

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5300-N-10]

**Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2009
Fair Housing Initiatives Program (FHIP)**

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2009 Fair Housing Initiatives Program.

SUMMARY: This NOFA announces the availability of funding for the FY2009 Fair Housing Initiatives Program (FHIP). Approximately \$26,300,000 in FY2009 funds is available through this NOFA as is any potential recapture from previous fiscal years. The funding is allocated to three (3) Initiatives/Components, the Private Enforcement Initiative, the Education and Outreach Initiative, and the Fair Housing Organizations Initiative. FHIP funds are used to increase compliance with the Fair Housing Act and with substantially equivalent State and local housing laws. Recipients of FHIP funding are obliged to affirmatively further fair housing. HUD's Fair Housing Initiatives Program is authorized by Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616). The implementing regulations are found at 24 CFR Part 125. HUD's FY2009 Notice of Funding Availability (NOFA) Policy Requirements and General Section to HUD's FY2009 NOFAs for Discretionary Programs (General Section) published in the Federal Register on December 29, 2008 (73 FR 79548) as amended on April 16, 2009 (74 FR 17685), establish threshold and other critical application submission requirements that affect this NOFA. Applicants should take particular note that they must follow the application submission instructions contained in the General Section and this NOFA.

APPLICATION DEADLINE DATE: The application deadline date is September 18,, 2009.

FOR FURTHER INFORMATION CONTACT: Questions regarding specific program requirements should be directed to the agency contact identified in this program NOFA.

Questions regarding the 2009 General Section should be directed to the Office of Departmental Grants Management and Oversight at 202-708-0667 (this is not a toll-free number) or t he NOFA Information Center at 1-800-HUD-8929 (toll-free). Persons with hearing or **speech** impairments may access these numbers via TTY by calling the Federal Information Relay Service at 1-800-877-8339. The NOFA Information Center is open between the hours of 10:00 a.m. and 6:30 p.m. eastern time, Monday through Friday, except federal holidays.

OVERVIEW INFORMATION:

- A. **Federal Agency Name:** Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity.
- B. **Funding Opportunity Title:** HUD's Fair Housing Initiatives Program (FHIP) for FY2009
- C. **Announcement Type:** Initial Announcement.
- D. **Funding Opportunity Number:** The OMB Approval Number is 2529-0033. The Federal Register number for this NOFA is FR-5300-N-10.
- E. **Catalog of Federal Domestic Assistance (CFDA) Number(s):** Fair Housing Initiatives Program (FHIP) 14-408; Private Enforcement Initiative (PEI) 14-418; Education and Outreach Initiative (EOI)14-416, Fair Housing Organizations Initiative (FHOI) 14.417.
- F. **Dates:** The application deadline date shall be on or before September 18, 2009. Applications must be received by Grants.gov no later than 11:59:59 pm on the application deadline date. A complete application consists of all items listed in the checklist (see section for application content requirements).

. Please see the FY 2009 General Section for Grants.gov registration other submission requirements.

MODIFICATIONS TO FY2009 FHIP NOFA:

1. Please make sure you register with Grants.gov for FY2009, and be cognizant of other significant general information relating to the application receipt process contained in this NOFA.
2. . You must submit a one page Abstract with each application you submit under FHIP. This abstract must indicate which Initiative and component you are applying to, the amount requested, the area and persons to be assisted, and a short synopsis of your activities. Failure to submit this completed abstract will result in a technical deficiency.
3. For FY2009, Congress provided \$2 million to FHIP to protect the public from mortgage rescue scams. To make these funds available, HUD is adding two components, the Mortgage Rescue Component and the Continued Development Mortgage Rescue Scam Component.
4. New Component under Private Enforcement Initiative:
Mortgage Rescue Component
5. New Components under Fair Housing Organizations Initiative
 - a. Continued Development Mortgage Rescue Scams Component
 - b. Continued Development General Component
 - c. Establishing New Organizations Component – may be a sponsoring organization or a single organization submitting an application.

6. Applicants may submit multiple applications to the '09 FHIP NOFA and qualify to receive multiple awards. However, PEI-PBFC awards that are current are not eligible to receive PEI-G awards.
7. Applicants that submit applications with zero (0) rating factors addressed will be deemed ineligible for review by the Technical Evaluation Panel (TEP).
8. The maximum number of points for collaboration with a Fair Housing Assistance Program agency is two (2) points. In order to receive the two points for collaboration, applicants must provide a letter of firm commitment from a FHAP or a document signed by both an authorized representative of the FHAP agency and your organization (such as a memorandum of understanding), or on the FHAP's letterhead, stating their intent to work with you on your project.
9. **DATES:** The application deadline date is September 18, 2009. Applications must be received by Grants.gov no later than 11:59:59 pm eastern time on the application deadline date.
10. **Electronic Applications.** For FY2009, FHIP electronic applications will be available on http://www07.grants.gov/applicants/apply_for_grants.jsp. For instructions on electronic application timely receipt requirements please read the General Section and this Program Section.

G. Optional, Additional Overview Content Information

1. **Funding Breakdown.** FHIP funds are used to increase compliance with the Fair Housing Act and with substantially equivalent State and local fair housing laws. This year there are three initiatives: Private Enforcement, Education and Outreach, and the Fair Housing Organizations Initiatives. Please see the chart located in Section III. A. of this NOFA for more information on

each of these Initiatives. Approximately \$26,300,000 in FY2009 funds and any potential recapture from previous fiscal years, is allocated to three (3) Initiatives/Components as follows:

- a. Private Enforcement Initiative (PEI) \$21,100,000- Three components;
 - (1) General Component, \$4,000,000.00;
 - (2) Performance Based Funding Component, \$16,100,000.00; and
 - (3) Mortgage Rescue Component, \$1,000,000.00.
- b. Education and Outreach Initiative (EOI) \$3,100,000- Two components;
 - (1) Regional/Local/Community-Based Program- General Component, \$2,100,000.00; and
 - (2) National-Based Program: National Media Campaign Component, \$1,000,000.00.
- c. Fair Housing Organizations Initiative (FHOI) \$2,100,000- Three components;
 - (1) Continued Development Mortgage Rescue Scams Component, \$1,000,000.00;
 - (2) Establishing New Organizations Component (ENOC), \$600,000.00; and
 - (3) Continued Development General Component, \$500,000.00.

2. Fair Housing Initiatives Program (FHIP) Funding. FHIP funds are used to increase compliance with the Fair Housing Act and with substantially equivalent State and local fair housing laws. Recipients of FHIP funding are obliged to affirmatively further fair housing. Under the General Section, applicants for FHIP funds must address their obligation to affirmatively further fair housing in the application. Applicants must address housing discrimination covered by the Fair Housing Act. Consistent with the Department's FHIP rule at 24 CFR 125.105, applicants must describe practices in the proposed service area that adversely affect the achievement of the goal of fair housing; specify activities to address these adverse practices to be conducted with FHIP funds, including the final product(s) and/or any reports to be produced; and describe the expected long-term results. Applicants will provide this information

in their responses to the Rating Factors or by a separate affirmatively furthering fair housing statement.

3. **Award Agreements.** 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.** PEI eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs), see 24 CFR 125.103; public or private, 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 (FHOI Establishing New Organizations Initiative) 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).

A. FHIP Initiatives and Components.

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 Fair Housing Act and substantially equivalent State and local fair housing laws. There are three components under this Initiative: the General Component, the Performance-Based Funding Component, and the Mortgage Rescue Component.

General Component: For the PEI-General Component, eligible applicants are Fair Housing Enforcement Organizations (FHOs) or Qualified Fair Housing Organizations (QFHOs) with at least one or two years experience, respectively, in complaint intake, investigation and fair housing testing. (See Chart on Section III.A. for additional and specific eligibility requirements).

Private Enforcement Initiative – Performance-Based Funding Component. (PBFC)

This funding is awarded to applicants who are present and/or former PEI grantees, over a three (3) year period, based upon appropriations. PBFC applicants must be QFHOs, in addition to having additional distinct requirements. (See chart on Section III.A. for all eligibility requirements). Once an applicant is funded under PBFC and their performance is assessed by the HUD Government Technical Representative (GTR) as anything less than “Excellent”, within the three (3) year period, then the grantee is both:

- (i) prohibited from drawing down funds on their current grant, and
- (ii) prohibited from receiving PBFC funding in the second or third grant year, if applicable. An “Excellent” Rating for PBFC must be above 90 points on a 100 point scale.

Performance for all FHIP grantees is based upon: (1) Quality of Project Management, (2) Quality of Tasks/and Grant Activities, (3) Timeliness, and (4) Thoroughness of Quarterly Reports.

Mortgage Rescue Component (P-MRC): For the PEI – Mortgage Rescue Component, eligible applicants are high performing (applicants who have received at least a “Good” on their last FHIP Performance Review), and QFHOs and FHOs who have the organizational capacity to combat abusive mortgage practices in their communities. P-MRC has the same eligibility as PEI-G with additional distinct requirements. (See chart on Section III.A. for all eligibility requirements).

2. Education and Outreach Initiative (EOI). This Initiative assists organizations that inform the general public about their rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws. Under this Initiative, there are two programs with a

total of two components. They are the EOI - Regional/Local/Community-Based Program (R/L/C-B), General Component, and the EOI - National-Based Program National-Media Campaign Component. (See chart in section III. A. for all eligibility requirements).

All EOI applicants are required to describe a referral process that will result in referral of fair housing complaints to HUD or Fair Housing Assistance Program (FHAP) substantially equivalent agencies. If funded, the grantee will be required to develop and implement the complaint referral process referenced in the application.

3. Fair Housing Organization Initiative (FHOI): This Initiative provides funding to QFHOs, FHOs, and nonprofit groups organizing to build their capacity, establish new fair housing enforcement organizations and/or provide fair lending enforcement in underserved areas (as defined *in* “Program Definitions” rural areas and/or areas with new immigrants (especially racial and ethnic minorities who are not English speaking or have limited English proficiency. There are three components under this Initiative, the Establishing New Organizations Component, the Continued Development General Component and the Continued Development Mortgage Rescue Scams Component.

Establishing New Organizations Component (ENOC): Under this component HUD provides assistance to a FHIP qualified sponsoring organization that will establish a sponsored organization or to an organization to become a viable fair housing enforcement organization that will conduct fair housing activities in underserved areas (as defined in Section I.B. “Program Definitions” of this NOFA) rural areas and/or areas with new immigrants (especially racial and ethnic minorities who are not English-speaking or have limited English proficiency). If you are sponsoring an organization, the sponsoring organization must submit the application and must certify that the sponsored organization has the ability to become a FHO. The period of

performance for the award of funds to assist in establishment of an organization is 12-18 months. Total funding is awarded to the sponsoring organization who then distributes funding to the sponsored organization, based upon performance. If performance for the sponsored organization falls below “Fair”, the sponsoring organization will immediately notify the HUD GTR of the performance shortfalls and suspend all funding. The HUD GTR will conduct a monitoring review of both the sponsored and sponsoring organizations.

Continued Development Mortgage Rescue Scams Component (ECD-MS) – This component will assist nonprofit groups that provide assistance to victims of fraud and lending abuse (for example, through counseling, loan workouts, etc.) to build their capacity to provide fair lending assistance and other fair housing enforcement. Under this component, applicants will build their capacity to bring Fair Housing Act enforcement actions along with other appropriate enforcement actions

Continued Development General Component – This component will assist QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups in building their fair housing capacity.

Start Date. For planning purposes, assume a start date no later than October 30, 2009.

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 FHIP. The implementing regulations are found at 24 CFR Part 125. If you are interested in applying for funding under the FHIP NOFA, please review carefully the General Section (hereafter, the General Section), the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended), and the FHIP Regulations

(24 CFR 125.103-501). Also in the Omnibus Appropriations Act, 2009, Congress included language to provide \$2 million in FHIP funds for activities to protect the public from mortgage rescue scams.

