



U.S. Department of Housing and Urban Development

Fair Housing / Equal Opportunity

Fair Housing Initiatives Program - Private Enforcement Initiative

FR-6000-N-21C

Application Due Date: 06/23/2016

Fair Housing Initiatives Program - Private Enforcement Initiative

FR-6000-N-21C

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U.S. Department of Housing and Urban Development

Program Office: Fair Housing / Equal Opportunity
Funding Opportunity Title: Fair Housing Initiatives Program - Private Enforcement Initiative
Announcement Type: Initial
Funding Opportunity Number: FR-6000-N-21C
Primary CFDA Number: 14.418
Due Date for Applications: 06/23/2016

For Further Information Contact: Please direct questions regarding the specific program requirements of this Program Notice of Funding Availability (NOFA) to the agency contact identified in Section VII. Please direct general questions regarding the FY2016 NOFAs to the Office of Strategic Planning and Management, Grants Management Division, at AskGMO@hud.gov. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339.

Additional Overview Information

Incorporation of the General Section. HUD publishes a General Section each fiscal year that contains requirements for all applicants to HUD's various competitive grant programs, including this NOFA. Applications must meet all of the requirements of the General Section in addition to the requirements of this NOFA to be considered and potentially receive funding. The full title of the General Section is the General Section to HUD's Fiscal Year 2016 Notice[s] of Funding Availability for Discretionary Programs. Copies are available at Grants.gov or HUD's [Funds Available](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail) page, http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/fundsavail.

1. Participative Planning and Implementation. HUD encourages all applicants to HUD's competitive programs to ensure, where applicable, public decision making and meaningful participation throughout the visioning, development, and implementation of funded projects, by residents of affected areas and especially communities traditionally marginalized from planning processes. In seeking public participation, applicants and grantees must ensure that all communications are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and, as applicable, the Americans with Disabilities Act. In addition Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that grantees take responsible steps to ensure meaningful access to services, programs, and activities by persons with Limited English Proficiency (LEP persons).

2. OMB Approval Number(s): 2529-0033

HUD is making available through this Private Enforcement Initiative (PEI) NOFA **\$7,897,458** for Fair Housing Initiative Programs.

Additional funds may become available for award under this NOFA as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds will be subject to statutory constraints. All awards are subject to the applicable funding restrictions described in the General Section and to those contained in this NOFA.

Funding for additional years beyond FY2016 is subject to the availability of appropriations.

FHIP funds are used to increase compliance with the Fair Housing Act. This year, funding is available under three Initiatives: Private Enforcement (PEI), Fair Housing Organization (FHOI) and Education and Outreach (EOI) Initiatives. However, for FY2016, funding for each initiative is listed under a separate NOFA. Applicants must apply under the correct NOFA to be considered for funding. Additionally, if an applicant is eligible and applying for funding under separate initiatives and/or components, the applicant must submit a separate application under the correct NOFA for each component the applicant applies. This NOFA will consider applicants applying under PEI only.

The following is a general description of the Private Enforcement Initiative (PEI) and each PEI component (see chart in section III. A. for all PEI eligibility requirements):

Private Enforcement Initiative (PEI). This Initiative provides funding to private, non-profit fair housing enforcement organizations that meet statutory requirements to investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that provide rights and remedies for discriminatory housing practices that are substantially equivalent to the rights and remedies provided in the Fair Housing Act.

PEI applicants may be funded under the following component based on eligibility:

Private Enforcement Initiative (PEI) - \$7,897,458

(1) Multi-Year Funding Component (PEI-MYFC)

Total PEI Multi-Year Funding (PEI-MYFC) is \$29,375,000 minus \$22,452,542 already reserved for FY 2014 and FY 2015 Multi-year grantees), therefore making \$6,922,458 available for FY2016 new awardees.

(2) Lending Component (PEI-L) - \$975,000

Applicants may apply for funding under each FHIP NOFA as long as the applicant meets the specific eligibility requirements for each Initiative/Component, and in accordance with the funding restrictions listed in each NOFA.

I. Funding Opportunity Description.

A. Program Description.

1. Purpose.

The Fair Housing Initiatives Program (FHIP) provides funding to fair housing organizations and other non-profits that assist individuals who believe that they have been victims of housing discrimination. Currently FHIP provides funds to eligible organizations through competitive grants under three initiatives to carry out enforcement activities to prevent or eliminate discriminatory housing practices and inform individuals of their rights and responsibilities under the Fair Housing Act. The Initiatives are: the Fair Housing Organization Initiative (FHOI), Private Enforcement Initiative (PEI) and the Education and Outreach Initiative (EOI).

2. Changes from Previous NOFA.

a. Multiple NOFAs – For FY 2016, the FHIP has issued one separate NOFA for each initiative (one for FHOI, one for PEI, and one for EOI), thus issuing three NOFAs. This separation was shown to be more effective. Please make sure that you submit your application under the correct Initiative/Component for which you are eligible. This NOFA is soliciting applications under the Private Enforcement Initiative.

b. PEI Multi-Year (PEI-MY) Funding – FHIP is maintaining the PEI funding level of \$325,000 for all FY 2016 grantees. In addition, FY 2015 PEI MY grants will be funded at the \$325,000 level. Other

existing PEI-MY grantees will continue to be funded at prior approved levels.

c. PEI Lending Component. FHIP has changed the Lending Component for FY2016 to now be included under the PEI NOFA. The component is not new, but is being moved from the Fair Housing Organization Initiative (FY2015) to PEI. This component is a one year component and emphasizes Fair Housing Act violations in mortgage lending enforcement activities.

d. Factor 1, sub-factor 3 – Performance on Past Project. For FY2016, this sub-factor has been eliminated.

e. NOFA Priorities. For FY2016 NOFA, FHIP will not award points for “NOFA Priorities”, since the applicable NOFA Priority, Affirmatively Furthering Fair Housing is an existing statutory requirement for recipients of FHIP funds. Please see Section III.C.2 of this NOFA for additional information on the statutory requirements.

3. Definitions.

a. **Eligibility Requirements** – Eligibility requirements are those requirements that must be met for an application to be eligible for funding. Deficiencies in meeting an eligibility requirement may be categorized as either curable or non-curable.

b. **Threshold Requirement** – Threshold requirements are a category of eligibility requirements. A threshold requirement is a requirement that must be met in order for an application to be reviewed. Threshold requirements are not curable.

Threshold requirements are listed in Section III.C.1 of this Program NOFA.

Applicants must ensure their application package addresses all threshold requirements. Please check your application carefully!

c. **Deficiency** – Deficiencies are not the same as errors. Errors are never curable except as permitted under Section IV.D.4. Deficiencies are items of missing or omitted information within a submitted application. Deficiencies typically involve missing documents, information on a form, or some other type of unsatisfied information requirement (e.g., an unsigned form, unchecked box, etc.). Depending on specific criteria, deficiencies may be either curable or non-curable.

d. **Curable Deficiency** – A curable deficiency is a specific type of deficiency that applicants may correct with timely action. To be curable the deficiency must:

- Not be a threshold requirement;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

e. **Non-Curable Deficiency** – An applicant cannot correct a non-curable deficiency after the submission deadline. Non-curable deficiencies are deficiencies that if corrected would change an applicant’s score or rank versus other applicants. Non-curable deficiencies may result in an application being marked ineligible, or otherwise adversely affect an application’s score and final determination.

Program Definitions

f. **Administrative Costs.** Administrative costs include providing clerical expenses; providing or securing legal services; providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.

g. **Allegation.** 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 fair housing laws that are in effect within the applicant’s service area.

h. **Broad-based.** Broad-based means not limited to a single fair housing issue (such as insurance, mortgage lending, or advertising), but rather covering more than one issue related to discrimination in the provision of housing covered under the Fair Housing Act.

