

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
**[Docket No. FR-5500-N-27]**

**Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2011**  
**Fair Housing Initiatives Program (FHIP)**

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

**ACTION:** Notice of Funding Availability (NOFA) for HUD's Fiscal Year (FY) 2011.

**SUMMARY:** This NOFA announces the availability of funding for approximately \$40,670,850 for HUD's Fair Housing Initiatives Program for Fiscal Year (FY) 2011. Section 561 of the Housing and Community Development Act of 1987, as amended, (42 U.S.C. 3616) established the Fair Housing Initiatives Program (FHIP). The implementing regulations are found at 24 CFR Part 125. HUD's FY 2011 Notice of Funding Availability Policy Requirements and General Section (**General Section**) posted on [www.Grants.gov](http://www.Grants.gov) on **April 4, 2011**, establishes threshold and other critical application submission requirements that affect this NOFA. Applicants for this assistance are, therefore, directed to review the 2011 **General Section** for information prior to submitting an application.

**DATES:** The application deadline date is **August 29, 2011. Applications must be received by Grants.gov by the 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 2011 **General Section** for instructions for timely receipt, including actions to take if the application is rejected. Applicants should carefully read the APPLICATION and SUBMISSION INFORMATION in the **General Section**, posted on Grants.gov on April 4, 2011 for electronic application submission and receipt requirements. This section contains information on using the most current version of Adobe Reader, timely receipt policies, and other application information.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding specific program requirements should be directed to Myron Newry and Paula Stone of the Office of Fair Housing and Equal Opportunity's FHIP Division at 202-402-7095 and 202-402-7054, respectively (these are not toll-free numbers). Persons with **hearing or speech** impairments may access these numbers via TTY by calling the Federal Information Relay Service at 800-877-8339 (this is a toll free number). Questions regarding the FY 2011 **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 800-HUD-8929 (toll-free). 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:** Fair Housing Initiatives Program (FHIP)

**C. ANNOUNCEMENT TYPE:** Initial Announcement

**D. FUNDING OPPORTUNITY NUMBER:** The OMB Approval Number is 2529-0033. The Federal Register number for this NOFA is FR-5500-N-27.

**E. CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER(S):** Fair Housing Initiatives Program (FHIP): Private Enforcement Initiative (PEI) 14.418; Education and Outreach Initiative (EOI) 14.416, Fair Housing Organizations Initiative (FHOI) 14.417.

**F. ADDITIONAL OVERVIEW CONTENT INFORMATION**

**1. Program Award Information:** FHIP Funds are used to increase compliance with the Fair Housing Act. This year there are three Initiatives: Private Enforcement, Education and Outreach, and the Fair Housing Organization Initiatives. HUD will award three kinds of grants/cooperative agreements under each of these program initiatives. Applicants may be funded under one of the following Initiatives or Components:

a. Private Enforcement Initiative (PEI) \$26,000,000

(1) Multi-Year Funding Component (PEI-MYFC),- \$10,978,058;

(2) Mortgage Rescue Component (PEI-MRC) - \$4,500,000; and

(3) Performance Based Funding (PEI-PB) - \$10,521,942

b. Education and Outreach Initiative (EOI) - \$6,670,850

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

(a) General Component (EOI-G) - \$2,670,850;

(b) Lending Component (EOI-LC) - \$1,000,000; and

(c) Higher Education Component (EOI-HEC) - \$500,000

(2) National-Based Programs

(a) National Media Campaign Component (EOI-NMCC) - \$2,000,000; and

(b) National Affirmatively Furthering Fair Housing Training Component (EOI-NAFFH) - \$500,000

c. Fair Housing Organization Initiative (FHOI) - \$8,000,000;

(1) Establishing New Organizations Component (ENOC) - \$2,500,000;

(2) Continued Development General Component (CDGC) - \$1,000,000; and

(3) Mortgage Rescue Component (MRC) - \$4,500,000

Applicants may apply for each separate Initiatives/components for which they meet the specific eligibility requirements (see eligibility chart in Section III.A.1).

## 2. MODIFICATIONS

Listed below are the Major Modifications from the Fiscal Year (FY) 2010 Program Funding Announcements:

- a. There will be no PEI General or PEI Performance Based component categories for FY 2011. These components will be replaced with the PEI Multi-Year component. Therefore, the Performance Based funding amount totaling \$10,521,942 (listed under the Program Award Information Section ) is not funding for new Performance Based applicants, but funding allocated for previous FY 2009 and 2010 PEI grantees who were awarded Performance Based grants for a three-year duration. Those grantees will receive funding under the PEI-Performance Based component until completion of the grant period. Under the new PEI Multi-Year component applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs) or Fair Housing Enforcement Organizations (FHOs). PEI Multi-Year funding is anticipated to continue for 36 months.
- b. As a threshold requirement for PEI Multi-Year funding, applicants must have received FY 2008 through FY 2010 PEI FHIP funding, except for those applicants that received FY 2009 or FY 2010 PEI-PB funding who are not eligible to apply under this component because they will continue to be funded through the expiration of their grant. This threshold requirement does not bar FY 2009 and FY 2010 PEI-PB applicants from applying for other FY 2011 components/initiatives, if the applicant meets the specific eligibility requirements set forth for a specific component/initiative. If funded, the Multi-Year funding will be considered additional funding to qualified organizations to support continuation of on-going activities and the expansion or creation of systemic investigations of housing discrimination. However, applicants should be aware that Multi-Year funding is not an automatic funding source for existing grantees. Funding under and this and all FHIP initiatives is a competitive process and applicants must meet threshold and other eligibility requirements for funding

consideration in future years. See chart in Section III A of this NOFA for all eligibility requirements.

- c. Under the Education and Outreach Initiative National Media Campaign, applicants should look to create innovative and creative campaigns that adhere to the Fair Housing Act and to the requirements under the Act. National Media Campaign component applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs), Fair Housing Organizations (FHO's), other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968. (See chart in section III A. of this NOFA for all eligibility requirements).
- d. There is a new component, the Affirmatively Furthering Fair Housing Component (AFFH). The AFFH Training Component, will provide training to FHIP grantees and others involved in fair housing activities about implementation and enforcement of the obligation to affirmatively further fair housing. AFFH component applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs), Fair Housing Organizations (FHO's), other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.
- e. There is a 20 percent limit on the dollar amount allowed for education and outreach related activities that can be funded in a PEI and FHOI enforcement award. This is an increase of 5 percent from the FY 2010 NOFA.

## **FULL TEXT OF ANNOUNCEMENT**

### **I. Funding Opportunity Description**

**A. 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. Funding for FY2011 is provided by the Department of Defense and Full-Year Continuing Appropriations Act, 2011. Public Law 112-10, approved April 15, 2011.

If you are interested in applying for funding under the FHIP NOFA, please review carefully the **General Section** posted on [www.Grants.gov](http://www.Grants.gov) on **April 4**, 2011, and the FHIP Authorizing Statute (Sec. 561 of the Housing and Community Development Act of 1987, as amended).

**B. FHIP Initiatives.** Performance for all FHIP grantees is based on the FHIP Performance Assessment that contains the following items: (1) Quality of Project Management, (2) Quality of tasks/grant activities, (3) Timeliness, and (4) Thoroughness of Quarterly Reports and Final Report. The following is a listing of the FY2011 FHIP program initiatives (See chart in section III. A. for all eligibility requirements and a listing of related components):

**1. Private Enforcement Initiative (PEI).** This Initiative assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act.

2. **Education and Outreach Initiative (EOI)**. This Initiative assists organizations that inform the general public about their rights and obligations under the Fair Housing Act.

3. **Fair Housing Organization Initiative (FHOI)**: This Initiative provides funding to establish new fair housing enforcement organizations and to support the continued existence of fair housing organizations building their capacity in enforcing the rights granted under the Act.

### C. Other Program Information

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

a. Administrative costs include, but are not limited to, costs of employees, officers and trustees, other administrative and clerical expenses; the cost of legal services, whether performed by in-house or private counsel; and the cost of services of accountants, consultants, sub-contractors, or others retained by the organization to assist it.

b. Allegation means an intake where there are one or more claims of a violation of a fair housing law. Allegations are only applicable to those protected classes under the fair housing laws that are effective within the applicant's service area.

c. Complaint means a filed fair housing complaint accepted by HUD or a FHAP agency as jurisdictional.

d. 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).

e. 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.

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

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

h. Intake means an initial contact with an applicant's office. Intake describes assistance provided by an organization to persons with housing concerns/questions including potential fair housing complaints, landlord tenant matters and lending concerns. The contacts may be in-person, or by telephone, letter, or email, but are housing related and are documented through the organization's standard intake form.

i. 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 may constitute illegal practices as defined by the Fair Housing Act.

j. 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, or 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).

k. Mortgage fraud/mortgage rescue fraud means the use deceptive, misleading or discriminatory practices to sell services that promise foreclosure relief to homeowners, and the failure to deliver those services. Mortgage rescue fraud involves the ability to make a quick profit through fees or mortgage payments collected from the homeowner, but which are not passed on to the lender. Sometimes, ownership of the property is transferred by deceiving the homeowner. Mortgage fraud includes matters that could violate the Fair Housing Act in the making, servicing, or purchasing of loans.

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

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

n. Referral means referring intakes-alleging possible violations of fair housing laws to HUD or to a FHAP agency.

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

p. Rural Areas mean any of the following:

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

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

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

(4) Open country that is not part of or associated with an urban area. The USDA describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals),

public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside for future development.