B. Other Program Information

1. **Program Definitions.** The definitions that apply to this FHIP NOFA are:

- a. Broad-based proposals are those that address more than one type of housing transaction covered under the Fair Housing Act. Examples of covered housing transactions include the rental, sales, or financing of housing. (See also Full Service Projects below.)
- b. Complainant means any 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 advocated 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 Fair Housing Act that are timely, jurisdictional, and well-developed, and that could reasonably be expected to become enforcement actions if an impartial investigation found evidence supporting the allegations and the case proceeds 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. 3601-3620).

- f. Fair Housing Assistance Program (FHAP) agencies, as described in 24 CFR 115, means State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.
- 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 the project application: interviewing potential victims of discrimination; taking complaints; testing; evaluating testing results; conducting preliminary investigations; conducting mediation; conciliations; 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 under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) are covered by the Fair Housing Act; and the subject matter and the basis of the alleged discrimination constitute illegal practices as defined by the Fair Housing Act.
- k. Meritorious claims means enforcement activities by an organization that resulted in lawsuits, judgments, consent decrees, legal settlements, HUD or substantially 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. Mortgages with unacceptable terms or conditions or resulting from unacceptable practices means a mortgage or a group or category of mortgages with one or more terms or conditions as specified under 24 CFR Section 81.2.
- m. Mortgage fraud/mortgage rescue fraud means the use of half truths and outright lies to sell services that promise foreclosure relief to homeowners, and then the failure to deliver those services. Mortgage rescue fraud involves the ability to make a quick profit through fees or mortgage payments collected from the homeowner, but which are not passed on to the lender. Sometimes, ownership of the property is transferred by deceiving the homeowner.
- n. Operating budget means an 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.
- o. Qualified Fair Housing Enforcement Organization (QFHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- p. Regional/Local/Community-Based Activities are defined at 24 CFR 125.301(a) and (d).
- q. Rural Areas means any of 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 fewer 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.

r. Statement of Work (SOW) means a document that accurately reflects all the tasks necessary to do the work, all the steps needed for good management control and specificity regarding work to be done and deliverables, and that provides a basis for mutual understanding of the requirements and tasks.

s. Technical Evaluation Panel (TEP) means a panel whose mission is to accomplish sound, impartial and comprehensive evaluation of proposals consistent with the guidelines of the Notice of Funding Availability.

t. Underserved Areas means 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.

u. Underserved Populations means groups of individuals who fall within one or more of the categories protected under the Fair Housing Act and who are:

(1) of an immigrant population (especially racial and ethnic minorities who are no English-speaking or have limited English proficiency);

(2) in rural populations,

(3) homeless,

(4) persons with disabilities (e.g., physical or mental) 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, or

(5) persons in areas that are heavily populated 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 2009, \$27,500,000 is appropriated for the Fair Housing Initiatives Program (FHIP). This appropriated amount may be supplemented by recaptured FHIP funds awarded in previous years. Of this amount, approximately \$ 26,300,000 is being made available on a competitive basis to eligible organizations responding to this FHIP NOFA. See the chart in Section III.A, for a program breakdown by , eligible applicant, funding, and project period.

A. Award Instrument. The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the awardee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the awardee to accomplish an eligible public purpose. 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 awardee to be in default of the grant or cooperative agreement and for 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 funds are provided subject to a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by conducting monitoring reviews, requesting quarterly reports, 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. HUD will conduct this performance assessment, in part, by using the Logic Model (HUD-96010) 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 above 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.

B. Project Starting Period. For planning purposes, assume a start date no later than October 30, 2009.

III. Eligibility Information

A. Eligible Applicants and Activities

The following chart details each FHIP and the approximate Funding Available along with

Eligible Applicants and Activities:

	Allocation Amount Available	Applicant Eligibility	<u>Project Period</u>	<u>Award Caps</u>	<u>Applicant Eligible Activities</u>
<u>Private Enforcement Initiative (PEI) - General Component:</u> Assists private, tax-exempt fair housing enforcement organizations in the investigation and	\$4,000,000	Fair Housing Enforcement Organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing	12-18 months	\$275,000	Eligible activities include, but are not limited to: (1) Intake of allegations of housing discrimination, testing, evaluating testing results, and

	Allocation Amount Available	Applicant Eligibility	<u>Project Period</u>	<u>Award Caps</u>	<u>Applicant Eligible Activities</u>
enforcement of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws.		for fair housing violations, and meritorious claims in the two years prior to the filing of the 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)			providing other investigative work to provide a just resolution for housing discrimination ; (2) Identification and investigation of systemic housing discrimination , through testing and other investigative methods; (3) Mediation or other voluntary resolution of allegations of fair housing; and (4) litigating fair housing cases, including procuring expert witnesses.

	Allocation Amount Available	Applicant Eligibility	Project Period	Award Caps	Applicant Eligible Activities
<p><u>Private Enforcement Initiative (PEI) - Performance Based Funding Component (PBFC):</u> 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>	\$16,100,000	<p>QFHOs (with at least two years of enforcement related experience) who have (1) received Excellent performance reviews for past FHIP PEI awards made in two FYs (FY pertains to the year for which the funding was appropriated) beginning with FY 2003 through FY 2007; and (2) have received a minimum score of 95 on the most recent of the two of these performance reviews by the FHEO Government Technical Representative.</p> <p>Eligible PBFC applicants must receive a minimum score of 95 from the FY '09 Technical Evaluation Panel (TEP) to be considered for funding.</p>	36 months	\$275,000 per year for a three-year duration, based upon appropriations.	For a list of eligible PEI-PBFC activities see PEI-General activities above.
<p><u>Private Enforcement Initiative (PEI) Mortgage Rescue Component</u> Assist private, tax-exempt fair housing enforcement organizations to investigate and provide testing to protect persons in protected classes and neighborhoods with a high concentration of persons in protected classes from mortgage rescue scams.</p>	\$1,000,000	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 the application (24 CFR 125.401(b)(2) and	12-18 months	\$1,000,000	Eligible activities include: (1) Intake and investigation of allegations of lending discrimination, or providing other investigative and complaint support for administrative and judicial enforcement of fair lending laws, related to the prevention of mortgage default

	Allocation Amount Available	Applicant Eligibility	<u>Project Period</u>	<u>Award Caps</u>	<u>Applicant Eligible Activities</u>
		<p>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 and other non-profit organizations.</p>			<p>in foreclosure; (2) investigation of possible violations and enforcement pursuant to ECOA and other equal opportunity or fair lending statutes that accompany a suspected fair housing violation; (3) Assisting clients with loan workouts, refinancing, or modifications necessary as the result of fraudulent or predatory mortgage rescue scams that target persons or neighborhoods on an improper basis under the Fair Housing Act; and (4) Providing education and counseling to persons who may have encountered lending discrimination in services, terms, strategies, or schemes related to the prevention of mortgage default or foreclosure.</p>

	Allocation Amount Available	Applicant Eligibility	Project Period	Award Caps	Applicant Eligible Activities
<p><u>Education and Outreach Initiative (EOI)-Regional/Local/Community-Based General Component:</u> Open to applicants for fair housing education and outreach activities. Applicants may also address the fair housing needs of persons with disabilities, the education of consumers about fair housing, financial literacy, credit management, and how to avoid high cost loans and abusive lending practices that violate the Fair Housing Act</p>	\$2,100,000	QFHOs, FHOs, other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968, This includes agencies of State or local governments and agencies certified by the Secretary under section 810If) of the Fair Housing Act or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.	12-18 months	\$100,000	Eligible activities may include, but are not limited to 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 and distributing FH brochures, PSAs for radio, television, and newspaper advertisements.
<p><u>Education and Outreach Initiative (EOI) –National-Based Program—National Media Campaign Component:</u> Applicants must provide a centralized coordination interactive media based effort for the development, implementation, and distribution of a fair housing media campaign with emphasis on a fair housing public service announcement or enhance the online and offline capabilities of an existing campaign.</p>	\$1,000,000	QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968. Applicants must have at least five years of experience as an advertisement/media or public relations organization or must partner with an advertising and media services organization with at least five years of experience as an	12-18 months	\$1,000,000	Eligible activities may include: interactive media to communicate online (via the internet) to promote a fair housing PSA, but activities should also include offline media such as seminars, conferences, symposia, developing and distributing brochures, PSAs, and radio, television and newspaper advertisements (in various

	Allocation Amount Available	Applicant Eligibility	<u>Project Period</u>	<u>Award Caps</u>	<u>Applicant Eligible Activities</u>
		advertisement/media or public relations organization.			languages). The above activities must be conducted on a national level.

	Allocation Amount Available	Applicant Eligibility	Project Period	Award Caps	Applicant Eligible Activities
<u>Fair Housing Organizations Initiative (FHOI)—Continued Development Mortgage Rescue Scams Component</u>	\$1,000,000	QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups organizing or building their capacity to provide fair housing enforcement for the purpose of supporting the continued development or implementation of initiatives which enforce the rights granted under Title VIII of the Civil Rights Act of 1968 as amended.	12 – 18 months	\$1,000,000	In addition to the activities under the PEI-Mortgage Rescue Component, applicants may propose to perform, education, training, technical assistance, and other services to enhance the capacity of existing organizations to investigate and enforce fair lending laws, and to provide advocacy and direct assistance to victims of fair housing and fair lending laws applied to fraudulent or predatory mortgage rescue schemes.
<u>Fair Housing Organizations Initiative (FHOD) Establishing New Organizations Initiative</u>	\$600,000	QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups, particularly in areas of the country which are currently underserved by fair housing enforcement organizations. This includes those areas with large concentrations of protected classes ,.	12-18 months	\$600,000	Eligible activities are those that establish a single organization to become a viable fair housing enforcement organization that will conduct fair housing activities in underserved areas as defined in Section I.B., program definitions, of this NOFA. HUD is interested in serving rural areas and/or areas with new immigrants, especially racial

	Allocation Amount Available	Applicant Eligibility	<u>Project Period</u>	<u>Award Caps</u>	<u>Applicant Eligible Activities</u>
					and ethnic minorities who are not English-speaking or have Limited English proficiency.
<u>Fair Housing Organizations Initiative – Continued Development General Component</u>	\$500,000	QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups building their capacity	12-18 months	\$500,000	Eligible activities are those that build the capacity of an organization to become a viable fair housing enforcement organization. Examples of activities for continued development of existing organizations may include: (1) change from a volunteer fair housing organization to one managed by a hired staff, and (2) access more sources of expertise or technical assistance, such as persons with legal or investigative skills to participate in the organization.

B. Other Eligibility Requirements

1. HUD assesses the performance of applicants who have received FHIP funding in grant years 2005-2007. If a prospective applicant received FY 2005, 2006, or 2007 FHIP funds and received a rating of "Poor" for its most recent FHIP performance rating from its Government Technical Representative (GTR), its FY 2009 FHIP application would be determined to be ineligible. An applicant that disagrees with its determination of ineligibility for the FY2009 competition because of a "Poor" performance rating must adequately address the factors resulting in the "Poor" performance rating to HUD's satisfaction before the FHIP application deadline date. If the "Poor" performance rating is not resolved to the Department's satisfaction before the application deadline date, the applicant is ineligible to apply for the FY2009 FHIP NOFA competition. HUD is interested in improving the performance of all grantees; therefore, applicants who are deemed ineligible because of a "Poor" performance rating may obtain and are encouraged to seek HUD technical assistance to improve their performance to be eligible for future NOFA competitions.