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

- j. Fair Housing Act. The 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).
- k. Fair Housing Assistance Program (FHAP) Agencies. 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.
- l. Fair Housing Guidance – means the process used by fair housing organizations to advise persons about their rights and responsibilities, available options for exercising their rights, and remedies provided under fair housing laws.
- m. Fair Housing Enforcement Organization (FHO). Fair Housing Enforcement Organization (FHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- n. Full-service Projects. 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; conciliating; enforcing meritorious claims through litigation or referral to administrative enforcement agencies; and disseminating information about fair housing laws.
- o. Intake. Intake means housing contacts/queries received by a fair housing organization. Intakes may be in-person or by phone, mail or email contact and documented through the fair housing organization's standard intake form or database entry. Information gathered at intake starts the fair housing process. Repetitive contacts from a single individual may not be counted as an intake unless the additional contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related phone call, a telemarketer calling the office, or incoming personal phone calls.
- p. Jurisdiction. Jurisdiction under the Fair Housing Act is established when the complaint is filed in a timely manner; the complainant has apparent standing; the respondent and the dwelling involved (where the complaint involves a provision or denial of a dwelling) appear to be 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.
- q. Meritorious Claims. 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), for complaints that are jurisdictional under the Fair Housing Act.
- r. Lending Discrimination. Lending discrimination means discriminatory practices against persons protected under the Fair Housing Act, in the mortgage process and includes, but is not limited to the use of deceptive, misleading or discriminatory practices to sell services that promise foreclosure relief to homeowners, and the failure to deliver those services. Lending discrimination includes actions that may violate the Fair Housing Act in the making, servicing, or purchasing of home loans or loans secured by a home.
- s. Operating Budget. 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.
- t. Qualified Fair Housing Enforcement Organization (QFHO). Qualified Fair Housing Enforcement Organization (QFHO) means an organization engaged in fair housing activities as defined in 24 CFR 125.103.
- u. Partnership – means a collaboration with one or more identified agencies, task forces, FHAP organizations, or other groups to successfully realize the service or activity planned. A partnership may be formal and contractual in nature with specific roles and deliverables defined, or less formal cooperation

through volunteer efforts accomplished without a contract.

v. Referral. Referral means referring to HUD or to a FHAP agency an intake, alleging possible violations of fair housing laws.

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

x. Rural Areas. 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 20,000 inhabitants or less.
- (3) Territory, including its persons and housing units, in rural portions of "extended cities." The Census Bureau identifies the rural portions of extended cities.
- (4) Open country that is not part of or associated with an urban area. The USDA describes "open country" as a site separated by open space from any adjacent densely populated urban area. Open space includes undeveloped land, agricultural land, or sparsely settled areas, but does not include physical barriers (such as rivers and canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, or open space set aside for future development.
- (5) Any place in whole or in part, not located in a Metropolitan Statistical Area.

y. Statement of Work (SOW). 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.

z. Systemic Housing Investigation. Systemic housing investigation means an investigation of alleged discrimination that is pervasive or institutional in nature, or where 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 homeowner's 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.

aa. Technical Evaluation Panel (TEP). Technical Evaluation Panel (TEP) means a panel whose mission is to accomplish sound, impartial, and comprehensive evaluation of proposals consistent with the Notice of Funding Availability. TEP members are selected from a diverse pool of evaluators, including HUD staff and outside (contract) individuals. Individuals are selected for TEP participation based on skill, background or expertise in areas which include but are not limited to fair housing experience, grant writing and evaluation expertise, strong analytical and writing skill, or education and outreach, civil rights or other related experience.

bb. Testing. Testing is an investigative tool used to gather evidence. A test is a covert investigation by a QFHO or FHO involving one or more persons who initiate contact with a person or entity for the purpose of gathering information about housing policies, treatment and/or practices to compare with the requirements of fair housing laws or other civil rights laws. A test may involve comparing how persons similarly situated except for a protected characteristic are being treated.

cc. Underserved Areas. Underserved Areas means areas 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.

dd. Underserved Populations. Underserved Populations means groups of individuals who are:

- (1) Of an immigrant population (especially racial and ethnic minorities who are non- English-speaking or have limited English proficiency);
- (2) Living in a rural area;
- (3) Homeless;
- (4) Persons with disabilities (physical or mental); or
- (5) Persons in areas where there is inadequate protection and ability to provide fair housing service from a State or local government or private fair housing organization.

B. Authority.

A. 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. FHIP is authorized under Sec. 561 of the Housing and Community Development Act of 1987, as amended.

II. Award Information.

A. Available Funds.

HUD is making available approximately **\$7,897,458** through this NOFA for Fair Housing Initiatives Program - Private Enforcement Initiative.

Additional funds may become available for award under this NOFA as a result of HUD's efforts to recapture unused funds, use carryover funds, or because of the availability of additional appropriated funds. Use of these funds is subject to statutory constraints. All awards are subject to the applicable funding restrictions described in the General Section and to those contained in this NOFA.

B. Number of Awards.

HUD expects to make approximately 24 awards from the funds available under this NOFA.

C. Minimum/Maximum Award Information.

The maximum award possible under this solicitation is \$325,000. The specific maximum PEI award amounts and other eligibility information is listed in the Chart under Section III. Eligibility Information.

| | |
|--------------------------|------------------------------|
| Estimated Total Funding: | \$7,897,458 |
| Minimum Award Amount: | \$325,000 Per Project Period |
| Maximum Award Amount: | \$325,000 Per Project Period |

D. Period of Performance.

| | |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Estimated Project Start Date: | 11/30/2016 |
| Estimated Project End Date: | 11/29/2019 |
| Length of Project Periods: | Other |
| Length of Project Periods | The period of performance varies based on the specific component for which an applicant applies. For PEI-MYFC projects, the period of performance is 36 months. For PEI-L projects, the period of performance is 12-18 months. |
| Explanation of Other: | |

E. Type of Funding Instrument.

Funding Instrument Type: Grant

Grant

HUD expects to award a fixed-price grant agreement to each applicant selected for award. The type of funding instrument HUD may offer a successful applicant that sets forth the relationship between HUD and the awardee will be a grant 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 Funding 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 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.

For grant agreements, HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables as documented in the applicant's Work Plan or SOW. Most FHIP funds are awarded under grant agreements.

F. Supplementation.

III. Eligibility Information.

A. Eligible Applicants.

Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility:

Under the PEI NOFA, eligible applicants must be Qualified Fair Housing Enforcement Organizations (QFHOs) or Fair Housing Enforcement Organizations (FHOs).

If an organization does not meet the eligibility requirements for the PEI (current QFHO or FHO), the organization may be an eligible to apply under the Education and Outreach Initiative (FR-6000-N-21A) or Fair Housing Organizations Initiative (FR-6000-N-21B) NOFAs. Please see those NOFAs for specific eligibility requirements.

The following chart details the PEI Initiative/ Component(s), the approximate available funding, and the eligible applicants and activities:

| Initiative/ Component | Amount Available | Applicant Eligibility | Project Period | Award Caps | Applicant Eligible Activities |
|----------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Private Enforcement Initiative (PEI) - Multi-year Funding Component</u> | \$6,922,458 | 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). Both FHOs and QFHOs must currently be conducting these enforcement activities and operating a full service program. | 36 months | For FY 2016, up to \$325,000 per year for a three-year duration. All prior second and third year grantees will be funded at their current levels. All applicants must review Appendix B, which specifies the required activities that must be addressed in each application. All funding is based on the availability of appropriations. | Eligible activities include, but are not limited to: (1) Intake of allegations of violations of the Fair Housing Act, testing, evaluating testing results, and providing other investigative work to provide a just resolution for violations of the Fair Housing Act that may violate federal, state or substantially equivalent local fair housing laws; (2) investigation of violations of the Fair Housing Act, through testing and other investigative methods including systemic investigations; (3) Mediation or other voluntary resolution of allegations of violations of the Fair Housing Act; (4) litigating fair housing cases, including procuring expert witnesses, and (5) conducting fair housing education activities. Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the Fair Housing Act HUD will allow applicants under the PEI-Multi-year to modify their activities with the approval of the GTR based upon changing |

| | | | | | |
|------------------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | | demographics and/or need. |
| <u>Private Enforcement Initiative (PEI)- Lending</u> | \$975,000 | 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). Both FHOs and QFHOs must currently be conducting these enforcement activities and operating a full service program. | 12-18 months | Up to \$325,000 | Eligible activities include but are not limited to: (1) Intake and investigation of allegations of lending discrimination as it relates to violations of the Fair Housing Act, or providing other investigative and complaint support for administrative and judicial enforcement of violations of the Fair Housing Act, 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 violations of the Fair Housing Act; (3) Assisting clients with loan workouts, refinancing, or modifications necessary as the result of a violation of the Fair Housing Act. |

HUD does not award grants to individuals. HUD will also not evaluate applications from ineligible applicants.

As required in the Code of Federal Regulations (CFR) at 2 CFR 25.200 and 24 CFR Part 5 Subpart K, all applicants for financial assistance must have an active Data Universal Numbering System (DUNS) number (<http://fedgov.dnb.com/webform>) and have an active registration in the System for Award Management (SAM) (www.sam.gov) before submitting an application. Getting a DUNS number and completing SAM

registration can take up to four weeks; therefore, applicants should start this process or check their status early.

See also Section IV.B for necessary form and content information.

B. Cost Sharing or Matching.

This Program does not require an applicant to leverage resources through cost sharing or matching.

There is no statutory requirement for applicants to leverage resources; however, under Factor 4 applicants may receive points for leveraging resources.

