

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5415-N-26]

### **HUD's Fiscal Year (FY) 2010 NOFA for the Fair Housing Initiatives Program (FHIP) Fair Housing Initiatives Program Enforcement Testing Technical Assistance (TA)**

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

**ACTION:** Notice of HUD's Fiscal Year (FY) 2010 Notice of Funding Availability for HUD's Fair Housing Initiatives Program (FHIP) Enforcement Testing TA.

**SUMMARY:** This NOFA announces the availability of funding for approximately \$380,000 for HUD's Fair Housing Initiatives Program Enforcement Testing TA for FY 2010 from Transformation Initiative Funding. This NOFA is part of HUD's Transformation Initiative and consists of the information and instructions found in the Notice of HUD's Fiscal Year 2010 Notice of Funding Availability (NOFA), Policy Requirements and General Section (General Section) to HUD's FY 2010 NOFAs for Discretionary Programs, posted on [www.Grants.gov](http://www.Grants.gov) on June 7, 2010 and this Program Section.

**DATES:** The application deadline is 11:59:59 p.m. eastern time on, **May 6, 2011**. Applications must be received by Grants.gov no later than 11:59:59 p.m. eastern time on the application deadline date. Applicants need to be aware that following receipt, applications go through a validation process in which the application may be accepted or rejected. Please allow time for this process to ensure that you meet the timely receipt requirements. Please see the 2010 General Section (section IV) for instructions for timely receipt, including actions to take if the application is rejected. The General Section contains information on using Adobe Reader, HUD's timely receipt policies, and other application information.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding specific program requirements should be directed to the agency contact identified in Section VII of this program NOFA. Questions regarding the FY 2010 **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 the 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) Enforcement Testing TA.

**C. Announcement Type:** Initial Announcement

**D. Funding Opportunity Number:** The OMB Approval Number is 2529-0049. The funding opportunity number for this NOFA is FR-5415-N-26.

**E. Catalog of Federal Domestic Assistance (CFDA) Number(s):** Transformation Initiative Funding under the Fair Housing Initiatives Program (FHIP) 14.420;

**F.** The application deadline is 11:59:59 p.m. eastern time on **May 6, 2011**. Applications submitted through <http://www.grants.gov> must be received by Grants.gov no later than 11:59:59 pm eastern time on the application deadline date. Applicants need to be aware that following receipt, applications go through a validation process in which the application may be accepted or rejected. Please allow time for this process to ensure that you meet the timely receipt requirements. Please carefully read the section on Application and Submission Information in 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, posted on Grants.gov on June 7, 2010. The section includes HUD's policy regarding timely receipt.

### **G. Optional, Additional Overview Content Information**

**1. Funding Breakdown.** This Transformation Initiative TA funding (HR 3288, the Combined Appropriations Act of 2010 (Pub. L. 111-117)) is for technical assistance to improve the quality of the testing among FHIP PEI and FHOI enforcement grantees. Approximately \$380,000 in Transformational Initiative Funding is allocated under this NOFA. Travel costs for identified trainees will be provided for under the Fair Housing Initiatives Program training set aside.

**2. Fair Housing Initiatives Program (FHIP) Funding.** FHIP funds are used to increase compliance with the Fair Housing Act.

**3. Award Agreements.** HUD expects to award a performance-based cost reimbursable cooperative agreement to the applicant selected for award. HUD expects to have substantial involvement in the development of the curriculum, the selection of staff, and the submission of reports. HUD anticipates three payments under this cooperative agreement, with each payment tied to a specific performance measure.

## **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 this FHIP Enforcement Testing Technical Assistance 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).

**A. Background/Purpose.** FHEO has determined that fair housing testing technical assistance is critical to the Department's Fair Housing Initiative Program's enforcement effort. Fair housing testing is a vital tool for determining the extent of housing discrimination and is an effective

component of a well-investigated complaint. Good testing results can speed up the investigation of complaints and provide a sound basis for documenting discriminatory practices. The Department has recognized the benefits of testing through our FHIP organizations. Additionally, many FHIP organizations have not been provided technical assistance on identifying the best complaints for testing nor on analyzing testing results for their most effective use. By taking the lead in establishing levels of high quality and consistency in testing protocols, the Department can set the standard in testing activities and ensure that the FHIP testing results are beneficial to on-going investigations.

To address these issues, this funding will provide training and technical assistance to one or more entities by developing a course on Fair Housing Testing, and by conducting technical assistance to promote a greater and more consistent use of Testing Methodologies among FHIP organizations. Testing represents the most effective investigative tool in uncovering and corroborating claims of unlawful discrimination. Improving the quality and consistency of testing used by FHIP organizations will increase the persuasiveness and acceptance of tests in litigation. This is designed to provide FHIP organizations with the necessary tools to conduct, understand, and analyze testing with the stated goal of contributing to the Department's enforcement efforts.

## **B. Other Program Information**

**1. Program Definitions.** The definitions that apply to this FHIP Enforcement Testing Technical Assistance NOFA are:

- a. 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.
- b. 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).
- c. 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.
- d. Fair Housing Enforcement Organization (FHO)** means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- e. 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 .
- f. 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).
- g. Qualified Fair Housing Enforcement Organization (QFHO)** means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- h. 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.

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

## **II. Award Information**

For FY 2010, \$380,000 is appropriated in Transformational Initiative Funding under the Fair Housing Initiatives Program (FHIP) for Enforcement Testing Technical Assistance.

### **A. Award Instrument**

A mechanism of funding that HUD may offer a successful applicant, and which sets forth the relationship between HUD and the awardee, and which serves to transfer resources to the awardee in order to accomplish an eligible public purpose. This instrument will be a Cooperative Agreement (CA). The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement. HUD will monitor progress to ensure that the awardee has achieved the objectives set out in the agreement.