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

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

r. Systemic Housing investigation means an investigation of alleged discrimination that is pervasive or institutional in nature, or that the collection and analysis of data to develop a complaint will involve complex issues, novel questions of fact or law, or will potentially affect a large number of persons. Systemic investigations may focus not only on documenting facts involved in the alleged discriminatory housing practice that is the subject of the complaint; they may also involve the identification of additional victims or the reviewing of policies and procedures related to matters under investigation to make sure that they also comply with the nondiscrimination requirements of the Fair Housing Act. Systemic investigations may include investigation of discrimination in rental, sales, lending, or homeowners insurance practices and may include investigations into whether a HUD funded entity has engaged in discriminatory practices or has failed to affirmatively further fair housing. Systemic investigations may be local, regional, or national in scope.

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

t. Test Part means a contact by a tester with an entity that is or may be covered by the Fair Housing Act. The contact may be by telephone, email, or in person. A test part does not include a preliminary contact by an employee of a QFHO or FHO to determine office hours, operational issues or other information needed to conduct a test. A test part may represent a single test, may be part of a matched pair test which has two test parts, or be part of a multiple contact test with three or more parts.

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

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

(1) of an immigrant population (especially racial and ethnic minorities who are non English-speaking or have limited English proficiency);

- (2) in rural populations;
- (3) homeless;
- (4) persons with disabilities (physical or mental); or
- (5) persons in areas that are heavily populated with minorities and there is inadequate protection and ability to provide service from the State or local government or private fair housing organizations.

## **II. Award Information**

**A. For Fiscal Year 2011**, \$42,500,000 is appropriated for the Fair Housing Initiatives Program (FHIP). This appropriated amount may be supplemented by recaptured FHIP funds awarded in previous years. Of this amount, approximately \$40,670,850 is being made available on a competitive basis to eligible organizations responding to this FHIP NOFA. For a program breakdown by Initiative/Component, eligible applicant, funding, and project period of performance for each component, see the chart in Section III A.

**B. Award Instrument.** HUD expects to award a cost reimbursable cooperative agreement or grant agreement to each applicant selected for award. The type of funding instrument HUD may offer a successful applicant which sets forth the relationship between HUD and the awardee will be a grant or cooperative agreement, where the principal purpose is the transfer of funds, property, services, or anything of value to the awardee to accomplish an eligible public purpose.

The agreement will identify the eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violations of the agreement, reporting requirements including sub-recipient reporting requirements under the Federal Financial Assistance Accountability and Transparency Act of 2006, and integrity requirements under Section 872 of the Duncan Hunter Defense Authorization Act of 2009. HUD will determine the type of instrument under which the award will be made and monitor progress to ensure that the awardee has achieved the objectives set out in the agreement. Failure to meet such objectives may be the basis for HUD determining the awardee to be in default of the grant or cooperative agreement and for exercising available sanctions, including suspension, termination, and/or recapture of funds. Also, HUD may refer violations or suspected violations to enforcement offices within HUD, the Department of Justice, or other enforcement authorities.

If funds are provided subject to a Cooperative Agreement, HUD will also exercise the right to have substantial involvement by conducting monitoring reviews, requesting quarterly reports, approval of all proposed deliverables documented in the applicant's Work Plan or Statement of Work (SOW), and determining whether the agency meets all certification and assurance requirements.

**C. Start Date.** For planning purposes, assume a start date no later than **October 31, 2011**.

### III. Eligibility Information

#### A. Eligible Applicants

**1. Eligible Applicants.** Eligible applicants are Qualified Fair Housing Enforcement Organizations (QFHOs) and Fair Housing Enforcement Organizations (FHOs), see 24 CFR 125.103; public or private not-for-profit organizations or institutions, and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices; agencies of State or local governments; and agencies that participate in the Fair Housing Assistance Program (FHAP).

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

| Initiative/Component   | Allocation Amount Available | Applicant Eligibility  | Project Period | Award Caps  | Applicant Eligible Activities  |
|--|-----------------------------|--|----------------|---|--|
| <u>Private Enforcement Initiative (PEI) - Multi-year Funding Component</u><br>Assists private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act. | \$10,978,058                | Fair Housing Enforcement Organizations (FHOs) with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement of meritorious claims in the two years prior to the filing of the application (24 CFR 125.401(b)(2)) and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement related experience as noted above, and meritorious claims in the three years prior to filing this application (24 CFR 125.103) that received 2008 through 2010 PEI FHIP funding and received a satisfactory performance review (Excellent, Good, Fair) by the FHEO Government Technical | 36 months      | Up to 325,000 per year for a three year duration based upon appropriations. | Eligible activities include, but are not limited to: (1) Intake of allegations of housing discrimination, testing, evaluating testing results, and providing other investigative work to provide a just resolution for fair housing discrimination; (2) investigation of systemic housing discrimination, through testing and other investigative methods; (3) Mediation or other voluntary resolution of allegations of fair housing; and (4) litigating fair housing cases, including procuring expert witnesses. PEI-Multi-year applicants should structure their activities to allow for flexibility from year to year. HUD will allow applicants under the PEI-Multi-year to modify their activities with the approval of the GTR each year based upon changing demographics and/or need. |

| Initiative/Component   | Allocation Amount Available | Applicant Eligibility  | Project Period | Award Caps      | Applicant Eligible Activities  |
|--|-----------------------------|--|----------------|-----------------|--|
|  |                             | Representative. Organizations that received FY 2009 or FY 2010 PEI-PB funding are not eligible to apply under this initiative/component.   |                |                 |  |
| <u>Private Enforcement Initiative (PEI) Mortgage Rescue Component</u><br>Assist private, tax-exempt fair housing enforcement organizations to investigate and provide testing to protect persons in protected classes and neighborhoods with a high concentration of persons in protected classes from mortgage fraud/mortgage rescue fraud. | \$4,500,000                 | Fair Housing Enforcement Organizations (FHOs) with at least one year of enforcement related experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims in the two years prior to the filing of the application (24 CFR 125.401(b)(2)), and Qualified Fair Housing Enforcement Organizations (QFHOs) with at least two years of enforcement related experience as noted above, and meritorious claims in the three years prior to filing this application 24 CFR 125.401(b)(1). | 12-18 months   | Up to \$325,000 | Eligible activities include but are not limited to: (1) Intake and investigation of allegations of lending discrimination, or providing other investigative and complaint support for administrative and judicial enforcement of fair lending laws, related to the prevention of mortgage default in foreclosure, mortgage modifications and mortgage refinance; (2) Investigation of possible systemic violations and enforcement pursuant to other equal opportunity or fair lending statutes that accompany a suspected fair housing violation; (3) Assisting clients with loan workouts, refinancing, or modifications necessary as the result of a violation of the Fair Housing Act; and (4) Education and outreach activities may include: providing education and counseling to persons who may have encountered lending discrimination in services, terms, strategies, or schemes related to the prevention of mortgage default or foreclosure. |

| Initiative/Component   | Allocation Amount Available | Applicant Eligibility   | Project Period | Award Caps      | Applicant Eligible Activities   |
|--|-----------------------------|---|----------------|-----------------|---|
| <u>Education and Outreach Initiative (EOI)-Regional/Local/Community-Based General Component:</u><br>Open to applicants for fair housing education and outreach activities. | \$2,670,850                 | QFHOs, FHOs, other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968, agencies of State or local governments and agencies certified by the Secretary under section 810(f) of the Fair Housing Act or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices.                         | 12-18 months   | Up to \$125,000 | Eligible activities may include, but are not limited to conducting educational symposia or other training; developing innovative fair housing activities or materials into languages applicable to your community throughout your project area; providing outreach and information on fair housing through printed and electronic media; and developing and distributing FH brochures, PSAs for radio, television, and newspaper advertisements. Applicants may also address the fair housing needs of persons with disabilities, the education of consumers about fair housing, financial literacy, credit management, and how to avoid high cost loans and abusive lending practices that violate the Fair Housing Act. |
| <u>Education and Outreach Initiative Regional/Local Community Based –Higher Education Component</u>  | \$500,000                   | Same as above for EOI. In addition, applicants must be accredited colleges or universities or community colleges, or student leadership organizations that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices  | 12-18 months   | Up to \$100,000 | Eligible activities are (1) educating students about the Fair Housing Act and their rights under the law through lectures, workshops, seminars, and/or conferences; (2) developing and implementing internships or employment opportunities for students; and/or (3) develop and implement curricula for students to pursue careers in fair housing law and investigations.   |
| <u>Education and Outreach Initiative Regional/Local/Community Based – Lending Component</u>  | \$1,000,000                 | QFHOs, FHOs, other nonprofit organizations representing groups of persons protected under the Fair Housing Act or state or local fair housing laws enforced by agencies of State or local governments and agencies certified by the Secretary under section 810(f) of the Fair Housing Act or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices | 12-18 months   | Up to \$125,000 | Eligible activities include fair housing and lending workshops, community meetings, and conducting individual counseling activities to assist homeowners at risk for discrimination as a member of a protected class under the Fair Housing Act. Other activities may include coordinating information for consumers about their fair housing rights.   |

| Initiative/Component   | Allocation Amount Available | Applicant Eligibility  | Project Period | Award Caps        | Applicant Eligible Activities  |
|--|-----------------------------|--|----------------|-------------------|--|
| <u>Education and Outreach Initiative (EOI) - National-Based Program - National Media Campaign Component</u>        | \$2,000,000                 | QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968, including underserved populations. Applicants must have at least five years of experience as an advertising, media or public relations organization or must partner with an advertising and media services organization with at least five years of experience as an advertising, media, or public relations organization. Applicants must provide a centralized coordination interactive media-based effort for the development, implementation, and distribution of a fair housing media campaign with emphasis on a fair housing public service announcement. | 12-18 months   | Up to \$2,000,000 | Eligible activities may include: development of a creative and innovative advertising campaign tied to the requirements of of the Fair Housing Act. It includes distribution of materials for the campaign and placement of ads. The above activities must be conducted on a national level, and all materials created must demonstrate an explicit connection to furthering the nondiscrimination provisions of the Fair Housing Act. |
| <u>Education and Outreach National Program - National Affirmatively Furthering fair Housing Training Component</u> | \$500,000                   | QFHOs, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under Title VIII of the Civil Rights Act of 1968.  | 12-18 months   | Up to \$500,000   | Develop and provide nationwide affirmatively furthering fair housing training; develop a complementary web-based affirmatively furthering fair housing training program appropriate for audiences such as Housing Counseling agencies, federal funding recipients including CDBG entitlement jurisdictions, and fair housing organizations on affirmatively furthering fair housing issues.  |

