

**DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

**FAIR HOUSING INITIATIVES
PROGRAMS**

**Fair Housing – Private Enforcement Initiative
(PEI)**

**Fair Housing Education and Outreach
Initiative (EOI)**

Fair Housing Organizations Initiative (FHOI)

Fair Housing Initiatives Program

Overview Information:

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

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

C. *Announcement Type:* Initial Announcement

D. *Funding Opportunity Number:* The OMB Approval Number is: 2539-0033. The **Federal Register** number for this NOFA is: FR-4950-N-18.

E. *Catalog of Federal Domestic Assistance (CFDA) Number(s):* Private Enforcement Initiative (PEI) 14.408; Fair Housing Organizations Initiative (FHOI) 14.408; Education and Outreach Initiative (EOI) 14.408.

F. *Dates:* The application submission date shall be on or before May 23, 2005. Please see the General Section for information on electronic submission and timeliness requirements.

G. *Optional, Additional Overview Content Information*

1. For FY2005, FHIP electronic applications will be available on www.Grants.gov/Find and Apply. For further instructions on electronic application submission requirements using Grants.gov, please read the General Section of the SuperNOFA.

2. FHIP funds are used to increase compliance with the Fair Housing Act (the Act) and with substantially equivalent state and local fair housing laws. Approximately \$18,040,000 in FY 2005 funds and any potential recapture is allocated to three (3) initiatives as follows:

a. Private Enforcement Initiative (PEI) \$13,000,000

b. Education and Outreach Initiative (EOI) \$3,940,000

c. Fair Housing Organizations Initiative (FHOI) \$1,100,000

3. HUD expects to award a cost reimbursable cooperative agreement or grant agreement to each applicant selected for award. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate.

4. Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs); see 24 CFR 125.103; public or private, for-profit or not-for-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices (including entities that will be established as a result of receiving an award under this FHIP

NOFA); agencies of state or local governments; and agencies that participate in the Fair Housing Assistance Program (FHAP).

5. Except for applicants under FHOI and the PEI-Performance Based Funding Component (PBFC), applicants may not submit multiple applications under this NOFA.

6. Applicants awarded funding under the PEI—(PFBC) will not be eligible to submit applications for additional FHIP funding for FY 2006 and FY 2007.

Applicants awarded funding under this component will be eligible to apply for funding in FY 2008.

7. If you are interested in applying for funding under the Fair Housing Initiatives Program (FHIP), please review carefully the General Section of the SuperNOFA (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended), the FHIP Regulations (24 CFR 125.103-501).

8. For planning purposes, assume a start date no later than September 19, 2005.

Full Text of Announcement

I. Funding Opportunity Description

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

A. *FHIP Initiatives and Components*

The FHIP assists fair housing activities that increase compliance with the Act and with substantially equivalent fair housing laws administered by State and local government agencies under the Fair Housing Assistance Program (FHAP).

1. **Private Enforcement Initiative (PEI).** This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Act and substantially equivalent State and local fair housing laws. Under this Initiative, there are two Components, the General Component and the Performance Based Funding Component (PBFC). The PBFC is being established to award high performing enforcement organizations with continuous funding for a three-year period that will assist agencies in implementing strategic plans and developing long-term systemic investigations.

2. **Education and Outreach Initiative (EOI).**

This Initiative assists projects that inform the public about their rights and obligations under the Act and

substantially equivalent State and local fair housing laws. Applications are solicited for this Initiative under the EOI-Regional/Local/Community-Based Program (R/L/C-B)—in which activities are conducted on a regional/local/community-based level.

Applicants who apply under EOI R/L/C-B may apply under one of four (4) Components, as follows: EOI-General Component; EOI Disability Component; EOI Asian/Pacific Islander Fair Housing Awareness Component; or the Minority Serving Institutions Component.

All applications submitted under EOI are required to describe a complaint referral process that should result in referrals to HUD of fair housing complaints and other information regarding discriminatory housing practices.

3. **Fair Housing Organizations Initiative (FHOI).**

This Initiative provides assistance to a project (sponsoring organization) that will establish or build the capacity of a start up fair housing organization to become a viable fair housing enforcement organization that will conduct fair housing activities in underserved areas (as defined in Section I. B.1. "Program Definitions" below) rural areas and/or areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency.) This is accomplished with the assistance of a sponsoring organization. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. The period of performance for the award of funds to assist in capacity building activities is renewable for a period of up to three years, based upon successful performance of the sponsored organization. Funds are distributed to the sponsored organization by the sponsoring organization. All fund distributions are based on the performance of both the sponsoring and the sponsored organization.

B. *Other*

1. **Program Definitions.** The definitions that apply to this FHIP section of the NOFA are as follows:

a. **Broad-based proposals** are those that include activities that are not limited to a single fair housing issue but instead, cover multiple issues related to housing discrimination covered under the Act, such as: rental, sales and financing of housing. (See also Full Service Projects below).

b. **Complaint** means the person, including the Assistant Secretary for

Fair Housing and Equal Opportunity at HUD, who files a complaint under Section 810 of the Fair Housing Act.

c. *Disability Advocacy Groups* means organizations that traditionally have provided for the civil rights of persons with disabilities. This would include organizations such as Independent Living Centers and cross-disability legal services groups. Such organizations must be experienced in providing services to persons with a broad range of disabilities, including physical, cognitive, and psychiatric/mental disabilities. Such organizations must demonstrate actual involvement of persons with disabilities throughout their activities, including on staff and board levels.

d. *Enforcement proposals* are potential complaints under the Act that are timely, jurisdictional, and well-developed, that could reasonably be expected to become enforcement actions if an impartial investigation found evidence supporting the allegations and the case proceeded to a resolution with HUD or FHAP Agency involvement.

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

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

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

h. *Full-service projects* must include the following enforcement-related activities in your project application: interviewing potential victims of discrimination; analyzing housing-related issues; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.

i. *Grassroots organizations* (See General Section).

j. *Jurisdiction* means that the complaint must be timely filed; the complainant must have standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) must be covered by the Act; and the subject matter or issue, and the basis of the alleged discrimination, must constitute illegal practices as defined by the Act.

k. *Meritorious claims* means enforcement activities by an organization that resulted in lawsuits, consent decrees, legal settlements, HUD and/or substantial equivalent agency (under 25 CFR 115.6) conciliations and organization initiated settlements with the outcome of monetary awards for compensatory and/or punitive damages to plaintiffs or complaining parties, or other affirmative relief, including the provision of housing (24 CFR 125.103).

l. *Minority Serving Institutions* (See General Section).

m. *Operating budget* means your organization's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the period for which funding is requested.

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

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

p. *Rural Areas*, eligible Rural Area means the following:

(1) A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).

(2) A county or parish with an urban population of 20,000 inhabitants or less

(3) Territory, including its persons and housing units, in rural portions of "extended cities". The Census Bureau identifies the rural portions of extended cities.

(4) Open Country that is not part of or associated with an urban area. The USDA describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside for future development.

(5) Any place with a population not in excess of 20,000 and not located in a Metropolitan Statistical Area.

q. *Traditional Civil Rights Organizations* mean non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Act or substantially equivalent State or local laws and that are engaged in programs to reduce discriminatory housing practices.

r. *Underserved Areas* mean jurisdictions where there are no Fair

Housing Initiatives Program or Fair Housing Assistance Program agencies and where either no public or private fair housing enforcement organizations exist or the jurisdiction is not sufficiently served by one or more public or private enforcement fair housing organizations and there is a need for service.

s. *Underserved Populations* mean groups of individuals who fall within one or more of the categories protected under the Act or who are also:

(1) of an immigrant population (especially racial and ethnic minorities who are not English-speaking or limited English proficiency);

(2) in rural populations,

(3) the homeless,

(4) persons with disabilities who can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts, and

(5) areas that are heavily impacted with minorities and there is inadequate protection and ability to provide service from the state or local government or private fair housing organizations.

II. Award Information

For Fiscal Year 2005, \$20,000,000 is appropriated for the Fair Housing Initiatives Program (FHIP). Of this amount, approximately \$18,040,000 is being made available on a competitive basis to eligible organizations responding to this FHIP program section of the SuperNOFA. The amount available for each initiative or component and the maximum amount of funds that can be awarded for each award are specified as follows:

A. Private Enforcement Initiative (PEI)

Approximately \$13,000,000 is allocated under two Components: (1) Approximately \$8,100,000 under the General Component; maximum award is \$275,000 per grant, project duration is 12-18 months and (2) Approximately \$4,900,000 under the Performance Based Funding Component (PBFC); the maximum award is \$275,000 per year for a three-year duration (a total of \$825,000), based upon appropriations.