C. Other.

All applicants must comply with the following requirements, which may determine whether your application is reviewed or make your application ineligible for funding. Eligibility criteria for this competition include:

1. Threshold Requirements.

Applicants who fail to meet any of the following threshold eligibility requirements will be deemed ineligible. Applications from ineligible applicants will not be evaluated. See also Section I.A.3 Definitions.

a. Timely Submission of Applications – Applications submitted after the deadline stated within this NOFA and that do not meet the requirements of the grace period policy will be marked late. Late applications are deemed ineligible and will not be considered for funding. See also Section IV Application and Submission Information, part D.

b. Civil Rights Matters – Outstanding civil rights matters must be resolved prior to the application deadline.

(1) Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (a) – (e) that have not been resolved to HUD’s satisfaction before or on the application deadline date are ineligible for funding.

(a) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;

(b) Status as a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);

(c) Status as a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(d) Receipt of a letter of findings identifying systemic noncompliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; or Title II of the Americans with Disabilities Act; or

(e) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

(2) HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date are sufficient to resolve the matter. Examples of actions that may be considered sufficient to resolve the matter include, but are not limited to:

(a) Current compliance with a voluntary compliance agreement signed by all the parties;

- (b) Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- (c) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- (d) Current compliance with a consent order or consent decree; or
- (e) Current compliance with a final judicial ruling or administrative ruling or decision.

Program Thresholds. Only applicants deemed eligible will be ranked and rated.

a. Eligible PEI Applicants. All applicants must meet the eligibility requirements as defined in Section III A. Eligible Applicants. PEI applicants 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. Applications must include an IRS report showing 501(c)(3) status. If an applicant's 501(c)(3) status has expired prior to application deadline date, the application must show that the organization has applied for renewal of tax-exempt status and that the application is pending. If 501(c)(3) status has expired and there is no information regarding the application for renewal in the organization's application at the deadline date, the applicant will be deemed ineligible. In addition, if an organization with a pending 501(c)(3) application is selected for a funding award based on the review and selection process, the applicant must provide proof that the 501(c)(3) renewal was approved prior to release of funding. If the applicant's pending application for renewal is subsequently denied, the applicant's organization will be deemed ineligible and the award selection will be rescinded. Further, all applicants must maintain 501(c)(3) status throughout the grant period.

b. Minimum Score. Applicants must receive a minimum Technical Evaluation Panel (TEP) score of 75 points to be considered for funding.

c. Amount in Excess of the Maximum Amount. 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.

d. Inconsistencies in the Requested Amount or Miscalculations. 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.

e. Performance. Applicants receiving a "Poor" performance rating after FY 2013 under the FHIP are ineligible for funding for a one year period. Applicants must demonstrate that they have satisfactorily resolved the deficiency resulting in the "poor" performance to the satisfaction of HUD before applying after the one year period. If applicants are unable to clear up all deficiencies, they should submit in their application their plan to correct such deficiencies. The Department will determine the extent to which the applicant is able to manage or receive funding awards as part of the TEP process.

f. Eligible Activities. When the majority of the proposed activities are ineligible (more than 50%) HUD will not fund the application.

g. Fair Housing Act/Protected Classes. Applicants that fail to address housing discrimination under the provisions of the Fair Housing Act will be ineligible.

h. Research Activities. Applicants are ineligible for funding if their project is aimed solely at research. If a successful application contains research and other activities, only the eligible portions of the application will be funded.

i. 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)).

j. Other Litigation. An application is ineligible for funding if the organization proposes in its current application, or used funds provided by HUD (within the last three years) under this Program to fund or support the settlement of a claim, satisfy a judgment, or fulfill a court order in any defensive litigation (42

U.S.C. 3616 note Sec. 561 (i))

Applicants that do not meet one or more of the requirements will not be eligible for funding.

2. Statutory and Regulatory Requirements.

a. Compliance with Nondiscrimination and Related Requirements.

Compliance with Fair Housing and Civil Rights Laws.

Applicants and their prospective subrecipients 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 and Title III of the Americans with Disabilities Act of 1990; and Section 109 of the Housing and Community Development Act of 1974. Applicants, and their prospective subrecipients, who are conducting programs or activities within a state or local jurisdiction that has passed a law prohibiting discrimination in housing based upon sexual orientation or gender identity, or a law prohibiting discrimination in housing based on lawful source of income, must comply with the law(s) of the state or locality in which the program activities are conducted.

If an applicant is a federally recognized Indian tribe or Tribally Designated Housing Entity (TDHE), the applicant is exempt from the Fair Housing Act. For programs authorized under the Native American Housing Assistance and Self-Determination Act, the nondiscrimination provisions enumerated at 24 CFR 1000.12 apply. Furthermore, the applicable civil rights requirements may depend on whether the applicant is a Federally-recognized tribe.

Affirmatively Furthering Fair Housing.

Section 808(e)(5) of the Fair Housing Act requires HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. Accordingly, HUD requires recipients of funds that are not specifically exempted to take affirmative steps to further fair housing. An applicant must discuss how it is going to carry out the proposed activities in a manner that affirmatively furthers fair housing in complete compliance with Section 808(e)(5) of the Fair Housing Act.

Under the AFFH rule at 24 C.F.R. §§ 5.150-5.180, covered program participants must complete and submit an Assessment of Fair Housing (AFH) to identify fair housing issues and factors that create, contribute to, perpetuate, or increase the severity of those fair housing issues in the program participant's jurisdiction(s) and region(s). Program participants are required to take meaningful actions, which are actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. Such actions may include, but are not limited to, remedying discrimination in housing and urban development activities; promoting diverse, integrated living patterns; and promoting housing-related opportunities that overcome the effects of past discrimination based upon race, color, national origin, religion, sex, disability, and familial status. Until program participants are required to comply with the submission of an AFH to HUD, they are required to continue to conduct an Analysis of Impediments to Fair Housing Choice (AI) and take actions designed to address impediments to fair housing choice identified in that analysis.

Economic Opportunities for Low-and Very Low-income Persons (Section 3).

Recipients of assistance must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 135. Section 3 requires recipients to ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities will be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns that provide economic opportunities to low-and very low-income persons in the area in which the project is located. Applicants must describe in their applications their plans to train and employ Section 3 residents and contract with Section 3 business concerns in furtherance of the proposed activities. Applicants for funding under this program shall, by signing the application, certify compliance. Recipients of covered funding are required to comply with the requirements of 24 CFR Part 135, particularly subpart B-Economic Opportunities for Section 3 residents and Section 3 Business Concerns, and Subpart E-Reporting and Recordkeeping. HUD encourages recipients to consult the national Section 3 Business Registry. Applicants and grant recipients can search the database to find local Section 3 businesses that put a priority on hiring public housing or low-income residents. To learn more about HUD's Section 3 Business Registry or to search for a Section 3 business, visit: www.hud.gov/sec3biz. Additional information on the requirements of Section 3 can be found at: www.hud.gov/offices/fheo/section3/section3.cfm. Program NOFAs to which Section 3 applies will have additional information here.

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 www.lep.gov/guidance/HUD_guidance_Jan07.pdf. For more information on LEP, please visit www.hud.gov/offices/fheo/promotingfh/lep.cfm.

Accessible Technology.

Section 508 of the Rehabilitation Act (Section 508) requires HUD to ensure, when developing, procuring, maintaining, or using electronic and information technology (EIT), that the EIT allow persons with disabilities to access and use information and data on a comparable basis as is made available to and used by those without disabilities. Section 508 covers, but is not limited to, computers (hardware, software, word processing, email, and Internet sites), fax machines, copiers and telephones. Among other things, Section 508 requires that EIT allow individuals with disabilities who are federal employees or members of the public seeking information or services from a federal agency 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 without disabilities unless an undue burden would result to the federal department or agency. Where an undue burden exists to the federal department or agency, alternative means may be used to allow an individual with disabilities 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, 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 are directed to www.section508.gov.

Accessibility Requirements. All grant recipients and sub-recipients must use 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 Titles II and III of the Americans with Disabilities Act, as applicable. All programs or activities must be held in accessible locations unless the recipient can demonstrate that doing so would result in a fundamental alteration of the program or an undue financial and administrative burden, in which case the recipients must take any action that would not result in such an alteration or such burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, *e.g.*, training at an alternate accessible site, in-home training. Individuals with disabilities must receive services in the most integrated setting appropriate to their needs.

Effective Communication. Successful applicants must ensure that notices of and communications during all training sessions and meetings are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 CFR 8.6), and as applicable, the Americans with Disabilities Act. This includes ensuring that materials are in appropriate alternative formats as needed, *e.g.*, Braille, audio, large type, sign language interpreters, and assistive listening devices, *etc.*

b. HUD Agency Wide or Federal Government Wide Requirements.

