

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5415-N-28]

### **Emergency Capital Repair Grants for Multifamily Housing Projects Designated for Occupancy by the Elderly: Notice of Funding Availability**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of approximately \$5 million in FY 2010, grant funds to make emergency capital repairs to eligible multifamily projects owned by private nonprofit entities that are designated for occupancy by elderly tenants. The capital repair needs must relate to items that present an immediate threat to the health, safety, and quality of life of the tenants. The intent of these grants is to provide one-time assistance for emergency items that could not be absorbed within the project's operating budget and other project resources, and where the tenants' continued occupancy in the immediate near future would be jeopardized by a delay in initiating the proposed cure. The notice provides instructions for owners of multifamily projects to request funding and instructions for the HUD field offices to process requests.

**FOR FURTHER INFORMATION CONTACT:** G. DeWayne Kimbrough, Director, Grant and Housing Assistance Field Support Division, Office of Multifamily Housing, Room 6156, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3000 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

#### **OVERVIEW INFORMATION**

**A. Federal Agency Name:** Department of Housing and Urban Development, Office of the Assistant Secretary for Housing-Federal Housing Commissioner.

**B. Funding Opportunity Title:** The Emergency Capital Repair Grants (ECRP) for Multifamily Housing Projects Designated for Occupancy by the Elderly.

**C. Announcement:** Type: Initial announcement.

**D. Funding Opportunity Number:** FR-5415-N-28; the OMB Approval Number is 2502-0542.

**E. Catalog of Federal Domestic Assistance (CFDA) Number:** 14.315; Emergency Capital Repair Grants for Multifamily Housing Projects Designated for Occupancy by the Elderly.

**F. Dates:** November 29, 2011. HUD will accept applications on a first-come, first-serve basis and will award emergency capital repair grants until available amounts are obligated or funds expire, whichever comes first.

**G. Additional Overview Information:**

**1. Program Description.** The purpose of this program is to provide grants to make emergency capital repairs to eligible multifamily projects owned by private nonprofit entities that are designated for occupancy by elderly tenants. Private nonprofit owners of eligible developments interested in applying for funding under this grant program should carefully review the detailed information listed in this NOFA. Funding will only be provided for those eligible emergency items that exist at the time of application. Once grant funds are awarded, applicants may not request amendment funding and/or substitution of emergency repair items under this NOFA.

**2. Required Electronic Application Submission via Grants.gov.** Applications must be submitted electronically via the Federal portal, <http://www.Grants.gov>, unless a waiver has been granted. Applications may be submitted to Grants.gov starting 15 days after the publication of this Notice. This time frame allows applicants to complete the Grants.gov registration process before applications are accepted by HUD. Applications received prior to the fifteen day period will not be accepted for review and processing. Applicants not familiar with Grants.gov are instructed to see the Notice of HUD's Fiscal Year (FY) 2010 Notice of Funding Availability (NOFA) Policy Requirements and General Section to HUD's FY 2010 NOFAs for Discretionary Programs (General Section) published on Grants.gov on June 7, 2010 at [http://www.grants.gov/applicants/find\\_grant\\_opportunities.jsp](http://www.grants.gov/applicants/find_grant_opportunities.jsp). Please carefully read the General Section for further information about application, submission, and timely receipt requirements. Applicants should take particular note of the Grants.gov registration and application submission and validation procedures. Applications once submitted to Grants.gov must be validated. Please allow time for the validation process when submitting your application. A copy of the General Section is available in the instructions download to the application posted to Grants.gov.

**FULL TEXT OF ANNOUNCEMENT**

**I. Funding Opportunity Description**

**A. Program Description.** HUD provides grant funds to make emergency capital repairs to eligible multifamily projects owned by private nonprofit entities that are designated for occupancy by elderly tenants. The capital repair needs must relate to items that present an immediate threat to the health, safety, and quality of life of the tenants. The intent of these grants is to provide one-time assistance for emergency items that cannot be absorbed within the project's operating budget and other project resources, and where the tenants' continued occupancy in the immediate near future is jeopardized by a delay in initiating the proposed cure.

**B. Authority.** The Emergency Capital Repair Grant Program is authorized by Section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) and the Consolidated Appropriations Act, 2010 (Pub.L. 111-117), which provides up to \$40,000,000 for the conversion of eligible projects to assisted-living or related use and for emergency repairs.