Furthermore, applicants who received FHIP funds in fiscal years prior to FY 2005 will be ineligible for FY 2009 FHIP funds if their most recent performance assessment was "Poor." Applicants who received a "Poor" performance rating prior to FY2005 must provide written documentation that they have implemented remedies to address those identified deficiencies that contributed to this "Poor" performance rating. This written documentation should be an addendum to the FY 2009 application Abstract.

2. An "Excellent" Rating must be above 90 points on a 100 point scale.

3. Applicants for the PBFC only, will be required to submit a Statement of Work (SOW) and a separate budget for each actual year of the agency's activities, for a period of three fiscal years commensurate with the level of funding and based upon appropriations.

4. Eligibility of Successor Organizations for PEI. HUD recognizes that QFHOs and FHOs may either 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 organization. To determine whether the successor organization meets 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 must establish 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 to be eligible to apply under the PEI Initiative. For the PEI Performance Based Funding Component, when QFHOs merge with another QFHO during the period of performance, HUD will look at the enforcement related experience of the merged organization to determine continued eligibility status as a QFHO. When QFHOs merge with a FHO with one year experience or less, HUD will discontinue funding under the PEI-Performance Based Funding Component, as only QFHOs are eligible.

5. Education and Outreach Initiative National Based Program – National Media Campaign Component. QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968 must have at least five years of experience as an advertisement/media or public relations organization or must partner with an advertising and media services organization with at least

five years of experience as an advertisement/media or public relations organization. Applicants will be ineligible if they fail to meet these requirements.

6. Fair Housing Organizations Initiative – Continued Development Mortgage Rescue Scam

Component. Applicants must have extensive experience with foreclosure prevention, predatory lending, mortgage fraud and abuse by counseling clients, providing legal or enforcement assistance and assisting clients with loan workouts, refinancing, and mortgage modifications.

These organizations must be seeking to build or enhance their fair lending enforcement capacity under this component. Applicants must address fraudulent or predatory mortgage rescue scam that may be targeted to persons in protected classes under the Fair Housing Act and substantially equivalent State or local laws or neighborhoods with a high concentration of such persons. Such schemes may include activities under the Act such as: (1) bait and switch, (2) loan flipping, (3) loan packing, (4) mortgage servicing scams, and (5) equity stripping or skimming. Tactics of fraudsters may include: (1) bombarding vulnerable owners with phone calls, flyers and posters to build trust after learning of mortgage delinquencies through published reports, (2) isolating victims from legal advice and from their lenders by assuring victims that they will handle all details of their mortgage delinquency, and (3) having owners sign paperwork without telling victims what they are signings. Applicants must have at least three years of significant experience assisting persons in the pursuit of their rights under deceptive practices laws and consumer protection statutes, other than the Fair Housing Act or substantially equivalent laws or Equal Credit Opportunity Act.

7. Tax Exempt Status. Applicants for the PEI and FHOI Initiatives, must be a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application

deadline date to be eligible for funding. Please provide an IRS report showing 501(c)(3) status.

This requirement is not applicable to EOI applicants.

8. Private Enforcement Initiative - Mortgage Rescue Component – applicants must address one or more mortgage rescue scam activities against persons protected under the Act such as: (1) bait and switch schemes, (2) loan flipping, (3) loan packing, (4) mortgage servicing scams, and (5) equity stripping. Tactics used may include: (1) bombarding vulnerable owners with phone calls, flyers and posters to build trust after learning of mortgage delinquencies through published reports, (2) isolating victims from legal advice and from their lenders by assuring victims that they will handle all details of their mortgage delinquency, and (3) having owners sign paperwork without telling victims what they are signings.

C. Cost Sharing or Matching. No matching funds are required for the Education and Outreach, Private Enforcement, or Fair Housing Organizations Initiatives. However, applicants will be rated on the extent to which non-FHIP resources are leveraged in the proposed FHIP assisted program and activities.

D. Indirect Cost Rate. If you are awarded FHIP funds, HUD staff will request that you provide your federally approved indirect cost rate during budget negotiations. If you do not have a federally approved indirect cost rate and HUD is the cognizant agency, HUD will submit a request within 30 days after award to establish a rate. For information on indirect cost rates, you can review HUD's training on <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

E. Retainer Fees. FHIP recipients are under specific restrictions regarding establishment of retainer agreements and recovery of legal fees from HUD-funded cases. Data on fees, settlements, and verdicts are matters of public record. Awardees must provide this information

to HUD on an annual basis. Neither the grantee nor the individual(s) on whose behalf any action is filed, can request that HUD waive these provisions.

F. Office of Management and Budget (OMB) Circular A-133. For-profit awardees are not allowed to earn a profit and must adhere to OMB Circular A-133.

G. Single Audit Requirement. All applicants who have expended \$500,000 or more in Federal financial assistance within a single year (this can be a program or fiscal year) must be audited in accordance with the OMB A-133 requirements as established in 24 CFR Part 84 and 24 CFR Part 85.

H. Reimbursement Requirement. PEI and FHOI grantees are required to reimburse the Federal government the amount of the grant from all settlements, conciliations, and agreements reached as a result of their use of FHIP funds. The grantees however may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD. Using these funds for this purpose must be pre-approved in writing by the Government Technical Representative assigned to the grant.

I. Funding Restrictions.

1. Maximum award. Applicants are ineligible for funding if they have requested funding in excess of the maximum amount allowed under the Initiative or Component for which they applied. In addition, inconsistencies in the requested amount and/or miscalculations that result in amounts over the maximum award amounts will be considered excessive; therefore the application will be considered ineligible.

2. PEI and FHOI Limitations for Education & Outreach. There is a 10 percent limit on the dollar amount allowed for 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 if awarded, funds will be adjusted to maintain the required limitation.

3. Fair Housing Organizations Initiative – Establishing New Organizations Initiative. ENOC sponsoring organizations are only eligible to receive up to 15% of the funding under the grant for administrative expenses associated with establishing the sponsored organization. In addition, the sponsoring organization must submit a statement outlining:

- (a) what is expected of the sponsored organization, and
- (b) the mission of the sponsored organization and a timeline for creation and independence.

J. Other Threshold Requirements.

In addition to the civil rights and other threshold requirements found in Section III of the General Section, FHIP applications for FY 2009 must meet the following requirements of the application will be ineligible for funding:

1. Name Check Review. See the General Section.
2. Suits Against the United States. An application is ineligible for funding if, as a current recipient of FHIP funds (within the last three years), the 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)).
3. Other Litigation. An application is ineligible for funding if the organization used funds provided by HUD (within the last three years) under this Program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42 U.S.C. 3616 note Sec. 561 (i)).
4. Dun and Bradstreet Numbering System (DUNS) Numbering Requirement. Refer to General Section for information regarding the DUNS requirement. You will need to obtain a DUNS number to apply for funding using the Grants.gov application process. HUD will not make an

award to an organization that does not have a DUNS number. The DUNS number used in the application must be for the applicant organization identified in Box 8a on the SF-424, Application for Federal Financial Assistance.

5. **Central Contractor Registration.** Refer to the General Section for information regarding the Central Contractor Registration (CCR) requirement. You will need to have an active registration in CCR in order to apply for funding using the Grants.gov application process. HUD will not make an award to an organization that does not have an active registration in CCR.6.. Research Activities. Applicants are ineligible for funding if any of their project is aimed at research.

7. Majority of Eligible Activities. All of the activities and costs within the Statement of Work (SOW) and budget **must be** fair housing related activities.

8. Fair Housing Assistance Program (FHAP). FHAP agencies under a suspension based on agency performance, as designated under 24 CFR Part 115.210(b) at time of application are ineligible for funding.

K. Other Application Requirements. In addition to the civil rights and other threshold requirements found in Section III of the General Section, FHIP applications must also meet the following requirements:

1. Minimum Technical Evaluation Panel (TEP) Score. HUD convenes a Technical Evaluation Panel (TEP) to review applications against the Rating Factors in this NOFA to determine a score. Applicants must receive a minimum TEP score of 75 to be considered for funding, except for the PEI Performance Based Funding Component where a minimum score of 95 is necessary to be considered for funding.

2. Application Preference. Applicants may submit multiple applications to the FHIP NOFA. For those who submit multiple applications, you may receive multiple awards. However, PEI-

PBFC awards that are current and those awarded under this NOFA are not eligible to receive another award under PEI General.

3. Independence of Awards. The application submitted must be independent and capable of being implemented without reliance on the selection of other applications. Applicants applying under one of the FHIP Initiatives may not use the performance (e.g., performance review rating or successfully completed activities) of another organization to meet the requirements of Rating Factor 1.

4. Training funds. The proposed budget must set aside funds in the amount of \$7,000 for EOI, PEI and FHOI components and \$7,000 annually for a 36-month duration subject to the availability of appropriations for PBFC. These funds must be utilized to participate in HUD mandatory sponsored or approved training. Also, sponsoring organizations should set aside \$7,000 annually for ENOC sponsored organizations to participate in HUD mandatory sponsored or approved training.

Do not specify amounts over \$7,000 for training set-aside in this category. If an applicant has not included this funds allocation in the budget and the applicant is selected for an award, HUD will modify the applicant's budget, reallocating the appropriate amount for training.

5. Accessibility Requirements. All activities, facilities, and materials funded by this program must be accessible to and visitable by persons with disabilities (24 CFR 8.2, 8.4, 8.6, and 8.54). See General Section for definition of "visitable" or the website at www.concretechange.org

6. Fair Housing Act/Protected Classes. Applicants must address discrimination covered under the Fair Housing Act. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All FHIP-funded projects must address housing discrimination based upon race, color, religion, sex, disability, familial status, and/or national

origin as protected under the Fair Housing Act. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All services and activities must be available to the protected class members. Your application description of proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes.

7. Limited English Proficiency (LEP). Successful applicants must ensure that their programs do not exclude persons on the basis of race, color, and national origin under Title VI of the Civil Rights Act. This may mean providing language assistance services for persons with limited English Proficiency . The Department published Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published in the January 22, 2007 Federal Register, to assist recipients in identifying language assistance needs and developing language assistance strategies.

Applicants will be ineligible if they fail to meet these requirements. Applicants should also address Limited English Proficiency within their applications.

8. Narratives to Rating Factors- Applicants that submit applications with zero (0) rating factors addressed will be deemed ineligible for review by the Technical Evaluation Panel (TEP).

9. Administrative Costs. Eligible administrative costs include leases for office space, under the following conditions:

- (1) The lease must be for facilities not requiring rehabilitation or construction;
- (2) No repairs or renovations of the property may be undertaken with Federal funds; and
- (3) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

10. Affirmatively Furthering Fair Housing. Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing (see General Section for more information). Under the General Section, applicants for FHIP funds must address their obligation to affirmatively further fair housing in the application. Applicants must address housing discrimination covered by the Fair Housing Act. Consistent with the Department's FHIP rule at 24 CFR 125.105, applicants must describe practices in the proposed service area that adversely affect the achievement of the goal of fair housing; specify activities to address these adverse practices to be conducted with FHIP funds, including the final product(s) and/or any reports to be produced; and describe the expected long-term results. Applicants will provide this information in their responses to the Rating Factors or by a separate affirmatively furthering fair housing statement.

11. Performance Measures and Products. For all Initiatives and Components. Applicants must submit in their application a Logic Model™ (Form HUD 96010), which provides outputs and outcomes. Applicants are also to identify the tools they will use to identify program progress against their proposed outputs and outcomes. (See reporting requirements for using the Logic Model and the frequency of the reporting.) The form is located in the Instruction Download at http://www07.grants.gov/applicants/apply_for_grants.jsp for the FHIP. An example of a completed Logic Model is included in this NOFA. The eLogic Model™ form is a Microsoft Excel™ form, which provides a drop down list from which the applicant selects the responses that best fits their proposed program of activities/outputs and outcomes. If applicants do not have access to Excel, please contact the Office of Departmental Grants Management and Oversight at 202-708-0667. Requests for assistance to obtain a workable eLogic Model™ must be made at least 15 days prior to the deadline to allow the ability to fulfill the request. Training

will be provided by satellite broadcast and webcast. The training materials and schedule will be available at the above HUD website. Applicants should check the website for dates and times for HUD training on the Logic Model.