| Initiative/Component   | Allocation Amount Available | Applicant Eligibility  | Project Period | Award Caps      | Applicant Eligible Activities  |
|--|-----------------------------|--|----------------|-----------------|--|
| <u>Fair Housing Organizations Initiative (FHOI) Establishing New Organizations Component</u> | \$2,500,000                 | QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups, particularly in areas of the country which are currently underserved by fair housing enforcement organizations. This includes those areas with large concentrations of protected classes.  | 36 months      | \$1,250,000     | Eligible activities are those that establish a single organization to become a viable regional/local fair housing enforcement organization that will conduct fair housing activities in underserved areas as defined in Section I.C, program definitions, of this NOFA. HUD is interested in serving rural areas and/or areas with new immigrants, especially racial and ethnic minorities who are not English-speaking or have Limited English Proficiency  |
| <u>Fair Housing Organizations Initiative – Continued Development General Component</u>       | \$1,000,000                 | QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups building their capacity to become a viable fair housing enforcement organization.   | 12-18 months   | \$325,000       | Eligible activities are those that build the capacity of an organization to become a viable fair housing enforcement organization Examples of activities for continued development of existing organizations may include: (1) change from a fair housing education organization to one which will include an enforcement staff and (2) access more sources of expertise or technical assistance, such as persons with legal or investigative skills in lending to work in the organization, or (3) open a satellite office in another location to increase enforcement |
| <u>Fair Housing Organizations Initiative – Mortgage Rescue Component</u>                     | \$4,500,000                 | QFHOs, FHOs, other private nonprofit fair housing enforcement organizations and nonprofit groups organizing or building their capacity to provide fair housing enforcement for the purpose of supporting the continued implementation of initiatives which enforce the rights granted under Title VIII of the Civil Rights Act of 1968 as amended. | 12-18 months   | Up to \$325,000 | In addition to the activities under the PEI Mortgage Rescue Component, applicants may propose to perform education, training, technical assistance, and other services to enhance the capacity of existing organizations to investigate and enforce fair lending laws, and to provide advocacy and direct assistance to victims of fair housing and fair lending laws applied to fraudulent or predatory mortgage rescue schemes.  |

**B. Cost Sharing or Matching.** No matching funds are required for the Education and Outreach, Private Enforcement, or Fair Housing Organizations Initiatives.

**C. Other**

**1. THRESHOLD REQUIREMENTS APPLICABLE TO ALL APPLICANTS:**

All applicants must comply with the threshold requirements as defined in the **General Section** (Section III.C.2.) and the Program Requirements listed below. In addition, the applicant must meet the eligibility requirements as defined in Section III A. Eligible Applicants. Applicants that do not meet these requirements will not be eligible to receive an award.

**2. PROGRAM REQUIREMENTS:**

- a. Applicants must receive a minimum Technical Evaluation Panel (TEP) score of 75 points to be considered for funding.
- b. Applicants are ineligible for funding if they have requested funding in excess of the maximum amount allowed under the initiative or component for which they have applied. In addition, inconsistencies in the requested amount and/or miscalculations that result in amounts over the maximum award amount will be considered excessive and the application will be considered ineligible.
- c. FHAP agencies under a suspension or performance improvement plan based on an agency performance, as designated under CFR Part 115.210(B) at the time of application are ineligible for funding unless the performance issues are resolved to HUD's satisfaction before the application deadline.
- d. All the activities and costs within the Statement of Work (SOW) and budget must be fair housing related activities, and must demonstrate a connection to furthering the nondiscrimination provisions of the Fair Housing Act. HUD will not fund any portion of an application that is not eligible for funding under the regulatory requirements; or that does not meet the requirements under this NOFA. Only the eligible portions of a successful application will be funded. When the majority of the activities are ineligible, HUD will not fund the application.
- e. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination because of race, color, religion, sex, disability, familial status, and/or national origin and further the nondiscrimination provisions of the Fair Housing Act. HUD is determined to ensure equal opportunity and access to housing in all communities across the nation. All services and activities must be available to the protected class members. The application's description of proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes. Applicants that fail to address housing discrimination under the provisions of the Fair Housing Act will be ineligible.

f. For the Education and Outreach Initiative National Media Campaign. Applicants must have at least five years of experience as an advertisement/media or public relations organization or must partner with an advertising and media services organization with at least five years of experience as an advertisement/media or public relations organization. Applicants are ineligible if they fail to meet these requirements.

### **3. ADDITIONAL REQUIREMENTS:**

#### **a. Affirmatively Furthering Fair Housing (AFFH).**

Under section 808(e)(5) of the Fair Housing Act, HUD has a statutory duty to affirmatively further fair housing (see section III.C.5.d. of the **General Section** for more information). Actions taken should be designed to address impediments to fair housing choice that are identified in the Analysis of Impediments to Fair Housing Choice of the jurisdiction(s) in which the program activities occur; remedy discrimination in housing and urban development activities; promote diverse, integrated living patterns; and promote housing-related opportunities that overcome the effects of past discrimination based upon race, color, national origin, religion, sex, disability, and familial status. Consistent with the Department's FHIP rule at 24 CFR 125.105, applicants must describe practices in the proposed service area that adversely affect the achievement of the goal of fair housing; specify activities to address these adverse practices to be conducted with FHIP funds, including the final product(s) and/or any reports to be produced; and describe the expected long-term results. Applicants will provide this information in their responses to the Rating Factor Two.

#### **b. 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, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the American Disabilities Act, and Section 109 of the Housing and Community Development Act of 1974; and (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. If the applicant is a federally recognized Indian tribe, it must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable.

**c. 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>.

**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. 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/>.

**f. Economic Opportunities for Low-and very Low-Income Persons (Section 3).**

While the requirements of Section 3 of the Housing and Urban Development Act of 1968 do not apply to this NOFA, recipients of funding under this program should attempt to ensure that low- and very low-income residents of the metropolitan area where these funds are spent, particularly those that receive federal housing assistance, be informed of new training and employment opportunities created as a result of the funds awarded.

**g. Eligibility of Successor Organizations for PEI.** HUD recognizes that QFHOs and FHOs may either merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization that has a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon the successor organization. To determine whether the successor organization meets eligibility requirements for this Initiative, HUD will look at the enforcement-related experience of the successor organization (based upon the successor organization's EIN). The successor organization must establish in its application that it is a private, tax-exempt organization with the requisite two years of enforcement related experience for a QFHO or one year experience for an FHO to be eligible to apply under the PEI Initiative. For the PEI Multi-year Funding Component, when QFHOs merge with another QFHO during the period of performance, HUD will look at the enforcement related experience of the merged organization to determine continued eligibility status as a QFHO. When QFHOs merge with a FHO with one year experience or less, HUD will assess the eligibility of the new organization under the PEI Multi-year Funding Component. If HUD determines that the organization is eligible, then HUD will issue a new award agreement and require submission of a Code of Conduct for the new organization as well as an establishment of the new LOCCS account. In addition, the new organization must secure a new DUNS number and have an active registration in CCR before HUD will make the award to the new organization or allow additional funds to be drawn.

**h. Education and Outreach Initiative National Based Program.** National Media Campaign Component. Applicants must have at least five years of experience as an advertisement /media or public relations organization or must partner with an advertising and media services organization with at least five years of experience as an advertisement/media or public relations organization. Applicants will be ineligible if they fail to meet these requirements.

**i. Education and Outreach National Based Program.** Affirmatively Furthering Fair Housing Training Program. Applicants must develop and implement an affirmatively furthering fair housing training curriculum and a web-based training that provides nationwide training suitable for audiences such as Housing Counseling agencies, recipients of federal financial assistance, including CDBG recipients, and fair housing organizations about best practices to affirmatively further fair housing, and access to appropriate data sources or state and local government agencies. Activities should include providing basic affirmatively further fair housing education and strategies that are consistent with applicable laws and regulations.

**j. Private Enforcement Initiative and Fair Housing Organizations Initiative.** Mortgage Rescue Components. Applicants must address fraudulent or predatory mortgage rescue activities that may be targeted to persons in protected classes under the Fair Housing Act or neighborhoods with a high concentration of such persons. Eligible activities include but are not limited to: (1) Intake and investigation of allegations of lending discrimination, or providing other investigative and complaint support for administrative and judicial enforcement of fair lending laws, related to the prevention of mortgage default in foreclosure, mortgage modifications and mortgage refinance; (2) investigation of possible systemic violations and enforcement pursuant to other equal opportunity or fair lending statutes that accompany a suspected fair housing violation and investigation of mortgage rescue scams, especially those targeted at one or more groups protected against discrimination under the Act; (3) assisting clients with loan workouts, refinancing, or modifications necessary as the result of a violation of the Fair Housing Act; and (4) education and outreach activities may include: providing education and counseling to persons who may have encountered lending discrimination in services, terms, strategies, or schemes related to the prevention of mortgage default or foreclosure. Mortgage rescue scams may include activities against persons protected under the Act such as: (1) bait and switch schemes; (2) loan flipping; (3) loan packing; (4) mortgage servicing scams; and (5) equity stripping. Tactics used may include: (a) bombarding vulnerable owners with phone calls, flyers and posters to build trust after learning of mortgage delinquencies through published reports; (b) isolating victims from legal advice and from their lenders by assuring victims that they will handle all details of their mortgage delinquency; and (c) having owners sign paperwork without telling victims what they are signings.