Under the Cooperative Agreement, HUD will exercise the right to have substantial involvement in the development of the curriculum, the selection of staff, and the submission of reports. HUD will conduct monitoring reviews, require quarterly reports and approve all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determine whether the agency meets all certification and assurance requirements. HUD will conduct this performance assessment through on-site participation or by review of documents, as appropriate. Once the Cooperative Agreement is signed, the terms and conditions and special conditions contained within the Cooperative Agreement (CA) govern the administration of the CA.

**B. Project Starting Period.** For planning purposes, assume a start date no later than June 30, 2011. The period of performance for awards under this program will be 24 months. Payments made during the period of performance will be based upon grantee successfully completing each phase of the cooperative agreement.

## **III. Eligibility Information**

**A. Eligible Applicants.** Eligible Applicants are QFHOs, FHOs, and other 501(c)(3) tax-exempt organizations, representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.

**B. Cost Sharing or Matching.** No matching funds are required for this Testing NOFA; however, applicants will be rated on the extent to which non-HUD resources are leveraged in the proposed assisted activities.

### **C. Other:**

#### **1. Eligible activities**

**a.** Development and delivery of courses and delivery of other forms of technical assistance in the following areas: a. impact assessment of TA and organizational capacity to implement a testing program.

**b.** How to screen, select and secure qualified testers.

**c.** How to train the tester.

**d.** Ensuring consistent methodologies in conducting rental and sales tests, lending and insurance tests, and internet/email testing based on race, color, religion, sex, national origin, familial status and disability.

**e.** Creating consistent tester profiles, test assignments, preparation of testers, and costs of tests.

**f.** Conducting both in-person and telephone testing in individual complaints and conducting systemic testing.

- g. Documenting test experiences, producing tester reports, and debriefing testers.
- h. Analyzing the test results.
- i. Flawed testing – When to fix, when to start over
- j. Maintaining testing evidence/proper recordkeeping
- k. Case processing and enforcement. - What does HUD need?
- l. Legal Issues in Testing – Proof required for individual and systemic complaints.
- m. Building support for testing programs, including systemic testing programs among members of the community [i.e. media, other advocacy groups, FHAP agencies, and the real estate industry],
- n. Progress and final reporting to HUD
- o. Administrative expenses associated with the above.

**2. Expected Training Outcomes.** TA Providers are expected to increase the skills and expertise of FHAP agencies in conducting fair housing testing so that the agencies trained will be able to provide test results that are more reliable and are of high caliber, and that the time frames from testing to bringing cases forward as plausible cases of housing discrimination or other fair housing violations is shortened in the agency attending training. TA providers will be paid based upon the demonstrated achievement of these outcomes as indicated under Section VI.B.4. Payments.

### **3. Program Requirements.**

#### **a. Compliance with Fair Housing and Civil Rights Laws.**

(1) With the exception of federally recognized Indian tribes and their instrumentalities, (a) applicants and their sub recipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the American Disabilities Act; Section 109 of the Housing and Community Development Act of 1974; (b) if the applicant’s state or local government has passed a law or laws proscribing discrimination in housing based on sexual orientation or gender identity, or a law or laws proscribing discrimination based on lawful source of income, the applicant and any proposed sub-recipients must comply with those laws,

(2) If the applicant is conducting programs or activities with funds received under a HUD program NOFA in a state or local jurisdiction that has passed a law or laws proscribing discrimination in housing based upon sexual orientation or gender identity, or a law or laws proscribing discrimination in housing based on lawful source of income, the applicant and its sub-recipients must comply with those laws of the states or localities in which the programs or activities are conducted;

(3) If you are a federally recognized Indian tribe, you must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable.

#### **b. Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP).”**

Executive Order 13166 seeks to improve access to federally assisted programs and activities for individuals who, as a result of national origin, are limited in their English proficiency. Applicants obtaining federal financial assistance from HUD shall take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. As an aid to recipients, HUD published *Final Guidance to Federal Financial Assistance Recipients: Title, VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance)* in the Federal Register on January 22, 2007 (72 FR 2732). For assistance and

information regarding LEP obligations, go to [http://www.justice.gov/crt/lep/guidance/HUD\\_guidance\\_Jan07.pdf](http://www.justice.gov/crt/lep/guidance/HUD_guidance_Jan07.pdf) . For more information on LEP, please visit <http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>.

**c. Accessible Technology.**

Section 508 of the Rehabilitation Act (Section 508) requires HUD and other federal departments and agencies to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allow, regardless of the type of medium, persons with disabilities to access and use information and data on a comparable basis as is made available to and used by persons without disabilities. Section 508's coverage includes, but is not limited to, computers (hardware, software, word processing, email, and Internet sites), facsimile machines, copiers, and telephones. Among other things, Section 508 requires that, unless an undue burden would result to the federal department or agency, EIT must allow individuals with disabilities who are federal employees or members of the public seeking information or services to have access to and use of information and data on a comparable basis as that made available to employees and members of the public who are not disabled. Where an undue burden exists to the federal department or agency, alternative means may be used to allow a disabled individual use of the information and data. Section 508 does not require that information services be provided at any location other than a location at which the information services are generally provided. HUD encourages its funding recipients to adopt the goals and objectives of Section 508 by ensuring, whenever EIT is used, procured, or developed, that persons with disabilities have access to and use of the information and data made available through the EIT on a basis comparable as is made available to and used by persons without disabilities. This does not affect recipients' required compliance with Section 504 of the Rehabilitation Act and, where applicable, the Americans with Disabilities Act. Applicants and recipients seeking further information on accessible technology should go to <http://www.section508.gov/>.