12. Testing Requirements for PEI and FHOI applicants. All applicants that propose testing must review the FHIP Regulation at 24 CFR 125.107 and address these requirements in their application.

a. Review and Approval of Testing Methodology. If your application proposes testing, other than rental housing testing, HUD may require you to submit copies of the following documents to HUD for review and approval prior to you 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 approved your testing methodology for FY2007 and FY2008, you do not need to resubmit your testing methodology, unless your methodology approved by HUD is being revised. If changes are being considered or you have not had your testing methodology previously approved by HUD, you must submit a request for approval in your application. HUD will re-approve testing methodologies after 3 years.

13. Sponsoring Organization Certification – FHOI-ENOC Sponsoring Organization Certification – FHOI ENOC. If you are sponsoring an organization, you must submit the application and must certify that the sponsored organization has the ability to become a FHO. The period of performance for the award of funds to assist in establishment of an organization is 12-18 months. Total funding is awarded to the sponsoring organization which then distributes funding to the

sponsored organization based upon performance. If performance for the sponsored organization falls below “Fair”, the sponsoring organization will immediately notify the HUD GTR of the performance shortfalls and suspend all funding. The HUD GTR will conduct a monitoring review of the sponsored and sponsoring organizations to ensure all financial and management systems are adequate. The sponsoring organization may expend FHIP funds for administrative purposes as described above.

IV. Application and Submission Information

A. Obtaining an Application. This section describes how you may obtain application forms and additional information about the FHIP. Copies of the published General Section, FHIP NOFA and application forms may be downloaded from the Grants.gov website at https://apply07.grants.gov/apply/forms_apps_idx.html

B. HUD will also post a synopsis of all HUD competitive funding opportunities at http://www07.grants.gov/applicants/find_grant_opportunities.jsp If you do not have internet access and you need to obtain a copy of the NOFA you may contact HUD’s NOFA Information Center toll-free by calling (800) HUD-8929 Monday to Friday between the hours of 10 a.m. and 6:30 p.m. eastern time. Persons with hearing or speech impairments may access the Information Center by calling the Federal Information Relay Service by calling (800) 877-8339.

B. Content and Form of the Application

All applicants must read and adhere to Initiative and Component specific application content requirements. Applicants are encouraged to review the chart entitled “Summary of Initiatives/Components.” A completed electronic application for the specific Initiative and

component for which you are applying must be received by Grants.gov on or before the deadline date.

1. For All Applicants. The maximum length of the narrative response is ten (10) pages per factor. The narrative pages must be double-spaced. This includes all 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 font. You must respond fully to each rating factor to obtain maximum points. Failure to provide narrative responses to all factors other than factor five or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor. Failure to provide double-spaced, 12-point font narrative responses will result in a one point deduction, per factor, or four points being deducted from your overall score [exception - Factor 5]. Please note that when naming your files to be attached to your application, be sure to adhere to the following requirements:
 - a. File names cannot be longer than 32 characters
 - b. File names cannot contain special characters in the file name. Special characters are any character other than a letter or number.
 - c. File names cannot contain spaces.

Failure to follow these instructions will result in your application being rejected by the Grants.gov system with a VirusDetect error message.

2. Checklist The Checklist below gives a brief description of all items to be included in the application:

Complete Application Package Contains	Required Form and Content
Application for Federal Assistance	Form SF-424 (per required form)
Survey for Ensuring Equal Opportunity for Applicants	SF-424 Supplement (“Faith Based EEO Survey (SF-424 SUPP)”); (per required form)
Budget information	Form SF-424CB and SF-424-CBW(“HUD Detailed Budget Form and Worksheet”); (per required form)
Disclosure of Lobbying Activities	SF-LLL, if applicable; (per required form)
Applicant-Recipient Disclosure Update Report	HUD-2880 (“HUD Applicant Recipient Disclosure Report”); (per required form)
Certification of Consistency with RC/EZ/EC-II’s Strategic Plan	HUD-2990 (per required form)
Acknowledgement of Applicant receipt (Required only if you are granted waiver to the electronic application requirement)	HUD-2993 (per required form)
You are our client grant application survey (optional)	HUD-2994-A (per required form)
Program Outcome Logic Model	HUD-96010 (per required form)
Facsimile Transmittal Form	HUD- 96011 (per required form)
Race and Ethnic Data Reporting Form	HUD-27061 (per required form – post award)
America’s Affordable Communities Initiative	HUD-27300 (“HUD Communities Initiative Form”); (per required form)
Narrative for Rating Factors 1-4	Format described in Sections V.A.and B. of this NOFA;
Statement of Work	Format described in Sections V.A. and B. of this NOFA.
Narrative Budget Work Plan	Format described in Sections V.A. and B.of this NOFA

Commitment letters from third parties contributing funds or in-kind resources	No specific form or format, but content is specified under Rating Factor 4; Third parties' affirmations of amounts of their commitments
Affirmatively Furthering Fair Housing Statement	Summary of how the applicant will address their obligation to affirmatively further fair housing. The summary shall contain information on how the project will help overcome impediments to fair housing choice. The summary should also contain information on targeted groups by race, color, national origin, religion, sex, age, disability, or familial status and the impediments to fair housing choice they face. Applicants should describe how they will review their policies and procedures to determine whether they imposed impediments to fair housing choice. No specific form or format.
Project Abstract	Short summary of project activities, areas of concentration and persons to be served. Amount requested and preference for funding, as applicable. 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.

C. Application Receipt and Timely Filing Requirements. Applications must be received by no later than 11:59.59 PM eastern time on the application deadline date of September 18, 2009.

Applications under this NOFA must be received electronically through the Federal website Grants.gov, unless a waiver of this requirement is granted in accordance with the instructions below. The procedures for electronic submission of applications published in HUD's General Section on December 29, 2008 (73 FR 79548), including the provisions at Section IV.C., entitled "Receipt Dates and Times," removed by HUD's Amendment to the General Section published

on April 16, 2009 (74 FR 17685), are reinstated and apply to this NOFA. Applicants must follow the instructions on the December 29, 2008 General Section,, unless a waiver for cause in accordance with HUD's waiver policy of 24 CFR 5.1005, to the electronic application requirements is approved by HUD. Applicants must submit their waiver requests, in writing at least 15 days prior to the application deadline. Applicants requesting a waiver should submit their waiver requests in writing at least 15 days prior to the application deadline by email or fax addressed to the Assistant Secretary for Fair Housing and Equal Opportunity. The email request should be sent to Myron P. Newry, Director, FHEO-FHIP Division at Myron.P.Newry@hud.gov or faxed to 202- 708-4445.

Paper applications will not be accepted from applicants that have not been granted a waiver. If an applicant is granted a waiver, approval notice will provide instructions for submission. **All applications in paper format must have received a waiver to the electronic application requirement and the application must be received by HUD on or before the application deadline date.**

1. The application deadline for receipt of HUD applications via Grants.gov is 11:59:59 p.m. on September 18, 2009. Applications must be received by Grants.gov by the deadline in order to meet the program deadline and be considered eligible under the timely receipt requirements and grace period established in this NOFA. Received means that the application has been successfully uploaded to the Grants.gov server and the applicant has received confirmation of successful submission to Grants.gov. Applicants should be aware that hitting the "sign and submit" button to transmit the application does not mean the application has been successfully uploaded to Grants.gov. Only when the upload is complete is the application date and time stamped by the Grants.gov system. An application that has

been rejected by Grants.gov is not deemed to have been received by Grants.gov. (Please see Section D.1. of the General Section for a detailed explanation of Timely Receipt Requirements and Proof of Timely Receipt.) As in the past, HUD encourages applicants to submit their applications early and with sufficient time to address any issues that might affect the applicant's ability to have an application successfully uploaded and received by Grants.gov.

2. In FY 2009, HUD is establishing a one-day grace period from the date of notification of a rejection from Grants.gov, to allow applicants that successfully upload an application to Grants.gov prior to the deadline date and time, but receive a rejection notice after the deadline date and time, to cure the reason for rejection and re-upload the application to Grants.gov. The paragraphs below describe HUD's Grace Period Policy for FY2009.
 - a. Applicants that have successfully uploaded their application to Grants.gov prior to the deadline, and subsequently receive a rejection notice from Grants.gov after the deadline date and time, will have a one-day grace period from the date stamp on the first Grants.gov rejection notice after the deadline, to cure the basis for the rejection and upload an application that corrects the problems cited in the rejection notice. Applicants can upload the application as many times as needed to cure noted deficiencies within the one-day grace period. The Grants.gov rejection notice identifies the reasons why the application was rejected. Applicants that do not understand the error messages received in the rejection notice should immediately contact the Grants.gov Help Desk so they can get assistance in clearing the problem. Generally, Grants.gov will reject an application because it contains an incorrect DUNS number or a DUNS number that does not match the AOR's registration, the application was submitted by an individual without proper

authorization as the AOR, and/or the application contains file names that trigger a “VirusDetect” message. The grace period ends one day after the date stamp on the first rejection notice received after the deadline date. **WARNING:** Applications that contain file names which are longer than 50 characters (HUD recommends using file names with 32 characters or less), or contain spaces or special characters, will result in the file being detected as a virus by the Grants.gov system and the application will be rejected with a “VirusDetect” message. In FY2008, the use of spaces and special characters in file names (note: eliminate hyphens, special characters, and spaces even in the form name) and the use of file names which were longer than fifty characters, resulted in the most instances of an applicant receiving a “VirusDetect” rejection. Applicants should also scan files for viruses because the Grants.gov system will also reject files with viruses. Applications received by Grants.gov, including those received during the grace period, must be validated by Grants.gov to be rated or ranked or receive funding consideration by HUD. HUD will use the date and time stamp on the Grants.gov system to determine dates when the grace period begins and ends.

b. Applications uploaded to Grants.gov after the deadline date under the following circumstances do not qualify for the grace period and will not be considered for funding:

(1) Applications uploaded and received by Grants.gov after the deadline date and time for which there is no prior rejection notice in the Grants.gov system logs will be considered late and will not be rated and ranked or receive funding consideration. Failure to successfully upload the application to Grants.gov by the deadline date and time does not qualify for the grace period as described above.

(2) Applications receiving a rejection notice due to the funding opportunity being closed will not be provided the one day grace period to correct the “opportunity closed” deficiency or any other basis for rejection because the applicant missed the deadline date and time and therefore does not qualify for the grace period as described above.

(3) If an application is uploaded during the grace period and is subsequently rejected after the grace period ends, the applicant will not be afforded additional time to correct the deficiency (ies) noted in the rejection notice.

c. The grace period ends at 11:59:59 p.m. one day from the date stamp on the first rejection notice issued by the Grants.gov system to the email address provided in the Grants.gov registration. Applicants must ensure that their email notification address contained in the Grants.gov registration is up-to-date. Neither HUD nor Grants.gov will be responsible if email messages are not received at the address listed in the registration process. Applicants must also ensure that their email systems will accept messages from Grants.gov. Applicants are responsible for monitoring their email messages. Messages from Grants.gov come from Support@grants.gov.

d. The only exceptions to HUD’s grace period policy are:

(1) The Grants.gov system is down and not available to applicants for at least 24 hours prior to the deadline date, or the system is down for 24 hours or longer, impacting the ability of applicants to cure a submission deficiency within the grace period; and/or

(2) There is a presidentially declared disaster in the applicant’s area. In the event of either or both of these events, HUD will publish a notice extending the deadline or cure period, for applicants affected, as appropriate.

e. Busy servers or slow processing are not the basis for HUD to extend the deadline dates or the grace period.