**C. Definition.** For purposes of this NOFA, “emergency capital repairs” are repairs at a project to correct a situation that presents an immediate threat to the life, health and safety of project tenants. Assistance is limited to those projects with emergency problems that are of such a magnitude that:

1. The problem poses an immediate threat to the quality of life of the elderly tenants; and
2. The problem would, if left untreated, result in an evacuation of the elderly tenants or long-term tenant displacement.

## **II. Award Information**

**A. Available Funds.** This NOFA makes available approximately \$5 million including carryover funds. The funds will be used to make emergency capital repairs for eligible multifamily assisted housing projects for the elderly located within the 18 HUD Multifamily Hubs.

**B. Amount of Funding Per Award.** The maximum amount an individual project owner may apply for is \$500,000. (The grant, along with funds from other sources, must remove the emergency conditions.) HUD retains the right to adjust the amount of the grant up (to a maximum grant of \$500,000) or down, based on review of the reasonableness of the costs for completing the repairs.

**C. Type of Assistance Instrument.** The type of assistance awarded will be a grant.

**D. Anticipated Start Dates and Periods of Performance.** HUD will start accepting applications for funding starting 15 days following publication of this Notice. This time frame allows all applicants to complete the registration process. Applications submitted and received by HUD prior to the 15 day registration period will not be evaluated. Following the registration period, funds will be awarded on a first come-first serve basis until all allocated funding is obligated or funds expire, whichever comes first. All grant requests will be funded based on the date and time of validation by Grants.gov. See the General Section for specific instructions regarding application submission, the Grants.gov validation process and email notifications, use of Adobe forms, and types of files that can be attached and reviewed by HUD.

**E.** The program operates as a performance based program with the period of performance based on the scope of work, but shall not exceed 12 months.

## **III. Eligibility Information**

**A. Eligible Applicants.** Eligibility for emergency capital repair grants under this notice is restricted to: Private nonprofit owners of eligible multifamily-assisted housing developments designated for occupancy by elderly tenants, as specified in Sections 683(2)(B),(C),(D),(E),(F), or (G) of the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992). A private non-profit organization is defined in Section 1701q of Title 12 of the U.S. Code, as enacted under the Housing Act of 1959. The definition in Section 1701q also includes a for-profit limited partnership the sole general partner of which is (1) nonprofit or (2) a corporation wholly owned and controlled by a nonprofit. Limited Liability Corporations (LLCs) are not included in the definition of the term “private nonprofit organizations”. Unless a project

is located in a presidentially declared disaster area, it must have had final closing on or before January 1, 2005.

**B. Cost Sharing or Matching.** Not applicable to this program.

**C. Other**

**1. Eligible Projects.** The eligible projects are:

- a. Section 202 direct loan projects with or without Section 8 rental assistance;
- b. Section 202 capital advance projects receiving rental assistance under their Project Rental Assistance Contract (PRAC);
- c. Section 515 rural housing projects receiving Section 8 rental assistance;
- d. Projects subsidized with Section 221(d) (3) below-market interest mortgage;
- e. Projects assisted under Section 236 of the National Housing Act; and
- f. Other projects receiving Section 8 project-based rental assistance.

**2. Eligible Uses of Funds.** Grant funds are available only for emergency capital repairs that relate to immediate health and safety needs that impact upon the quality of life of the elderly tenants if the repairs are not made. The repair item must have existed prior to submission of the application in order to obtain grant funds. Once grant funds are awarded, applicants may not request amendment funding and/or substitution of emergency repair items under this NOFA. The award is a one-time opportunity for correction of the threat to the elderly tenants. Funds may be used to repair or replace systems including, but not limited to:

1. Existing major building and structural components that are in critical condition; and
2. Repairs or replacements to existing mechanical equipment to the extent that they are necessary for health and safety reasons. The purchase of high efficiency heating and cooling systems (Energy Star) for the approved replacement equipment is encouraged to promote energy conservation.