**k. Private Enforcement Initiative.** Multi-Year Component. Applicants that receive FY 2009 or FY 2010 PEI-PB funding are ineligible for funding under the PEI-Multi-Year component. They will receive funding under the PEI-PB component until completion of the grant period.

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

**m. Tax Exempt Status.** Applicants for PEI and FHOI must be a 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service (IRS) prior to the application deadline date to be eligible for funding. Please provide an IRS report showing 501(c)(3) status. This requirement is not applicable to EOI applicants.

**n. Suits Against the United States.** An application is ineligible for funding if, as a current recipient of FHIP funds (within the last three years), the organization used any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

**o. Other Litigation.** An application is ineligible for funding if the organization used funds provided by HUD (within the last three years) under this Program to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42 U.S.C. 3616 note Sec. 561 (i)).

**p. Dun and Bradstreet Numbering System. (DUNS) Numbering Requirement.** Refer to the **General Section** for information regarding the DUNS requirement. You will need to obtain 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 HUD424, Application for Federal Financial Assistance. Applicants must be registered with the Central Contractor Registration (CCR) to receive and award of funds from HUD. CCR registration is also part of the grants.gov registration requirement.

**q. Research Activities.** Applicants are ineligible for funding if any of their project is aimed solely at research.

**r. Name Check Review.** See **General Section** (section III.4.b)

**s. Independence of Awards.** The application submitted must be independent and capable of being implemented without reliance on the selection of other applications. Applicants applying under one of the FHIP Initiatives may not use the performance (e.g., performance review rating or successfully completed activities) of another organization to meet the requirements of Rating Factor1 .

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

**u. Sponsoring Organization Certification.** FHOI-ENOC Sponsoring Organization Certification. If you are sponsoring an organization, you must submit the application and must certify that the sponsored organization has the ability to become a FHO. The period of performance for the award of funds to assist in establishment of an organization is 12-18 months. Total funding is awarded to the sponsoring organization which then distributes funding to the sponsored organization based upon performance. If performance for the sponsored organization falls below "Good," the sponsoring organization will immediately notify the HUD General Technical Representative (GTR) of the performance shortfalls and suspend all funding. The HUD GTR will conduct a monitoring review of the sponsored and sponsoring organizations to ensure all financial and management systems are adequate. If HUD makes the determination that financial and management systems of the sponsored organization are not adequate, HUD may provide technical assistance or terminate the grant. The sponsoring organization may expend FHIP funds for administrative purposes as described above.

**v. Training Funds.** The proposed budget must set aside funds in the amount of \$10,000 for the EOI, PEI and FHOI components and \$10,000 annually for a 36-month duration subject to availability of appropriations for the PEI Multi-Year component. These funds must be utilized to participate in HUD mandatory sponsored or approved training. Also, sponsoring organizations should set aside \$10,000 annually for ENOC sponsored organizations to participate in HUD mandatory sponsored or approved training.

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

**A. Address to Request Application Package.** See the **General Section** for specific procedures concerning the electronic application submission and timely receipt requirements. Copies of the published NOFAs and application forms for HUD programs announced through NOFAs may be downloaded from the [grants.gov](http://www.grants.gov) website at [http://www.grants.gov/applicants/find\\_grant\\_opportunities.jsp](http://www.grants.gov/applicants/find_grant_opportunities.jsp); if you have difficulty accessing the information, you may receive customer support from [Grants.gov](http://www.grants.gov) by calling its Support Desk at 800-518-GRANTS, or by sending an email to [support@grants.gov](mailto:support@grants.gov). The [Grants.gov](http://www.grants.gov) help desk is open 7 days a week, 24 hours a day, except federal holidays. You may request general information from the NOFA Information Center at 800-HUD-8929 or 800-HUD-2209 (TTY) between the hours of 10:00 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. The NOFA Information Center opens for business simultaneously with the publication of the **General Section**.

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

1. All applicants must read and adhere to Initiative and Component specific submission requirements. Applicants are encouraged to review the chart entitled “Summary of Initiatives/Components.” You must submit a completed electronic application for the specific Initiative and component for which you are applying on or before the deadline date. Applicants not meeting the timely receipt requirements will have their applications returned without further review by the Technical Evaluation Panel (TEP).

For All Applicants. The maximum length of the narrative response is six (6) pages per factor. The narrative pages must be double-spaced. This includes all text, titles and headings. You are required to use 12 point font. You must respond fully to each rating factor to obtain maximum points. Failure to provide narrative responses to all factors other than factor five or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor.

2. Checklist. The checklist below outlines all items to be included in the application:

| Complete Application Package Contains  | Required Form and Content   |
|--|---|
| Application for Federal Assistance   | Form SF424 (per required form). Applicants must include the nine digit zip code (ZIP code plus four digits) associated to the applicant's address in box 8d of the SF424. Also, along with the Initiative, include the Component to which you are applying in box 12. |
| Survey for Ensuring Equal Opportunity for Applicants   | HUD424 Supplement ("Faith Based EEO Survey (HUD424SUPP); (per required form)  |
| Budget information   | Form HUD424CB and HUD424CBW ("HUD Detailed Budget Form and Worksheet"); (per required form)   |
| Disclosure of Lobbying Activities  | SFLLL, if applicable; (per required form)   |
| Applicant-Recipient Disclosure Update Report   | HUD2880 ("HUD Applicant Recipient Disclosure Report"); (per required form)  |
| Certification of Consistency with RC/EZ/EC-II's Strategic Plan   | HUD2990 (per required form)   |
| Acknowledgement of Applicant receipt (Required only if you are granted waiver to the electronic application requirement) | HUD2993 (per required form)   |
| Certification of Preferred Sustainable Communities, if applicable  | HUD2995   |
| Program Outcome Logic Model  | HUD96010 (per required form)  |
| Facsimile Transmittal Form   | HUD96011 (per required form)  |
| Race and Ethnic Data Reporting Form  | HUD27061 (per required form – post award)   |
| Narrative for Rating Factors 1-4   | Format described in Sections V.A. of this NOFA;   |
| Statement of Work  | Format described in this NOFA   |
| Narrative Budget Work Plan   | Format described in this NOFA   |

| Complete Application Package Contains                                  | Required Form and Content  |
|--|--|
| 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 and identify how they are addressing impediments to fair housing choice. Finally, applicants should identify partners they are working with to affirmatively further fair housing. Utilization of plan currently in place. No specific form or format. |
| Affirmatively Furthering Fair Housing Plan                             | Plan and timeline of how applicant will address their obligation to affirmatively further fair housing.  |
| Project Abstract (Amount Requested/Initiative and Component Requested) | One page summary including amount and component requested, project activities, and areas of concentration.   |

### C. Timely Receipt Requirements.

Your completed application must be received by [Grants.gov](http://Grants.gov) no later than 11:59:59 p.m. eastern time **August 29, 2011**. Following receipt the application will go through a validation process. If the application fails the [Grants.gov](http://Grants.gov) validation process, it will be rejected. Please see the 2011 **General Section** for instructions for timely receipt, including actions to take if the application is rejected. Applicants should carefully read the section titled—INSTRUCTIONS ON HOW TO DOWNLOAD AN APPLICATION PACKAGE AND APPLICATION INSTRUCTIONS in the 2011 **General Section**. This section contains information on using Adobe Reader, HUD's timely receipt policies, and other application information.

**D. Intergovernmental Agency Review** Intergovernmental agency review is not required for this program.

### E. Funding Restrictions

1. Indirect Cost Rate. If you are awarded FHIP funds, HUD staff will request that you provide your federally approved indirect cost rate during budget negotiations. If you do not have a federally approved indirect cost rate and HUD is the cognizant agency, HUD will submit a

request within 30 days after award to establish a rate. For information on indirect cost rates, you can review HUD's training on <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>.

2. Retainer Fees. FHIP recipients are under specific restrictions regarding establishment of retainer agreements and recovery of legal fees from HUD-funded cases. Data on fees, settlements, and verdicts are matters of public record. Awardees must provide this information to HUD on an annual basis. Neither the grantee nor the individual(s) on whose behalf any action is filed can request that HUD waive these provisions.

3. Reimbursement Requirement. PEI and FHOI grantees are required to reimburse the Federal government the amount of the grant from all financial settlements, conciliations, and agreements reached as a result of their use of FHIP funds. With prior approval from the HUD General Technical Representative (GTR), grantees may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD.

4. PEI and FHOI Limitations for Education & Outreach. There is a 20 percent limit on the dollar amount allowed for education and outreach related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.

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

- (a) What is expected of the sponsored organization; and
- (b) The mission of the sponsored organization and a timeline for creation and independence of the sponsored organization.

**F. Other submission Requirements:** If you cannot access the toll-free number or experience problems, you may use (215) 825-8798 (this is not a toll-free number). Applicants must follow the directions provided in the **General Section** (section IV.B.6.d.(3)(b)) for faxing information as part of their application submission. When attaching files to the application using the attachments form, applicants must strictly adhere to the file naming requirements in the **General Section** (see section IV.B.6.d. (1) through (2)). Failure to do so will result in the application being rejected by the Grants.gov system with a "VIRUS DETECT" error message.