**d. Accessibility Requirements**

All grant recipients and sub-recipients must use training facilities and services that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, recipients and sub-recipients must give priority to alternative methods of product delivery that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and its implementing regulations at 24 CFR Part 8, and Title III of the Americans with Disabilities Act.

**e. Methods for Training**

TA Providers will be expected to provide training that incorporate a variety of training techniques and methods including conducting technical assistance through classroom or one-on-one sessions with organizations, utilizing webinars, Live Meetings, and other computer-based mechanisms

**f. Meeting the Needs of Diverse Communities**

TA providers will be expected to prepare training materials in languages other than English, as needed to meet the needs of FHIP agency staff attending the training or whom best practice materials are being disseminated.

**4. Threshold Requirements:** Applicants must meet all threshold requirements of Section III.C.2., "Threshold Requirements," of the General Section unless otherwise noted in this NOFA. In addition to the threshold requirements in HUD's General Section, applicants must meet the following program specific threshold requirements.

**a. FHIP Performance Rating.** If a prospective applicant is a QFHO or an FHO who received in FY 2006, 2007, or 2008 a rating of “Poor” for its most recent FHIP performance rating from its Government Technical Representative (GTR), its application under the Transitional Initiative will be determined to be ineligible. An applicant that disagrees with its determination of ineligibility for the FY 2010 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 applicant wishes to appeal its “Poor” performance rating, the applicant must submit their appeal to HUD’s Headquarter Office of Fair Housing and Equal Opportunity for review. As part of the appeal process, the applicant must submit a copy of the reasons for the “Poor” performance rating and provide a written explanation of what the applicant has done to resolve its performance deficiencies. All appeals should be addressed to Mr. Aztec Jacobs, Director, Office of Programs, 451 7<sup>th</sup> Street, SW, Washington, DC 20410, Room 5220.

**b. Tax Exempt Status.** Applicants for this Testing NOFA 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. Applicants must provide proof of IRS 501 (c)(3) status to be eligible for funding. Please provide an IRS report showing 501(c)(3) status.

**c. Maximum award.** The maximum award amount that can be requested under this program is \$380,000. Applicants are ineligible for funding if they have requested funding in excess of the maximum amount allowed under this NOFA. 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.

**d. Name Check Review.** See the **General Section (III 4.b.)**.

**e. Suits Against the United States/Program Compliance.** 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)), or is not responsive to HUD regarding compliance issues with any of the Department’s FHIP regulations. To be eligible for funding under HUD NOFAs issued during FY2010, applicants must meet all statutory and regulatory requirements applicable to the program or programs for which they seek funding. Applicants requiring program regulations may obtain them from the NOFA Information Center or through HUD’s grants website at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

**f. Other Litigation.** An application is ineligible for funding if the organization used funds provided by HUD (within the last three years) under FHIP 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)).

**g. Dun and Bradstreet Numbering System (DUNS) Numbering Requirement.** Refer to **General Section** for information regarding the DUNS requirement. You will need to have a DUNS number to apply for funding via grants.gov as well as receive an award from HUD. The DUNS number used in the application must be for the applicant organization identified in Box 8a on the HUDSF424, Application for Federal Financial Assistance.

**h. Applicants must be registered with the Central Contractor Registration (CCR).** CCR registration is also part of the cooperative agreements grants.gov registration requirement.

**i. Majority of Eligible Activities.** At a minimum 90% of the award must be used for fair housing technical assistance and logistics.

**j. 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.

**k. Narratives to Rating Factors-** Failure to address any Rating Factor will result in an application being deemed ineligible.

**l. Limited English Proficiency (LEP).** Successful applicants must ensure that their training programs do not exclude persons on the basis of race, color, and national origin under Title VI of the Civil Rights Act. Applicants, although not required, may address how they will meet this criterion in their applications. 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.

### **3. Program Requirements**

**a. Fair Housing Act/Protected Classes.** The applicant's proposed activities must concern testing designed to discover any acts of illegal discrimination under the Fair Housing Act and HUD's regulations. 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. Proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes.

**b. Affirmatively Furthering Fair Housing.** Section 808(e)(5) of the Fair Housing Act imposes a duty on HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. Accordingly, HUD requires recipients of HUD funds, including those awarded and announced under HUD's FY2010 funding notices, not specifically exempted, to take affirmative steps to further fair housing. The application must discuss in a separate narrative how the applicant is going to carry out the proposed activities so that the project affirmatively furthers fair housing. See section III.C.5.b of the General Section for more guidance on compliance with AFFH. The General Section requires, for example, that the proposed activities must address at least one of the following objectives: (1) help overcome any impediments to fair housing choice related to the assisted program of activity itself; (2) promote racially, ethnically, and socioeconomically diverse communities; or (3) promote housing-related opportunities that overcome the effects of past discrimination because of race, color, religion, sex, national origin, disability, and familial status.

To address this requirement, your application may describe how the proposed services, such as the content of training or technical assistance, will assist FHIPs in affirmatively furthering fair housing. For example, training or technical assistance could be provided on developing strategic approaches to testing by targeting testing to housing transactions, types of housing providers, or geographic locations that are associated with impediments to fair housing choice in the jurisdictions in which the FHIP operates. Participants could be trained on identification of impediments to fair housing choice in jurisdictions in which they work or appropriate testing responses to typical impediments.