(1) Outstanding Delinquent Federal Debts – It is HUD policy, consistent with the purposes and intent of 31 U.S.C. 3720B and 28 U.S.C. 3201(e), that applicants with outstanding delinquent federal debt will not be eligible to receive an award of funds, unless:

- (a) A negotiated repayment schedule is established and the repayment schedule is not delinquent, or
- (b) Other arrangements satisfactory to HUD are made prior to the award of funds by HUD. If satisfactory arrangements cannot be completed within 90 days of notification of selection, HUD will not make an award of funds to the applicant, and instead offer the award to the next eligible applicant. HUD may act earlier than the above stated 90 days to ensure, in HUD’s determination, that the funds can be obligated in a timely manner. Applicants selected for funding, or awarded funds, must report any changes in status of current agreements covering federal debt. HUD may withhold funding, terminate an award, or seek other remedies from a grantee if a previously agreed-upon payment schedule has not been followed or a new agreement with the federal agency to which the debt is owed has not been signed.

(2) Pre-Award Accounting System Survey – HUD will not award or disburse funds to applicants that do not have a financial management system that meets federal standards. HUD may arrange for a pre-award survey of any such financial management system for applicants selected for award who have not previously received federal financial assistance, where HUD Program officials have reason to question whether a financial management system meets federal financial management standards, or for applicants considered high risk based upon past performance or financial management findings.

(3) Debarments and/or Suspensions – In accordance with 2 CFR part 2424, no award of federal funds may be made to debarred or suspended applicants, or those proposed to be debarred or suspended from doing business with the Federal Government.

(4) False Statements – A false statement in an application is grounds for denial or termination of an award and possible punishment, as provided in 18 U.S.C. 1001.

(5) Do Not Pay Website Review – As part of the Improper Payments Elimination and Recovery

Improvement Act (IPERIA) of 2012, in making funding determinations HUD will look up applicant information on the Federal website <http://www.donotpay.treas.gov/>. The Do Not Pay Portal is intended to prevent improper payments and can be used by HUD to ensure that applicants that receive funding do not owe funds to the federal government; are not on the Excluded Parties List System (EPLS); the List of Excluded Individuals/Entities List (LEIE); the Social Security Administration (SSA) Death Master File (DMF); or other federal databases that would provide adverse information regarding the applicant. HUD reserves the right to:

- (a) Deny funding, or in the case of a renewal or continuing award, consider suspension or termination of an award immediately for cause,
- (b) Require the removal of any key individual from association with management or implementation of the award, and
- (c) Make appropriate provisions or revisions with respect to the method of payment or financial reporting requirements.

(6) Conducting Business in Accordance with Ethical Standards/Code of Conduct – Applicants are required to develop and maintain a written code of conduct in accordance with 2 CFR 200.112 and 200.318. Codes of conduct must prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by officers, employees, or agents for their personal benefit in excess of minimal value; and outline administrative and disciplinary actions available to remedy violations of such standards.

Pursuant to applicable Federal and HUD regulations, applicants must disclose in writing any potential conflict of interest and all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

Before entering into an agreement with HUD, applicants selected to receive funding under a Program NOFA must submit an up-to-date copy of their code of conduct. Applicants with codes already on file with HUD do not need to resubmit a new code unless the information on file has changed. New or updated submissions must be dated and signed by the Executive Director, or Chair, or equivalent official, of the governing body of the organization. Applicants must also describe the methods to be used to ensure that all officers, employees, and agents are aware of and have agreed to adhere to the code of conduct.

(7) Conflict of Interest of Consultants or Technical Experts Assisting HUD – Consultants and technical experts who assist HUD in rating and ranking applications for funding under published FY 2016 Program NOFAs are subject to 18 U.S.C. 208, the federal criminal conflict-of-interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, consultants and technical experts who have assisted or plan to assist applicants with preparing applications for FY 2016 Program NOFAs may not serve on a selection panel and may not serve as a technical advisor to HUD. Anyone involved in rating and ranking FY 2016 Program NOFA applications, including departmental staff, experts and consultants must avoid conflicts of interest or the appearance of such conflicts. These individuals must also disclose to HUD's Office of General Counsel Ethics Law Division the following information, if applicable:

- (a) How the selection or non-selection of any applicant under a FY 2016 Program NOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208, or
- (b) How the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502.

The consultant or technical expert assisting HUD must disclose this information before participating in any matter regarding an FY 2016 program NOFA. Applicants with questions regarding these provisions or concerning a conflict of interest, please call the Office of General Counsel, Ethics Law Division, at (202) 708-3815 (this is not a toll-free number). The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Relay Service's teletype service at 1-800-877-8339.

(8) Prohibition Against Lobbying Activities – Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment) and 24 CFR part 87, which prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement. In addition, applicants must disclose, using Standard Form LLL (SFLLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific grants or contracts. Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally-recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement. Applicants must submit the SFLLL if they have used or intend to use non-federal funds for lobbying activities.

(9) Consistency with the Consolidated Plan and Analysis of Impediments (AI)/Assessment of Fair Housing – Certain competitive Programs require applications to contain a certification of consistency with a HUD-approved Consolidated Plan. This certification means that the proposed activities are consistent with the jurisdiction’s strategic plan, and the location of the proposed activities is consistent with the geographic areas specified in the Consolidated Plan. The Consolidated Plan also includes the jurisdiction’s certification to affirmatively further fair housing which means, among other requirements, that the jurisdiction has conducted an AI/Assessment of Fair Housing. If a program NOFA requires a certification of consistency with the Consolidated Plan and you fail to provide the certification, and you do not cure the omission as a technical deficiency, HUD will not fund the application.

Under HUD’s regulations at 24 CFR 91.2(d), an applicant’s PHA Plan must include a certification by the appropriate state or local official that the PHA Plan is consistent with the applicable Consolidated Plan for the jurisdiction in which the PHA is located and must describe the manner in which the applicable contents of the PHA Plan are consistent with the Consolidated Plan. To the extent that a proposal funded under this NOFA is addressed or should be addressed in the PHA Plan, it must be certified to be consistent with the Consolidated Plan.

3. Program Specific Requirements.

- a. Applicants must be either a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) to be eligible for funding.
- b. Applicants must be broad-based and full service projects (please see section I.A.3 for definitions of broad-based and full service projects).
- c. Fair Housing Related Activities. All the activities and costs within the Statement of Work (SOW) and budget must be fair housing related activities, and must demonstrate an explicit 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.
- d. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination based on race, color, religion, sex, disability, familial status, and/or national origin and further the nondiscrimination provisions of the Fair Housing Act. The project may address discrimination based on gender stereotyping (e.g., gender identity discrimination when such discrimination may also violate the Fair Housing Act). In addition, the project may address source of income discrimination when such discrimination may also violate the Fair Housing Act or when discrimination based on source of income contributes to a failure to affirmatively further fair housing or to discrimination based on characteristics covered by 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 all 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.

e. 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. Under PEI this components, 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 SAM before HUD will make the award to the new organization or allow additional funds to be drawn. If the new organization is unable to secure a new DUNS number or register in SAM, then the grant will be suspended and terminated.

f. Private Enforcement Initiative - Multi-Year Funding Component. Applicants that received FY2014 or 2015 PEI-MYFC funding are ineligible to receive a new FY2016 PEI-MYFC grant or to have their funding increased. Those applicants will receive funding under their current PEI-MYFC grant agreements based on appropriations. PEI-MYFC may apply and also receive a PEI-Lending Component award.

Only applicants deemed eligible will be ranked and rated.

4. Criteria for Beneficiaries.

This program has eligibility criteria for beneficiaries.

a. Single Audit Requirement. All applicants who have expended \$750,000 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 requirements as established in 2 CFR Part 200.501. If an applicant receives \$750,000 or more in Federal financial assistance, the applicant's application must set aside funds to complete the audit.

b. Dun and Bradstreet Numbering System. (DUNS) Numbering Requirement. Refer to the General Section for information regarding the DUNS requirement referenced at IV.C. 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.

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

d. Testing Requirements for PEI Applicants. If funded, during negotiations applicants must provide a copy of its organization's written policy demonstrating that the organization policy/policies comply with the FHIP Regulation at 24 CFR 125.107. In addition, applicants should be prepared to adopt policies and practices that include a criminal background check on potential testers, and require that potential testers certify under penalty of perjury that they meet the requirements under that section. Costs for all background checks should be included in the applicant's budget.

e. Review and Approval of Testing Training Materials. If funded, during negotiations, HUD may

require the applicant to submit copies of the following documents to HUD for review:

- (1) The training materials to be provided for tester training; and
- (2) Other forms, protocols, cover letters, etc., used in the conduct of testing and reporting of results.

f. Training Funds. The proposed budget for any FHIP grant must set aside \$5,000 annually to be utilized to participate in HUD sponsored mandatory or approved training. Grants that have a performance period of 12-18 months are considered 12 month grants for purposes of this requirement. For the PEI Multi-Year component, the proposed budget must set aside \$5,000 annually for a 36-month duration subject to availability of appropriations. Do not specify amounts over \$5,000, per instructed above, for training set-aside in this category. If an applicant has not included this funding allocation in the budget and the applicant is selected for an award, HUD will modify the applicant's budget, reallocating the appropriate training amount.