B. Education and Outreach Initiative (EOI)

Approximately \$3,940,000 is allocated to 4 components under this initiative for EOI, the estimated number of awards is: The maximum award is \$100,000 for the R/L/CB Program and the project duration is 12–18 months. The components are as follows:

1. EOI-General Component.

Approximately \$2,340,000 is allocated.

2. EOI-Disability Component.

Approximately \$800,000 is allocated.

3. Asian and Pacific Islander Fair Housing Awareness Component.

Approximately \$400,000 is allocated, and

4. Fair Housing and Minority Serving Institutions Component. Approximately \$400,000 is allocated.

C. Fair Housing Organizations Initiative (FHOI)

Approximately \$1,100,000 is allocated; project duration is three years. The maximum award is \$1,100,000 allocated over a three-year period at up to \$366,666 per year. For FHOI the estimated number of awards is one (1).

D. Award Instrument

The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the grantee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the applicant to accomplish a public purpose. Upon completion of negotiations, HUD reserves the right to use the funding instrument it determines is most appropriate. The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will determine the type of instrument under which the award will be made and monitor progress to ensure that the grantee has achieved the objectives set out in the agreement. Failure to meet such objectives may be the basis for HUD determining the agreement to be in default and exercising available sanctions, including suspension, termination, and/or the recapture of funds. Also HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

If awarded as a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by: conducting quarterly reviews and approval of all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determining whether the agency meets all certification and assurance requirements under the grant, cooperative agreement, etc. HUD will conduct this performance assessment, in part, by using the Logic Model

submitted by the applicant and approved by HUD in the award agreement (rating Factor 5). If upon completion of this assessment by the Government Technical Representative (GTR) a determination is made that the quarterly requirements have not been met, the grantee will be obligated to provide additional information or make modifications to its work plan and activities, as necessary, in a timeframe to be established by the GTR.

E. Project Starting Period

For planning purposes, assume a start date no later than September 19, 2005.

III. Eligibility Information

A. Eligible Applicants

1. Private Enforcement Initiative (PEI)

a. Eligible Applicants. Eligible applicants are fair housing enforcement organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of this application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement-related experience, as noted above, and meritorious claims in the three years prior to filing this application, (24 CFR 125.103). All applicants claiming QFHO and FHO status are required to be a 501(c)(3) tax-exempt organization and also to submit with their application a copy of its Letter of Determination from the Internal Revenue Service (IRS) in support of its 501(c)(3) tax-exempt status.

Additional Requirements—PEI Performance Based Funding Component.

In addition to the above, applicants to the PBF must have received: (1) two years of excellent performance reviews for FHIP awards made in FY's 2002 and 2003; and (2) a minimum score of 95 for their most recent (FY '02 or FY '03) performance assessment received from your Government Technical Representative.

b. Eligible Activities include:

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws.

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

c. Eligibility of Successor

Organization. HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization, that has a separate Employer Identification Number (EIN), does not confer QFHO or FHO status upon the successor. To determine whether the successor organization meets the eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization is not eligible to apply under this Initiative unless it establishes in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO.

2. Education and Outreach Initiative

a. Eligible Applicants. Eligible applicants are QFHOs; FHOs; public or private, for-profit or not-for-profit organizations or institutions or other public or private entities that are formulating or carrying out programs to reduce discriminatory housing practices; agencies of State or local governments; and agencies that participate in the FHAP. If you are a disability advocacy group, or an organization that partners with or substantially provides activities for grassroots, faith-based or other community-based organizations, minority universities or institutions, or traditional civil rights organizations, you are encouraged to apply under this Initiative.

b. Eligible Activities: The following are eligible activities for the components under EOI: conducting educational symposia or other training; developing innovative fair housing activities or materials into languages applicable to your community throughout your project area; providing outreach and information on fair housing through printed and electronic media; developing fair housing curricula; providing outreach to persons with disabilities and their support organizations and service housing providers; and working with homeless activists or persons to determine if fair housing plays a part in their homeless condition, and the general public regarding the rights of persons with disabilities under the Act. When

conducting outreach activities, you are encouraged to use existing fair housing materials; except that you are required to translate these existing materials in languages applicable to your community using the four factor Limited English Proficient (LEP) Guidance as referenced in the General Section of the SuperNOFA.

(1) *Disability Component.* Applicants that emphasize the fair housing needs of person with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Act and fully appreciate the forms of housing discrimination that persons with disabilities may encounter, should submit their applications under the EOI-Disability Component. Although the component has a disability focus, the funded education and outreach activities must be provided to all persons protected under the Act.

(2) *Asian and Pacific Islander Fair Housing Awareness Component.* Applicants must be able to provide bilingual materials and oral interpretation services to Asians and Pacific Islanders (APIs) so that they are aware of and educated about their fair housing rights and responsibilities under the Act. HUD's "Discrimination in Metropolitan Housing Markets, Phase 2—Asians and Pacific Islanders" report showed that API prospective renters and homebuyers experienced consistent adverse treatment. Fair Housing education and outreach activities should be designed to address the areas where APIs received adverse treatment as addressed in the Report. These activities should include, but not limited to:

(a) Using HUD fair housing translated materials or other translated material available through fair housing organizations, the applicant will sponsor fair housing classes, seminars, and fairs to educate the API communities on their rights.

(b) The applicant should also design a fair housing course of study (lesson plans, fair housing material to be used, performance tests to measure students knowledge) that may be duplicated by other fair housing groups to be used with the API communities.

(c) The applicant shall develop an advertising mechanism to assist in the distribution of education and outreach material through community and faith-based organizations, immigrant advocacy groups, schools and universities, and workplace.

In addition, an applicant and its staff must have demonstrated bilingual experience, which is defined as three (3) years of proven experience in providing social services to persons of Asian and Pacific Islanders or must have established a partnership with an established grass-roots, faith-based or other community-based organization to carry out the objectives of this component. Although the component's focus is providing education and outreach to these communities, the funded education and outreach activities must be provided in a non-discriminatory manner. Grantees may not deny services and activities to any class protected by the Fair Housing Act.

(3) *Minority Serving Institutions (MSI) Component.* This Component will focus on furthering HUD's goal of establishing partnerships with Tribal Colleges and Universities, historically Black Colleges and Universities, Hispanic serving institutions and Asians and Pacific Islanders serving institutions. Working with local fair housing organizations, and other federal government agencies, the recipient will develop curricula for students to pursue careers in fair housing law and investigations. Applicants under this component must have the ability to design and support the development of quality fair housing education at MSIs.

(4) *General Component.* Applications for all other fair housing education and outreach activities should be submitted to the EOI-General Component.

3. Fair Housing Organization Initiative.

This Initiative will provide assistance to a project (sponsoring organizations) that will establish or build the capacity of an organization to become a viable fair housing enforcement organization, as referenced in 24 CFR Part 125.103, that conducts fair housing enforcement activities in underserved areas (as defined in Section I.B.), in rural areas and areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or limited

English proficiency). It is the sponsoring organization that submits the application under this Initiative and certifies the sponsored organization's ability to become a QFHO or FHO (Note: The sponsoring organization is ineligible if they received a grant under this Initiative in FY 2003 or FY 2004.) The sponsored organization, whose enforcement capacity is established or enhanced by funding under this Initiative, will be allowed to participate in this Initiative for three years contingent upon acceptable annual performance reviews. Funds are awarded under this Initiative for a three (3) year period of performance and are distributed to the sponsored organization by the HUD awardee.

a. *Eligible Applicants.* Only the sponsoring organization is eligible to apply under this Initiative. The sponsoring organization must be a qualified fair housing enforcement organization (QFHO). You must certify in this application that your organization is a QFHO. Sponsored agencies that cannot establish themselves as private, tax exempt non-profit charitable organizations cannot qualify as a QFHO or an FHO.

b. *Eligible Activities.* The proposed activities must build the enforcement capacity of the sponsored organization so that it can undertake all of the following activities by the conclusion of year three (3) of the grant cycle:

(1) Complaint intake of allegations of housing discrimination, testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(2) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(3) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(4) Litigating fair housing cases including procuring expert witnesses.