**c. Performance Measures and Products.** Applicants must submit in their application the tools they will use to identify program progress against their proposed outputs and outcomes. (See Rating Factor Five for the frequency of the reporting requirements)

**d. Violations.** Failure to perform the eligible activities as specified for each phase of the cooperative agreement, maintain financial controls, and achieve the objectives set out in the



cooperative agreement may be the basis for HUD determining the awardee to be in default of the cooperative agreement and for exercising available sanctions, including suspension, termination, and/or the recapture of funds. Also, HUD may refer violations or suspected violations of the award to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

**e. Selection of grantees for technical assistance.** The selected TA Provider will review all FY 2009 and FY 2010 FHIP PEI and FHOI grantees (including but not limited to information on past performance, grant applications, and cooperative agreements) and will recommend to HUD grantees to receive fair housing testing technical assistance.

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

If you are interested in applying for funding under this program, please review carefully the following information.

**A. Address to Request Application Package:** Applications can be downloaded from the web at: [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). All applications must be submitted electronically. The information required to submit an application is contained in the program section of this NOFA and the **General Section**. If you have difficulty accessing the information you may call the Grants.gov helpline toll-free at 800 518-GRANTS or e-mail [support@grants.gov](mailto:support@grants.gov). Helpline customer representatives will assist you in accessing the information. The Grants.gov help desk is open 7 days a week, 24 hours a day, except federal holidays. HUD recommends calling the Help Desk rather than emailing, because determining the basis for the problem may take some conversation with the Grants.gov Support Customer Service Representative. Grants.gov provides customer support information on its website at <http://www.grants.gov/contactus/contactus.jsp>. You may request general information from the NOFA Information Center at 800-HUD-8929 or 800-HUD-8339 (TTY) between the hours of 10 a.m. and 6:30 p.m. (Eastern Time) Monday through Friday, except on federal holidays. When requesting information, please refer to the name of the program you are interested in.

#### **B. Content and Form of Application Submission**

All applicants must read and adhere to specific submission requirements as noted in the General Section. You must submit a completed electronic application on or before the deadline date. Applicants missing the deadline date will have their applications returned without further review by the Technical Evaluation Panel. For Technical Corrections, applicants may be notified concerning technically deficient applications by email as well as fax to let applicants know of problems.

**1. For All Applicants – Narrative Proposal.** The maximum length of the narrative response is eight (8) pages per rating 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 Rating Factor 5 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].

**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 HUDSF424 (per required form) (Applicants must include the nine digit zip code (zip code plus four digits) associated to the applicant address in box 8d of the SF424.)
Survey for Ensuring Equal Opportunity for Applicants	HUDSF424 Supplement (“Faith Based EEO Survey (HUDSF424SUPP)”); (per required form)
Budget information	Form HUDSF424CB and HUDSF424CBW(“HUD Detailed Budget Form and Worksheet”); (per required form)
Disclosure of Lobbying Activities	HUDSFLLL, if applicable; (per required form)
Applicant-Recipient Disclosure Update Report	HUD2880 (“HUD Applicant Recipient Disclosure Report”); (per required form)
Affirmatively Furthering Fair Housing Staffing Plan	Plan for staff and timeline for how applicant will address their obligation to affirmatively further fair housing.
Acknowledgement of Applicant receipt (Required only if you are granted waiver to the electronic application requirement)	HUD2993 (per required form)

Affirmatively Furthering Fair Housing Work 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. Finally, applicants should identify partners they are working with to affirmatively further fair housing. No specific form or format.
Facsimile Transmittal Form	HUD96011 (per required form)
Narrative for Rating Factors 1-5	Format described in this NOFA;
Statement of Work	Format described in this NOFA.
Narrative Budget Work Plan	Format described in 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
Project Abstract	In addition to meeting the requirements for Rating Factors One and Two, you must also include project activities, areas of concentration and persons to be served and amount requested, as applicable.
Addendum to Abstract -- Correction of Poor Performance (as appropriate)	Written documentation that performance issues and concerns have been cured to the satisfaction of the regional office. No specific form or format.

**C. Submission Date and Timely Receipt Requirements.** Applications must be received by no later than 11:59:59 p.m. eastern time on the application deadline date.

Electronic applications must be received by Grants.gov on or before 11:59:59 p.m. eastern time on the application deadline date. Once received applications go through a validation process. Applicants must allow time for the validation process. Please see the FY2010 **General Section** for instructions for timely receipt, including actions to take if the application is rejected.

Applicants can track their applications by clicking on the "Track My Application" link and enter their application tracking number. HUD urges applicants to submit their applications early.

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

**E. Funding Restrictions.**

**1. Indirect Cost Rate.** If you are awarded funding under this NOFA, 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>.

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

- a. The lease must be for facilities not requiring rehabilitation or construction;
- b. No repairs or renovations of the property may be undertaken with Federal funds; and
- c. 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.

**3. Logistics Applicants** must use awarded funds to provide for securing a location to conduct TA.

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

Applicants interested in applying for FHIP funding must submit their applications electronically via the website [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp) or request a waiver from the Assistant Secretary of FHEO. See sections IV.B and F of the **General Section** for additional information on the electronic process requirement and HUD's waiver policy under 24 CFR 5.1005. HUD's regulation on waivers, found in 24 CFR part 5, states that waivers can be granted for cause. Applicants must submit their waiver requests, including the basis for the request, in writing at least 15 days prior to the application deadline, to Assistant Secretary for Fair Housing and Equal Opportunity, 451 7<sup>th</sup> Street, SW; Room 5100, Washington, DC, 20410. A copy of all waiver requests must simultaneously be submitted to Myron P. Newry, Director, FHEO-FHIP Division, (same address as above), Room 5226. If you are granted a waiver, the notification will provide instructions on where to submit the application and how many copies are required. HUD will not accept a paper application without a waiver being granted. If you receive a waiver of the electronic application submission requirement, your paper copy application must be received by HUD no later than 4:00 p.m. on the application deadline date.

