.

Q. What is the maximum number of narrative pages that can be submitted for each Rating Factor?

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (e.g., the proposed SOW and budget required under Factor 2, Resumes as required by Factor 1 or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-point type size. However, all pages in the application must be consecutively numbered starting with number one (1) through the end of your application. For example, Factor 1 has 10 pages of narrative and 10 pages of attachments.

Each attachment page must be numbered. When you get to Factor 2, the first page of the Factor will be numbered 21, and so on. If you do not number each page in your entire application, points will be deducted from your application if this criterion is not met.

Q. May an applicant subcontract out a percentage of its activities to subcontractors, partner or consultants, if it is selected for a FHIP award?

A. Yes. However, when the expenditures to a particular subcontractor, partner or consultant exceed 10 percent of the Cooperative Agreement amount, an itemized budget is required.

Q. Does the NOFA identify what makes an application ineligible?

A. Yes. For FHIP, see the eligibility requirements and the Threshold Criteria in Requirements and Procedures, Section B.

Q. What are maximum awards?

A. Maximum award is the maximum amount that will be awarded under the Initiative for which you are applying. If you request an amount over this maximum amount, your application will be declared ineligible.

Q. Where do you send completed applications?

A. All completed applications must be received by the FHIP/FHAP Support Division Office in Washington, DC. These applications should be mailed or sent by an express service to the address stated in the NOFA under the Section Addresses and Application Submission Procedures. Please note that applications incorrectly addressed may not be forwarded to this Division at all or it may be forwarded late. If that happens, your application will be deemed ineligible.

Q. What is the best method of knowing that the appropriate person has received my application? Should I follow up with a call?

A. Include with your completed application a complete copy of the Acknowledgment of Application Receipt. Be sure to include your correct mailing address and the person to whom the Acknowledgment should be sent. The Acknowledgment will be returned to the address indicated. HUD will not acknowledge the receipt of applications over the telephone. Within 10 working days after the deadline date, acknowledgement letters will be mailed via the U.S. Post Office to all applicants meeting the timeliness of applications requirement.

Q. What is the Web site address?

A. [Http://www.hud.gov/grants](http://www.hud.gov/grants).

Q. What is the due date?

A. The due date is outlined in this NOFA under Section I, Application Due Date.

Q. If I have a technical question, can I call HUD?

A. Yes, technical questions should be directed to Myron P. Newry, Walter Ayers or Denise L. Brooks of the FHIP/FHAP Support Division at (202) 708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 800-290-1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in section III.(C) labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. What is meant by geographic diversity?

A. See comments above in Section V.

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