If an applicant is awarded more than one grant, HUD reserves the right to examine the requested training needs. If additional training funds are not needed, HUD reserves the right to transfer funds back to fair housing activities during negotiations.

IV. Application and Submission Information.

A. Obtaining an Application Package

An electronic copy of the Application Package and Application Instructions for this NOFA can be downloaded from Grants.gov at <http://www.grants.gov/applicants/apply-for-grants.html>. Except for Continuum of Care applications, or unless an applicant received a waiver for good cause, all applications must be submitted electronically via Grants.gov. The Continuum of Care application is submitted through HUD's e-snaps system.

An applicant demonstrating good cause may request a waiver from the requirement for electronic submission. For example, a lack of available Internet access in the geographic area in which the applicant's business offices are located. Applicants that cannot submit their applications electronically and must seek a waiver of the electronic grant submission requirements must submit a waiver request so that the request is received at least 15 days before the application deadline. If HUD waives the requirement, HUD must receive your paper application before the deadline of this NOFA. To request a waiver and receive a paper copy of the application materials, you should contact:

Myron Newry

Phone: (202) 402-7095

Email: Myron.P.Newry@hud.gov

Office of Fair Housing and Equal Opportunity

451 7th Street, SW

Room 5222B

Washington, DC 20410

Phone 2: (202) 708-4445

All waiver requests will be submitted to the Assistant Secretary for a final determination.

If you are granted a waiver, the notification will provide instructions on where to submit the application and how many copies are required. If you receive a waiver of the electronic application submission requirement, your paper copy application must be received by HUD in room 5222B 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 time for the application to be scanned through this facility. Applications not received in 5222B by the 4:30 pm Eastern Time deadline date shall be deemed ineligible. There is no grace period for paper application submissions.

HUD will not accept a paper application without a waiver being granted and such paper applications will be returned to sender.

We advise you send your application via a carrier that provides a receipt of delivery. In addition, you will receive a confirmation (via HUD 2993 Form) confirming HUD’s receipt. This HUD receipt may not come before the submission deadline.

B. Content and Form of Application Submission.

To ensure that the correct Application Package and Application Instructions are used, applicants must verify that the CFDA Number and CFDA Description on the first page of the Application Package downloaded from Grants.gov, as well as the Funding Opportunity Title, and the Funding Opportunity Number match the Program and NOFA to which they are applying. Applications will only be considered for the competition indicated in box 11, 12, and 13 on the SF-424 submitted in the application.

1. Content

Forms for your package include the forms outlined below:

| Forms / Assurances / Certifications | Submission Requirement | Notes / Description |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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, in Box 15, along with the Initiative, an applicant should include the Component to which you are applying. | Required form |
| Disclosure of Lobbying Activities | SFLLL, if applicable: (per required form). | Submission of this form is required if any funds have been paid, or will be paid, to any person for influencing, or attempting to influence, or officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee or Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan. |
| Applicant-Recipient Disclosure Update Report | HUD2880 ("HUD Applicant Recipient Disclosure Report"); | Required form. |
| Certification of Consistency with the Consolidated Plan | HUD2991 | If applicable. |

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|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Survey for Ensuring Equal Opportunity for Applicants | HUD424 Supplement (“Faith Based EEO Survey (HUD424SUPP); (per required form). Non-profit private organizations (not including private universities) are encouraged to submit the survey with their application. Applicants applying electronically, may submit this survey along with the application as part of the appendix or as a separate document. | Required form |
| Certification of Consistency with Promise Zone Goals and Implementation, if applicable Communities, if applicable | Form HUD 50153, if applicable | This form is required if applicant would like to apply for Promise Zone Bonus points. |
| Race and Ethnic Data Reporting Form | HUD27061 | Required form - post award |
| Budget Information | Form HUD424CBW ("HUD Detailed Budget Form and Worksheet) | Required form. |
| Acknowledgment of Application Receipt (HUD2993), if applicable | This form is applicable only to applications submitted on paper, following receipt of a waiver of electronic submission. | This form is not required but is available for applicants who want confirmation that their hard-copy application was received by HUD. The form must be submitted with the application, in accordance with the application submission instructions included in the waiver of electronic submission. |

Additionally, your complete application must include the following narratives and non-form attachments.

- Factor 1-5 Narratives (Format described in Section V, "Application Review Information" of this NOFA).
- Project Abstract (One page summary including Initiative and component applied, amount of funding requested, general description of project activities, areas of concentration, and issues pending resolution, if any).
- Affirmatively Furthering Fair Housing (AFFH) Statement. A narrative discussing how the organization will carry-out the proposed activities in a manner that affirmatively furthers fair housing in compliance with Section 808(e)(5) of the Fair Housing Act.
- Statement of Work (SOW) Narrative and SOW chart (see Appendix A for sample chart)

- Narrative Budget Work Plan in addition to Form HUD424CBW

Further, all applicants must read and adhere to Initiative and Component specific submission requirements under Section III, Eligibility Chart. Applicants must submit a separate completed electronic application for each specific Initiative and component for which the applicant is applying on or before the deadline date.

2. Format and Form.

Narratives and other attachments to your application must follow the following format guidelines.

a. Requirements Applicable to All Applicants. The maximum length of the narrative response is ten (10) pages per factor. Applicants may submit fewer pages if desired. The narrative pages must be double-spaced. This includes all text, titles and headings. Applicants 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 rating factors 1-5 or omitting requested information will result in less than the maximum points available for the given rating factor or sub-factor. The following items do not count towards the ten page maximum: Statement of Work and Budget chart or other information, and Factor 1 Organization Experience chart(s).

b. If an applicant cannot access the toll-free number or experience problems, please call (215) 825-8798 (this is not a toll-free number). Applicants must follow the directions provided in the General Section for faxing information as part of their application submission. Failure to do so will result in the application being rejected by the Grants.gov system with a “VIRUS DETECT” error message.

C. System for Award Management (SAM) and Dun & Bradstreet Universal Numbering System (DUNS) Number.

1. SAM Registration Requirement.

Applicants must be registered with SAM before submitting their application. In addition, applicants must continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by HUD.

2. DUNS Number Requirement.

Applicants must provide a valid DUNS number in their application. DUNS numbers may be obtained for free at <http://fedgov.dnb.com/webform>.

D. Application Submission Dates and Times.

The application deadline is 11:59:59 p.m. Eastern time on **06/23/2016**. Applications must be received no later than the deadline.

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit your application in paper form or you are applying for the Continuum of Care program. The Continuum of Care application is submitted through HUD’s e-snaps system. Instructions for submitting your application to Grants.gov are contained within the Application Package you downloaded from Grants.gov. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

Your application must be both **received and validated** by Grants.gov. Your application is “received” when Grants.gov provides you a confirmation of receipt and an application tracking number. **If you do not see this confirmation and tracking number, your application has not been received.**

After your application has been received, your application still must be validated by Grants.gov. During this process, your application may be “validated” or “rejected with errors.” To know whether your application was rejected with errors and the reason(s) why, you must log into Grants.gov, select “Applicants” from the

top navigation, and select “Track my application” from the drop-down list. If the status is “rejected with errors,” you have the option to correct the error(s) and resubmit your application before the Grace Period ends. **If your application was “rejected with errors” and you do not correct these errors, Grants.gov will not send your application to HUD, and HUD will not review your application.** If your status is “validated” your application will be forwarded to HUD by Grants.gov.

1. Amending or Resubmitting an Application.

Before the submission deadline, applicants who choose to amend an application that has been validated by Grants.gov may resubmit a revised application containing the new or changed material. The resubmitted application must be received by the applicable deadline.

2. Grace Period for Grants.gov Submissions.

If an application is received by Grants.gov before the deadline, but is rejected with errors, applicants have a grace period of 24 hours beyond the application deadline to submit a corrected application that is received and validated by Grants.gov. Any application submitted during the grace period that does not meet the criteria above will not be considered for funding. There is no grace period for paper applications.

3. Late Applications.

An application received after the Program NOFA deadline date that does not meet the requirements of the grace period policy will be marked late, and will not be considered for funding.

4. Corrections to Deficient Applications.

Except as provided by the electronic submission grace period described in this notice, HUD may not consider any unsolicited information that applicants may want to provide after the application deadline. (Refer to 24 CFR part 4, subpart B.) In addition, 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 bonus points. HUD may contact the applicant to clarify other items in its application. In order not to unreasonably exclude applications from being rated and ranked in situations where there are curable deficiencies, HUD will notify applicants of each technical deficiency and will do so on a uniform basis.