The following chart summarizes each FHIP Initiative/Component and the approximate Funding Available along with Eligible Applicants:

Initiative/Component	Allocation amount available	Applicant eligibility	Project period (months)	Award caps
<p><i>Private Enforcement Initiative (PEI) General Component:</i> Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws. See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	\$8,100,000	QFHOs and FHO (with at least one year of enforcement related experience). See Section III of the FHIP NOFA-Eligibility Information.	12-18	\$275,000
<p><i>Private Enforcement Initiative (PEI) Performance Based Funding Component</i> Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent state and local fair housing laws.</p>	\$4,900,000	QFHOs and FHOs (with at least one year of enforcement related experience) who have received an Excellent Performance Rating on their FY 2002 and 2003 FHIP award activities; and have received a minimum score of 95 on their most recent ('02 or '03) performance assessment from their Government Technical Representative.	36	\$275,000 per year for a three-year duration, based upon appropriations. Eligible PBFC applicants must receive a minimum score of 95 from the FY '05 Technical Evaluation Panel (TEP) to be considered for funding.
<p><i>Fair Housing Organization Initiative</i> Assistance to projects (sponsoring organizations) that establish or build the capacity of organizations to become viable fair housing enforcement organizations that conduct fair housing activities in underserved areas (as defined in Section I.B. "Program Definitions") or in rural areas with new immigrants especially immigrants with limited English proficiency. The sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a QFHO or FHO. See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	1,100,000	Only QFHOs are eligible to apply under this Initiative to serve as a sponsoring organization. See Section III of the FHIP NOFA-Eligibility Information.	36 months	1,100,000
<p><i>Education and Outreach Initiative (EOI)- EOI Regional, Local and Community Based Program:</i> Assists projects that inform the public about rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws. Applicants must develop a complaint referral process so that funded activities will result in referrals to HUD of fair housing complaints and other possible discriminatory housing practices. See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	3,940,000	QFHOs FHOs, public or private for profit or not for profit organizations or institutions, or other public or private entities that carry out programs to prevent or eliminate discriminatory housing practices. This includes agencies of State or local governments and agencies that participate in the Fair Housing assistance Program (FHAP). See Section III of the FHIP NOFA-Eligibility Information.	12-18 months	100,000
<p><i>EOI-General Component</i> Open to applicants for all other fair housing education and outreach activities. See Section I of the FHIP NOFA-Funding Opportunity Description.</p>	2,340,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12-18 months	100,000

Initiative/Component	Allocation amount available	Applicant eligibility	Project period (months)	Award caps
EOI-Disability Component <i>Applicants must emphasize the fair housing needs of persons with disabilities, so that persons with disabilities, housing providers and the general public better understand the rights and obligations under the Fair Housing Act and fully appreciate housing discrimination that persons with disabilities may encounter. The funded education and outreach activities must be provided to all persons protected under the Fair Housing Act.</i>	800,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Asians and Pacific Islanders Fair Housing Awareness Component—Applicants must be able to provide bilingual materials and services to Asian Pacific Islanders so that they and others are educated about their fair housing rights and responsibilities under the Fair Housing Act. Funded education and outreach activities must be provided in a non-discriminatory manner. Recipients may not deny services to a client who is not Asian-Pacific Islander See Section I of the FHIP NOFA-Funding Opportunity Description.	400,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000
EOI-Minority Serving Institution Component- Under the Fair Housing and Minority Serving Institution Component, applicants must demonstrate the ability to establish partnerships with Tribal Colleges and Universities, historically Black Colleges and Universities, Hispanic serving institutions, and Asian Pacific Islanders serving institutions to broaden support for development of quality fair housing education in MSIs See Section I of the FHIP NOFA-Funding Opportunity Description.	400,000	Same as EOI above. See Section III of the FHIP NOFA-Eligibility Information.	12–18 months	100,000

B. Cost Sharing or Matching

No matching funds are required for the Education and Outreach or Private Enforcement Initiatives. For the Fair Housing Organizations Initiatives, Federal funds can be used as matching funds if the statutes governing the Federal funds consider the funds to be local resources i.e., Community Development Block Grants. See Rating Factor 4 for additional information.

C. Other

1. Threshold Requirements

Program Requirements for All Initiatives. In addition to the Civil Rights and other Threshold Requirements found in the General Section of the SuperNOFA, your FHIP-funded program application must also meet the following requirements:

a. *Protected Classes.* All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin. All services and activities must be available to the protected class members.

b. *Tax Exempt Status.* Applicants for the PEI and FHOI Initiatives are ineligible for funding if they are not a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application submission date.

c. *Name Check Review.* See the General Section.

d. *Poor Performance.* All applicants are ineligible for funding if they are a previous FHIP grantee that has received a “Poor” performance rating for its most recent performance rating from its Government Technical Representative

(GTR) except for those applicants submitting applications under the PBFC. Applicants submitting applications under the PBFC must receive an excellent performance rating on their FY2002 and FY2003 and receive a minimum score of 95 on their most recent performance assessment. HUD will assess performance ratings for applicants who have received FHIP funding in FY 2002 or 2003. If the applicant has received a “poor” performance rating for its most recent performance rating from its GTR, its application is ineligible for FY 2005 competition. An applicant that does not agree with its determination of ineligibility for the FY 2005 competition because of “poor” performance must address to HUD’s satisfaction the factors resulting in the “poor” performance

rating before the FHIP application deadline. If the "poor" performance rating is not resolved to the Department's satisfaction before the application deadline, the application is ineligible for funding. HUD is interested in improving the performance level of all grantees; therefore, applicants who are deemed ineligible because of a "poor" performance rating have the right and are encouraged to seek technical assistance from HUD to correct their performance in order to be eligible for future NOFA competition. Applicants who have received a "poor" performance prior to FY 2002 must provide written documentation that they have implemented remedies to address those issues and concerns that contributed to a "poor" performance rating. This written documentation should be an addendum to your abstract.

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

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

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

h. DUN and Bradstreet Numbering System (DUNS) Numbering Requirement. Refer to General Section of SuperNOFA for information regarding the DUNS requirement. You must have a DUNS number to receive an award from HUD. You must have a DUNS number to register with Grants.gov. Registration with Grants.gov is required to submit your application electronically.

i. Majority of Eligible Activities. If a majority (greater than 50%) of the activities and costs within your Statement of Work (SOW) and budget are not fair housing related activities,

your application will be deemed ineligible.

Fair Housing Assistance Program agencies who are under a Suspension based on agency performance, as designated under 24 CFR Part 115.211(b) at time of application are ineligible for funding under this FHIP NOFA.

j. Minimum TEP Score. Except for the PBFC, applicants must receive a minimum TEP score of 75 to be considered for funding.

k. Single Applications. Except for applicants under FHOI and PEI-PBFC, all other applicants must submit only one application under the FHIP. Applicants must determine under which Initiative/Component to which they want to apply and submit a completed application to only that Initiative/Component. FHOI and PEI-PBFC applicants may apply under one other Initiative/Component. However, applicants to the PBFC can only be considered for one award. Multiple applications submitted to more than one Initiative/Component, except for applicants to the FHOI and PEI-PBFC, will be treated as a technical deficiency and the applicant will be asked to identify the application they want reviewed, if qualified. Applicants applying under PEI-PBFC and any other Initiative/Component must state their preference in the Abstract.

l. Independence of Awards. HUD will review each eligible application separately and without reference to other applications submitted by you or others. However, the application you submit must be independent and capable of being implemented without reliance on the selection of other applications submitted by you or other applicants.

m. Training funds. Your proposed budget must set aside funds to participate in the National Fair Housing Training Academy (NFHTA) or other HUD mandatory sponsored or approved training-\$5,000 for 12-18 month projects (EOI and PEI); \$6,000 annually for 36 month projects (FHOI); and for PEI-PBFC, \$5000 annually for a 36 month duration. For FHOI, there must be attendance from the sponsoring and sponsored organization. Requests to attend the NFHTA must be submitted to the GTR for approval in advance of the requested training. Staff performance assessments must be submitted to the NFHTA prior to attendance. Do not include amounts over the \$5,000 or \$6,000 (as appropriate) for the training set-aside in this category. If applicants do not include these funds in the budget and you are selected for an award, HUD will modify your budget, reallocating

the appropriate amount for training. If grantees key personnel do not attend mandatory HUD-approved or HUD sponsored training, training funds must be returned to HUD and it will be reflected on your performance assessment.

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

o. Fair Housing Act. HUD expects applicants to address housing discrimination covered under the Act. HUD has determined there is a need to ensure equal opportunity and access to housing in communities across the nation.

p. Research Activities. Applicants are ineligible for funding if between 90-100% of their project is aimed at research.

q. Tax Exempt Status. Your application must include a copy of your Letter of Determination from the Internal Revenue Service, dated prior to the application submission date of this FHIP Program Section of the SuperNOFA, establishing your 501(c)(3) tax-exempt status. Failure to submit this with your application is a technical deficiency.

r. Limited English Proficient (LEP). Applicants obtaining an award from HUD must provide access to program benefits and information to LEP individuals through translation and interpretive services in accordance with HUD's published LEP Guidance.

s. OMB Circular. For-profit awardees are not allowed to earn a profit and must adhere to OMB Circular A-133.

t. Single Audit Requirement. All applicants who have expended \$500,000 or more in Federal financial assistance in a single year (this can be a program or fiscal year) must be audited in accordance with the OMB-A133 requirements as established in 24 CFR part 84 and 85.