#### **V. Application Review Information**

**A. Criteria.** 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. Bonus points are not applicable to this NOFA.

##### **1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (up to 45 points)**

###### **a. Number and expertise of staff, including staff of the contractors and consultants.**

**(maximum 20 Points).** You must provide a complete summary of staff expertise that will show the minimum number of years each staff member has in providing technical assistance and that qualified staff will be available to complete the proposed activities. This summary must include: Names of staff person(s), amount of time in hours each will spend on project, number of years of fair housing testing and/or fair housing experience for each person, titles of staff persons, and a brief paragraph on each staff member which outlines what each staff member brings to the project. Do not include Social Security Numbers. Do not include resumes or other lengthy or detailed documents. Points will be assigned to the extent that the relevant experience and education of the proposed staff matches the applicant's proposed services, in particular the content of any training program. In addition to staff experience and education, points will be

assigned based on a review of the proposed staffing plan, which will include proposed hours from each staff person or position for the various proposed activities. The narrative will describe the role that each staff person or position will play in the design, delivery, and assessment of proposed services assessed on how your staff assists you in carrying out the activities listed under your SOW. In addition, applicants should show within this sub factor that key personnel will be actively participating in aligning their proposed activities to HUD's Strategic Goals. Your application must also clearly identify those persons which staff positions are currently filled (as well as by whom) and which ones need to be filled. Specify whether the position or person is an employer or contractor of the applicant, is an employee or contractor of a partner, or has some other type of relationship to the applicant. Also specify for those positions not yet filled by the application deadline date, when the positions will be filled. Further, if selected for award, any changes to personnel identified in Rating Factor 1 must be preapproved by HUD. If a staff position has not been filled, and the applicant does not provide the qualifications needed for the position, HUD reserves the right to approve the qualifications prior to selection of the staff person. Indicate whether each of the proposed staff persons will be assigned to work full-time or part-time (if part-time, indicate the percentage of time each person will devote to the project).

**b. Organizational experience. (maximum 25 points for current FHIP grantees and new applicants).** In responding to this sub-factor, you must show-

(1) That your organization has experience in testing, providing fair housing training and developing curricula for courses. You must also show that you have experience in delivering information to groups with varying skill levels and have the capacity to handle the logistics of putting on a course and managing travel arrangements for multiple FHIP recipients.

(2) That you have conducted past project(s) similar in scope and complexity (whether FHIP-funded or not) to the project proposed in your application, provide a brief description of other past projects that includes: (a) for whom the project was carried out, (b) your performance on that project, and (c) the activities undertaken, or

(3) That you have engaged in testing activities but not conducted technical assistance to outside organizations. If this is the case, please show how your in-house technical assistance is applicable to this project. In addition, applicant will provide copies of their most recent fair housing testing training assessments by the persons who received the training or the most recent, relevant training experience if the subject was not fair housing testing training. An applicant will not receive all available points for this sub-factor without providing evidence that persons trained were satisfied with the training services.

HUD will assess your organization's past performance in conducting activities relevant to your current application. Past performance will be assessed based on your most recent experience performing Testing technical assistance to an audience of 100 individuals or less. HUD would like to be able to make an assessment based on an actual copy of your last assessment which you received from a client for which the same or similar assistance was performed.

**2. Rating Factor 2: Need/Approach/Extent of the Problem (maximum 8 points)**

This factor addresses the extent to which the applicant addresses the need for uniform fair housing testing as proposed through this project. The applicant's description of the need will be used to evaluate the depth of understanding of the problems that may result from not having a uniform testing method, and the applicant's ability to effectively address the problem. Further, you must address how the curriculum will assist in increasing the testing knowledge of the participants and preventing discrimination through enforcement actions. Applicant must also

discuss how its proposal offers the most effective approach in terms of how you will reach and provide technical assistance to FHIP recipients from areas in which the applicable Analysis of Impediments identifies discriminatory conduct under the Act or the need for fair housing testing as an impediment to fair housing choice. Finally, in addition to clearly identifying the need, applicants must explain what impact upon or change in the stated need will be considered a standard for success. The applicant's description of the need will be used to evaluate the depth of the applicant's understanding of the problems that have or could arise from not having a uniform testing method, and your ability to effectively address the problem. You must seek to improve the impact of the organization on effectively enforcing the Fair Housing Act. Further, in addition to addressing the need, applicants must address what is considered a successful impact to address the stated need and show how the technical assistance will assist HUD in obtaining its goals and sub-goals.

**3. Rating Factor 3: Soundness of Approach (maximum 35 points)**

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 (maximum 5 points)**

For each policy priority you must discuss the relationship of your activities to the strategic goal and sub-goals that your project addresses. Further, 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. There are 2 Policy Priorities that apply to this program NOFA which are described below:

(1) Affirmatively Furthering Fair Housing (AFFH) (up to 3 points). To address this requirement, your application may describe how the proposed services, such as the content of training or technical assistance, will assist FHIPs in affirmatively furthering fair housing. For example, training or technical assistance could be provided on developing strategic approaches to testing by targeting testing to housing transactions, types of housing providers, or geographic locations that are associated with impediments to fair housing choice in the jurisdictions in which the FHIP operates. Participants could be trained on identification of impediments to fair housing choice in jurisdictions in which they work or appropriate testing responses to typical impediments.

To receive points under this policy priority a TA Provider must identify the specific training curriculum to be provided that includes AFFH-related activities and identify innovative testing approaches that can be carried out by FHIP agencies to achieve open and diverse communities to solve identified problems. The TA Provider must also identify how its proposal will address the typical examples of fair housing impediments such as racial or ethnic segregation, patterns of discrimination that contribute to fewer or lowered opportunities for neighborhoods, public and private conduct which may constitute barriers to fair housing choice and limitations in opportunity for people with disabilities.