Applicants are advised to monitor the Grants.gov system using the Grants.gov blog at <http://grants-gov.blogspot.com/>. The Grants.gov blog provides information on server capacity, traffic on the Grants.gov site, and other federal grant closings each day.

Applicants should monitor the site and take into account the amount of traffic on the site when applying.

3. An applicant will not be provided additional opportunities to correct rejection errors if an application is rejected after the one-day grace period has expired.

As with any electronic system, applicants may experience issues when attempting to submit their application which does not permit the uploading of the application to Grants.gov. Such issues can be due to firewall and virus protection software that the applicant has placed on their system or network; proxy and cache settings; Internet traffic; limitation on the size of the files attempting to be transmitted established at the applicant's site or by the applicant's Internet provider; Grants.gov servers experiencing busy traffic; or any number of issues. Therefore, HUD strongly advises applicants to submit their applications at least 48 hours prior to the deadline and when the Grants.gov Help Desk is open so that assistance can be provided. Assistance may require diagnosing an applicant's particular issues. An applicant that does not follow HUD's advice increases the applicant's risk of not being able to meet the timely receipt requirements. A submission attempt less than the recommended 48 hours before the deadline does not allow the time needed to research the reason for the problem or to work with the applicant in overcoming the uploading difficulty. Similarly, attempting to submit within 24 hours of the deadline or when the Grants.gov Help Desk is closed does not

allow the time needed for Grants.gov or HUD to provide the needed assistance. In addition, HUD staff cannot provide assistance or contact Grants.gov on your behalf after the Help Desk is closed. HUD strongly encourages applicants to carefully read the December 29, 2008 General Section for additional information regarding the Grants.gov registration process, submitting an application through Grants.gov, and timely receipt instructions.. HUD also encourages applicants to submit their applications early with sufficient time to address issues that might prevent their applications from being received by Grants.gov.

Applicants should also note that Adobe has put out a new version of Adobe Reader compatible with Grants.gov. These versions are 8.1.6 and 9.1.2. Applicants must use the latest versions of the Adobe Reader compatible with Grants.gov, which are Adobe Reader 8.1.6 or 9.1.2 or the latest version available on the Grants.gov website.

D. Intergovernmental Review. Intergovernmental Review is not applicable to this program.

E. Other Submission Requirements.

This section describes how you may obtain application forms and additional information about the FHIP. Copies of the published General Section, FHIP NOFA and application forms may be downloaded from the Grants.gov website at http://www07.grants.gov/applicants/apply_for_grants.jsp 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 from Monday to Friday from 7:00 a.m. to 9:00 p.m. eastern time, or sending an email to support@grants.gov. If you do not have internet access and you need to obtain a copy of the NOFA you may contact HUD's NOFA Information Center toll free by calling (800) HUD-8929 Monday or Friday between the hours of 10 a.m. and 6:30 p.m. eastern time.

Persons with hearing or speech impairments may access the Information Center by calling the Federal Information Relay Service by calling at (800) 877-8339.

All applicants must read and adhere to Initiative-specific submission requirements. Applicants are encouraged to review the chart entitled “Summary of Initiatives/Components.” To submit documents using the facsimile method, see the General Section for specific procedures governing facsimile submission. **Faxed information must be sent to (800) HUD-1010. This number is changed from the FY 2008 NOFA.** If you cannot access the toll-free number or experience problems, you may use (215) 825-8798. This is not a toll-free number. Applicants must follow the directions provided in the General Section for faxing information as part of their application submission.

When attaching files to the application using the attachments form, applicants must strictly adhere to the file naming requirements in the General Section and this NOFA. Failure to do so will result in the application being rejected by the Grants.gov system with a “VIRUS DETECT” error message.

Applications must be received by Grants.gov no later than 11:59.59 PM eastern time on the application deadline date of September 18, 2009. Applicants need to be aware that following receipt applications go through a validation process in which the application may be accepted or rejected. The process may take 24 to 48 hours to complete.

V. Application Review Information

A. Criteria for PEI, FHOI, and EOI (other than the National-Based Program)

applications. The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor, are provided below. The maximum number of points awarded any application is 100. An additional two Bonus Points may apply (See General Section for information on RC/EZ/EC-II bonus points).

1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (up to 25 points).

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. If you are a current FHIP grantee and you received a "Fair" performance rating on your current FHIP grant, you will receive "0" points under this factor for subfactors (b) and (c).

You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using contractors 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 your application receiving lower points.

a. Number and expertise of staff (including staff of the contractors and consultants). (up to 5 points for current FHIP grantees and up to 10 Points for New Applicants). You must provide a complete summary of staff expertise that will show sufficient, qualified staff that will be available to complete the proposed activities. This summary should include: Names of staff person(s), amount of time in hours each will spend on project, number of years of fair housing/civil rights experience for each person, titles of staff persons, and a brief paragraph on each staff member which outlines his or her experience. Do not include resumes or other lengthy or detailed documents. Applicants who submit resumes or other lengthy documents relating to staff experience will have points deducted from their application when the ten-page per rating factor submission requirement limit is exceeded.

For PEI and FHOI Applicants Only: To receive maximum points for PEI and FHOI, your day-to-day program manager must devote a minimum of 75 percent of his/her time to this

project. This individual must be located in the metropolitan area where the project will be carried out. This information must be included in the response to this Factor. PEI and FHOI applicants whose day-to-day managers do not have at least 75 percent of their time dedicated to the project, will be awarded no points under this sub-factor. You may not designate more than one person to meet this 75 percent criterion. Your application must also clearly identify those persons that are staff as of the application deadline date, and those persons who will be assigned at a later date. Indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person will devote to the project). Project Manager's of EOI projects must devote at least 50 percent of their time to the project, in addition to meeting the above requirements for PEI and FHOI. Those that do not will receive zero points for this factor.

b. Organizational experience. (up to 15 points for current FHIP grantees and up to 15 points for new applicants). In responding to this sub-factor, you, the applicant, must show that your organization has:-

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

(2) engaged in activities that, although not similar, are readily transferable to the proposed project. You must provide a listing of all affiliate and/or subsidiary organizations, and identify which of these organizations will assist you in the development and/or implementation of any portion of your proposed FY2009 FHIP funded project. If you do not have any affiliates or subsidiaries, you should state this in your application.

PEI and FHOI Applicants Only. If you are applying for funding under PEI and 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), provide a brief narrative that describes the conduct of successful testing in those subject areas.

(ii) Describe the actions you have taken to comply with the requirement that you reimburse the Federal government for compensation received or likely to be received from FHIP-funded enforcement activities or that the compensation received be used as program income to further fair housing activities. If you are a current grantee and you have not addressed this requirement to reimburse the Federal government or use the funds as program income to further fair housing activities, please explain. Two (2) points will be deducted from this sub-factor if you have not addressed this program requirement in your narrative response to this Rating Factor.

EOI Applicants Only. Applicants must show that they have engaged in projects that are Regional/Local/Community-based. Your 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 that 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.

FHOI-Continued Development Mortgage Rescue Scams Component Applicants Only— You must describe your organization's experience in working with consumers that are protected under the Fair Housing Act who are impacted adversely by the home mortgage crisis or who have been harmed by mortgage fraud, predatory home purchase loans, or fraudulent or predatory mortgage rescue scams. Also, you must describe your organizations experience in addressing

mortgage abuse, predatory lending, and mortgage/foreclosure rescue schemes, particularly as it relates to legal assistance, loan workouts and enforcement. Applicants must have at least three years of significant experience assisting persons in the pursuit of their rights under deceptive practices laws and consumer protection statutes, other than the Fair Housing Act or Equal Credit Opportunity Act. Please note that although your experience may include the enforcement of deceptive practices and consumer protection laws, as well as the provision of education, counseling, and financial assistance to consumers, the activities you propose in the narrative response to Rating Factor 3 must concern fair housing and fair lending enforcement and the prevention of housing and lending discrimination with mortgage default and foreclosure.

For FHOI- Establishing New Organizations Component Applicants Only- You must provide a statement of your organization's capacity to and experience in establishing or building capacity for fair housing related activities in your own or other organizations, as well as a list of persons who will work on the project, along with their experience in developing the new organization.

For the Continued Development General Component Applicants Only- You must show your organization's current experience (including your current staff's experience) in carrying out activities similar in scope or complexity to the project proposed to be undertaken.

PEI- Mortgage Rescue Component Applicants Only- You must describe your organization's experience in working with consumers in classes protected under the Fair Housing Act who are impacted by the home mortgage crisis, mortgage fraud, and fraudulent or predatory mortgage/foreclosure rescue schemes.

c. Performance on past project(s). (Up to 5 Points for current FHIP grantees and 0 points for new applicants). HUD will assess your organization's past performance in conducting activities

relevant to your application. The past performance assessment of current FHIP grantees will be based on your most recent performance assessment by the HUD Government Technical Representative (GTR) for the past three (3) completed fiscal years (FY2005 through FY2007). Performance is based upon: (1) Quality of Project Management, (2) Quality of Tasks/and Grant Activities, (3) Timeliness, and (4) Thoroughness of Quarterly Reports.

HUD staff will provide this information to the Technical Evaluation Panel (TEP) that will evaluate your application. Based on your past performance, your application will receive the following points under this rating sub-factor:

- (1) 5 points if you received a “Excellent” performance assessment; and
- (2) 0 points if you received a “Good” or lower performance assessment.

Transfer of Performance. Applicants submitting applications under PEI and EOI may not use another organization’s performance review for assessment under this sub-factor. If you do, you will receive 0 points under this sub-factor and sub-factor b, above.

2. Rating Factor 2: Need/Distress/Extent of the Problem (up to 20 points).

This factor addresses the extent to which there is a need for funding the proposed activities to address documented fair housing problems in 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, and your affirmatively furthering fair housing plan.

Applicants should document and use any relevant information from various studies done by HUD to respond to this factor. Other reliable sources of information can be used to support this rating factor. You must use sound data sources to identify the level of need in the geographic area and the urgency, and provide website addresses for each data source (e.g.,

Consolidated Plan, Analysis of Impediments to Fair Housing Choice (AI), fair housing studies, etc.). Do not include copies of the reports or other supporting materials in your application.

Applicants that provide copies of detailed studies, Consolidated Plans or Analysis of Impediments for their referenced project area will have points deducted from this factor based upon the 10 page submission requirement limit. Instead, you should reference these reports, statistics, or other data sources you used that are sound and reliable. This includes but is not limited to, HUD or other Federal, State or local government reports, analyses, relevant economic and/or demographic data foundation reports, and studies, news articles, and other information that relate to the identified need. This information should include evidence segregation. Provide any website where these reports may be found. Chapter II of the Fair Housing Planning Guide, Vol. 1 has other suggestions for supporting documentation. You may access the Guide from the HUD website at <http://www.hud.gov./offices/adm/grants/fundsavail.cfm>.

To the greatest extent possible, the data used should be specific to the geographic area where the proposed activity will be conducted. You should document needs as they apply to the specific area(s) where you proposed activities will be targeted and your proximity to the target area, not the entire locality or State. If the data presented does not specifically address the target area, you should describe why the target area was proposed and the relationship of this data to that target area.

To receive maximum points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, your proposed activities, the outcomes to be accomplished, and the fair housing needs of the community or communities. Applicants must, describe their organization's knowledge of and proximity to the targeted (service) area as well as the urgency of the fair housing needs. Applicants will not receive the full 20 points under this

rating factor unless they addresses the target area's impediments to fair housing choice as documented in the applicable Analysis of Impediments. Furthermore, applicants should address the need for language assistance services in languages other than English by describing the target population's language needs.