Electronic delivery via Grants.gov is HUD's required method for application submission. Applicants interested in applying for FHIP funding must submit their applications electronically or request a waiver from the Assistant Secretary for Fair Housing and Equal Opportunity. The request must state the basis for the waiver. 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, 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 in room 5226 no later than 4:30 pm eastern time on the application deadline date. HUD applications are scanned. The scanning facility at HUD Headquarters closes at 5:00 pm eastern time. Applicants must allow adequate for the application to be scanned through this facility. Applications not received in 5226 by the 4:30 pm Eastern Time deadline date shall be deemed ineligible. There is no grace period for paper application submissions.

## **V. Application Review Information**

**A. Criteria for PEI, FHOI, and EOI Applications.** The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor, are provided below. The maximum number of points awarded any application under the rating factors is 100. An additional two Bonus Points may be applicable for activities conducted within the RC/EZ/EC. The activities must benefit the residents of the RC/EZ/EC. (**General Section V.A.1.a.** for information on RC/EZ/EC bonus points).

Two additional Bonus Points may also be available to applicants that are working in communities that have received Preferred Sustainability Status under the HUD FY2010 Sustainable Communities Regional Planning Grant Program and/or the FY2010 HUD funded Challenge Grant Program (hereafter referred to as the Preferred Sustainability Status Communities). See C.3 below for additional detailed requirement information.

### **1. Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (up to 40 points).**

**For EOI, PEI and FHOI applicants.** This factor addresses the extent to which the organization has the experience and capacity necessary to successfully complete the proposed project by the end of the grant performance period. In rating this factor, HUD will consider the extent to which the applicant clearly does the following;

a. Describe your activities and results (outcomes) achieved on previous FHIP grants. PEI Multi-Year and Mortgage Rescue Component applicants must specify how FY2011 funds will include the capacity to conduct systemic investigations. Specifically, for the Mortgage Rescue Components, applicants must specify how FY2011 funds will increase and extend the systemic housing discrimination investigations and outcomes. For the PEI Multi-Year Component, applicants must specify how FY2011 funds will expand existing PEI FHIP funded activities towards increased systemic investigations of housing discrimination activities and outcomes. HUD will also evaluate how well an applicant has performed successfully under completed and/or open HUD FHIP grants. The evaluation will be based on your past performance assessment by the HUD Government Technical Representative between FY2007 and 2009. Applicants must list all HUD FHIP grants received between FY2007 through 2009, including the grant number, dollar amount awarded and the amount expended and obligated as of the date the application is submitted.

In addition, HUD will review an applicant's past performance in managing funds, including but not limited to the ability to account for funding appropriately, timely use of funds received from HUD, meeting performance targets for completion of activities, timely submission of required progress reports; compliance with the program's terms and condition, receipt of promised leveraged resources; and timely closeouts. In assuring financial management capacity, HUD reserves the right to request an assessment of your organization's financial management system and your Board's role in financial management or oversight. Please see the **General Section** under Threshold Requirements for additional information.

In evaluating past performance under this factor, HUD will give this information to the TEP and reserves the right to deduct points from this rating score as a result of information obtained.

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

b. You must describe staff expertise and your organization's ability to complete the proposed activities within the grant period. HUD recognizes that, in carrying out the proposed activities, you may have persons already on staff, plan to hire additional staff, or will rely on contractors or consultants to perform specific tasks. You must describe your staffing plan and the extent to which you plan to add staff (employees) or contractors. If your application proposes using contractors you must provide a statement showing how you will evaluate and provide oversight for each contractor.

(1) Description and expertise of staff (this includes contractors and consultants). (up to 20 points for current FHIP grantees and up to 25 points for new applicants). You must show that you will have sufficient, qualified staff that will be available to complete the proposed activities.

(2) Organizational experience. (up to 15 points for current FHIP grantees or new applicants) In responding to this sub-factor, you must show that your organization has conducted past project(s) similar in scope and complexity (whether FHIP funded or not) to the project proposed in your application or engaged in activities that, although not similar, are readily transferable to the proposed project.

c. Performance on past project(s) (up to 5 points for current grantees and 0 points for new applicants). HUD will assess your organization's past performance in conducting activities relevant to your current application. For current FHIP grantees' past performance will be assessed based on your most recent performance assessment received from your HUD GTR between FY2007 through FY2009.

(1) 5 points if you received an "Excellent" performance assessment;

(2) 3 points if you received a "Good" performance assessment; and

(3) 1 point if you received a "Fair" performance assessment.

**d. For EOI National Media Campaign applicants only.**

This factor is an additional requirement to those listed above for EOI National Media Campaign applicants. The factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner, and the applicant's ability to develop and implement large media information campaign projects as appropriate on a national level. The rating of the "applicant" or the "applicant's organization and staff" for technical merit or threshold compliance, unless otherwise specified, will include any sub-contractors, consultants, sub-recipients that are firmly committed to the project. You must describe your staff's experience in media or media related activities.

You must show that you have the ability to effectively develop, implement, make modifications as necessary, and manage an interactive online and offline media campaign on a national scale or partner with an organization that has this capacity or that you have comparable experience to undertake a national fair housing training program.

**e. For EOI National Affirmatively Furthering Fair Housing applicants.** This is an additional requirement to those listed above. Applicants must show your organization and staff experience in identifying and developing strategies on the obligation to affirmatively furthering fair housing and in providing training to groups of people on issues related to Affirmatively Furthering Fair Housing or fair housing compliance.

**2. Rating Factor 2: Need/Distress/Extent of the Problem.** (up to 40 points)

This factor addresses the extent to which there is a need for funding the proposed activities. The need(s) described must be relevant to the activities for which funds are being requested under factor (3). Applicants should also address the need as it relates to activities under existing FHIP funding and the need for systemic investigations.

**a. EOI (except National based programs), PEI and FHOI**

(1) Describe the specific need(s) that will be addressed under this application (up to 15 points):

(2) Describe the continuation of the identified need. For example: Any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act if not selected for funding (up to 10 points); and

(3) Describe the link between the need and your proposed activities (up to 15 points). This should include:

(a) How the proposed activities fill gaps, augment, or improve upon on-going fair housing efforts by public and private agencies, grassroots faith-based and other community-based organizations and other organizations and institutions in the target area,

(b) Why, in light of other on-going fair housing efforts, the additional funding requested is necessary; and

(c) The presence of systemic housing discrimination, high segregation indices or other evidence of discrimination prohibited by the Fair Housing Act within the project area. For the Mortgage Rescue Components, applicants must specify how FY2011 funds will increase and extend the systemic housing discrimination investigations and outcomes. For the PEI Multi-Year Component, applicants must specify how FY2011 funds will expand existing PEI FHIP funded activities towards increased systemic investigations of housing discrimination activities and outcomes.

To receive maximum points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, your proposed activities, the outcomes to be accomplished, the fair housing needs of the community or communities, and how you plan to address the affirmatively furthering fair housing needs of the community. Applicants must describe their organization's knowledge of and proximity to the targeted (service) area as well as the urgency of the fair housing needs. Applicants will not receive the full 40 points under this rating factor unless they address the target area's impediments to fair housing choice. These may be documented in the applicable Analysis of Impediments or identified by the organization. Furthermore, applicants should address the need for language assistance services in languages other than English by describing the target population's language needs.

**b. EOI National Media Component.** This factor addresses: (1) how the applicant documents and defines the national fair housing need that its proposed activities and methods are intended to address (up to 15 points); (2) how its proposal offers the most effective approach for meeting that national need (up to 10 points); and (3) extent to which it defines, describes, and documents the national need the application intends to address, which demonstrates a grasp of the elements of the need, its pervasiveness at the national level, and an understanding of the necessary mass media vehicles to disseminate information to address the need (up to 15 points). The applicant's description of the national need will be used to evaluate the depth of the applicant's understanding of the problem as an indication of ability to address the problem.

To receive maximum points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, your proposed activities, the outcomes to be accomplished, and the national media fair housing needs. Applicants must describe their organization's knowledge of the national need as well as the urgency of the fair housing needs. Applicants will not receive the full 40 points under this rating factor unless they address the need for language assistance services in languages other than English.

**c. For the National Affirmative Fair Housing Training Component.** If you apply for the National Affirmative Fair Housing Training Component, you must: (a) describe how the curriculum will address an unmet need for participants and how the proposed training will meet those needs and what outcomes you expect based upon the proposed need (up to 15 points); (b) show how your curriculum will address the obligation to affirmatively further fair housing and potential appropriate strategies to affirmatively further fair housing for states, entitlement jurisdictions and public housing authorities. (up to 10 points); and (c) describe how the curriculum and training will address those strategies and the proposed deliverables for the training delivery. Training materials must include, at a minimum, a participant manual, a power point presentation, exercises, and an evaluation form. The application must describe how the services will assist the Department in meeting its stated goals and sub-goals (up to 15 points).

To receive maximum points for this factor there must be a direct relationship between the purpose of the program proposed for FHIP funding, your proposed activities, the outcomes to be accomplished, and the affirmative furthering fair housing needs. Applicants must describe their organization's knowledge of the national need as well as the urgency of the fair housing needs.