2. Other Program Requirements by Initiative

a. Asians and Pacific Islander Fair Housing Awareness Component. Applicants are ineligible for funding if the current bilingual or bicultural Project Director does not have at least three years of proven experience providing bilingual or bicultural services; and if the organization does not have three years of proven experience providing bilingual or bicultural services. You must list all bilingual or bicultural employees and provide proof of employment. Grantees may not deny services and activities to

any protected classes under the Fair Housing Act.

b. *FHOI*. Applicants for FHOI are ineligible if their organization received previous FHOI awards in FY 2003 or FY 2004.

c. Under the PBFC, applicants must receive a minimum FY '05 TEP score of 95 to be considered for funding.

3. Performance Measures and Products

For all Initiatives. Applicants must submit a Logic Model (Form HUD 96010) in their application and report against planned actions on a quarterly basis as specified in the award agreement. Refer to the Logic Model Form HUD 96010. In addition:

(1) Your application must demonstrate how your project activities will support HUD goals;

(2) Identify performance measures/outcomes in support of those goals, describe your proposed record-keeping and evaluation systems; and

(3) Identify current (baseline) conditions and target levels of the performance measures that you plan to achieve.

(a) For PEI, your application also must contain a strategy for generating enforcement related project products (e.g., testing audits, complaint based testing, or systemic investigations) with related timelines and milestones.

(b) PEI—Performance Based Funding Component applicants must show how this three years of funding will be used and the outcomes to be achieved by the end of each year.

(c) For FHOI, if the sponsoring organization is enhancing an existing organization, then the sponsoring organization must submit a statement outlining:

(i) what is expected of the sponsored organization, and

(ii) that the sponsored organization will be part of the program.

If the sponsoring organization is being created, then the sponsored organization must submit a mission statement for the sponsoring organization and a timeline for creation and independence. If selected for funding, your final performance measures will be negotiated with HUD as part of the executed grant agreement.

4. Tester Requirements for PEI and FHOI applicants. If you propose a testing program, you must explain how you plan to structure the tests, train testers, and conduct investigations, etc. Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures

and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(1) Have an economic interest in the outcome of the test; except to the extent that they could recover damages as provided by law;

(2) Be a relative related by adoption, blood, or marriage to any party in a case;

(3) Have had any employment or other affiliation, within the past year, with the person or organization to be tested; or

(4) Be a competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

a. *Review and Approval of Testing Methodology.* If your SOW proposes testing, other than rental housing testing, HUD may require copies of the following documents to be reviewed and approved by HUD prior to your carrying out the testing activities.

(1) The testing methodology to be used;

(2) The training materials to be provided for testing; and

(3) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

If HUD has approved your testing methodology for FY 2003 and FY 2004, then there is no need to submit your testing methodology, unless you are revising the methodology that was approved by HUD. If changes are being made, you must submit information on the methodology to be used, highlighting the changes from the methodology previously approved by HUD. Please tell us within your application. Also tell us whether you have made any changes to that approved methodology and what those changes are. For all other applicants, the testing methodology and training materials that you submit to HUD for review and approval will remain confidential.

b. *Retainer Fees.* If you are a recipient of FHIP funds, you cannot require any complainant to whom you are providing assistance to sign a retainer agreement or other contract for legal fees as part of the filing, commencement, or maintenance of a Fair Housing Act complaint. If the FHIP recipient has a successful settlement or a verdict, then the FHIP is able to include its reasonable fees as a part of the settlement, though the complainant shall be under no obligation to accept such an agreement. If reasonable legal fees are recovered, the FHIP agency must return to HUD a percentage of the legal fees that is equal to the percentage of FHIP funds spent on the prosecution of the case. For example, if 5% of FHIP funding were spent on prosecution of

the case, HUD would recover 5% of any legal fees. However, the amount of funds recovered will never exceed the actual amount of the FHIP grant.

(1) Agencies that are the recipients of FHIP funds agree to provide HUD with information regarding the recovery of fees and applicable reimbursement of FHIP funds on a yearly basis;

(2) All settlements and verdicts involving cases processed using FHIP funds are a matter of public record. The grantee cannot claim attorney-client or other privilege against the release of data concerning a case.

(3) This restriction on withholding of information must be communicated to the complainant.

(4) The complainant must agree to such a restriction before a case can be processed using FHIP funds.

IV. Application and Submission Information

A. Address To Request Application Package

This section describes how you may obtain application forms and additional information about the FHIP program. Copies of the published SuperNOFA, FHIP NOFA and application forms may be downloaded from the grants.gov Web site at <http://www.grants.gov/FIND> or if you have difficulty accessing the information you may receive customer support from Grants.gov by calling their help line at (800) 518-GRANTS or sending an email to support@grants.gov. The operators will assist you in accessing the information. If you do not have internet access and you need to obtain a copy of the NOFA you can contact HUD's NOFA Information Center toll-free at (800) HUD-8929. Persons with hearing or speech impairments may also call toll-free at (800) HUD-2209.

B. Content and Form of Application Submission

1. Please ensure that your application contains all of the following items in the exact order as described below:

a. SF-424*

b. SF 424 Supplement*-Survey on Ensuring Equal Opportunity for Applicants.

c. Project Abstract Outlining Project Activities

d. Factor No. 1 Narrative

e. Factor No. 1 Attachments: Tester Experience, Letter of Determination from IRS on 501(c)(3), if applicable.

f. Factor No. 2 Narrative

g. Factor No. 2 Attachments

h. Factor No. 3 Narrative

i. Factor No. 3 Attachments: Statement of Work (SOW) with activities listed

- in priority order, Budget Forms HUD 424 CB* and HUD 424 CBW reflecting the order of the statement of work and prioritized activities,* Budget Narrative.
- j. Factor No. 4 Narrative
- k. Factor No. 4 Attachments: Letter(s) of Firm Commitment
- l. Factor No. 5 Narrative
- m. Responses to Additional Requirements for Specific Initiative/ Project
- n. HUD-2880 (Applicant Recipient Disclosure Update Report (General Section))*
- o. OMB SF-LLL Disclosure of Lobbying Activities (General Section)*
- p. HUD 2990 Certification of Consistency with the RC/EZ/EC-IIs. (See HUD's Web page at www.hud.gov/cr for listing and www.hud.gov/crlocator for project eligibility.
- q. HUD-2994 Client Comments and Suggestions

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

In addition to the above, all applicants must read and adhere to Initiative specific information. Applicants are encouraged to review the chart entitled "Summary of Initiatives/ Components" to assist in identifying the

Initiative and component to which you wish to apply. Also, to submit documents using the facsimile method, applicants must use form HUD-96011, Facsimile Transmittal, which is a cover page for the faxed materials. The form HUD-96011 is an electronic form and is part of the downloaded application. See the General Section of the SuperNOFA for specific procedures governing facsimile submission.

2. *For All Applicants.* The maximum narrative page requirement is ten (10) pages per factor. The narrative pages must be double-spaced. This includes all narrative text, titles and headings. (However, you may single space footnotes, quotations, references, captions, charts, forms, tables, figures and graphs). You are required to use 12-point type size. You must respond fully to each factor to obtain maximum points. Failure to provide narrative responses to all factors or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factors. Failure to provide double-spaced, 12-point type size narrative responses will result in five points being deducted from your overall score (one point per factor).

3. *EOI and PEI-General Component.* Organizations applying under the EOI

and PEI General Component must submit a budget at 100% of proposed costs and activities. Additionally, applicants must identify costs and activities in priority order so if HUD funds at an 80% level, approved awards will reflect the priorities of the applicant. The activities and line item costs above the 80% should be reflected as optional activities in the applicant's SOW, Logic Model and Budget.

For example, if an applicant proposes 10 workshops, the applicant can designate 2 workshops as optional to reduce their funding by 20%. By providing the information in this manner if there are no further changes during negotiations, the applicant does not have to submit another budget.

4. *Application Submission and Timeliness Procedures.* See the General Section of the SuperNOFA for specific procedures governing the submission and receipt of applications.

C. Submission Dates and Times

You must submit a completed electronic application for the specific initiative and component for which you are applying to HUD on or before May 23, 2005. Grants.gov will reject applications that do not meet the deadline requirements.