To justify the need for your project, you must describe:

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

(a) Any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act and equivalent State and local fair housing laws if your application is not selected for funding;

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

(2) The link between the need and your proposed activities, such as:

(a) How the proposed activities fill gaps, augment, or improve upon on-going fair housing efforts by public and private agencies, grassroots faith-based and other community-based organizations and other organizations and institutions in the target area, (b) Why, in light of other on-going fair housing efforts, the additional funding you are requesting is necessary; and

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

FHOI- ENOC Applicants Only: You must describe the following:

(i) Populations that will be served. HUD intends to fund projects that will provide fair housing enforcement services to underserved populations.

(ii) The presence of housing discrimination, segregation and/or other indices of discrimination in the project area that are prohibited by the Fair Housing Act. Submit a brief summary of any data and studies that support your claim; and

(iii) Why the project area is underserved and why the proposed organization is needed.

Your proposed activities must serve all persons protected by the Fair Housing Act.

FHOI-Continued Development Mortgage Rescue Scams Component applicants only : In addition, to the submission requirements described above, the applicant must describe the following:

(i) The number of owner-occupied residential foreclosure (and percentage of total owner-occupied residential units) in its proposed service area;

(ii) The presence of mortgage fraud, mortgage abuse, especially fraudulent or predatory foreclosure rescue schemes in the service area and how those schemes have been targeted to or adversely affected persons protected under the Fair Housing Act or neighborhoods with a high concentration of persons in classes protected under the Fair Housing Act; and

(iii) The effect of those schemes on persons in classes protected under the Fair Housing Act and neighborhoods with a high concentration of persons in classes protected under the Fair Housing Act.

PEI- Mortgage Rescue Component Applicants Only: The applicant must also describe the following:

(i) The number and percentage of foreclosures in their service area;

(ii) The presence of mortgage fraud, mortgage abuse, predatory lending and foreclosure rescue schemes in the service area and how those schemes have been targeted persons protected under the Fair Housing Act; and

(iii) The effect of those activities on the individuals as well as the community.

3. Rating Factor 3: Soundness of Approach (up to 40 points).

You must describe your project in detail and how it will support the goals and policy priorities outlined in the General Section. For each goal and policy priority that your project addresses, you must propose performance measures/outcomes in support of these goals, provide a Statement of Work (SOW) and budget, and establish numerical baselines and targets for those measures. Provide a SOW and budget.

a. Support of Policy Priorities (up to 8 points). HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and achieving its goals for FY2009 and beyond, when the majority of funding recipients will be reporting programmatic results and achievements. Applicants that just list a priority will receive no points. It is up to the applicant to determine which of the policy priorities to address to receive the available points. For the full list of Departmental goals and policy priority as well as the criteria for receiving points for each policy priority addressed, please refer to the General Section. For each policy priority addressed, the applicant must discuss the geographic area to be served in relation to the project's purpose and the persons to be served, and the methodology for carrying out these activities. Each policy priority the applicant addresses may receive one point with the exception of the policy priority to Promote Energy Star and Green Development which has the potential to receive up to 2 points. Please see the General Section on HUD's FY2009 Policy Priorities.

b. Proposed Statement of Work (SOW) and Information Requirements (up to 22 points). The SOW and budget are attachments to the application that will not count toward the ten (10)-page limit on the narrative response to this rating factor. They are mandatory submission items and

the TEP will assign points to the application based on the SOW and budget as specified in the NOFA's discussion of the Rating Factors. The TEP will pay particular attention to the Rating Factor narrative's specification of implementation steps, the consistency of proposed activities with organizational expertise and capacity, and the accuracy of the SOW and budget.

SOW - Submit a proposed SOW that comprehensively outlines in chronological order the administrative, programmatic, and evaluation 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., your organization, a subcontractor, or a partner), as well as the products to be generated, and when they will be provided to HUD. To receive maximum points, you must include a schedule of your activities and products (with interim implementation steps), staff allocation over the term of the grant; staff acquisition and training; and activities of partners and/or subcontractors.

Applicants must provide an estimate of the numbers of clients to be served.

PEI Performance Based Funding Component Applicants Only. Applicants for the PBFC will also be required to submit a Statement of Work (SOW) and a separate budget for each actual year of the agency's activities for a period of three fiscal years commensurate with the level of funding and based upon appropriations.

For the Fair Housing Organizations Initiative – Continued Development Mortgage Rescue Scam Component Applicants Only. Applicants must identify the time each staff member will spend with persons protected under the Fair Housing Act on foreclosure prevention, predatory lending, mortgage fraud and abuse by counseling clients, providing legal or enforcement assistance and assisting clients with loan workouts, refinancing, and mortgage modifications will impact . These organizations must be seeking to build or enhance their fair lending enforcement

capacity under this component. Applicants must address one or more mortgage rescue scams activities against persons protected under the Fair Housing Act such as: (1) bait and switch schemes, (2) loan flipping, (3) loan packing, (4) mortgage servicing scams, and (5) equity stripping. Tactics used may include: (1) bombarding vulnerable owners with phone calls, flyers and posters to build trust after learning of mortgage delinquencies through published reports, (2) isolating victims from legal advice and from their lenders by assuring victims that they will handle all details of their mortgage delinquency, and (3) having owners sign paperwork without telling victims what they are signings. Applicants must show the time allocated to each proposed activity against persons protected under the Fair Housing Act and tie these activities to the outcomes referenced in the eLogic Model.

For the Fair Housing Organizations Initiative – Establishing New Organizations Component Applicants Only. Your SOW must show the responsibilities of the sponsored and the sponsoring organization and the time each organization will spend on each activity proposed in your application.

For the Private Enforcement Initiative - Mortgage Rescue Component – applicants must address one or more mortgage rescue scams activities against persons protected under the Act such as: (1) bait and switch schemes, (2) loan flipping, (3) loan packing, (4) mortgage servicing scams, and (5) equity stripping. Tactics used may include: (1) bombarding vulnerable owners with phone calls, flyers and posters to build trust after learning of mortgage delinquencies through published reports, (2) isolating victims from legal advice and from their lenders by assuring victims that they will handle all details of their mortgage delinquency, and (3) having owners sign paperwork without telling victims what they are signings. Applicants also must be QFHOs or FHOs.

EOI General Component Applicants Only. HUD anticipates that products may be available in various languages. In addition to English, products must be developed in one other language. The languages may include French, Korean, Laotian, Vietnamese, Chinese (any Chinese language), Arabic, and Spanish. If other languages are necessary, please provide a justification in Rating Factor 2. Deliverables may be brochures, Public Service Announcements (PSAs) for radio in both majority and minority markets and posters and other graphic materials. Graphic materials may include but are not limited to enlarged reproductions of existing HUD printed PSAs and HUD materials. Provide information on media markets coverage with specific protected class focus, as well as those with Limited English Proficiency and a method for distribution of the finished product.

c. The Budget Form and Narrative Budget Work Plan (up to 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 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) related to the activities and tasks in the SOW – in terms of cost categories and dollar levels;
- (3) cost-effective,
- (4) quantifiable based on the need(s) identified in Rating Factor 2, and
- (5) justifiable for all cost categories in accordance with those indicated in the HUD-CBW.

(6) Financial Management Capacity. Describe your organization's financial management system and your Board's role in financial management or oversight. In addition, discuss your organization's capabilities in handling financial resources, disseminating payments to third parties, e.g. contractors, and maintaining adequate accounting and internal control procedures.

(7) Grant Application Detailed Budget Worksheet (HUD-424-CBW). The HUD-424-CBW must show the total cost of the project and indicate other sources of funds that will be used for the project. A Written Narrative Budget Work sheet must accompany the proposed budget explaining each budget category listed and must explain each cost category. While the costs are based only on estimates, the Budget Narrative Work Plan may include information obtained from various vendors, or the applicant may rely on historical data. The TEP will review information obtained from various outside vendors more favorably than historical data. Applicants must round all budget items to the nearest dollar amount.

Failure to provide a written Narrative Budget Work Plan will result in 2 points being deducted from your Factor 3 score. The written narrative must explain each cost category you list. Where there are travel costs for contractors/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 contractors and/or consultants do not exceed the rates and fees charged by local contractors and consultants. The narrative (which does not count toward the ten page limit for Rating Factor 3) must address the Grant Application Detailed Budget. The budget narrative should include a brief discussion of how 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 organization's location to the targeted area(s); expenses for out-stationed personnel, contracts and sub-grantees; and other direct costs, which may include relocation and telecommunications expenses; HUD will then make a final determination of cost effectiveness based on these listed items

4. Rating Factor 4: Leveraging Resources (up to 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 received at application submission in the form of firm commitments or documented collaborative efforts you have with Fair Housing Assistance Program (FHAP) agencies.

Firm Commitment of Leveraging or Collaboration. HUD requires you to secure resources from sources other than what is requested under this FHIP NOFA. Leveraging of 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 or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Cash or funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, documentation must be provided. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private nonprofit organizations, faith-based organizations, for-profit or civic private organizations, or other entities' planned contributions. In order to obtain points for leveraging third party resources you must provide signed letters of firm commitment or signed agreements from the organizations and/or individuals who will provide

financial or in-kind support for your project, on the respective organization's letterhead.

“Collaboration” refers exclusively to activities you are conducting or plan to conduct with Fair Housing Assistance Program agencies. In order to get a maximum of two points for collaboration applicants must provide a letter of firm commitment from a FHAP or a document signed by authorized representatives of the FHAP agency and your organization, such as a memorandum of understanding, or on their letterhead, stating their intent to work with you on your project. The FHAP agency must serve the area where the current or proposed activities are to be conducted. In instances where FHAP agencies are applicants and submitting letters on their own behalf, the FHAP agency must state that FHAP funds are not being used for FHIP collaboration without prior approval by the FHAP GTR. See General Section for instructions on how third party documents are to be submitted to HUD via the electronic submission process.

For all applicants, each letter of firm commitment or documents must:

- (1) State definitively a commitment to provide funding or in-kind resources (although the commitment may be on the condition that your organization receives a FHIP award);
- (2) Identify the organization and/or individual committing resources to the project and state the timeline for use of these funds in relation to the project. Further, the letter must identify any affiliation with the applicant;
- (3) 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 Rating Factor 3); and
- (4) Describe how these resources will be used under your SOW; and
- (5) Be dated and signed by the individual or organization official legally able to make commitments for the organization on the organization's official letterhead.

If the resources are in-kind or donated goods, the firm 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. Goods and services secured with FHIP funds cannot be used for in-kind or donated services (for example, services of a current staff person on a FHIP-funded project).

There will be no points awarded for general letters of support endorsing the project from organizations, including elected officials at the local, State, or national levels, and/or individuals in your community. 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:

PEI-PBFC Applicants Only: each letter must state the total dollar amount of funding or in-kind resources to be donated to the fair housing project, and specify the amount to be used during each of the three years of this project.

Points Awarded	Percent of total project costs from non-FHIP resources
One	Less than five
Two	Five to ten
Three	11 to 20
Four	21 to 30
Five	More than 30

Two points will be awarded if your application contains a letter or agreement from a Fair Housing Assistance Program agency stating its firm commitment to work with you on your project. Should the commitment letter lack any of the required information listed in items (1) through (5) above, '0' points will be awarded under this factor. All remaining points for

applicants submitting Fair Housing Assistance Program agency letters or agreements for leveraging should come from leveraged funds as described above.