If HUD finds a curable deficiency in an application, HUD will notify the applicant by email describing the clarification or technical deficiency. HUD will send an email to the person designated in item 8F of the SF424 and to the person listed as the authorized representative in item 21 of the SF424. Both email notifications will be sent from HUD with confirmation of delivery receipt requested. The email notifications will be the official notification of the need to cure a technical deficiency. It is the responsibility of applicants to provide accurate email addresses for receipt of these notifications and to monitor their email accounts to determine whether a cure letter has been received. The applicant must carefully review the request for cure of a technical deficiency and must provide the response in accordance with the instructions contained in the deficiency notification.

Clarifications or corrections of technical deficiencies must be received by HUD within the time limits specified in the notification. In no case shall the time allowed to correct deficiencies exceed 14 calendar days or be less than 48 hours from the date of the email notification. The start of the cure period will be the date stamp on the email HUD sends to the applicant. If the deficiency cure deadline date falls on a Saturday, Sunday, federal holiday, or other day when HUD’s Headquarters offices in Washington, DC, are closed, then the applicant’s correction must be received on the next day that is not a Saturday, Sunday, or federal holiday, or other day when the HUD’s Headquarters offices in Washington, DC, are closed.

Curable deficiency items must be submitted via email addressed to ApplicationSupport@hud.gov. When submitting technical deficiency cure items you must enter “Technical Cure” plus the Grants.gov application

tracking number in the subject line of the email (e.g., Subject: Technical Cure - GRANT123456). If this information is not included, HUD will not be able to match the response to the application under review and the application may therefore be rejected due to the deficiency.

Corrections to a paper application should be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application that contains the wrong DUNS number as having a technical deficiency. Failure to correct the deficiency and meet the requirement to have a DUNS number and active registration in SAM will render the application ineligible for funding.

E. Intergovernmental Review.

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

F. Funding Restrictions.

1. **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.
2. **Reimbursement Requirement.** PEI 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 Government 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.
3. **PEI Limitations for Education & Outreach.** There is a 20 percent cap on the dollar amount allowed for education and outreach related activities. If the limit is exceeded, points will be deducted in the rating process and if awarded, funds will be adjusted to maintain the required limitation.
4. **Eligibility for FHOI.** Applicants may not receive a FHOI Continuing Development Component (CDC) award if they receive PEI funding under the PEI Multi-year component.
5. **Performance Standards.** Applicants are required to maintain an annual performance assessment rating from the FHIP HUD GTR as “good” or funding may be reduced until performance issues are resolved and if unresolved, HUD has a right to rescind funding.

Indirect Cost Rate

Indirect Cost Rate: No restrictions, applicants may use their negotiated rate or the *de Minimis* rate (10% of Modified Total Direct Costs).

G. Other Submission Requirements.

1. Discrepancies between the NOFA on Grants.gov and Other Documents.

The Program NOFA posted at the Grants.gov website is the official document HUD uses to solicit applications. Applicants are advised to review their application submission against the requirements in the posted Program NOFA. If there is a discrepancy between the Program NOFA posted on Grants.gov and other information provided in any other copy or version or supporting documentation, the posted Program NOFA located at www.Grants.gov prevails. If discrepancies are found, please notify HUD immediately by calling the program contact listed in the Program NOFA. HUD will post any corrections or changes to a Program NOFA on the Grants.gov website. Applicants who enroll an email address at the application download page will receive an e-mail alert from Grants.gov in the event the opportunity is changed.

2. Application Certifications and Assurances.

Applicants signing the SF424 cover page either through electronic submission or in paper copy submission (for those granted a waiver) affirm that the certifications and assurances associated with the application are material representations of the facts upon which HUD will rely when making an award to the applicant. If it is later determined that the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to federally-recognized Indian tribes, and those applicable to applicants other than federally-recognized Indian tribes. All program-specific certifications and assurances are included in the program Instructions Download on Grants.gov.

3. Lead Based Paint Requirements

When providing education or counseling on buying or renting housing that may include pre-1978 housing, when required by regulation or policy, inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

4. Indirect Cost Rate (ICR)

If you are a governmental organization or agency that receives more than \$35 million in federal funding, you are required to request an Indirect Cost Rate from your cognizant agency (2 CFR 200 Appendix VII). If you have not requested an indirect cost rate or have not received a negotiated indirect cost rate, you may not claim indirect costs until you receive a negotiated rate.

Non-governmental organizations: If your organization has never had an indirect cost rate and wishes to use the *de minimis* rate, your application's budget narrative must clearly state you intend to use the *de minimis* 10% of Modified Total Direct Costs (MTDC). If you are using a negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and include a letter or other documentation from the cognizant agency showing the approved rate.

Governmental organizations: If your organization has a negotiated indirect cost rate, your application's budget narrative must include the rate and a letter or other documentation from the cognizant agency showing the negotiated rate. If your organization has prepared and maintains documentation supporting an indirect rate proposal but has not negotiated approval of the rate, your application's budget narrative must include the rate and applicable distribution base. State and local government departments that have never negotiated indirect cost rates with the Federal government and receive less than \$35 million in direct Federal funding per year may use the 10% *de minimis* indirect cost rate, and must keep the documentation of this decision on file. Federally recognized Indian tribes that have never negotiated an indirect cost rate with the Federal government may also use the 10% *de minimis* rate and must keep the documentation of this decision on file.

V. Application Review Information.

A. Review Criteria.

1. Rating Factors

a. Rating Factors. The criteria for rating and ranking applications, as well as the maximum points for each Rating Factor, are provided below. Applicants must address all five rating factors. The maximum number of points awarded for any application under this NOFA is 102. This total includes 100 points available for the rating factors, two bonus points for Preferred Sustainability Status or Promise Zones.

b. NOFA Priorities. This NOFA will not award points for "NOFA Priorities" since the applicable NOFA Priority, Affirmatively Furthering Fair Housing is an existing statutory requirement for recipients of FHIP funds.

Rating Factor 1

Maximum Points: 32

Capacity of Applicant and Relevant Organizational Experience (up to 32 points).

For PEI Applicants. This factor addresses the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project by the end of the grant performance period. Applicants without the requisite experience may consider applying for a Fair Housing Organizations Initiative grant to improve capacity and gain the experience necessary to apply for future PEI funds.

PEI applicants must clearly address the following:

(1) Description and expertise of staff (Up to 12 points)

The applicant must describe staff expertise to show that the applicant organization will have sufficient, qualified staff who will be available to complete the proposed activities, including new hires and contractors or consultants. The applicant must:

(a) Describe the organization staffing plan and the extent to which the applicant plans to add staff (employees) or contractors. If the application proposes using contractors, the applicant must provide a statement describing how the applicant will evaluate and provide oversight for each contractor. The staffing plan should identify each staff person(s) assigned to the proposed project by name and position, and the percentage of estimated time that each will devote to the proposed project. This description must also identify the project's proposed Project Manager, by name and title, and percentage of time that that the individual will devote to the proposed project. The NOFA requires that Project Managers devote at least the following percentage of time to the proposed project:

PEI applicants only - 50 percent of time

If applicable, the applicant must identify FY2013, FY2014 and FY2015 FHIP grant awards and sub-grantee projects, and identify each staff person assigned to the projects, including staff name, position and percentage of time devoted to those project(s). Staff time and effort under each Initiative/Component must represent time and effort over the entirety of the grant period. Applicants who are applying for, or currently have multiple open FHIP grants must describe how the applicant will manage, operate, and maintain activities, performance requirements and timetables for these multiple grants. Failure to provide this information will result in the applicant receiving reduced points under this sub-factor. The applicant's listing or chart does not count towards the ten (10)-page limit for Factor 1. (up to 3 points)

(b) Describe each key staff person's fair housing related experience and how the staff will contribute to the proposed project including any experience relating to proposed fair housing training or disseminating information to the community. Please do not include resumes. For proposed hires, the applicant must identify the position, percentage of time the proposed staff will devote to the project, and the position requirements that will assist the organization in successfully completing the proposed project. For proposed consultants or contractors, the applicant must describe experience that contributes to the

organization completing the proposed activities, including any fair housing related experience. (up to 5 points)

(c) Demonstrate that the organization has available staff with the appropriate training, expertise and experience to conduct tests or the applicant must propose a plan and budget (under Factor 3) for training and technical assistance for testing. If an applicant proposes complex testing, such as real estate sales, mortgage lending, or homeowners insurance, the applicant must describe the specialized staff training, expertise and/or experience to complete the proposed testing activities. (up to 4 points)

(2) **Organizational Experience (up to 20 points).** The applicant must describe the organization's ability to complete the proposed project within the grant period and show the effectiveness of the project, as follows:

(a) Show that the staff in the organization have conducted past project(s) similar in scope and complexity (whether FHIP funded or not) to the project proposed or engaged in activities that, although not necessarily similar, are readily transferable to the proposed project and the results. (Up to 5 points)

(b) Describe their organization's staff's experience working with populations of the targeted area of need, including diverse populations faced by historic segregation. (Up to 5 points)

(c) Specify how FY2016 funds will include the capacity to conduct systemic investigations and specify how FY2016 funds will expand PEI FHIP funded activities or other fair housing enforcement activities toward increased investigations of housing discrimination activities including systemic investigations and their effectiveness. (Up to 5 points)

(d) Provide a description of their staff's experience in each of the following fair housing enforcement activities: (1) number of complaints received and processed, by basis and issue; (2) Number of complaints referred to HUD for investigation; (3) testing program, types of tests and basis, including number of tests conducted (both individual and systemic); (4) investigative experience, apart from testing, conducted by your organization; and (5) summarize the complaint outcomes, including judicial and administrative findings, number of pending complaints, and number of awards and amount to plaintiffs of monetary and non-monetary relief, and (6) activities that further the enforcement objectives of full service and broad based fair housing activities. Applicants must show how they are providing a full service fair housing enforcement project that address protected classes under the Fair Housing Act and that meets the need(s) outlined in Rating Factor 2; and how they are providing a broad-based fair housing enforcement project. Applicants must show how they have met these requirements in the past year and outline specific instances for each category. (Up to 5 points)

Rating Factor 2

Maximum Points: 20

Need/Distress/Extent of the Problem (up to 20 points)

This factor addresses the extent to which there is a need for funding the proposed activities. The need(s) described must be relevant to the activities for which funds are being requested under factor (3).