Complete application package contains	Required content	Required form or format	When to submit it
Application: Cover sheet	(per required form)	Form SF-424, available from (General Section).	On or before 11:59:59 p.m. on the application submission date using Grants.gov/Apply.
Survey for Ensuring Equal Opportunity for Applicants.	SF-424 Supplement.	
Budget information	(per required form)	Form SF-424CB and SF-424CBW,).	
Disclosure of Lobbying Activities	(per required form)	SF-LLL, if applicable.	
Applicant-Recipient Disclosure Update Report.	(per required form)	HUD-2880.	
Certification of Consistency with RC/EZ/EC-II Strategic Plan.	(per required form)	HUD-2990.	
Program Outcome Logic Model	(per required form)	HUD-96010 or equivalent.	
Race and Ethnic Data Reporting Form.	(per required form)	HUD-27061.	
America's Affordable Communities Initiative.	(per required form)	HUD-27300.	
Narrative	Described in Section IV.B. of this announcement.	Format described in Section IV.B of this announcement.	
Letters from third parties contributing to cost sharing.	Third parties' affirmations of amounts of their commitments.	No specific form or format.	
Addendum to Abstract—Correction of Poor Performance (as appropriate).	Written documentation that performance issues and concerns have been cured.	No specific form or format.	
Project Abstract	Short summary of project activities, areas of concentration and persons to be served.	No specific form or format.	

D. Intergovernmental Review

Intergovernmental Review is not applicable to this program.

E. Funding Restrictions

1. *Administrative Costs for the Sponsoring Organization (FHOI).* The

sponsoring organization may use no more than 15 percent of the annually

awarded funds to cover its costs to administer the grant.

2. *PEI and FHOI Limitations for Education & Outreach*—There is a 5% limit on the amount of education- and outreach related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and funds will be adjusted to maintain the required limitation.

F. Other Submission Requirements

Electronic delivery via <http://www.grants.gov/Apply> is HUD's required method for application delivery beginning in FY 2005. Applicants interested in applying for FHIP funding must submit their applications electronically or request a waiver from the Assistant Secretary responsible for the program area. Waiver requests must be submitted at least thirty days prior to the application submission date. See the General Section for detailed instructions on how to submit applications using Grants.gov. The General Section also provides requirements and instructions for submitting a waiver request.

V. Application Review Information

A. Criteria for Regional/Community-Based Applications

1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (25 Points).

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period.

In General. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or rely on subcontractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using subcontractors and these subcontractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each subcontractor. Failure to include a separate budget will result in lower points being assessed to your application.

a. *Number and expertise of staff (this includes subcontractors and consultants).* (5) Points for current FHIP grantees (10) Points for New Applicants. You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. Provide the following information for all staff assigned to or hired for this project, not just key

personnel (those persons identified in attachments to Rating Factor 3: Soundness of Approach). Applicants applying to the Asians, Pacific Islanders Fair Housing Awareness Component must list all bilingual employees, identify the languages they are fluent in, and provide proof of their employment.

(1) Identify, by name and/or title and hours, all persons that will be assigned to the project. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities include managing all program and administrative activities as outlined in the SOW and ensuring that all timelines are met), in planning and managing projects similar in scope and complex interdisciplinary programs. To receive maximum points, your day-to-day program manager must devote a minimum of 75% of his/her time to the project, and this individual must be stationed in the metropolitan area where the project will be carried out. For day-to-day managers who do not have at least 75% of their time devoted to the project, no points will be awarded under this sub-factor. For example, if the Executive Director is responsible for managing the overall program administrative activities, the application should reflect the Executive Director's time as 75%. However, if a staff person will be assigned this responsibility, the 75% time should be reflected as such. You may not designate more than one person to fit this 75% criterion. You may demonstrate capacity by thoroughly describing your staff's prior experience in fair housing. You should indicate how this prior experience would be used in carrying out your proposed activities. Your application must also clearly identify those persons that are on staff at the time this application is submitted and those persons who will be assigned at a later date; describe each person's duties and responsibilities and their expertise (including years of experience and bilingual languages as noted above) to perform project tasks; and indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

(2) Attach resumes for all key personnel or position descriptions for newly created positions. (Resumes or position descriptions do not count against the ten-page limit.)

b. *Organizational experience.* (10) Points for current FHIP grantees; (15) Points for new applicants. In responding to this sub-factor, you must show that your organization has:

(1) conducted a past project or projects similar in scope and complexity to the project proposed in this application (whether FHIP-funded or not), or

(2) engaged in activities that, although not similar, are readily transferable to the proposed project.

EOI applicants must show that they have engaged in projects that are Regional/Local/Community based. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible activities. In rating this factor, HUD will consider experience within the last three years to be recent, experience pertaining to the specific activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor.

(a) If you are applying for funding under the EOI-Asians and Pacific Islanders Fair Housing Awareness Component, in addition to the items described under items (1) and (2) above, you must provide the following information when responding to this sub-factor.

(i). A list of all bilingual or bicultural materials developed and distributed.

(ii). A description of specific instances where projects similar to the scope and activities proposed in this application had an impact in various communities.

(iii). A description of recent relevant experience. Recent experience is experience within the past three years.

(b) If you are applying for funding under the EOI-Fair Housing and Minority Serving Institutions Component, in addition to the items described under item (1) and (2) above, you must provide the following information when responding to this sub-factor:

(i) A description of staff's experience in providing fair housing and educational curricular development with the objective of increasing awareness of fair housing and

(ii) A designation from the Department of Education specifying the organization as a Tribal College and University, historically Black College or University, Hispanic serving institutions, or Asian, Pacific Islander serving institution.

(c) If you are applying for funding under PEI or FHOI, you must provide

the following information when responding to this sub-factor:

(i) If you propose to conduct testing (other than rental or accessibility testing), projects proposing testing in specific areas should document that, at a minimum, you have conducted successful testing in those areas. Provide a general description of when and where the tests occurred, the entities tested, and the overall results of the tests, including complaints filed and the settlements or remedies secured (for example, if testing is for sales of housing, your application should outline your sales testing experience).

(ii) Discuss your compliance with the requirement to reimburse the Federal government for compensation received from FHIP-funded enforcement activities. If you have not reimbursed the Federal government for such compensation, explain why you have not. Also, state whether you reported to HUD any likely compensation that may result in such reimbursement. Two (2) points will be deducted for this sub-factor if you have not complied with the requirement.

(d) *FHOI*. Provide a statement of organizational capacity and experience of the sponsored organization and a list of persons who will work on the project along with their experience.

c. *Performance on past project(s)*. (10 Points for current FHIP grantees; 0 Points for new applicants. HUD will assess your organization's past performance in conducting activities relevant to your application. For current FHIPs, past performance will be assessed based on your most recent performance assessment received from your HUD Government Technical Representative (GTR) over the past two (2) years (FY 2002–FY 2003).

This information will be provided to the Technical Evaluation Panel (TEP) by HUD staff; however, you may also include a copy in your application. Based on past performance, the following points will be deducted from your score under this rating sub-factor:

(1) 10 points out of 10 possible points will be deducted if you received a "fair performance" assessment;

(2) 5 points out of 10 possible points will be deducted if you received a "good performance" assessment; and

(3) 0 points will be deducted if you received an "excellent performance" assessment.

2. Rating Factor 2: Need/Distress/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented fair housing problem(s) in

the target area(s). You will be evaluated on the information that you submit that describes the fair housing need in the geographic area you propose to serve, its urgency and how your project is responsive to that need.

a. *Documentation of Need*. To justify the need for your project, PEI and EOI applicants must describe the following:

(1) The fair housing need, including:

(a) Geographic area to be served and your proximity to the area;

(b) Populations that will be served—your project must serve all persons protected by the Act; and

(c) The presence of housing discrimination, high segregation indices or other evidence of discrimination prohibited by the Act within the project area.

(2) The urgency of the identified need. For example:

(a) The potential consequences to persons if your application is not selected for funding;

(b) The extent to which the organizations provides the services identified in your application;

(c) Other sources that support the need and urgency for this project. For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, State or local government reports analyses, relevant economic and/or demographic data—including those that show segregation—foundation reports and studies, news articles, and other information that relate to the identified need. Chapter V of the *Fair Housing Planning Guide, Vol. 1* has other suggestions for supporting documentation. You may access the Guide from the HUD web at "www.hud.gov."

To receive maximum points under this sub-factor, applicants must submit data and studies that support (a), (b), and (c) above. Those that address each category and submit supporting data will receive higher points than those that do not.

b. For FHOI: to justify the need for a sponsored organization under FHOI, the sponsoring organization must describe the following:

(1) Populations that will be served—HUD has targeted for funding under this Initiative, projects that will provide fair housing enforcement services to underserved areas, rural areas and areas serving individuals who are immigrants (especially racial and ethnic minorities who are not English-speaking or limited English proficient).

(2) The presence of housing discrimination, segregation and/or other indices of discrimination that are in the

project area prohibited by the Act. Submit data and studies that support your claim; and

(3) Why the project area is underserved and why the proposed sponsored organization is needed. Your proposed activities must serve all persons protected by the Act.

For example, make reference to reports, statistics, or other data sources that you used that are sound and reliable, including but not limited to, HUD or other Federal, state or local government reports analyses, relevant economic and/or demographic data, including those that show segregation, foundation reports and studies, news articles, and other information that relate to the identified need.