The TA Provider should also provide FHIP agencies with tools and techniques to determine the success of their efforts on the subject areas above.

(2) Capacity Building and Knowledge Sharing (up to 2 point). Successful program implementation can occur when and FHIP organizations work in partnership with state and local governments and others to build capacity for fair housing. Capacity building is the development of core skills within partner organizations. Increased technical capabilities and knowledge sharing will allow FHIP organizations to establish partnerships to participate in the decision making and planning processes, coordinate on cross-programmatic, place-based approaches, and

ensure that expertise in partnership building to increase fair housing choice is institutionalized. Capacity building is featured in HUD's Strategic Plan for FYs 2010-2015, Goal 4 (See Section 1.C). Specifically, Sub goal 4E reads, "Build the capacity of local, state and regional public and private organizations." HUD seeks to fund TA Providers who undertake activities that build the capacity of FHIP organizations to: (a) work with local partners to achieve more economically and diverse communities. To address this policy priority, some of the strategies applicants might focus on include:

(i) How to partner with State and local governments and other leaders in the community so that fair housing issues can be proactively addressed, particularly in communities where fair housing issues have not been a high priority in community decision-making.

(ii) Providing training to FHIP grantees on how to best identify, disseminate and share information on best practices; how to create and use peer-to-peer learning opportunities, and how to partner with local universities and others to test and incubate new test ideas and methodologies.

Successful applicants must detail how they will train FHIP agencies on how to become engaged with State and local decision-makers to increase fair housing choice.

**b.** Training on how to best partner with state and local universities and others to test and incubate new fair housing testing methods to serve as tools to further fair housing. To receive policy priority points successful applicants must provide training on best practices where universities and other fair housing research organizations have partnered to develop and test new testing methodologies, steps FHIPs can take to enter into partnerships with local universities for the purpose of improving fair housing testing methodologies; and provide FHIP agencies with methods for disseminating the results of the research to improve testing methods and results to other FHIP organizations around the country.

To receive policy priority points, the TA provider must identify the types of testing strategies to be used in training on how to develop partnerships with universities and research organizations for the purpose of developing improved fair housing testing methods; and what approaches they will train on to improve the dissemination of research and improved testing methodologies to FHIP agencies around the country.

To receive policy priority points, TA Providers must show how they will achieve the following outcomes:

(1) Increased skills and expertise –organizations who received tester training must be able to better assess and identify areas where to test.

(a) Organizations trained should be able to look for patterns in the community that identify barriers to fair housing and be able to identify what actions need to be taken by the community that will assist in removing or eradicating these barriers;

(b) Organizations trained must be able to develop partnerships with state and local governments and decision-makers to increase fair housing choice;

(c) Organizations trained must be able to partner with universities and other fair housing research organizations to develop and test new testing methodologies, and know where and how to best disseminate new testing strategies to other FHIP organizations around the country as a result of the training and technical assistance provided.

TA Providers awarded points under this policy priority will be expected to build upon the skills of FHIP organizations during each phase of the grant performance period and show a means of measuring if tests results are improved, if skills have been increased as a method to working with communities. The TA provider must also be able to demonstrate best practices identified in

developing the training to FHIP agencies to increase their capacity in the areas of testing, partnership development and testing innovations and research. HUD expects the TA provider to disseminate those best practices, and identify in the application how the best practices will be determined, and the method(s) by which they will be disseminated.

**c. Statement of Work (SOW) - (maximum 20 points).**

Submit a proposed SOW that comprehensively outlines each phase in chronological order the logistical and program activities and tasks to be performed during the cooperative agreement period. Your outline should also include a schedule of how you will undertake each Phase as outlined below and provide a baseline as to the start of the training to address V.:

I. Curriculum Development; Training Delivery and assessment tool to determine participant's knowledge before and after training;

II. Creation of training data analysis: for example, an Excel spreadsheet, to capture and track identified trainees, numbers trained, geographical locations (per FHIP organization), training analysis narrative and measures to be achieved.

III. Assessment of testing results of trained organizations to assess if supplemental training and delivery is needed

IV. Development and implementation of a methodology to determine results and improvements as a result of training.

V. Assessment of impact of trained FHIP organizations on the following areas:

(a) Did the FHIPs demonstrate more consistency in testing results so additional or re-tests were not needed.

(b) Did the training result in reducing the timing needed to assess whether sufficient evidence to support determination of a complaint of discrimination.

(c) HUD has the information necessary to assess the validity of the complaint.

In addition, you should schedule proposed activities and products (with interim implementation steps), staff allocation over the term of the project, staff acquisitions, and activities of partners and contractors. Points will be assigned based on: (1) the type of technical assistance you propose to undertake and your justification for this training; (2) the relevance of proposed activities to needs stated in Rating Factor 2, and (3) the attention given to implementation steps, the consistency of proposed activities with organizational expertise and capacity, and the consistency of the SOW and budget.

At a minimum, the application must include testing material, proposed site(s) to provide training or technical assistance; types of collaborative efforts, staffing plan and timelines; and your proposed method(s) for providing technical assistance on fair housing testing.

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

I. Clearly describe the specific phases and activities and tasks to be performed, the sequence in which tasks are to be performed [or simultaneously], estimated completion dates, and the work and program deliverables to be completed within the cooperative agreement period. Develop and provide a methodology to assess the trainees' current skill sets and level of knowledge in regards to identifying complaints for testing and analyzing testing results prior to TA training. This information must include specific numbers of persons and agencies to be provided technical assistance and the criteria used to meet the policy priorities listed within the application.