**3. Threshold Requirements**

- a. The applicant must meet the threshold requirements of the General Section.
- b. The project owner's most recent management review rating must be "satisfactory" or above.
- c. The project owner must be in compliance with its Loan Agreement, Capital Advance Agreement, Regulatory Agreement, Housing Assistance Payment contract, Project Rental Assistance contract, Rent Supplement or Loan Management Set Aside (LMSA) contract, or any other HUD grant or contract document.
- d. The current Real Estate Assessment Center (REAC) physical inspection report for the project must have a score of 60 or above. Developments scoring less than 60 are ineligible.
- e. If the project is a Section 236 project, the owner must be in compliance with the Excess Income requirements.
- f. Judgment Liens for Federal Debts. Applicants with a judgment lien against the applicant's property for a debt to the United States are not eligible to receive this grant unless the judgment is paid in full, otherwise satisfied or HUD has allowed the waiver of the judgment lien disqualification. See, 28 U.S.C. Section 3201(e).
- g. Delinquent Federal Debt. It is HUD policy, consistent with the purposes and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), that applicants with an outstanding federal debt will not be eligible to receive an award of funds from the Department unless: (1) a negotiated repayment schedule is established and the repayment schedule is not delinquent, or (2) other arrangements satisfactory to HUD are made prior to the award of funds by HUD. If arrangements satisfactory to HUD cannot be completed within 90 days of notification of selection, HUD will not make an award of funds to the

applicant, but offer the award to the next eligible applicant. Applicants selected for funding, or awarded funds, must report to HUD changes in status of current agreements covering federal debt. HUD may withhold funding, terminate an award, or seek other remedies from a grantee if a previously agreed-upon payment schedule has not been adhered to or a new agreement with the federal agency to which the debt is owed has not been signed.

#### **4. Program Threshold Requirements.**

- a. The request for funding must clearly identify the existing emergency and must contain a detailed justification in support of the emergency designation.
- b. The repair and/or replacement items are to be written in a manner that specifically describes the scope of work to be performed, provides an estimate of the cost of the work to be performed, and provides an explanation of the basis for the estimate. The estimate provided for the cost of each action item must be reasonable and current (within 6 months of the application submission).
- c. The owner must describe all previous grants or loans received by the project during the past three years and any unsuccessful efforts to find other sources of funding.
- d. Tenants must be notified of the request for the grant and must be informed of the overall plan and timetable to complete the capital repairs.
- e. The project does not have a recent history of mortgage defaults.
- f. The project owner does not have any material-adverse financial or managerial actions or omissions with regard to any project that is federally assisted or financed with a loan or capital advance from, or mortgage insured by, an agency of the Federal government.
- g. The owner's Affirmative Fair Housing Marketing Plan (AFHMP) must meet all applicable HUD requirements. A copy of the approved AFHMP should be attached with the request for funding. If the owner does not have an approved AFHMP the application will be considered incomplete and thus ineligible.
- h. The project owner must demonstrate that: (i) the project accounts have been maintained in accordance with all HUD requirements; and (ii) there are insufficient funds in the operating budget and other project resources.
- i. The owner must be current with filing of the audited financial statements and all findings, if any, resolved within 30 days.
- j. HUD will not fund incomplete applications. If an application is missing mandatory exhibits the application will be considered non-responsive to the NOFA, thus leaving your application ineligible for review. If an application needs revisions to meet requirements, the application shall be deemed incomplete and therefore ineligible for funding.
- k. HUD will not fund requests for more than \$500,000 in grant funding.
- l. Requests signed and submitted by a consultant or management agent on behalf of the owner will not be considered for funding.

#### **5. Other Requirements.**

**a. Requirements Contained in the General Section.** Please carefully read the General Section for other requirements applicable to HUD programs, including section III.D.2d of the General Section for the threshold requirement related to resolution of outstanding civil rights matters; section III.C.5.a. of the General Section for the requirement that applicants must comply with fair housing and civil rights laws as well as section III.C.5.b of the General Section for the requirement that applicants must affirmatively further fair housing. Applicants must also comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), section III.C.5.d of the General Section.

#### **b. Program Requirements for Awardees.**

- (1). Funds awarded must be expended only for approved uses.

(2). Repairs must be initiated immediately upon receiving the grant award and must be substantially completed within 6 months of the initial start, with final repairs completed no later than 12 months after receipt of funding.

(3). If there are less than 10 years remaining on the existing mortgage, owners must enter into a Rental Use Agreement to extend the remaining affordability of the project for up to 10 years. For example, if the maturity date of the mortgage is 3 years from the execution of the Grant Agreement, the owner must enter into a Rental Use Agreement for 7 years beyond the term of the mortgage. If the maturity date of the mortgage is 15 years, the owner will not need to execute a Rental Use Agreement unless the mortgage is prepaid. All Rental Use Agreements must be recorded.