5. Rating Factor 5: Achieving Results and Program Evaluation (10 Points)

Under this Rating Factor, HUD will assess the extent to which your application demonstrates how you will measure the results of the work of your organization as set out in your budget and Statement Of Work (SOW). The submission requirement for this Rating Factor is HUD's eLogic Model™ form (HUD-96010). Instructions on use of the eLogic Model™ form are provided in the form itself. The form is part of the Instructions download found at http://www07.grants.gov/applicants/apply_for_grants.jsp. . A narrative response is not required for this Rating Factor as all applicants must use the eLogic Model™ form. Applicants that submit narrative responses rather than use the eLogic Model™ form found in the instructions download or provided by HUD will receive no points under this Rating Factor. Applicants who have identified outputs and outcome measurements and methods for assessing those against commitments made in the application, will receive higher points than those that do not. Please see the Logic Model Assessment Matrix found in Attachment 1 of the General Section. The only submission requirements for this Rating Factor is HUD's Logic Model (HUD-96010).

If applicants do not have access to Excel, please contact the Office of Departmental Grants Management and Oversight at 202-708-0667. Requests for assistance to obtain a workable eLogic Model™ must be made at least 15 days prior to the deadline to allow the ability to fulfill the request.

Applicants should also review the Logic Model training which can be found at <http://www.hud.gov/offices/adm/grants/training/training.cfm>.

(1) Needs. HUD will review the proposed activities/outputs and outcomes (as the units of measurement you select for evaluating the impact of your proposed project) in relation to the needs of your intended audience or target populations;

(2) Output. The Logic Model has a prepared list of activities, outcomes, and indicators associated with Fair Housing. Some examples of activities and outputs for PEI and EOI applicants can be found at <http://hud.gov/offices/adm/grants/fundsavail.cfm>. Applicants must select one or more activities from the listing of “Fair Housing Services Provided” that will be undertaken by their organization. You must select from the list “Fair Housing Services Provided” and may not add additional services to that list to receive points under this Rating Factor. HUD will review the direct products of the applicant’s activities that lead to the ultimate achievement of outcomes.

(3) Outcome. Applicants must choose from this list of “Year 1, Year 2, or Year 3” outcomes that are provided as part of the FHIP NOFA, as appropriate, or applicants may choose “Other” outcomes. If “Other” outcomes are identified, applicants must provide a brief statement to describe these activities or outcomes. Applicants who do not either select from the list “Outcomes and Indicators” or select “Other”, but fail to provide a brief description of the outcomes they identify will not receive points under this Rating Factor. Successful applicants will assess progress and track performance in meeting the goals and objectives outlined in the work plan. (4) Accountability can be achieved using specific measurement tools to assess the impact of your activities. Examples include:

- Pre/Post Tests;
- Customer/Client Satisfaction Survey;
- Follow-up Survey;

- Observational Survey; or
- Functioning scale.

Applicants must also reference policy priorities as noted in your response to Rating Factor 3(a), and relate them to your project's goals, as appropriate.

(5) Management Questions. Grantees must submit answers to the management questions, if applicable.

(6) In completing the eLogic Model™ form, applicants must enter the Applicant Legal Name as it appears in box 8a of the SF-424, Application for Federal Assistance, the applicant DUNS number that corresponds to the Applicant Legal Name, and the Component the Logic Model submission is addressing. The applicant should also identify the City and State where activities are to occur.

Criteria for the EOI National-Based Program Applications

Factors for Award Used to Evaluate and Rate Applications for the EOI National Based - Program. The criteria for rating and ranking applications and the maximum points for each Rating Factor are provided below. The maximum number of points awarded any application is 100. Bonus points are not available for this category of funding.

1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (up to 25 points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large media information campaign projects as appropriate on a national level. The rating of the "applicant" or the "applicant's organization and

staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients that are firmly committed to the project.

You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or will rely on contractors 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 contractors and these contractor activities amount to more than 10 percent of your total activities, you must submit a separate budget for each contractor. Failure to include a separate budget will result in lower points being assessed to your application. If you received a "Fair" performance rating, you will receive "0" points under this factor for sub-factors (b) and (c).

a. Number and expertise of staff (this includes contractors and consultants) (up to 5 points for current FHIP grantees and up to 10 points for new applicants). You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities. The following information must be provided for all staff not just key personnel (those persons identified in SOW in Rating Factor 3: Soundness of Approach) assigned to or hired for this project.

Identify all persons that will be assigned to the project by name and/or title and hours. You must describe the knowledge and experience of the proposed overall project director or day-to-day program manager (whose duties and responsibilities are to manage all program and administrative activities as outlined in the SOW and ensure that all timelines are met), in planning and managing national projects similar in scope and complex interdisciplinary

programs. You may demonstrate capacity by thoroughly describing your organization's and staff's prior experience in conducting national and/or regional/local internet media campaigns. You should indicate how this prior experience will be used in carrying out your proposed activities. Your application must clearly identify those persons that are on staff at the time of this application, and those persons who will be assigned or hired at a later date; describe each person's duties and responsibilities and their expertise (including years of experience) to perform project tasks; indicate whether the staff person is assigned to work full-time or part-time (if part-time, indicate the percentage of time each person is assigned to the project).

Whether the applicant has experienced staff or proposes to use a contractor the application must, provide a rationale for how it will utilize its staff or a contractor to implement its proposed activities, methods, and how these media techniques will most effectively deal with the national need described by the applicant in response to the need described in Rating Factor 2. To the extent possible, applicants should demonstrate effectiveness in terms of scope and cost

b. Organizational experience. (up to 15 points for current FHIP grantees or new applicants) In responding to this sub-factor, you must show that your organization has the ability to effectively develop, implement, make modifications as necessary, and manage an interactive online and offline media campaign on a national scale or partner with an organization that has this capacity. Applicants for FHIP program funding must specifically describe their experience in developing or carrying out programs to prevent or eliminate discriminatory housing practices. Applicants must discuss their ability to implement a coordinated national interactive online and offline marketing awareness campaign, especially in the areas of fair housing, discrimination, public health, and housing. In responding to this sub-factor, the applicant must describe the extent to which its past activities have resulted in successful national media campaigns, as appropriate,

especially with respect to developing and implementing innovative strategies resulting in positive public response. 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 3 years to be recent experience pertaining to the eligible activities to be relevant, and experience producing measurable accomplishments to be successful. The more recent the experience and the more relevant and successful 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.

c. Performance on past project(s) (up to 5 points for current grantees and 0 points for new applicants). HUD will assess your organization's past performance in conducting activities relevant to your current application. For current FHIP grantees' past performance will be assessed based on your most recent performance assessment received from your HUD Government Technical Representative (GTR) for the past 2 completed fiscal years. Performance is based upon: (1) Quality of Project Management, (2) Quality of Tasks/and Grant Activities, (3) Timeliness, and (4) Thoroughness of Quarterly Reports.

HUD staff will provide this information to the Technical Evaluation Panel (TEP) that will evaluate your application. Based on past performance, the following points will be added to your score under this rating sub-factor:

- (1) 5 points if you received an "Excellent" performance assessment; and
- (2) 0 points if you received a "Good" performance assessment.

2. Rating Factor 2: Need/Approach Extent of the Problem (up to 10 points)

This factor addresses the extent to which the applicant documents and defines the national fair housing need that its proposed activities and methods are intended to address, and how its proposal offers the most effective approach for meeting that national need. The applicant's submission will be evaluated on the extent to which it defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the need, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles to disseminate information to address the need. The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the problem as an indication of ability to address the problem.

3. Rating Factor 3: Soundness of Approach (up to 50 points)

This rating factor addresses the quality and cost-effectiveness of the applicant's proposed Statement of Work (SOW). You must describe your project in detail and how it will support the Departmental goals and policy priorities outlined in the General Section. For each goal and policy priority that your project addresses, you must propose performance measures/outcomes in support of these goals, and establish numerical baselines and targets for those measures. The SOW must address the strategy, quality and time frames needed to carry out the project and all activities as proposed.

a. Support of HUD Goals and Policy Priorities (up to 8 points). HUD encourages applicants to undertake specific activities that will assist the Department in implementing its policy priorities and which will help the Department achieve its goals and objectives in FY2009. Describe how your proposed project will further and support HUD's policy priorities for FY2009. The quality of the responses provided and the extent to which a program will further and support one or more of HUD's priorities will determine the score an applicant can receive. It

is up to the applicant to determine which of the policy priorities to address to receive the available points. For the full list of Departmental goals and policy priority as well as the criteria for receiving points for each policy priority addressed, please refer to the General Section. For each policy priority addressed, the applicant must discuss the geographic area to be served in relation to the project's purpose and the persons to be served, and the methodology for carrying out these activities. Each policy priority the applicant addresses may receive one point with the exception of the policy priority to Promote Energy Star and Green Development which has the potential to receive up to 2 points. Please see the General Section on HUD's FY2009 Policy Priorities. For the full list of each policy priority and the criteria for receiving points for each policy priority addressed, please refer to the General Section.

b. Statement of Work (SOW) (up to 27 points).

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 also include a schedule of proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions and training, and activities of partners and contractors. Points will be assigned based on the relevance of proposed activities to national needs stated in Rating Factor 2, the attention given to implementation steps, the consistency of proposed activities with organizational expertise and capacity, and the consistency of the SOW and budget.

For this National Media Campaign Component only, HUD anticipates that products will be available in at least 2 languages, including English. Deliverables may include interactive online and offline Public Service Announcements (PSAs), social media utilization, RSS feeds, and blogs. Deliverables may also include offline PSA materials for radio and television in both

major and other media mainstreams and minority markets, as well as posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged printed reproductions of the online PSAs, separately produced and printed posters for national public dissemination, web page development and implementation, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using a news or advertising clipping service or internet based services or other appropriate means to collect information on frequency and scope of the placement of ads.

To obtain maximum points under this sub-factor, the applicant's SOW must:

- (1) Clearly describe the specific activities and tasks to be performed, the sequence in which tasks are to be performed and noting when activities must be performed simultaneously, estimated completion dates, and the work and program deliverables to be completed within the grant period. This information must include specific numbers of quantifiable end products and program improvements to be delivered by the end of the award agreement period as a result of the work performed;
- (2) Provide national media market coverage and specific protected class focus, and
- (3) Describe the methods to be used to distribute finished materials and gauge the effectiveness of their national marketing strategies.

c. Budget Form and Narrative Budget Work Plan (up to 15 points). A written narrative budget Work Plan must accompany the proposed budget. HUD will 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) is reasonable in achieving the goals identified in your proposed SOW and achieving national coverage;

(2) relate to the tasks in the SOW and to the Logic Model;

(3) is cost-effective (as demonstrated by a brief discussion of the extent to which your proposed program is cost effective in achieving the anticipated results of the proposed activities in the targeted area);

(4) reflects an effort to provide information in a manner (e.g., languages, accessibility to persons with visual or hearing impairments, formats, locations, distribution, use of majority and minority media) that will reach and benefit all members of the public, especially members of target groups identified in Factor 2;

(5) will be effective for yielding long-term results and innovative strategies or "best practices" that can be readily disseminated to other organizations and State and local governments; and

(6) will be effective with respect to the proposed National Media Campaign Component and its activities, training and meeting sites, and information services and materials, accessible to all persons including persons with disabilities.

Indicate in the narrative budget work plan how the proposed project's achievements are quantifiable and relevant to the needs identified in Rating Factor 2. Also indicate whether your proposed project is justifiable for all cost categories in accordance with the cost categories indicated in the HUD-424 CB. If you are awarded a grant or cooperative agreement under FHIP, staff will request that you include your approved indirect cost rate as part of your negotiations with HUD. If you do not have a federally approved indirect cost rate and HUD is the cognizant agency, HUD will submit a request within 30 days after award to establish a rate. For

information on indirect cost rates, you can review HUD's training on

<http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

4. Rating Factor 4: Leveraging Resources (up to 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 received at application submission, in the form of firm commitments, or planned collaborative efforts you have with Fair Housing Assistance Program agencies.