**3. Rating Factor 3: Soundness of Approach (up to 8 points).** This factor addresses the soundness, quality, and effectiveness of the proposed work plan and the commitment of the applicant to sustain the proposed project activities. Points are awarded under this factor for the quality of the approach or method used to implement the activities proposed in relation to the need(s) identified in factor (2). For each policy priority you must discuss the relationship of your activities to HUD's Strategic Goals and sub-goals. If you addressed HUD's Strategic Goals and sub-goals in your FY 2010 application, you must show how you will continue those activities with these funds and include or expand your work to support systemic investigations. You must assure that your project addresses performance measures/outcomes in support of these goals and provide a SOW and budget to establish a numerical baseline and targets for those measures. If applicants addressed specific policy priorities or strategic goals in the FY 2010 application but feel there is a need to change strategies for FY 2011, the goal may be switched, but the new goal must still be consistent with the development of systemic investigations; the applicant must show how both goals will complement the organization's final objective.

a. Support of Policy Priorities (up to 5 points). As described in the General Section, HUD is encouraging applicants to undertake programs and projects consistent with the HUD's Strategic Goals and HUD's Policy Priorities policy. Under this program, NOFA applicants are required to address the following policy priorities to receive policy priority points:

(1) Affirmatively Furthering Fair Housing (up to 3 points). HUD is interested in funding housing and community development activities that afford residents an opportunity to live in a variety of neighborhoods and not be confined to affordable housing choices in areas of high poverty or areas that are not racially or ethnically diverse. Recognizing that housing and community development efforts must address a complex network of social and economic factors in order to promote more diverse, inclusive communities, HUD seeks to encourage its grantees to undertake comprehensive and innovative strategies to affirmatively further fair housing. To earn full points for this Policy Priority, applicants must go beyond the minimum affirmatively furthering fair housing requirements of this NOFA to which they are applying and demonstrate a history of success at affirmatively furthering fair housing, including a description of measurable outcomes the applicant has achieved. To receive the full 3 points under this Policy Priority an applicant must respond to at least three of the activities listed below and explain how success will be measured during the grant performance period. These are:

(a) Analyzing and eliminating housing discrimination in your jurisdiction or multiple jurisdictions for the national applicants;

(b) Promoting fair housing choice for all persons;

(c) Providing opportunities for inclusive patterns of housing occupancy regardless of race, color, religion, sex, familial status, disability or national origin;

(d) Experience in conducting on a regional/local/community based project or national project promoting housing that is structurally accessible to, and useable by, all persons, particularly persons with disabilities;

(e) Helping individuals with disabilities find housing outside of an institution setting; and

(f) Fostering compliance with the nondiscrimination provisions of the Fair Housing Act. This includes:

(i) Identifying and developing concrete plans to remove discriminatory barriers to housing choice;

(ii) Engaging effectively with FHIPs in development of site and neighborhood standards, and

(iii) Identifying the increase in the number of systemic discrimination barriers removed through FHIP actions.

**For Multi-Year Funding Component only.**

For applicants applying for continuing funding components, please describe the proposed continuation of the applicant's work in affirmatively furthering fair housing and any measurable outcome the applicant has achieved. Include your affirmative furthering activities from FY2010. For each policy priority you must discuss the relationship of your activities to HUD's Strategic Goals and sub-goals. If you addressed HUD's Strategic Goals and sub-goals in your FY2010 application, you must show how you will continue those activities with these funds. You must assure that your project addresses performance measures/outcomes in support of these goals and provide a SOW and budget to establish a numerical baseline and targets for those measures. Applications will also be rated on activities to support affirmatively furthering activities that will benefit your jurisdiction and the region.

(2) Capacity Building and Knowledge Sharing (up to 2 points). HUD recognizes that successful program implementation can occur only in partnership with effective grantees. Working with our partners to align programs is fundamental to building resiliency in difficult economic times. Capacity building is therefore critical to strengthen the capacity of HUD's partners – especially state and local governments. Capacity building is the development of core skills within partner organizations. Increased technical capabilities and knowledge sharing will allow HUD's partners to participate in decision making and planning process, coordinate on cross-programmatic, place-based approaches, and ensure that expertise is institutionalized. Capacity building is featured in HUD's Strategic Plan for FY2010-2015, 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 grantees that undertake activities that build enduring capacity of partners and mechanisms for knowledge sharing.

To earn policy priority points, applicants should focus on the following activities:

(a) Strengthening the capacity of state and local partners, including governments and nonprofit organizations, to affirmatively further fair housing, implement HUD's programs, participate in decision making and planning processes to ensure racially diverse communities, and coordinate on cross-programmatic, place-based approaches through grant making and technical assistance to eliminate discriminatory barriers within particular jurisdictions or regional areas; and

(b) Support knowledge sharing and innovation by disseminating best practices, peer-to-peer learning experiences, publishing analyses based on data or research including testing, and helping to incubate and test new ideas for the creation of diverse communities where unlawful discrimination does not exist.

To receive additional points for this policy priority, grantees must go beyond the threshold requirements of this NOFA. Successful applicants must detail how the applicant will provide knowledge-sharing experiences to their relevant organizations such as owners of assisted and private market housing, local communities, transportation agency staff, education community staff or others that influence the decision of placement of housing and educations and transportation facilities within your community. Further, successful applicants must demonstrate in the proposed program design and implementation that the applicant's project activities will result in long-term benefits and increase capacity to assess the knowledge of, and educate the public on fair housing, affirmatively furthering fair housing, expansion of affordable housing into areas of high opportunity and/or and affirmative marketing (on a regional/local community based project).

b. Proposed Statement of Work (SOW) and Information Requirements (up to 2 points). This sub-factor will be evaluated on the extent to which the applicant provides a clear detailed description of the proposed project activities, and the anticipated results (outcomes) they will have on the target area(s) at the end of the grant's performance period.

(1) **All Applicants.** The Statement of Work (SOW) must describe in detail all proposed project activities and major tasks /steps to complete the proposed activities) required to successfully implement the proposed project. The SOW must also identify the anticipated measurable outcomes these activities will have on the targeted population, as well as key team members/staff and partners, as identified in Factor 1 who will be responsible and accountable for completing each major task.

(2) **Multi-Year Component Applicants.** In addition to the overall requirement for a detailed description of all proposed project activities and major tasks and measureable outcomes, applicants for the Multi-year component must also identify in their SOW and budget activities the continuation of existing activities or expansion or creation of systemic investigation(s) based on prior FY2009-2010 PEI FHIP funded activities. In addition, applicants for the Multi-year component will also be required to submit a SOW and a separate budget for each actual year of

the organization's activities. Funding for additional years beyond FY2011 will be based upon the availability of appropriations.

**(3) National Media Campaign Component Applicants.** In addition to addressing the requirements for all applicants, HUD anticipates that products will be available in at least 2 languages, including English. Deliverables may include interactive online and offline Public Service Announcements (PSAs), social media utilization, RSS feeds, and blogs. Deliverables may also include offline PSA materials for radio and television in both major and other media mainstreams and minority markets, as well as posters and other graphic materials. Graphic materials may include, but are not limited to, enlarged printed reproductions of the online PSAs, separately produced and printed posters for national public dissemination, web page development and implementation, and the development of ad slicks to market in newspapers and magazines nationwide. The applicant should plan on using news or advertising clipping services or Internet-based services or other appropriate means to collect information on frequency and scope of the placement of ads. The proposed SOW should clearly identify the proposed activities, the specific deliverables and method for delivering media messages, and the anticipated outcomes. When identifying media markets, HUD expects applicants to identify specific targeted audiences within that media market to be reached and the anticipated numbers of persons that are expected to respond to the media campaign based upon estimated needs and proximity to existing FHIP or FHAP agencies. HUD believes that it is unrealistic to assume that because a media ad covers a region or area of several million people that all persons within the market area will respond to the advertisements. Estimates of responses from media campaigns should be geared to numbers of persons that would realistically listen to and respond to the advertising campaign of the total numbers of persons in the market area

**(4) For the National Affirmative Furthering Fair Housing Training Component Only.** In addition to the requirements for applicants, applicants for the National Affirmative Furthering Fair Housing Training Component must create a web-based and/or live classroom training session(s) to educate Fair Housing organizations, local jurisdictions, and others on Affirmatively Furthering Fair Housing issues. Web-based training may be available using any number of media sources.

c. Budget and Cost Estimates (up to 1 point). **For all applicants.** HUD will assess the soundness of the planned approach by evaluating the quality, thoroughness, necessity, cost effectiveness, and reasonableness of costs to carry out the project activities, as well as the appropriateness of budget allocations and rationality of the proposed budget and narrative. The budget information provided will be evaluated based on whether the expenses are reasonable, thoroughly explained, supported, and appropriate to carry out the proposed project. Your budget must relate to the tasks in the SOW and to HUD's Program Outcome Logic Model (HUD - 96010). Failure to address provide a written Narrative Budget Work Plan will result in 0 points being given for your sub-factor 3.c. score.

**4. Rating Factor 4: Leveraging Resources/ Developing Partnership (up to 2 points).** This factor addresses the ability of the applicant to increase capacity by developing partnerships and securing resources that can be combined with HUD's FHIP funds. It is HUD's intent that these resources will assist the organization through this project in achieving its purpose and long-term commitment to the community after funds have expired. To receive full points under this factor an applicant must have both internal resources (provided by the applicant) and external resources.

a. Firm Commitment of Leveraging or Collaboration. HUD requires applicants to secure resources from sources other than what is requested under this FHIP NOFA. Leveraging of community resources may include funding or in-kind contributions, such as workspace or services of equipment, allocated to the purpose(s) of your proposal. Contributions or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Cash or funds from an applicant's previously established investment account(s) may qualify as in-kind resources; however, 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 signed letters of firm commitment or signed agreements from the organizations and/or individuals that will provide financial or in-kind support for your project on the respective organization's letterhead. See **General Section** (section IV.B.S.6.d.) for instructions on how third party documents are to be submitted to HUD via the electronic submission process.

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

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

If the resources are in-kind or donated goods, the firm commitment letter must indicate the fair market value of those resources and describe how this fair market value was determined. Do not include indirect costs as a part of any in-kind resources. In-kind leveraging contributions, as well as Program Income must comply with 24 CFR 84.23 and 84.24 requirements. Goods and services secured with FHIP funds cannot be used for any in-kind or donated services (for example, services of a current staff person on a FHIP funded project).