For all applicants: You must use sound data sources to identify the level of need and the urgency in meeting the need (ex. Consolidated Plan (CP), Analysis of Impediments to Fair Housing Choice (AI), fair housing studies, etc.) For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities and the community(ies) fair housing needs, including your knowledge of and your proximity to the targeted area, and the purpose of the program funding.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the specific area(s) where activities will be targeted and your proximity to the target area, rather than the entire locality or state. If the data presented does not specifically represent your target area, you should discuss why the target areas were proposed.

(4) The link between the need and your proposed activities:

(a) How the proposed activities augment or improve upon on-going efforts by public and private agencies, organizations and institutions in the target area, and/or

(b) Why, in light of other on-going efforts, the additional funding you are requesting is necessary.

c. *In addition*, with respect to Documentation of Need, the following apply to specific FHIP initiatives or components:

(1) *EOI-Disability Component*. Your project must focus on persons with disabilities, however you must serve all persons protected by the Act.

(2) *EOI-Asians and Pacific Islanders Fair Housing Awareness Component*. Your project must focus on serving Asians, Pacific Islanders; however, you must serve all persons protected by the Act. Therefore, provide specific

demographics on areas to be served and the relationship of the area served to the objectives of the project. The need in these neighborhoods must be clearly stated and supported with documentation such as beneficiary information.

(3) *EOI-Fair Housing and Minority Serving Institutions Component*. Your project must document curricular development and a critical level of need for fair housing activities in the area where activities will be carried out.

3. Rating Factor 3: Soundness of Approach (35 Points)

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

a. *Support of Policy Priorities (8 Points)*. Describe how your proposed project will further and support HUD's policy priorities for FY 2005. HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY 2005. HUD will evaluate the extent to which a program will further and support HUD's priorities. The quality of the responses provided to one or more of HUD's priorities will determine the score an applicant can receive. Applicants must describe how each policy priority selected will be addressed.

Applicants that just list a priority will receive no points. Each policy priority addressed must discuss the geographic area to be served in relation to the project's purpose, the persons to be served and the methodology for carrying out these activities. Each policy priority has a point value of one point, with the exception of the policy priority to remove regulatory barriers to affordable housing which has a point value of up to 2 points; and, for EOI applicants only, promoting participation of grassroots faith-based and other community-based organization or partnering with an organization promoting participation in grassroots faith-based and other community-based organizations, which has a point value of up to 4 points. The total number of points that can be received for this sub-factor is 8. It is up

to the applicant to determine which of the policy priorities they elect to address to receive the available 8 points. Applicants are eligible to receive up to 2 points for efforts to remove regulatory barriers to affordable housing. To secure points an applicant must submit the completed questionnaire (HUD 27300), and provide the required documentation. Please see the General Section for further information on Removal of Regulatory Barriers to Affordable Housing. The questionnaire is part of the electronic application package and is also found in the Appendix to the General Section. For the full list of each policy priority, please refer to the General Section of this SuperNOFA.

b. *Proposed Statement of Work (SOW) and Information Requirements (17 Points)*. The SOW and budget are attachments that will not count toward the 10-page limit on the narrative response to this factor. However, points will be assigned based on the relevance of proposed activities to stated needs, attention to implementation steps, proposed activities consistent with organizational expertise and capacity and accuracy of the SOW and budget.

(1) *Statement of Work*—Submit a proposed SOW that comprehensively outlines in chronological order the administrative and program activities and tasks to be performed during the grant period. Your outline should identify all activities and tasks to be performed and by whom (e.g., you, a subcontractor, or partner), and the products that will be provided to HUD and when. You should also include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the project; staff acquisition and training; and activities of partners and/or subcontractors. Applicants should provide figures on the projected clients to be served. Do not provide ranges or percentages, but a specific number of clients. These figures should represent individuals to be served entirely with HUD FHIP funding.

(2) *EOI-General and PEI-General Applicants Only*—You must identify optional activities (to achieve an 80% budget) in order to receive full points under this sub-factor.

(3) For the Asians and Pacific Islanders Fair Housing Awareness Component include:

(a) All bilingual or bicultural key personnel and their capacity to communicate and disseminate information in projected neighborhoods.

(b) A plan that reflects an understanding of the characteristics and needs of the neighborhoods selected and

outlines a plan of action pertaining to the scope and detail of how the work outlined will be accomplished.

c. *The Budget Form and the Budget Information (10 Points)*. HUD will also assess the soundness of your approach by evaluating the quality, thoroughness, and reasonableness of the budget and financial controls of your organization, including information on your proposed program cost categories. As part of your response you must prepare a budget that is:

(1) Reasonable in achieving the goals identified in your proposed SOW;

(2) relate tasks in the SOW to the proposed budget costs;

(3) cost-effective, e.g. in terms of staff used to perform the activities, results to be achieved for the dollar costs of the program, location of the organization in relation to targeted area(s), etc.

(4) quantifiable based on the need identified in Factor 2, and

(5) justifiable for all cost categories in accordance with the cost categories indicated in the HUD-424 CB (see General Section Grant Application Detailed Budget). Include your approved Indirect Cost rate in your budget submission, as well as the agency contact name and telephone number. If you do not have a Federally approved indirect cost rate, please provide your proposed rate and submit an indirect cost rate proposal with your application. If HUD is the cognizant agency, it will establish a rate or contact the appropriate Federal agency to establish a rate. For information on Indirect Cost rates, you can review HUD's training on www.hud.gov.

(6) *Cost Effectiveness of Program*. Discuss and provide supportive facts concerning the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities in the targeted area. Applicants seeking funding to conduct activities in an area other than the applicant's State or locality must discuss the cost effectiveness of where the activities will be conducted in relation to the location of the organization. HUD will look at the cost effectiveness of your travel to and from your location to the targeted area(s), personnel expenses for outstationed personnel, contracts and subgrantees, and other direct costs, which may include relocation expenses, and telecommunications expenses. Also, indicate how the proposed project is quantifiable based on the needs identified in Rating Factor 2.

(7) *Financial Management Capacity*. Describe and provide documentation to support your organization's financial management system and your Board's

contribution to the organization. In addition, provide documentation about your capabilities in handling financial resources, dissemination to subcontracting affiliates, and maintenance of an adequate accounting and internal control procedures.

(8) For FHOI provide a statement of transfer of programmatic and management responsibilities from the sponsoring to sponsored organization by the end of grant year three. Also provide budgetary information on the viability of the sponsoring organization to maintain the sponsored organization for the duration of the grant.

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

A written budget narrative work plan must accompany the proposed budget explaining each budget category listed and must explain each cost category. Failure to provide a written budget narrative work plan will result in 2 points being deducted from your application. It must explain each cost category you list. Generally, estimated costs for high-cost items or subcontractors/consultants should be supported by bids from at least three (3) sources. Where there are travel costs for subcontractors/consultants, you must show that the combined travel costs (per diem rates) are consistent with Federal Travel Regulations (41 CFR 301.11) and travel costs for the applicant's subcontractors and/or consultants do not exceed the rates and fees charged by local subcontractors and consultants. The narrative (which does count toward the 10 page limit) and supporting documentation (which does not count toward the 10 page limit) must address the Grant Application Detailed Budget.

4. Rating Factor 4: Leveraging Resources (5 Points)

This factor addresses your ability to secure additional resources to support your project. Points will be awarded on the basis of the percentage of non-FHIP resources you have identified and how firm the commitment is for those resources.

a. *Firm Commitment of Leveraging.* HUD requires you to secure resources from sources other than what is requested under this FHIP Program

Section of the SuperNOFA. Community resources may include funding or in-kind contributions, such as workspace or services or equipment, allocated to the purpose(s) of your proposal. Contributions from affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private non-profit organizations, faith-based organizations, for-profit or civic private organizations, or other entities willing to work with you. In order to secure points you must establish leveraging of resources by providing letters of firm commitment from the organizations and/or individuals who will support your project. Each letter of firm commitment must:

(1) Identify the organization and/or individual committing resources to the project and identify any affiliation with the applicant,

(2) Identify the sources and amounts of the leveraged resources (the total FHIP and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and

(3) Describe how these resources will be used under your SOW. The letter must be signed by the individual or organization official legally able to make commitments for the organization. If the resources are in-kind or donated goods, the commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. (Do not include indirect costs within your in-kind resources). In-kind matching and leveraging contributions, as well as Program Income must comply with 24 CFR 84.23 and 84.24 requirements. FHIP funds cannot be used for in-kind or donated services (for example, a current staff person on a FHIP-funded project). No points will be awarded for general letters of support endorsing the project from organizations, including elected officials on the local, State, or national levels, and/or individuals in your community. See Section IV.F. of the General Section of the SuperNOFA for instructions on how third party documents are to be submitted to HUD via the electronic submission process. For PEI and EOI, if your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

One point will be awarded if less than 5% of the projects total costs come from non-FHIP resources.