(1) Highly segregated area focus: Applicant should provide evidence demonstrating that they have worked in areas of need in highly segregated locations. (Up to 3 points)

To receive maximum points for elements 2- 5 below, applicants must demonstrate a direct relationship between the purpose of the program, the applicant's proposed activities, the fair housing needs of the community or communities, and how the applicant plans to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.

(2) Problem Statement: Applicant should define the need with regard to housing discrimination that the applicant has identified. Supporting data/evidence demonstrating identified need is required. (up to 7

points)

(a) Describe the specific need(s) fair housing needs of the community or communities that will be addressed under this application.

(b) Address the target area's impediments to fair housing choice, if applicable.

(3) Proposed solution: Applicant should describe their proposed solution to address discrimination, including systemic discrimination. Supporting evidence demonstrating the effectiveness of proposed interventions is required. (up to 7 points)

(a) Describe how they plan to address discrimination, including systemic discrimination, in a way that meets those fair housing needs.

(b) Describe why this intervention will be effective.

(c) Show how the use of any other relevant information from various studies done by HUD or any other reliable source (Consolidated Plan, AI/Assessment of Fair Housing, statistics, etc.) are used to support need and impact to the proposed target area.

(d) For lending applicants, applicants should show relevant information to show lending discrimination. Applicants should not submit copies of reports or supporting documentation in the application, but reference any reports, statistics or other data used by providing appropriate websites where the data or reports may be found. Reference information should be current within the last 3 years or points will be deducted.

(e) Describe the link between the need and your proposed activities to show the extent of the problem in the targeted area. . This should include the presence of systemic housing discrimination, high segregation indices, or other evidence of discrimination prohibited by the Fair Housing Act within the project area.

(f) Address the need for language assistance services in languages other than English by describing the target population's language needs and actions which will make the applicant's activities available to meet those language needs. All printed material being disseminated to the public must be in English and two other languages. Please provide a brief description of what added languages will be used based on the targeted population and how materials in other languages will be translated and by whom.

(4) Need: Applicant should describe any potential imminent adverse consequences to persons in protected classes covered under the Fair Housing Act if not selected for funding. (up to 2 points)

(5) Application of Funding: Applicants must specify how FY2016 funds will differ from prior projects and/or expand enforcement or lending activities towards increased systemic investigations of housing discrimination activities and outcomes to address the identified need. (up to 1 point)

Rating Factor 3

Maximum Points: 30

Soundness of Approach (up to 30 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.

As described below, two sub-factor requirements make up the total possible points (up to 30 points) for Rating Factor 3: (a) Statement of Work and (b) Budget and Cost Estimates.

a. Proposed Statement of Work (SOW) and Information Requirements (up to 20 points). This sub-factor does not count toward the ten (10) page limit under this rating factor. Each applicant should complete a detailed SOW narrative and chart. The sub-factor will be evaluated on the extent to which the applicant provides a clear detailed description of the proposed project activities, and where applicable, proposed outcome measures. The proposed SOW narrative should clearly identify the proposed activities, the specific deliverables and the anticipated outcomes consistent with the activities outlined in the required SOW chart.

In addition to the overall SOW requirements above, applicants who apply under the PEI-MYFC must also include in their SOW and budget activities: a description of the continuation of existing activities or expansion or creation of systemic investigation(s) based on prior 2015 PEI FHIP funded activities or other fair housing enforcement activities. Applicant's SOW and budget activities must correspond with the activities outlined in Attachment A. Applicants will also be required to submit a SOW and a separate budget for each actual year of the organization's activities. Funded applicants must submit yearly reports on outputs and outcomes. (SOW narrative - up to 4 points)

SOW chart (Appendix) A - Statement of Work. All applicants should use the format outlined in Appendix A as an example and guidance to describe the organization's specific SOW tasks. The Administrative Tasks listed in Appendix A are standard general tasks, however an applicant may edit the section to fit the applicant's specific necessary tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and/or EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable. The Statement of Work (SOW) must describe in detail:

- (1) all proposed project activities and major tasks (up to 4 points),
- (2) a list of team members/staff and partners as identified in Factor 1 who will be responsible and accountable for completing the task (up to 4 points),
- (3) the steps to complete the proposed activities required to successfully implement the proposed project (up to 4 points), and
- (4) the proposed outcomes where applicable. (up to 4 points)

b. Budget and Cost Estimates (up to 10 points).

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, which should include a Narrative Budget Work Plan and a Grant Application Detailed Worksheet (424 CBW) will be evaluated based on whether the expenses are reasonable, thoroughly explained, supported, and appropriate to carry out the proposed project. Applicants should also include a budget for sub-contractors or sub-recipients if the amount exceeds \$5,000. Regardless of the amount paid to a sub-contractor or sub-recipient, applicants must also provide a narrative work plan that includes all costs associated with sub-contractor or sub-recipient activities.

- (1) The applicant's budget narrative and 424 CBW must relate to the tasks in the SOW, including identifying key team members/staff and partners, as identified in Factor 1 who will be responsible and accountable for completing major tasks. In addition, the applicant's budget narrative should include a description of the organization's Financial Management Capacity. The applicant must describe their organization's financial management system and your Board's role in financial management or oversight.
- (2) The applicant must describe their organization's capabilities in handling financial resources, disseminating payments to third parties, e.g. contractors, and maintaining adequate accounting and internal control procedures. In addition, all applicants who have current or have received prior FHIP grants should provide a listing or chart of the most recent of all HUD FHIP grants received through 2014, including the grant number, dollar amount awarded, the amount expended and obligated as of the 30 days prior to the date the application is submitted and describe the applicant's activities and results (outcomes) achieved in the previous FHIP grant. The applicant's listing or chart does not count towards the 10 page limit. HUD will review the GTR Final Assessment Report as an indicator of how applicant managed 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** (Section III.C.2).

PEI Multi-Year Applicants only. Applicants must submit a separate budget narrative and 424 CBW for each budget year.

The Narrative Budget Work Plan and 424 CBW do not count towards the ten (10)-page limit on the narrative response to this rating factor. Applicants may receive up to 3 points for the Narrative Budget Plan, and up to 7 points for the 424 CBW.

Rating Factor 4

Maximum Points: 3

Leveraging Resources/ Developing Partnerships (up to 3 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 under this factor 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, services or equipment, allocated to facilitate proposed project activities. Contributions or cash from the applicant, affiliates, subsidiaries, divisions, or employees of the applicant do not qualify as in-kind contributions. Nor may an applicant request the waiver of fees to be collected as leveraged funds. 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 the application must provide signed letters of firm commitment or signed agreements/statements from the organizations and/or individuals that will provide financial or in-kind support for your project on the respective organization's letterhead. See the **General Section** for instructions on how third party documents are to be submitted to HUD via the electronic submission process.

(1) Each letter of firm commitment or documents must:

- (a) 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);
- (b) 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 should identify any affiliation with the applicant;
- (c) 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
- (d) Describe how these resources will be used under the applicant's SOW; and 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 applicants fail to meet these requirements, they will not receive points under this Rating Factor.

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 Part 200 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). If after award leveraged resources are subsequently withdrawn or modified from the approved amount, the Government Technical Representative may deem the grantee ineligible to receive any remaining FHIP funds under this award.

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 at least 10% of your project is not supported by non-FHIP resources, then you will not receive any points under this factor. Points will be assigned for each Initiative based on the following scale:

| Points Awarded | Leveraging Resources |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Two | From 10 percent to less than 30 percent of total project costs from non FHIP resources |
| Three | 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 OR 30 percent or more of total project costs from non FHIP resources |

Rating Factor 5

Maximum Points: 15

Achieving Results and Program Evaluation (15 Points)

This factor reflects HUD’s goal to embrace high standards of innovation, technology, management, accountability, and effectiveness. It measures the applicant’s commitment to assess its performance to achieve the project proposed objectives and goals.