II. The method for conducting the technical assistance, quantifiable end products and program improvements to be delivered by the completion of the technical assistance, and the anticipated time frame, and the rationale for your targets. Also, discuss how you will contact participants and ensure that they will be provided the technical assistance. Upon completion of training, FHIP



grantees will be able to provide the effective components of a well-investigated complaint and good testing results that will speed up the investigation of complaints and provide a sound basis for documenting discriminatory practices based upon the Act.

**d. Budget Form and Narrative Budget Work Plan (10 point).** 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:

- (1) is reasonable in achieving the goals identified in your proposed SOW and achieving national coverage or national exposure;
- (2) relates to the tasks in the SOW;
- (3) is cost-effective (a brief discussion of how your proposed program will be the most cost effective in achieving results gleaned from the proposed activities) to 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.
- (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) indicate in the narrative budget work plan how the project's proposed achievements are quantifiable and relevant to the needs identified in Rating Factor 2.

**4. Rating Factor 4: Leveraging Resources (maximum 2 points)**

This factor addresses your ability to secure additional resources, outside of those identified in Factor 3(a) Policy Priorities, to support your project. Points will be awarded on the basis of the percentage of resources you have received by the time your application is submitted, in the form of firm commitments, or collaborative efforts you have with Fair Housing Assistance Program agencies.

**a. Firm Commitment of Leveraging or Collaboration.** HUD requires you to secure resources from sources other than that which is requested under this NOFA and the FHIP NOFA. Leveraging of community resources may include funding or in-kind contributions such as workspace, services and/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, support 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 receive a program award, and must identify any affiliation with the applicant,

(2) Identify the sources and amounts of the leveraged resources (the total TA NOFA and non-FHIP amounts must match those in your proposed budget submitted under Factor 3), and b. 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. Examples of in-kind or donated services: photocopying, training facilities, materials, etc. (Do not include indirect costs as a part of any in-kind resources proposed). In-kind leveraging contributions, as well as Program Income must comply with 24 CFR § 84.23 and 24 CFR § 84.24 requirements.

Funding under this NOFA cannot be used for in-kind or donated services. 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 the support for your project by non-TA or FHIP resources is less than 10%, then you will not receive any points under this factor. Points under this factor will be assigned based on the following scale:

<b>Points Awarded</b>	<b>Percent of total project costs from non-FHIP resources</b>
One	10 % – 29 %
Two	30 % or more

### **5. Rating Factor 5: Achieving Results and Program Evaluation (maximum 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 the development of a mechanism, such as an excel spreadsheet (number of identified trainees, number of completed training sessions, and geographical locations of each FHIP organization), to provide a comprehensive data analysis of all phases of training to include:

- I. Curriculum Development; Training Delivery and assessment tool to determine participant's knowledge before and after training;
- II. Creation of training data analysis: for example, an Excel spreadsheet, to capture and track identified trainees, numbers trained, geographical locations (per FHIP organization), training analysis narrative and measures to be achieved.
- III. Assessment of testing results of trained organizations to assess if supplemental training and delivery is needed.
- IV. Development and implementation of a methodology to determine results and improvements as a result of training.

Further, applicant should provide a training data analysis narrative on the completion of each training session to include a methodology to develop and administer surveys to recipients of training and their FHIP organizations to determine if the technical assistance training resulted in a higher quality of case complaint processing, and a reduction in case processing time..

### **B. Reviews and Selection Process**

The maximum number of points to be awarded for the Rating Factors is 100. Ineligible applications will not be rated or ranked. HUD will review all eligible applications and assign points based upon:

1. Narrative responses to the Factors for Award and the accompanying materials specified.
2. Only applications with a rating of seventy-five (75) points or more will be considered for funding consideration.
3. **Tie Breaking.** When two or more applications have the same total overall score, the application with the higher score under Rating Factor 1 will be ranked higher. If applications still have the same score, the tie will be broken by the Rating Factor 3 score. And if a tie remains, the application seeking a greater amount of Leveraged funds under Rating Factor 2 will be selected.

## **VI. Award Administration Information:**

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

1. **Notification.** Information about the review and award process will not be available during the 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, by telephone and/or e-mail, 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 HUDSF424 in the application. HUD will not provide information about the application to any third party such as contractors.

2. **Negotiations.** If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative agreement. The selection is conditional and does not become final until the negotiation between the applicant and the Department is successfully concluded and the 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.

3. **Sub-awards.** Notices may also include requirements for sub-award reporting in compliance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006. (Pub. L. 109-282) (Transparency Act) and Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), referred to as "Section 872".

4. **Applicant Debriefing.** After awards are announced, applicants may receive a copy of their final score for each rating factor on their application. HUD will not release the names of applicants or their scores to any third party. Applicants may secure a copy of a successful FHIP application for FY 2010 at

:[http://portal.hud.gov/portal/page/portal/HUD/program\\_offices/administration/foia/highscore](http://portal.hud.gov/portal/page/portal/HUD/program_offices/administration/foia/highscore).

### **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. **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.

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

**4. Payments.**

**a. Payment Schedule. The awardee will be paid based upon the following schedule:**

- I. Curriculum Development; Training Delivery and assessment tool to determine a participant's knowledge before and after training;
- II. Creation of training data analysis: for example, an Excel spreadsheet, to capture and track identified trainees, numbers trained, geographical locations (per FHIP organization), training analysis narrative and measures to be achieved.
- III. Assessment of testing results of trained organizations to assess if supplemental training and delivery is needed.
- IV. Development and implementation of a methodology to determine results and improvements as a result of training.
- V. Assessment of impact of trained FHIP organizations on the following areas:
  - (a) Did the FHIPs demonstrate more consistency in testing results so additional or re-tests were not needed.
  - (b) Did the training result in reducing the timing needed to assess whether sufficient evidence to support determination of a complaint of discrimination.
  - (c) HUD has the information necessary to assess the validity of the complaint.
- VI. Final Payment upon demonstration that FHIP training attendees achieved 03 percent improvement in the test results as demonstrated by the number of tests leading to cause/settlement versus no cause based upon test results.