(4). All excess Residual Receipts and any Reserve for Replacement funds over \$1000/unit in Project Accounts that are not approved for another use at the time of application to HUD under this NOFA are considered available funds and must be applied toward the cost of the emergency repair(s).

(5). Tenants must be able to remain in their units while the repairs are being made.

(6). Environmental Requirements.

(a) Criteria for which no Environmental Review is required. Pursuant to 24 CFR 50.19 (b) (10), no environmental review is required and none will be performed by HUD if the proposal is for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration. To qualify for this exclusion from environmental review requirements, the proposal must not include new additions, relocation, enlargements, or changes to the primary use or density of occupancy. For purposes of this exclusion from environmental review requirements: disasters are state or federally declared disasters; and imminent threats to public safety relate to the general public outside of buildings who could be harmed by the total or partial collapse or falling away of elements of the buildings. The most common examples of alteration of environmental conditions that conceivably could take place under this program are proposals that: affect significant elements of properties listed on or eligible for listing on the National Register of Historic Places; involve repair, reconstruction, modernization or improvement of a structure in the special flood hazard area, the cost of which equals or exceeds 50 percent of the market value of the structure before repair or damage; involve occupancy of a site that contains, or is adjacent to a site containing known hazardous waste and/or petroleum products that have not been remediated to protect building occupants; involve work on sites that could adversely impact the critical habitat of an endangered species; or alter a structure's footprint.

(b) Criteria for which Environmental Review is required. An environmental review will be performed by HUD pursuant to 24 CFR Part 50 in extraordinary circumstances or if the proposal does not meet the criteria of III.C.5b (6) (a) above.

(c) Flood Insurance. For any project structures located in a Federal Emergency Management Agency (FEMA) designated special flood hazard area, flood insurance is required

for the amount of the grant assistance up to the available maximum coverage under the National Flood Insurance Program and for the life of the proposed project.

(d) Prohibitions. Financial assistance is prohibited for a proposal located in a: Coastal Barrier Resources System (CBRS) unit; FEMA designated floodway or coastal high hazard area; or FEMA identified special flood hazard area in which the community has been suspended from or does not participate in the National Flood Insurance Program.

(7) Davis-Bacon prevailing wage rate requirements do not apply to emergency capital repair grants. Davis-Bacon requirements may apply to emergency repairs if the repairs will also be assisted by another federal program that requires Davis-Bacon wage rates.

(8) Lead Safety Requirements. Repairs in pre-1978 projects in which one or more children less than 6 years of age reside or are expected to reside (e.g., a resident woman is pregnant) in the housing units affected by the work (e.g., work is in such units, or in common areas accessing such units) are covered by the Environmental Protection Agency's Renovation, Repair, and Painting (RRP) Rule (40 CFR 745, especially subpart E). The RRP Rule's reduced requirements for emergency renovations are described at 40 CFR 745.82(b), and the regulations cited therein. Further information on the RRP Rule is at [www.epa.gov/lead/pubs/renovation.htm](http://www.epa.gov/lead/pubs/renovation.htm) and from the National Lead Information Clearinghouse, at 800-424-LEAD (5323). (Hearing- or speech-challenged individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.)

#### **IV. Application and Submission Information.**

##### **A. Addresses to Request Application Package.**

**1. Application Package.** The application package is available at [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp).

Applicants must download both the application and the instructions from the Grants.gov site. The instructions download contains additional forms, the General Section and the Program Section of the NOFA. Applicants must be fully registered to submit an application via Grants.gov. Please carefully read the instructions in the General Section to ensure you have completed the registration process. If you have difficulty accessing the information, you can receive customer support from Grants.gov by calling the help line at 800-518-Grants or by sending an e-mail to [support@grants.gov](mailto:support@grants.gov). The Grants.gov help desk is available 7 days a week, 24 hours per day except federal holidays. The customer service representative will ask you for your name and other information, and will provide you with a Grants.gov Service Ticket Number. Be sure to retain the Grants.gov ticket number for your records. Applicants can track the status of their applications by logging into Grants.gov as an applicant using their User ID and password.

**2. Number of applications.** Owners may not submit multiple applications for the same elderly housing development. HUD will only accept one ECRP application per project under this NOFA.