Firm Commitment of Leveraging or Collaboration. HUD requires you to secure resources from sources other than that which is requested under this FHIP NOFA. Leveraging of 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 the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, documentation must be provided. Resources may be provided by governmental entities (including other HUD programs if such costs are allowed by statute), public or private nonprofit organizations, faith-based organizations, for-profit or civic private organizations, or other entities' planned contributions. In order to obtain points for leveraging third party resources you must provide letters of firm commitment or signed agreements from the organizations and/or individuals who will provide financial or in-kind support for your project on the organization's official letterhead. "Collaboration" refers exclusively to activities you are conducting or plan to conduct with Fair Housing Assistance Program agencies. Firm letters of Commitment or documents must:

(1) Identify the agency, organization and/or individual committing project resources, the timeframes and timelines for use of the funds, state that the funds will be used for fair housing to support the applicant should they be awarded, 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 dated and signed by the agency, individual and/or organization official legally able to make commitments for the organization. It must also be provided on the letterhead of the agency, organization and/or individual. 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 24 CFR § 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 the agency or organizations, including elected officials on the local, State, or national levels, and/or individuals in your community. If your project will not be supported by non-FHIP resources, then you will not receive any points under this factor. Points under the factor will be assigned based on the following scale:

Points Awarded	Percent of total project costs from non-FHIP resources
One	Less than five
Two	Five to ten
Three	11 to 20
Four	21 to 30
Five	At least 31

Two points will be awarded if your application contains a document or letter of firm commitment from a Fair Housing Assistance Program agency stating the FHAP's firm commitment to work with you on your project. Should the letter lack any of the required information listed in items (1) through (5) above, no points will be awarded under this factor. Please see the General Section for instructions on how to submit third party documents either as an attachment file or by facsimile.

5. Rating Factor 5: Achieving Results and Program Evaluation (up to 10 points)

Under this Rating Factor, HUD will assess the extent to which your application demonstrates how you will measure the results of the work of your organization as set out in your budget and Statement of Work (SOW). The submission requirement for this Rating Factor is HUD's Logic Model (HUD-96010).

Instructions and a Microsoft Excel™ form are provided in the forms found in the Instruction Download at http://www07.grants.gov/applicants/apply_for_grants.jsp.

A narrative response is not required for this Rating Factor as all applicants must use the eLogic Model™ form found in the Instructions download at http://www07.grants.gov/applicants/apply_for_grants.jsp. Applicants that do not have access to Microsoft Excel™ should contact the Office of Departmental Grants Management and Oversight at 202-708-0667 to obtain assistance. Requests for assistance to obtain a workable eLogic Model™ form must be made at least 15 days prior to the deadline to allow the ability to fulfill the request. Applicants that submit narrative responses rather than use the eLogic Model™ form found in the instructions download or provided by HUD will receive no points under this Rating

Factor. Applicants should also review the Logic Model training which can be found at <http://www.hud.gov/offices/adm/grants/training/training.cfm>.

(1) Needs. HUD will review the proposed activities/outputs and outcomes (as the units of measurement you select for evaluating the impact of your proposed project) in relation to the needs of your intended audience or target populations;

(2) Output. The Logic Model has a prepared list of activities, outcomes, and indicators associated with Fair Housing. Some examples of activities and outputs for PEI and EOI applicants can be found at <http://hud.gov/offices/adm/grants/fundsavail.cfm>. Applicants must select one or more activities from the listing of “Fair Housing Services Provided” that will be undertaken by their organization. You must select from the list “Fair Housing Services Provided” and may not add additional services to that list to receive points under this Rating Factor. HUD will review the direct products of the applicant’s activities that lead to the ultimate achievement of outcomes.

(3) Outcome. Applicants must choose from this list of “Year 1, Year 2, or Year 3” outcomes that are provided as part of the FHIP NOFA or applicants may choose “Other” outcomes and if so, must provide a brief statement to describe these activities or Outcomes. Applicants who do not either select from the list “Outcomes and Indicators” or select “Other” but fail to provide a brief description of the outcomes they identify will not receive points under this Rating Factor. Successful applicants will assess progress and track performance in meeting the goals and objectives outlined in the work plan.

(4) Accountability can be achieved using specific measurement tools to assess the impact of your activities. Examples include:

- Pre/Post Tests;

- Customer/Client Satisfaction Survey;
- Follow-up Survey;
- Observational Survey; or
- Functioning scale.

Applicants must also reference policy priorities, as stated in their response to Rating Factor 3, and relate them to your project's goals, as appropriate.

(5) Management Questions. Grantees must submit answers to the Management Questions, if applicable.

c. In completing the eLogic Model™ form, applicants must enter the Applicant Legal Name as it appears in box 8a of the SF-424, Application for Federal Assistance, the applicant DUNS number that corresponds to the Applicant Legal Name, and the Component the Logic Model submission is addressing. The applicant should also identify the City and State where the majority of the activities are to occur. In the case of a National-Based program, applicants should identify the location of the applicant .

C. Reviews and Selection Process

1. Rating and Ranking. 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 (PBFC); and
- (3) Mortgage Rescue Component

b. Education and Outreach Initiative (EOI)

- (1) Regional/Local/Community Based Program (EOI-R/L/C-B)

General Component (EOI-GC);
(2) National-Based Program (EOI-NBP); National Media Campaign Component (EOI-NMCC)

c. Fair Housing Organization Initiative (FHOI)

(1) Continued Development Mortgage Rescue Scams Component (CDMRS)

(2) Establishing New Organizations Component (ENOC)

(3) Continued Development General Component (CDGC)

For all initiatives, HUD will review all eligible applications and assign points based upon:

(1) Narrative responses to the Factors for Award and the accompanying materials specified, and

(2) RC/EC/EZ-IIs bonus points, as applicable. See the General Section for more information on Bonus Points.

Ineligible applications will not be rated or ranked. The maximum number of points to be awarded for the Rating Factors is 100.

Only applications with a rating of seventy-five (75) points or more will be considered of sufficient quality for funding, except for PBFC applications which requires a minimum rating of ninety-five (95) points. Except as described below, HUD will select applications of sufficient quality in rank order under each component.

For PEI and FHOI, if your proposal exceed the 10 percent limit on use of FHIP funds for education and outreach, points will be deduced under Rating Factor 3 and if the application selected for an award, FHIP funds will be adjusted to maintain the required limitation

PBFC applicants will be evaluated competitively against other PBFC applicants who apply and have received two years of “Excellent” performance reviews for FHIP PEI awards

made in any two years from FY 2002 through FY 2007, as well as a score of 95 on the most current of these two performance reviews. These applicants will then be rated by the Technical Evaluation Panel (TEP) and ranked according to score. Only those applicants who receive a minimum final score of 95 or above 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 will be ranked higher. If applications still have the same score, the tie will be broken by the Rating Factor 1 score. If a tie still remains, then the tie will be broken by the Rating Factor 2 score. And if a tie remains, the application seeking a smaller amount of FHIP funding will be selected.

3. Achieving Geographic Diversity of Awards.

a. PEI and EOI: HUD reserves the discretion to distribute awards to as many States as possible (geographic diversity criterion) for each Initiative or Component. If the Selecting Official exercises this discretion, he or she will consider score (rank order) first, then geographic diversity – in the following manner: First, only qualified applicants will be considered – i.e., applicants achieving a score of 75 points or higher. Second, qualified applicants will be rank ordered by score with the highest scoring applicant at the top of the list. Third, when the highest ranking applicant is selected, the Selecting Official will look on the list for qualified applicants from the same State. Those applicants will be moved to the end of the list. Then selection will continue with the next applicant at the top of the list. If funds remain after the Selecting Official goes through the list the first time, he or she will rank order the qualified applicants at the end of the list and repeat the selection process for rank order and geographic diversity.

For the National Media Campaign Component, and FHOI –Continued Development Mortgage Rescue Scams Component, Establishing New Organizations Component, Continued Development General 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 the application, withhold funds after approval, reallocate funds among activities and/or require that special conditions be added to the grant agreement, in accordance with 24 CFR 84.14, the requirements of the General Section, or where:

- a. HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- b. An ineligible activity is proposed in an otherwise eligible project;
- c. Insufficient funding amounts remain to award 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. After all applications within funding range have been selected or obligations are completed in an Initiative if funds are still available, the Selecting Official or designee will have the discretion to reallocate those remaining funds in rank order among Initiatives as follows:

- a. PEI – Any remaining funds from any component will be reallocated first within that Initiative, if after reallocating funds within the Initiative and funds still remain, they shall be reallocated to EOI.

b. EOI – Any remaining funds from any component will be reallocated first within that Initiative; if after reallocating funds within the Initiative left over funds remain, they shall be reallocated to PEI;

c. FHOI – Any remaining funds will be allocated to PEI.

D. Anticipated Announcement and Award Dates. For planning purposes, anticipate an announcement date of November 2009 and an award date of November 2009.

VI. Award Administration Information

A. Award Notices

1. Applicant Notification and Award Procedures.

a. Notification. Information about the review and award process will not be available during the of HUD evaluation period, which begins on the application deadline date for this NOFA and lasts for 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. HUD will only communicate with persons specifically identified in the SF-424 in the application. HUD will not provide information about the application to any third party such as contractors.

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. 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 based upon the negotiations. 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 contractor, etc.). The Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or special conditions are required.

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 both the applicant's final scores and final evaluator comments for each rating factor.

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

B. Administrative and National Policy Requirements.

1. 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.

2. 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.

3. 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 days before release for approval and acceptance.
4. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses. (See General Section).
5. 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.
6. 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.
7. Complaints Against Awardees. Each FHIP award is overseen by a HUD Grant Officer (See www.hud.gov for list of FHEO Regional Directors 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 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.

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

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

C. Reporting

1. HUD requires that funded recipients collect racial and ethnic beneficiary data. The Department 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. Also, quarterly and 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 from grant award	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-425 Financial Status Report and Written Quarterly Status Reports on All Activities. Note: Effective October 1, 2009, the New	Submit SF-425 (as of October 1, 2009) and Copy of Written Report.	Quarterly	GTR/GTM

Federal Financial report, SF-425, will replace the SF-269 and the SF-269-A. Grantees must start reporting using the SF-425 as of October 1, 2009.			
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 from start of grant period and At end of Grant	GTR/GTM
6. Prepare and Submit Draft of Final Report, including HUD 96010.	Submit Draft of Report. Submit your eLogic Model Reporting your - outputs and outcomes as contained in the eLogic Model submitted and approved in your grant agreement. Your report and eLogic Model should identify results and benefits, to date, of the work accomplished under the FHIP award. For PEI-PBFC grantees, an annual eLogic Model must be submitted outlining your annual outputs and outcomes. In addition, the eLogic Model should include an attachment that addresses the management questions applicable to your work. Complaint and testing activities should provide 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, including a final eLogic Model with all outputs and outcomes identified, and management questions responded to. Submit 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 (by diskette, where feasible) to HUD.	Submit 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 202-402-7095 or 202-402-7050, respectively (these are not toll-free numbers). 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

A. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control approval 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 are estimated to approximate 105 hours per annum per respondent for

the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Environmental Impact. This NOFA provides funding under the Fair Housing Initiatives Program (“FHIP”) at 24 C.F.R., part 125, which does not contain environmental review provisions because it concerns activities that are listed in 24 C.F.R. 50,19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321)(“NEPA”). Accordingly, under 24 C.F.R. 50, 19(c)(5), this NOFA is categorically excluded from environmental review under NEPA.

Dated: 7/1/09



John Trasviña
Assistant Secretary for Fair Housing and
Equal Opportunity

[FR-5300-N-10]