There will be no points awarded for general letters of support endorsing the project from organizations, including elected officials at the local, State, or national levels, and/or individuals in your community. If your project is not supported by at least 10% of non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

| Points Awarded | Leveraging Resources  |
|----------------|---|
| One            | Less than 30 percent of total project costs from non FHIP resources   |
| Two            | 30 percent or more of total project costs from non-FHIP resources<br><br>OR<br><br>Less than 30 percent of total project costs from non-FHIP resources AND a letter of firm commitment from a FHAP which when combined together exceeds 30 percent of the total project costs |

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

This factor reflects HUD's goal to embrace high standards of management and accountability. It measures the applicant's commitment to assess their performance to achieve the projects' proposed objectives and goals. Applicants are required to develop an effective, quantifiable, outcome-oriented evaluation plan for measuring performance and determining that objectives and goals have been achieved by using the HUD's Program Outcome Logic Model (HUD - 96010). The Logic Model is a summary of the narrative statements presented in Factors 1 through 3. Therefore it should be consistent with the information contained in the narrative statements. In evaluating this factor, HUD will assess the extent to which the applicant demonstrates how results of the project will be measured as outlined in the proposed Statement of Work. To meet this factor requirement, applicants must submit a completed eLogic Model<sup>®</sup> (HUD-96010). Instructions on use of the eLogic Model<sup>®</sup> are provided in the form itself. The form is part of the Instructions download found at [http://www07.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www07.grants.gov/applicants/apply_for_grants.jsp). A narrative response is not required for this Rating Factor as all applicants must use the eLogic Model<sup>®</sup> form. Applicants that submit narrative responses rather than use the eLogic Model<sup>®</sup> form found in the instructions download or provided by HUD will receive no points under this Rating Factor. Applicants who have identified outputs and outcome measurements and methods for assessing those against commitments made in the application, will receive higher points than those that do not. Please see the Logic Model Assessment Matrix found in Attachment 1 of the **General Section**. The only submission requirement for this Rating Factor is HUD's Logic Model (HUD96010). If applicants do not have access to Excel, please contact the Office of Departmental Grants Management and Oversight at 202-708-0667. Requests for assistance to obtain a customized eLogic Model<sup>®</sup> must be made at least 15 days prior to the deadline to allow the ability to fulfill the request.

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

- a. Needs. HUD will review the proposed activities/outputs and outcomes (as the units of measurement you select for evaluating the impact of your proposed project) in relation to the needs of your intended audience or target populations.
- b. Output. The Logic Model has a prepared list of activities, outcomes, and indicators associated with Fair Housing. Some examples of activities and outputs for PEI and EOI applicants can be found at <http://hud.gov/offices/adm/grants/fundsavail.cfm>. Applicants must select one or more activities from the listing of “Fair Housing Services Provided” that will be undertaken by their organization. You must select from the list “Fair Housing Services Provided” and may not add additional services to that list to receive points under this Rating Factor. HUD will review the direct products of the applicant’s activities that lead to the ultimate achievement of outcomes.
- c. Outcome. Applicants must choose from this list of “Year 1, Year 2, or Year 3” outcomes that are provided as part of the FHIP NOFA, as appropriate, or applicants may choose “Other” outcomes. If “Other” outcomes are identified, applicants must provide a brief statement to describe these activities or outcomes. Applicants who do not either select from the list “Outcomes and Indicators” or select “Other” but fail to provide a brief description of the outcomes they identify will not receive points under this Rating Factor. Successful applicants will be required to assess their progress and track their performance in meeting the goals and objectives outlined in the work plan.
- d. Accountability. Accountability can be achieved using specific measurement tools to assess the impact of recipient activities. Applicants must also reference policy priorities as noted in your response to Rating Factor 3(a) and relate them to your project’s goals, as appropriate.
- e. Management Questions. Grantees must submit answers to the management questions, if they are applicable to their SOW and program of activities and outcomes. For PEI Multi-year funding applicants this includes demonstrating their plan to provide information on the number of testing parts, conciliations, settlements, and inquiries completed.

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

1. Rating and Ranking. Applicants may be funded under one of the following Initiatives or Components:

a. Private Enforcement Initiative (PEI)

(1) Multi-year Funding Component (PEI-MYFC); and

(2) Mortgage Rescue Component (PEI-MRC)

b. Education and Outreach Initiative (EOI)

- (1) Regional/Local/Community Based Program (EOI-R/L/C-B)
  - General Component (EOI-GC);
  - Lending Component (EOI-LC); and
  - Higher Education Component (EOI-HEC)
- (2) National-Based Programs
  - National Media Campaign Component (EOI-NMCC); and
  - National Affirmatively Furthering Fair Housing Component (EOI-NAFFH)

c. Fair Housing Organization Initiative (FHOI)

- (1) Establishing New Organizations Component (ENOC);
- (2) Continued Development General Component (CDGC); and
- (3) Mortgage Rescue Component (MRC).

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

- (1) Narrative responses to the Factors for Award and the accompanying materials specified, and
- (2) RC/EC/EZ-II's bonus points, as applicable. For all initiatives, HUD will review all eligible applications and assign points based upon RC/EC/EZ (up to 2 bonus points, as applicable). HUD will award 2 bonus points to each application that includes a completed form HUD2990 certified by the Executive Director of the EZ/EC or Chair of the governing body of the EZ/EC that the proposed activities/projects in the application furthers or supports the strategic plan for an empowerment zone (EZ) that was designated by HUD or the U.S. Department of Agriculture (USDA), the tax incentive utilization plan for an urban or rural renewal community that was designated by HUD (RC), or the strategic plan for an enterprise community that was designated in round II by USDA (EC-II), and that the proposed activities/projects will be conducted within the RC/EZ/EC-II identified above and are intended to serve the residents. For the purposes of receiving bonus points, the applicant organization is not required to set up an office within the EZ/EC but must conduct specific activities within the EZ/EC and those activities must benefit the residents of the EZ/EC. To receive the points, the form must be signed and dated anytime from the date of the publication of the funding opportunity on Grants.gov to the deadline date of the funding opportunity. Any certifications signed before or after those dates will not be acceptable. For ease of reference in this notice, all of the federally designated areas are collectively referred to as "RC/EZ/EC" and residents of any of these federally designated areas as "RC/EZ/EC residents." Applicants can obtain a list of RC/EZ/EC from HUD's grants webpage at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm>. Applicants can determine if their program or project activities are located in one of these designated areas by using the locator on HUD's website at <http://egis.hud.gov/egis/>.

(3) Preferred Sustainability Status Community bonus points, as applicable. An additional two Bonus Points may be available to applicants that are working in the following ways with communities that have received Preferred Sustainability Status under the HUD FY2010 Sustainable Communities Regional Planning Grant Program and/or the FY2010 HUD funded Challenge Grant Program (hereafter referred to as the Preferred Sustainability Status Communities).

(a) The applicant is engaged in activities, that in consultation with the designated Point of Contact of the HUD designated Preferred Sustainability Status Community furthers the purposes of the Regional Planning Grant Program or the Challenge Grant Program; and

(b) The applicant's proposed activities either directly reflect the Livability Principles cited and contained in HUD's **General Section** to the FY2011 NOFAs or will result in the delivery of services that are consistent with the goals of the Livability Principles; and

(c) The applicant has committed to maintain an on-going relationship with the HUD Preferred Sustainability Status Community for the purposes of being part of the planning and implementation processes in the designated area.

To be eligible to receive Preferred Sustainability Status Communities bonus points, an applicant is required to obtain a certification from the Designated Point of Contact for the designated Preferred Sustainability Status Community using form HUD-2995 which verifies that the applicant has met the above criteria. The form will certify the nexus between the proposed activities of the applicant and the Livability Principles as they are being advanced in the Preferred Sustainability Status Community. It must be signed and dated anytime from the date of the publication of the funding opportunity on [www.Grants.gov](http://www.Grants.gov) to the deadline date of the funding opportunity. Any certifications signed before or after those dates will not be acceptable. If the applicant is from the agency that holds Point of Contact status in a particular Preferred Sustainability Status Community, the form HUD2995 must be certified by the appropriate HUD Regional Administrator in consultation with field staff. For ease of reference in this notice, all of these federally designated areas are collectively referred to as Preferred Sustainable Status Communities (PSSC).

(4) Ineligible applications will not be rated or ranked. The maximum number of points to be awarded for the Rating Factors is 100 plus a potential 2 bonus points for RC/EC/EZ, if applicable, and 2 bonus points if applicable for applicants working in the following ways with communities that have received Preferred Sustainability Status under the HUD FY2010 Sustainable Communities Regional Planning Grant Program and/or the FY2010 HUD funded Challenge Grant Program (hereafter referred to as the Preferred Sustainability Status Communities).

(5) Only applications with a rating of 75 points or more will be considered of sufficient quality for funding.

(6) For PEI and FHOI, if your proposal exceeds the 20 percent limit on use of FHIP funds for education and outreach, and if the application is selected for an award, FHIP funds will be adjusted to maintain the required limitation.

2. Tie Breaking. When two or more applications have the same total overall score, the application with the higher score under Rating Factor 2 will be ranked higher. If applications still have the same score, the tie will be broken by the Rating Factor 1 score. If a tie remains, then the tie will be broken by the Rating Factor 3 score. And if a tie still remains, the application committing the greatest amount of Leveraged funds under Rating Factor 4 will be selected.

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

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

5. Reallocation of Funds. After all applications within funding range have been selected or obligations are completed in an Initiative if funds are still available, the Selecting Official or designee will have the discretion to reallocate those remaining funds in rank order among Initiatives as follows:

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

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

5. PEI and FHOI Limitations for Education & Outreach –There is a 20 percent limit on the dollar amount allowed for education and outreach related activities that can be funded in an enforcement award. If you exceed the limit, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.