##### **a. Content and Form of Application.**

There are 9 required exhibits under the ECRP, including prescribed forms. Your application must include all of the information, materials, forms, and exhibits listed below. (Please see the General Section for instructions on how to submit third party and other documents such as bank statements, project plan and construction schedule, etc.):

**(1) Exhibit I. A request in letter form and signed by the owner.** Requests signed by a consultant or management agent on behalf of the owner are not acceptable. The letter must identify the basis for the emergency declaration and how it impacts the health and safety of the tenants, as well as what would happen if the emergency repairs were not made immediately. The request must also identify the repairs proposed and cost to correct the emergency for which funding is requested. **Note:** Repair items identified on the REAC physical inspection report are not sufficient to be classified as emergency in nature. Include brief narratives explaining how all of the eligibility (Section III, A. B. and C.) in this NOFA have been met. The emergency repair item must exist at the time of application for the grant.

**(2) Exhibit II. Cost Estimate.** The estimate for the cost is to be written in a manner that specifically describes the scope of work to be performed, provides an estimate of the cost of the work to be performed, and provides an explanation of the basis for the estimate. The estimate provided for the cost of each action item must be reasonable and current (within 6 months prior to application submission). Applicants may not request amendment funds and/or substitution of repair items once the grant has been approved.

**(3) Exhibit III. Evidence of Need for Funds.** Evidence that demonstrates the repairs cannot be corrected at a cost that can be absorbed within the operating budget or by use of the reserve for replacement funds in excess of \$1,000 per unit and all available residual receipts funds. Include bank statements, Reserve for Replacement analysis, project budget analysis, etc. If the total cost to eliminate the emergency repair, exceeds \$500,000, identification of other sources that will be used is needed.

**(4) Exhibit IV. Project Plan.** Provide a project plan and construction schedule for substantially completing the repairs within 6 months, but no longer than 12 months from the date of the grant award.

**(5) Exhibit V. Tenant Notification.** Provide evidence that the owner notified the tenants of the plans to apply for this grant.

**(6) Exhibit VI. AFFH Marketing Plan.** Provide the current approved Affirmative Fair Housing Marketing Plan.

**(7) Exhibit VII. Attempts at Alternate Funding Sources.** Provide a description of any unsuccessful attempts the owner has made to acquire funding from other sources, including letters of denial from funding sources, to complete the outstanding emergency capital repairs.

**(8) Exhibit VIII. Previous Assistance.** Provide a description of any previous grants or loans received by the project during the past 3 years from the effective date of the NOFA.

**(9) Exhibit IX. Forms and Certifications:**

- (a) Form SF424\_Application\_for\_Federal\_Assistance.
- (b) HUD2880\_Applicant\_Recipient\_Update\_Disclosure\_Report
- (c) HUD96011\_Third\_Party\_Documentation\_Facsimile\_Transmittal.
- (d) SFLLL\_Disclosure\_of\_Lobbying\_Activities, if applicable.
- (e) Code of Conduct, if applicable.

**C. Submission Dates and Timely Receipt Requirements.**

HUD will accept applications on a first-come, first-serve basis. Applications may be submitted 15 days following publication of this NOFA on Grants.gov. HUD will award Emergency Capital Repair Grants until the available funds are obligated or funds expire, whichever comes first. Applications received prior to the 15 day period will not be accepted by HUD for review and processing. Applicants are advised to review the instructions in the General Section if they need



to fax materials. If an applicant does not follow the faxing instructions, HUD will not be able to match faxes to an electronic application submission. Faxed documents will only be accepted as part of an electronic application submission. HUD will not accept applications for review sent in entirety by fax nor accept applications by fax from applicants granted a waiver to the electronic application submission requirement.

**1. Multiple Applications.** Owners may not submit multiple applications for the same elderly housing development. HUD will only accept one ECRP application per project under this NOFA.

**2. For Technical Assistance.** Before the ECRP funding expiration, HUD staff will be available to provide you with general guidance and technical assistance. However, HUD staff is not permitted to assist in preparing your application. For technical support for downloading the ECRP application or submitting the application, call the toll free Grants.gov Customer Support line at 800-518-Grants or send an e-mail message to [support@grants.gov](mailto:support@grants.gov).