Two points will be awarded if between 5% and 10% of the project's total costs are from non-FHIP resources.

Three points will be awarded if between 11% and 20% of the project's total costs are from non-FHIP resources.

Four points will be awarded if between 21% and 30% of the project's total costs are from non-FHIP resources.

Five points will be awarded if at least 31% of the project's total costs are from non-FHIP resources.

The sponsored organization must not rely exclusively on FHIP funding. At the conclusion of each grant year, the sponsored organization must show increasing support from sources other than what is awarded under this program. Specifically, at the conclusion of year 1, no less than 5% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be funded from non-FHIP funds; at the conclusion of year 2, no less than 10% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds; and at the conclusion of year 3, no less than 20% of the funds supporting the sponsored organization's fair housing enforcement-related activities must be from non-FHIP funds. Your application must state how you will meet these requirements.

For FHOI, two points will be awarded if between 5% and 10% of the project's total costs are from non-FHIP resources. Three points will be awarded if between 11% and 20% of the project's total costs are from non-FHIP resources; Four points will be awarded if between 21% and 30% of the project's total costs are from non-FHIP resources; Five points will be awarded if at least 31% of the projects total costs are from non-FHIP resources.

5. Rating Factor 5: Achieving Results and Program Evaluation (15 Points)

a. In evaluating this factor, HUD will assess the extent to which you demonstrate how you will measure your success or results to be achieved that represent the work of your organization as set out in your budget. Applicants must describe their specific methods and measures to assess progress, evaluate program effectiveness, and identify program changes necessary to improve performance. This will ensure that performance measures are met and that grantees are establishing achievable realistic goals. Applicants who have identified outputs and outcome measurements and include means for assessing these measurements, tracking and monitoring performance goals and achievements against these

commitments made in the application, will receive higher points than those that do not. To meet this Factor requirement, you must first refer to the Logic Model and instructions provided in the forms appended to the General Section. All applicants must use the Logic Model Form to respond to this Factor. Applicants should also review the Logic Model training which can be found at <http://www.hud.gov/offices/adm/grants/training/training.cfm>.

b. *In evaluating this Factor:* (1) HUD will consider how you have described the degree to which you have identified and characterized the information needs of your intended audience or target populations;

(2) Output. The direct products of the applicant's activities that lead to the ultimate achievement of outcomes. Examples of outputs include, but are not limited to, the number of training sessions conducted; the number of PSA's aired; the number of conferences held; the number of brochures/fair housing materials to be disseminated and/or the number of outreach activities;

(3) Outcome. Demonstrate ability to measure outcomes so the major outcome is to increase awareness of fair housing laws and enforce the fair housing act. Outcomes are benefits provided to all protected class members as a result of education and outreach or fair housing enforcement activities; and, performance indicators the applicant expects to achieve or goals it hopes to meet over the term of the proposed grant. In other words, provide the figure that the applicant estimates for that outcome category as a result of the applicant's activities. For example as it relates to EOI Activities:

- The number of individuals reached as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.
- The percentage of persons whose knowledge and awareness of fair housing is increased as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.
- The number of complaints received as a result of training, outreach efforts, one on one fair housing counseling, participation in a conference or symposium.

As it relates to PEI Activities:

- The number of tests completed as result of investigations, systemic testing or audit testing.
- The number of enforcement actions as a result of testing investigations, systemic testing, or audit testing.

The number of individuals served as a result of pre-complaint counseling and/or education and outreach efforts as a result of testing activities.

(4) Describe how your program will be held accountable for meeting program goals, objectives, and the actions undertaken in implementing the grant program. You should provide a description of the procedure to be used to assess progress and track performance in meeting the goals and objectives outlined in the work plan.

Accountability can be achieved using specific measurements tools to assess the impact of your solutions. Examples include:

- Intake Assessment Instrument;
- Pre/Post Tests;
- Customer/Client Satisfaction Survey;
- Follow-up Survey;
- Observational Survey;
- Functioning scale; or
- Self-sufficiency scale.

You should describe what kind of fair housing activities you propose to accomplish and the success of your project as identified in Factor 2, for these activities. For the EOI-Disability Component, you should also demonstrate how the activities will assist the Department in implementing the New Freedom Initiative (see General Section).

B. Reviews and Selection Process

1. *Rating and Ranking.* Although all rating factors are organized the same way for all FHIP initiatives, there are differences in application requirements and rating criteria, which are indicated throughout the Rating Factor instructions. Your application for funding will be evaluated competitively against all other applications submitted under one of the following initiatives or components:

- a. Private Enforcement Initiative (PEI)—
 - (1) General Component (PEI-GC);
 - (2) Performance Based Funding Component (PEI-PBFC).
- b. Education and Outreach Initiative (EOI)—
 - (1) Regional/Local/Community-Based Programs:
 - (a) General Component (EOI-GC);
 - (b) Disability Component (EOI-DC);
 - (c) Asians, Pacific Islanders Fair Housing Awareness Component (EOI-AC);
 - (d) Fair Housing and Minority Serving Institutions Component (EOI-MSI);

c. *Fair Housing Organizations Initiative (FHOI).* For all initiatives, all eligible applications will be reviewed and points awarded based upon: 1. Your narrative responses to the Factors for

Award and accompanying materials (e.g., resumes) and 2. EC/EZ-II bonus points, as applicable. Ineligible applications will not be ranked. The maximum number of points to be awarded for the Rating Factors is 100. See Section V. of the General Section for information on Bonus Points.

Applications with a score of seventy-five (75) points or more will be considered of sufficient quality for funding. The Selecting Official will not select for award any application with a score below seventy-five (75) points. Generally, applications of sufficient quality for funding will be selected in rank order under each initiative or component.

For the PEI—Performance Based Funding Component applicants will be evaluated competitively against other applicants who apply and have received an Excellent Performance Assessment for FY 2002 and 2003 FHIP-funded activities, as well as a 95 on their most current performance review (FY '02 or '03). These applicants will then be rated by the Technical Evaluation Panel and ranked by score. Only those applicants who receive a minimum final score of 95 from the TEP will be considered for funding under this Component.

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

For the PEI—Performance Based Component, the tie breaking provision does not apply.

3. *Achieving Geographic Diversity of Awards.* a. *PEI and EOI.* HUD reserves the right to select applications out of rank order to achieve geographic diversity, to ensure that, to the extent possible, applications from more States for each initiative or component are selected for funding. If the Selecting Official exercises this discretion, there will be two determinants used: (1) geography and (2) score. Geographic diversity shall be applied to all qualified applications (applications of sufficient quality for funding—applications that received a score of 75 or more points) in each Initiative or Component in which the Selecting Official applies geographic diversity. The geographic

diversity provision will be applied as follows: when there are two or more applications of sufficient quality from the same state, the application(s) with the lower score(s) will be moved to the end of the qualified queue. The applications moved to the end of the qualified queue will retain their geographic rank order. If sufficient funds remain, it is possible that applications moved to the end of the queue may be selected for award.

b. *FHOI and PEI—Performance Based Funding Component.* Under FHOI and the PEI—Performance Based Funding Component, the geographic diversity provision does not apply.

4. *Adjustments to Funding.* As provided in the General Section, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of the SuperNOFA, or where:

a. HUD determines whether the amount requested for one or more eligible activities is unreasonable or unnecessary;

b. An ineligible activity is proposed in an otherwise eligible project;

c. Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option;

d. The past record of key personnel warrants special conditions; or,

e. Training funds are not reserved for FHIP training.

5. *Reallocation of Funds.* If after all applications within funding range have been selected or obligations are completed in an Initiative and funds remain available, the selecting official or designee will have the discretion to reallocate leftover funds in rank order among initiatives as follows:

a. For EOI, any remaining funds from any component will be reallocated first within the initiative; if after reallocating funds within the initiative left over funds remain, they shall be reallocated to PEI then to FHOI;

b. For PEI, any remaining funds will be reallocated to EOI then to FHOI;

c. For FHOI, left over funds will be reallocated to PEI then to EOI.

C. *Anticipated Announcement and Award Dates*

For planning purposes, anticipate an announcement date of July 29, 2005 and an award date of August 31, 2005.

VI. Award Administration Information

A. *Award Notices*

1. Applicant Notification and Award Procedures

a. *Notification.* No information about the review and award process will be available to you during the period of HUD evaluation, which begins on the application submission date under this NOFA and lasts approximately 90 days thereafter. However, you will be advised, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the General Section of the SuperNOFA and Section of this NOFA. HUD will communicate only with persons specifically identified in the application. HUD will not provide information about the application to third parties such as subcontractors.

b. *Negotiations.* If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described in the General Section of the SuperNOFA. The selection is conditional and does not become final until the negotiations between the applicant and the Department are successfully concluded and the grant or cooperative agreement is signed and executed. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application as the Project Director. HUD will not negotiate with any third party (*i.e.*, a subcontractor, etc.). Grantees awarded funding who have had a 'poor performance' rating in subsequent years prior to FY 2002, will be required to provide documentation of the agency's improved performance status during negotiations. The Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or additional monitoring is required.