## **VI. Award Administration Information**

### **A. Award Notices**

#### 1. Applicant Notification and Award Procedures.

a. Notification. Information about the review and award process will not be available during the of HUD evaluation period, which begins on the application deadline date for this NOFA and lasts for approximately 90 days thereafter. However, you will be advised, in writing or by telephone, if HUD determines that your application is ineligible or has technical deficiencies which may be corrected as described in the **General Section** (see section V.B.2). HUD will only communicate with persons specifically identified in the SF424 in the application. HUD will not provide information about the application to any third party such as contractors.

b. Negotiations. If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. The selection is conditional and does not become final until the negotiations are successfully concluded and the grant or cooperative agreement is signed and executed based upon the negotiations. HUD will negotiate only with the person identified in the application as the Director of the organization or if specifically identified in the application as the Project Director. HUD will not negotiate with any third party (i.e., a contractor, etc.). The Grant Officer and Government Technical Representative will determine on a case-by-case basis if technical assistance or special conditions are required.

c. Applicant Scores. After awards are announced, applicants will receive a copy of their final score. 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 FY2011 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) after all funding decisions are made. HUD's FOIA page has archived the highest rated application for FY2009 and before.

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

1. Environmental Requirements. In accordance with 24 CFR 50.19(b)(3), (4), (9), (12), and (13) of HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under related laws and authorities.
2. Procurement of Recovered Materials. State agencies (FHAP agencies) and agencies of a political subdivision of a State that are using assistance under a HUD program NOFA for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.
3. Product Information. Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) two days before release for approval and acceptance.
4. Ensuring the Participation of Small Businesses, Small Disadvantaged Businesses, and Women Owned Businesses. (See **General Section** at section III.C.2.S.e.)
5. Payment Contingent on Completion. Payment of FHIP funds is made on a reimbursement basis. Payments are contingent on the satisfactory and timely completion of your project activities and products as reflected in your grant or cooperative agreement. Requests for funds must be accompanied by financial and progress reports.
6. Copyright Materials. You may copyright any work that is eligible for copyright protection subject to HUD's right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as required in 24 CFR § 84.36.
7. Complaints Against Awardees. Each FHIP award is overseen by a HUD Grant Officer (See [www.hud.gov](http://www.hud.gov) for list of FHEO Regional Directors per region). Complaints from the public against FHIP grantees should be forwarded to the Grant Officer. The Grant Officer's name and contact information is provided in the grant agreement. If, after notice and consideration of relevant information, the Grant Officer concludes that there has been inappropriate conduct, such as a violation of FHIP requirements, terms or conditions of the grant, or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR § 84.62. Such action may include: written reprimand; consideration of past performance in awarding future FHIP applications; repayment to HUD of funds received under the grant; or temporary or permanent denial of participation in the FHIP in accordance with 24 CFR part 24.
8. Double Payments. If you are awarded funds under this NOFA, you (and any contractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.
9. Performance Sanctions. A grantee or contractor failing to comply with the requirements set forth in its grant or cooperative agreement will be liable for such sanctions as may be authorized

by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any federal agency.

10. Corrections to Deficient Applications. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application, and will do so on a uniform basis for all applicants. HUD may not seek clarification of items or responses that improve the substantive quality of an applicant's response to any rating factors or which correct deficiencies which are in whole or part of a rating factor, including items that impact EZ/EC bonus points. Applicants will have five business days from date of notification to submit the required documents to HUD. Applicants will be notified by fax, certified mail and telephone about corrections to ensure notification. Applicants must submit the corrections by using the form HUD90611 found in their downloaded application to submit the technical cures to HUD. See the FY2011 **General Section** for further details.

11. Federal Funding Accountability and Transparency Act. As required by the Federal Funding Accountability and Transparency Act<sup>1</sup> ("Transparency Act" or "FFATA") and subsequent OMB guidance, information on the first-tier subawards related to Federal contracts and grants and the executive compensation of awardees must be made publicly available.

### **C. Reporting**

1. All grant recipients under this NOFA are required to submit quarterly reports and progress reports. The progress reports shall consist of two components: a narrative that must reflect the activities undertaken during the reporting period and a financial report that reflects the costs incurred by budget line item, as well as a cumulative summary of costs incurred during the reporting period. In addition, grant recipients must submit a HUD 96010 Program Outcome Logic Model Form annually, which identifies their program's output and outcome achievements

2. HUD requires that funded recipients collect racial and ethnic beneficiary data. The Department has adopted the Office of Management and Budget's Standards for the Collection of Racial and Ethnic Data. In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on [www.HUDclips.org](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.

### **3. Transparency Act Reporting.**

#### a. Recipient Reporting to Meet the Requirements the Federal Financial Assistance Accountability and Transparency Act of 2006 as amended.

(1) Prime Awardee Reporting. Prime recipients of HUD financial assistance are required to report subawards made either as pass-through awards, sub-recipient awards, or vendor awards in the federal government-wide website [www.fsrs.gov](http://www.fsrs.gov) or its successor system.

Starting with awards made October 1, 2010, prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subawards, including awards made as pass-through awards or awards to vendors, where both the initial award is \$25,000 or greater or the cumulative award

will be \$25,000 or greater if funding incrementally as directed by HUD in accordance with OMB guidance. The reporting of award and subaward information is in accordance with the requirements of Federal Financial Assistance Accountability and Transparency Act of 2006, as amended by section 6202 of Public Law 110-252, hereafter referred to as the “Transparency Act” and OMB Guidance issued to the Federal agencies on September 14, 2010 (75 FR 55669) and in OMB Policy guidance. The prime awardee will have until the end of the month plus one additional month after a subaward or pass-through award is obligated to fulfill the reporting requirement. The Transparency Act requires the creation of a public government-wide website in which the following subaward data will be displayed:

- (a) Name of entity receiving award;
- (b) Amount of award;
- (c) Funding agency;
- (d) North American Industry Classification System (NAICS) code for contracts/CFDA program for financial assistance awards;
- (d) 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.

For the purposes of reporting into the FFATA Subaward Reporting System (FSRS) reporting site, the unique identifier is the DUN and Bradstreet Universal Numbering System (DUNS) number the entity has obtained from Dun and Bradstreet, and for Prime awardees the DUNS number registered in the Central Contractor Registration as required by HUD regulation 24 CFR 5.1004.

**b. Prime Awardee Executive Compensation Reporting.** Prime awardees must also report in the government-wide website the total compensation and names of the top five executives in the prime awardee organization if:

- (1) More than 80 percent of the annual gross revenues are from the Federal government, and those revenues are greater than \$25 million annually; and
- (2) Compensation information is not readily available through reporting to the Securities Exchange Commission (SEC.)

**c. Subaward Executive Compensation Reporting.** Prime awardees must also report in the government-wide website the total compensation and names of the top five executives in the subawardees, pass-through or vendor organization if:

- (1) More than 80 percent of the annual gross revenues are from the Federal government, and those revenues are greater than \$25 million annually; and
- (2) Compensation information is not readily available through reporting to the Securities Exchange Commission (SEC.)

**d. Transparency Act Reporting Exemptions.** The Transparency Act exempts any subawards less than \$25,000 made to individuals and any subawards less than \$25,000 made to an entity whose annual expenditures are less than \$300,000. Subawards with a cumulative total of \$25,000 or greater are subject to subaward reporting beginning the date the subaward total award amount reaches \$25,000. Any other exemptions to the requirements must be approved by the Office of Management and Budget.

**4. Compliance with Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), hereafter referred to as “Section 872.”** Section 872 requires the establishment of a government-wide data system to contain information related to the integrity and performance of entities awarded federal financial assistance and making use of the information by federal officials in making awards. It is anticipated that the federal data system will be known as the Federal Awardee Performance and Integrity Information System (FAPIIS). Only federal officials and the entity will be able to view the information in the FAPIIS system.

Further, 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 FAPIIS system. The data collection requirements include information about certain civil judgments, criminal convictions, and outcomes of administrative proceedings that reached final disposition 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 system requires a DUNS number and current valid registration in the CCR for HUD awardees and first-tier subrecipients.

Prior to making a funding decision, the federal official authorized to make the award is required to determine whether the entity is qualified to receive an award, taking into consideration any information about the entity that is in the data system. OMB is in the process of issuing regulations regarding federal agency implementation of Section 872 requirements. A proposed rule was published in the Federal Register on February 18, 2010, by OMB seeking public comments no later than April 19, 2010.

HUD's terms and conditions to its FY2011 awards will contain requirements related to meeting Section FFATA and Section 872 requirements.

## VII. Agency Contacts

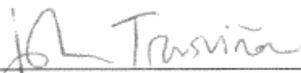
You may contact Myron P. Newry or Paula Stone of the Office of Fair Housing and Equal Opportunity's FHIP Division, at 202-402-7095, or 202-402-7054, respectively (these are not toll-free numbers). Persons with hearing or speech impairments may contact the Division by calling (800) 290-1617 (this is a toll-free number).

## VIII. Other Information

A. Paperwork Reduction Act. The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control approval number 2529-0033. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a currently valid OMB control number. Public reporting burdens for the collection of information are estimated to approximate 105 hours per annum per respondent for the application and grant administration. This includes the time for collecting, reviewing, and reporting the data for the application, semi-annual reports and final report. The information will be used for grantee selection and monitoring the administration of funds. Response to this request for information is required in order to receive the benefits to be derived.

B. Environmental Impact. This NOFA provides funding under the Fair Housing Initiatives Program ("FHIP") at 24 C.F.R., part 125, which does not contain environmental review provisions because it concerns activities that are listed in 24 C.F.R. 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321)("NEPA"). Accordingly, under 24 C.F.R. 50.19(c)(5), this NOFA is categorically excluded from environmental review under NEPA.

Dated: 7-21-11

  
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John Trasviña  
Assistant Secretary for  
Fair Housing and Equal Opportunity

[FR-5500-N-27]