**3. Request for Waiver of Electronic Application Submission Requirement.**

Applicants may request a waiver of the electronic application submission requirement. Waiver requests must be submitted in writing following of the publication of this Notice. HUD will make every effort to respond to a waiver request within 15 days of receipt. Applicants should take the time for consideration of the waiver request and how it will impact the placement of the application in the funding queue. HUD's waiver policy found in 24 CFR 5.1005, allows waivers for cause. The request must be addressed to the Assistant Secretary for Housing at the following address: David H. Stevens, Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9100, Washington, DC 20410-8000. Waiver requests submitted by fax must be sent to (202) 708-3104. Waiver requests must provide the basis upon which the request is made, specifically addressing why electronic submission is not possible. The basis for waivers for cause may include, but is not limited to, (a) lack of available Internet access in the geographic location in which the applicant's business office is located; or (b) physical disability of the applicant that prevents the applicant from accessing or responding to the application electronically. The waiver request must include an email or name and mailing address where responses can be directed. HUD will not consider a waiver request that does not conform to the above requirements. To avoid delays, waiver requests should be sent by United States Postal Service Express Mail. You, the applicant, should retain a receipt for the mailing showing the date submitted to the Postal Service. HUD will acknowledge receipt of the waiver request by email, if an email address is provided or by United States Postal Service Express Mail or other available means. HUD will not make determinations or respond to waiver requests via telephone. If an applicant intends to file multiple funding requests for different developments, each request for waiver to the application submission process must be filed separately. HUD will inform applicants whether or not their waiver request has been granted. In the event a waiver is granted, the date and time the application is received by HUD in the office or offices designated in the response granting the waiver, will be the basis upon placement in the funding queue is made. Paper applications will be placed in the same funding queue as applications received electronically. If HUD approves the waiver request, the approval notification will provide specific submission instructions.

**4. Application Submission and Receipt Procedures.** Unless you received a waiver to the electronic application submission requirements, your completed ECRP application must be submitted via [http://www.grants.gov/applicants/applyfor\\_grants.jsp](http://www.grants.gov/applicants/applyfor_grants.jsp) and must be received and

validated by Grants.gov. Refer to Section IV.F. of the General Section for additional information on application submission requirements.

#### **D. Intergovernmental Review.**

The Emergency Capital Repair Grant Program is subject to Executive Order 13272, Intergovernmental Review of Federal Programs.

#### **E. Funding Restrictions.**

Emergency capital repair grant funds may not be used for the following repairs:

1. Deferred maintenance items.
2. Lead-based paint abatement.
3. Demolition and reconstruction activities e.g., conversion of bedroom units.
4. Security systems.
5. Improvements, i.e., installation of sprinkler systems, air conditioning, additional lighting in parking lots, new backup generators or new elevators, etc.
6. Clearing of mold or mildew unless it is related to a repair of an existing emergency item that poses an immediate threat to the residents.
7. Section 504 Accessibility modifications unless it is related to a repair of an existing emergency item that poses an immediate threat to the residents.
8. Consultant Fees.
9. HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; does not meet the requirements of this notice; or may be duplicative of other funded programs or activities. Only the eligible portion of your application will be funded.

#### **F. Other Submission Requirements.**

Applicants notified of incomplete or non responsive applications must address the deficiencies and resubmit the application in Grants.gov in order to be considered for funding. Resubmissions in Grants.gov shall be placed in the funding queue based upon the validation date and time for receipt of the resubmission for electronic applications or by HUD in the case of applicants granted a waiver to the electronic application requirement.

### **V. Application Review**

**A. Criteria.** See application content.

#### **B. Review and Selection Process.**

**1. Only compete applications will be accepted for review.** Applications with deficiencies will not be processed. HUD will require that Owners revise and resubmit an application to meet review requirements. Applications not meeting requirements will be taken out of queue when the applicant is notified of deficiencies and the applicant asked to resubmit the application again as a new application with the noted weaknesses cured. The resubmitted application will be processed as a new request in the order in which it is received and validated by Grants.gov if filed electronically, or received by the appropriate HUD office.

**2. Threshold Requirements.** Only those ECRP applications that meet all threshold requirements will be eligible to receive an award. Applications that do not pass the requirements will be rejected.

**3. Review Process.** HUD staff teams will review ECRP applications. All applications will be either approved or disapproved. If your application meets all program eligibility requirements it may be awarded the requested grant funds.