Performance Based Funding Component—Applicants selected for funding under the PBFC will be required to submit a SOW that projects the agency's activities for a period of three years commensurate with the level of funding.

c. *Applicant Debriefing.* After awards are announced, applicants may receive a debriefing on their application as described in the General Section. Materials provided during the debriefing will be the applicant's final scores for each rating factor and final evaluator comments for each rating

factor. Applicants requesting a debriefing must send a written request to Annette Corley, Grant Officer, U.S. Department of Housing and Urban Development, FHIP/FHAP Support Division, 451 7th Street SW., Room 5224, Washington, DC 20410. HUD will not release the names of applicants or their scores to third parties

B. *Administrative and National Policy Requirements*

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

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

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

4. *Procurement of Recovered Materials.* State agencies (FHAP agencies) and agencies of a political subdivision of a state that are using assistance under a HUD program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. See General Section for details.

5. *Product Information.* Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) two weeks before release for approval and acceptance.

6. *Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses.* (See General Section).

7. *Payment Contingent on Completion.* Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.

8. *Copyright Materials.* You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise

use your work for Federal purposes, and to authorize others to do so as required in 24 CFR 84.36.

9. *Complaints Against Awardees.* Each FHIP award is overseen by a HUD Grant Officer (See Appendix A for list of Grant Officers per region). Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, terms or conditions of the grant, or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in

awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

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

11. *Performance Sanctions.* A grantee or subcontractor failing to comply with the requirements set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

C. Reporting

1. HUD requires that funded recipients collect racial and ethnic beneficiary data. It has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on www.HUDclips.org, a comparable program form, or a comparable electronic data system for this purpose. As your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

2. Listed below is a sample-reporting document of activities and tasks to be performed by a FHIP Grantee.

ADMINISTRATIVE ACTIVITIES

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

VII. Agency Contacts

You may contact Myron P. Newry or Denise L. Brooks, of the Office of Fair Housing and Equal Opportunity's FHIP Support Division, at 202-708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may contact the Division by calling 1-800-290-1617 (this is a toll-free number).

VIII. Other Information

1. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2529-0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to

respond to a collection of information unless the collection displays a currently valid OMB control number. Public reporting burdens for the collection of information is estimated to average xxx hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the

administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

2. Frequently Asked Questions

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

A. The attachments do not count toward the ten-page limit. However, you are encouraged to summarize the points that support your Factor responses. Do not attach data tables, exhibits, and studies and expect the evaluator to read them and discern the points that should be considered. If you summarize information from studies, reports, etc, simply include a bibliography or other reference at the end of each Rating Factor.

Q. In previous years, FHIP applicants were not required to submit the Certification of Consistency with the Consolidated Plan. Is the Certification required this year?

A. For FY 2005, the Certification of Consistency with the Consolidated Plan is not required.

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

A. There is no Application Kit for the FY 2005 FHIP NOFA. The NOFA clearly describes the requirements for completing a successful application and all forms and certifications needed to complete the application are included in the General and FHIP Sections of the SuperNOFA.

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

A. The maximum number is 10 pages per Rating Factor. This does not include any attachments that may be required under each factor (for example, the proposed statement of work and budget required under Factor 3, Resumes as required by Factor 1, or any reports or documents you attach to support your Factor information). The narrative pages must be double-spaced and you are required to use 12-type size (font). However, all pages in the narrative portion of your application must be consecutively numbered starting with Rating Factor One page one (1) through the end of your application for each narrative rating factor response.

Q. The FHIP SuperNOFA refers to QFHOs and FHOs. What is the difference between them?

A. These terms are defined in the FHIP regulations. Both organizations must be private, tax-exempt, charitable organizations that have engaged in enforcement-related activities. The

amount of enforcement-related experience is an eligibility requirement, for PEI at least one year and for FHOI at least two years. (See 24 CFR 125.103 for QFHO and 24 CFR 125.401(b)(2) for FHO.) For PEI and FHOI, applicants must self-identify as a QFHO or an FHO and provide information, including dates of enforcement-related activities. The information you provide should enable HUD to determine if your organization meets at least the one or two year enforcement-related experience requirement.

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

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

Q. Is an organization "engaged in testing for fair housing violations" if it hires a qualified organization to carry out its testing program?

A. Yes, so long as the applicant maintains decision making authority, analyzes the test results, and maintains oversight or selection of testing operations.

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

A. Yes. For FHIP, see the eligibility requirements for each Initiative, and the Threshold Criteria in Section III. For threshold requirement information under the SuperNOFA, see Section of the General Section of the SuperNOFA.

Q. Can an applicant propose to do an Analysis of Impediments (AI)?

A. No. The applicant can identify activities to be carved out of the AI but not to do planning to develop AI.

Q. Will applicants be able to apply for other funding if selected for the Performance Based Funding Component?

A. No, applicants selected to the PEI-PBFC will not be able to apply for any other FHIP funding for the three-year period of the PBF.

Q. Are grantees required to attend the National Fair Housing Training Academy (NFHTA)?

A. Yes, provisions have been included in Training Funds to accommodate grantee's participation in the NFHTA.

Q. At what point may a FHOI "sponsored organization" apply under any FHIP Initiative?

A. A sponsored organization is eligible after three (3) years to apply for funds under other initiatives or components.

Q. What are maximum awards?

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

Q. Where do you send completed applications?

A. All applications must be submitted electronically. Please review Section IV.F of the General Section of the SuperNOFA for specific information on electronic application submittal.

Q. How do I sign my electronic application?

A. Applications submitted through grants.gov constitute submission as electronically signed applications once the Authorized Organization Representative (AOR) (the individual who has been authenticated by the grants.gov credential provider to submit applications on behalf of your organization) transmits your application via grants.gov. Please see Section IV.F of the General Section of the SuperNOFA for details.

Q. What is the Web site address to apply for funding?

A. [Http://www.grants.gov/Apply](http://www.grants.gov/Apply). See General Section for more information.

Q. What is the application submission date?

A. The application submission date is outlined in this NOFA under Section IV.C., "Submission Dates and Times."

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

A. Yes, technical questions should be directed to Myron P. Newry or Denise L. Brooks of the FHIP Support Division at (202) 708-0800 (this is not a toll-free number). Persons with hearing or speech impairments may call 1-800-290-1617 (this is a toll-free number). Technical assistance does not include assisting you in determining your eligibility to apply for funds. Applicants must make their own determination, based upon the requirements identified in the FHIP component under the section labeled Eligible Applicants. Technical Assistance cannot be provided to help you write any part of your application or develop responses to the application requirements. Rather, technical assistance, outside of the training broadcasts, will only clarify general application and program requirements published in the NOFA.

Q. As an FHOI applicant, are education and outreach expenses required to come out of my 15% administrative costs?

A. Yes.

Appendix A

FHEO FIELD STRUCTURE—OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO offices	Directors	Telephone No.	Area covered
BOSTON Hub—Thomas P. O'Neill, Federal Bldg., 10 Causeway Street, Room 375, Boston, MA 02222-1092.	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI.
NEW YORK CITY Hub—26 Federal Plaza, New York, NY 10278-0068.	Stanley Seidenfeld	(212) 264-1290	NY, NJ.
PHILADELPHIA Hub—The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3380.	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC, WV, DE.
ATLANTA Hub—5 Points Plaza, 40 Marietta Street, SW, Atlanta, GA 30303-3388.	James Sutton	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY, TN, SC, NC.
CHICAGO Hub—Ralph H. Metcalfe, Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604-3507.	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH, IN.
FORT WORTH Hub—1600 Throckmorton Street, Fort Worth, TX 76113-2905.	Garry Sweeney	(817) 978-9271	TX, AR, OK, LA, NM.
KANSAS CITY Hub—Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406.	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA.
DENVER Hub—633 17th Street, Denver, CO 80202-3607	Evelyn Meininger	(303) 672-5434	CO, UT, WY, SD, ND, MT.
SAN FRANCISCO Hub—Phillip Burton Federal Bldg., 450 Golden Gate Avenue, San Francisco, CA 94102-3448.	Chuck E. Hauptman	(415) 436-6569	CA, HI, NV, AZ, Guam.
SEATTLE Hub—Seattle Federal Office Bldg., 909 1st Avenue, Suite 200, Seattle, WA 98104-1000.	Judith Keeler	(206) 220-5170	WA, OR, ID.

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