**b. Payment Contingent on Completion.** Payment of funding under this NOFA will be made on a performance-based reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your cooperative agreement and the payment schedule contained in Section VI.4.a. above. Requests for funds must be accompanied by data that demonstrates that the grantee has successfully met the performance outcome in the payment schedule.

**c. 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.

d. Maintenance of an active registration in CCR. Grantees must maintain an active registration in the Central Contractor Registration (CCR) to receive payments from HUD.

**5. 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.

**6. Complaints Against Awardees.** Each FHIP award is overseen by a HUD Grant Officer (See [www.hud.gov](http://www.hud.gov) for list of FHEO Regional Directors per region). Complaints from the public against FHIP funded organizations should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the cooperative agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP requirements, terms or conditions of the cooperative agreement, or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR § 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications;

repayment to HUD of funds received under the cooperative agreement; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.

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

**C. Reporting**

**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 HUD27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on [www.HUDclips.org](http://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 Awardee.

ADMINISTRATIVE ACTIVITIES			
ACTIVITIES	TASKS	SUBMITTED BY	SUBMITTED TO
1. Complete HUD22081 Race and Ethnic Data Reporting Form		45 Days from award of cooperative agreement.	GTR/GTM
2. Complete HUD2880 Disclosure Statements	Submit Disclosure Statement. If no changes occur, submit statement of no change with final report.	When changes occur	GTR/GTM
3. Complete the Federal Financial report, SF425and a Written Quarterly Status Reports on all activities	Submit SF425and Copy of Written Report. Quarterly reports should reflect trained participants by state and region and include the completion of any projected goals and their outcomes.	Quarterly	GTR/GTM
4. Complete Phase I Voucher for Payment	Submit Phase I 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 cooperative agreement period and At end of Cooperative Agreement.	GTR/GTM
6. Complete Phase II. Voucher for Payment	Submit Phase II payment request to LOCCS	Per Payment schedule	GTR/GTM-
7. Complete Phase III. Voucher for Payment	Submit Phase III payment request to LOCCS	Per Payment Schedule	GTR/GTM
8. Complete Phase IV. Voucher for Payment	Submit Phase IV payment request to LOCCS	Per Payment Schedule	GTR/GTM
9. Prepare and Submit Draft of Final Report,	Submit Draft of Report. Submit your reporting on short-and intermediate term outputs and outcomes. Your report should identify results and benefits, to date, of the work accomplished under the FHIP award. 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;	One month before end of cooperative agreement term.	GTR/GTM

	and types of relief/results.		
10. Complete Final Report and Provide Copies of All Final Products Not Previously Submitted	Submit a copy of the Final Report, 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 cooperative agreement term.	GTR/GTM
11. Submit 2 copies of Final Report and all final program products produced under the Cooperative agreement (by diskette, where feasible) to HUD.	Submit detailed description of items submitted to GTR and GTM.	Within 90 days after end of cooperative agreement term.	GTR/GTM

### **3. Sub-award and Integrity Reporting**

a. **Sub-award Reporting.** Applicants selected for funding should also be aware that they will be required to report first tier 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:

- (1) Name of entity receiving award
- (2) Amount of award
- (3) Funding agency
- (4) NAICS code for contracts / CFDA program number for grants
- (5) Program source
- (6) Award title descriptive of the purpose of the funding action
- (7) Location of the entity (including congressional district)
- (8) Place of performance (including congressional district)
- (9) Unique identifier of the entity and its parent; and
- (10) 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 sub-awardees' organization if:

- (1) More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25M annually; and
- (2) 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. Section 872 Reporting.** Each recipient of federal funds with a cumulative value greater than \$10 million and their direct (i.e., first-tier) subrecipients are required to report to the Federal Awardee Performance and Integrity Information System (FAPIIS). This requirement is in accord

with requirements contained in Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417). See paragraph III.C.5.u of the General Section for more information.

Under Section 872, each recipient of federal funds with a cumulative value greater than \$10 million and their direct (i.e., first-tier) subrecipients would be required to report to the Federal Awardee Performance and Integrity Information System (FAPIIS). The data collection requirements include information about certain civil judgments, criminal convictions, and outcomes of administrative proceedings that reached final dispositions within the most recent 5-year period and were connected with the award or performance of a federal or state award. Recipients and first-tier subrecipients must report information at least semi-annually to maintain the currency of the information. Section 872 also requires that an entity be allowed to submit comments to the data system about any information that system contains about the entity. Use of the FAPIIS requires a DUNS number and current valid registration in the CCR for HUD awardees and first-tier subrecipients.

### **VII. Agency Contacts**

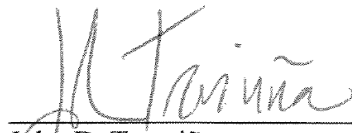
You may contact Myron P. Newry, or Norweater A. Mitchell, of the Office of Fair Housing and Equal Opportunity's FHIP Support Division, at 202-402-7095, or 202-402-3146 respectively (these are not toll-free numbers). Persons with hearing or speech impairments may contact the Division by calling 1-800-290-1617 (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 an OMB control approval number. 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 cooperative agreement 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 awardee 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.

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 Housing and Equal Opportunity