**4. Anticipated Announcement and Award Dates.** Awards will be made as they are approved by HUD until the funding runs out or expire.

## **VI. Award Administration Information**

### **A. Award Notices.**

The Grant Agreement, and the Form HUD-1044, signed by both the Recipient and Grant Officer, shall serve as the obligating documents. Unsuccessful applicants will be notified, by mail, within 30 days of the announcement of the awards.

### **B. Administrative and National Policy Requirements.**

**1. Administrative Requirements.** The ECRGP awards are subject to the requirements of OMB circulars A-122 Cost Principles for Non-Profit Organizations and A-133 Audits of States, Local Governments, and Non-Profit Organizations.

**2. National Policy Requirements.** Not applicable to this program.

### **C. Reporting.**

**1. Progress Report.** Recipients of funding under this program NOFA shall submit a progress report every six months after the effective date of the Grant Agreement until the repairs are complete or the Grant has been closed out. HUD is requiring performance-based management and therefore, every six months owner must report their progress in attaining the goals and objectives they proposed in their application. Each semi-annual report must identify and explain any deviations (positive or negative) from outputs and outcomes proposed and approved by HUD, including budgetary and scheduling deviations.

**2. Racial and Ethnic Data.** HUD requires that funded recipients collect racial and ethnic beneficiary data. HUD 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 HUD-27061-Racial and Ethnic Data Reporting Form (instructions for its use) found on <http://www.HUDclips.org>.

**3. Subrecipient Reporting.** Applicants should be aware that awards made after October 1, 2010, will require prime recipients to report on subrecipient awards in a federal database. The requirements will be detailed in the grants award agreement. Applicants selected for funding should also be aware that they will be required to report first sub-grant award and executive compensation information, where both their initial award is \$25,000 or greater, as required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282). The prime grant awardees will have until the end of the month plus one additional month after an award or sub-grant is obligated to fulfill the reporting requirement. The Federal Funding Accountability and Transparency Act (FFATA) of 2006 calls for the establishment of a publicly available web site to disclose the use of Federal finance assistance. The Act requires the reporting of the following data for first-tier sub-grants of \$25,000 or more:

- a. Name of entity receiving award
- b. Amount of award
- c. Funding agency
- d. NAICS code for contracts / CFDA program number for grants
- e. Program source
- f. Award title descriptive of the purpose of the funding action
- g. Location of the entity (including congressional district)
- h. Place of performance (including congressional district)
- i. Unique identifier of the entity and its parent; and
- j. Total compensation and names of top five executives (same thresholds as for primes)

The Transparency Act also requires the reporting of the Total Compensation and Names of the top five executives in either the prime awardee or a sub-awardees' organization if:

- a. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25M annually; and
- b. Compensation information is not already available through reporting to the SEC.

The statute exempts from reporting any sub-awards less than \$25,000 made to individuals or to an entity whose annual expenditures are less than \$300,000. OMB has published Interim Final Guidance to agencies regarding the FFATA subrecipient reporting requirements in the Federal Register on September 14, 2010 (75FR55663.)

**4. Reporting on Integrity in Compliance with Section 872.** Section 872 of the Duncan Hunter Defense Authorization Act of 2009 requires the establishment of a Federal website to capture issues related to the integrity of recipients of federal financial assistance. Awards made after October 1, 2010, are expected to include a term and condition that related to requirements for integrity reporting into the federal website.

## **VII. Agency Contact(s)**

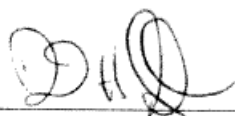
**A. For Further Information and Technical Assistance.** You should contact the HUD Multifamily Hub in your geographical area. For a list of HUD Multifamily Hub Offices, see HUD's Web site at <http://www.hud.gov/offices/adm/grants/fundavail.cfm>.

## **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 number 2502-0542. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per respondent for the application. This includes the time for collecting, reviewing, and reporting the data for the application. 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 Review.** A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this notice in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2) (C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2) (C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. Eastern Time, Monday through Friday, except federal holidays, in the Office of the General Counsel, Regulations Division, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at (202) 708-3055 (this is not a toll-free number).

Date: NOV 19 2010



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David H. Stevens, Assistant Secretary for Housing-  
Federal Housing Commissioner

[FR-5415-N-28]