Based on the narrative statements (staff, proposed activities etc.) that the applicant provided in Factors 1 through 3, in evaluating this Factor, HUD will assess the extent to which the applicant demonstrates how results of the project will be measured consistent with activities outlined in the proposed Statement of Work. The applicant should outline its strategy for evaluating and improving (if necessary) the organization’s program performance against proposed activity goals during the grant period:

The applicant must describe –

1. Measurement (up to 5 points) – What strategy or strategies will the organization utilize to measure its outputs and outcomes? This description should include but is not limited to describing:

- (a) data collection/analysis methods to measure outputs and outcomes;
- (b) technological tools in place to capture, maintain, and share data;

2. Accountability (up to 5 points) What strategies will be put into place to evaluate and assure that the organization’s project activities, staff and overall program management provide for cost effective practices to assist the Department in improving program outcomes, share lessons learned and provide others with best practices? Points will be given to organizations that propose performance indicators that evaluate outcomes and/or outputs and that can result in reliable, valid data.

(a) factors/indicators that will be used to determine if outcomes are successful, if possible improvements are necessary, etc.;

(b) time-lines for continuous evaluation and adjustments if necessary.

(c) Applicants should explain in detail the impact of the grantee’s SOW activities on enforcement actions. Applicants should express outcomes on each activity and how their organization’s numbers are validated

based on the grantee's experience. Applicants should state in this factor the impact and results they intend to achieve through their activities using past experience as a determining factor. For example, applicant should state the number of people receiving remedies through Fair Housing Act enforcement work over the past five (5) years.

(d) Applicant should state the number of people receiving remedies through Fair Housing Act enforcement work per case over a five year period. Further, applicants should show the monetary relief received through Fair Housing Act enforcement work over a five year period.

(e) Finally, applicants should show what percentage of actions resulted in changes in local ordinances or state statutes over a five year period.

(f) Quarter reports should respond to the following questions:

- i. How many persons does the organization propose to serve? How is the estimate derived?
- ii. How many have been served based on your proposed number?
- iii. Of those served, how many resulted in cases?
- iv. How many cases were resolved?
- v. How many cases were litigated?
- vi. What is the total amount of damages received for victims of discrimination?
- vii. Describe how many cases were resolved to the benefit of the client, and how those clients benefited.
- viii. How many jurisdictions developed policies to remove barriers to fair housing as a result of FHIP PEI or FHOI engagement with local jurisdictions/regional organizations?

(g). Applicants will be required to report outcomes and evidence of continued project success in quarterly and final performance reports, which may include but are not limited to: (1) positive customer experience; (2) efficient and effective administrative costs; (3) High ethical standards; (4) Overall positive community/target area changes; (5) Innovative strategies that contribute to cost effectiveness and other program improvements and success stories (give an enforcement success, for example e.g., settlement outputs and outcomes, systemic investigation outcomes and outputs).

3. Implementation (up to 5 points) Applicants must also describe specific, actionable evidence that your proposed performance indicators (strategies) are likely to be implemented.

(a) High Standards – What strategy will the organization use to assure improved accountability and transparency, and ensure efficient and effective program management?

2. NOFA Priorities.

HUD encourages applicants for funding to undertake programs and projects that contribute to HUD's NOFA Priorities. Applicants that undertake activities that result in achievement of specific NOFA Priorities listed below are eligible to receive priority points in the rating of their application. These points will be awarded only if the application otherwise meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.

Priority points are not available for this program.

3. Bonus Points.

In support of certain inter-agency initiatives, HUD awards bonus points to projects where the preponderance of work will occur in a designated zone, community or region. **These points will be awarded only if the application otherwise meets or exceeds the Program's minimum fundable score based on the rating factors of this NOFA.**

HUD encourages activities in communities with Preferred Sustainability Status (PSS) and/or Promise Zones (PZ), HUD will award two (2) points for qualified activities within a designated zone or area and supporting either or both initiative(s). In no case will HUD award more than two bonus points for these activities.

a. To receive **Preferred Sustainability Status Communities Bonus Points**, applicants must submit form HUD2995, Certification of Consistency with Sustainable Communities Planning and Implementation, signed by the designated Preferred Sustainability Status Community point of contact. Designated PSS Communities Points of Contacts can be found on HUD’s website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/grants/nofa11/psscontacts.

b. To receive **Promise Zones Bonus Points**, applicants must submit form HUD 50153, Certification of Consistency with Promise Zone Goals and Implementation, signed by the Promise Zone Official authorized to certify the project meets the criteria to receive bonus points. To view the list of designated Promise Zones and persons authorized to certify, please go to <https://www.hudexchange.info/promise-zones/promise-zones-designees/>.

B. Reviews and Selection Process.

1. Past Performance

In evaluating applications for funding HUD will take into account an applicant’s past performance in managing funds, including, but not limited to: the ability to account for funds appropriately; the timely use of funds received from HUD or other federal, state, or local programs; the timely submission and quality of reports submitted to HUD; meeting program requirements; meeting performance targets as established in Logic Models or other performance evaluation tools approved as part of the grant agreement; the timelines for completion of activities and receipt of promised matching or leveraged funds; and the number of persons to be served or targeted for assistance. Before making a Federal award, HUD is required by 31 U.S.C. 3321 and 41 U.S.C. 2313 note to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, such as Federal Awardee Performance and Integrity Information System (FAPIIS), Dun and Bradstreet, and “Do Not Pay.” HUD may consider other public sources such as newspapers, Inspector General or Government Accountability Office reports or findings, or hotline or other complaints that have been proven to have merit. In evaluating past performance, HUD may deduct points from the rating score or establish threshold levels as specified under the Factors for Award in the Program NOFAs. Each Program NOFA will specify how past performance will be rated.

2. Integrity

HUD evaluates the integrity of the applicant as reflected in government-wide websites, information in HUD’s files, the federal Do Not Pay portal, public information and information received during HUD’s Name Check Review process. If this integrity evaluation results in an adverse finding, HUD reserves the right to take any of the remedies provided in Section III.C.4.a.5, Do Not Pay website Review.

3. Rating and Ranking. Applicants may be funded under one of the following components:

Private Enforcement Initiative (PEI)

- (a) Multi-year Funding Component (PEI-MYFC);
- (b) Lending Component (PEI-L)

4. For all initiatives. The maximum number of points to be awarded for the Rating Factors is 100. Applicants may also be awarded 2 bonus points for Preferred Sustainability Status Communities or Promise Zones.

5. Ineligible Applications. Ineligible applications will not be rated or ranked.

6. Minimum Score to be Funded. Only applications with a rating of 75 points or more will be considered of sufficient quality for funding.

7. 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.

8. Adjustments to Funding. 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.

9. 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 among Initiatives as follows:

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 FHOI.

C. Anticipated Announcement and Award Dates.

HUD expects to announce the award of funds by August 2016 and anticipates a start date of November 2016.

VI. Award Administration Information.

A. Award Notices.

Following the evaluation process HUD will notify successful applicants of their selection for funding. HUD will also notify all other applicants, whose applications were received by the deadline, that have not been chosen for award. Notifications will be sent by email, delivery receipt requested, to the person designated in item 8F of the SF424 and to the person listed as authorized representative in item 21 of the SF424.

1. Applicant Notification and Award Procedures.

a. Notification. Information about the review and award process will not be available during the 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 B.3). 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/hudportal/HUD?src=/program_offices/administration/foia/highscore after all funding decisions are made. HUD's FOIA page has archived the highest rated application for FY2011 and before. Upon request via email or mail FHIP will provide applicants a list of frequent areas where the Technical Evaluation Panel deducted points. This panel information will consist of a review of areas in which applicants frequently lose points such that all applicants may make modifications to strengthen their applications.

B. Administrative, National and Department Policy Requirements.

For this NOFA, the following requirements apply:

Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business.

HUD is committed to ensuring that small businesses, small disadvantaged businesses, and women-owned businesses participate fully in the direct contracting and contracting opportunities generated by HUD's financial assistance. State, local, and Indian tribal governments are required by 24 CFR 85.36(e) to take all necessary affirmative steps in contracting for the purchase of goods or services to assure that minority firms, women-owned business enterprises, and labor surplus area firms are used whenever possible or as specified in the Program NOFAs. Nonprofit recipients of assistance (grantees and subgrantees) are required by 24 CFR 84.44(b) to make positive efforts to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible.

Procurement of Recovered Materials.

State agencies and agencies of a political subdivision of a state that are using assistance under a 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. In accordance with Section 6002, these agencies and persons must procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. Please refer to www.epa.gov/osw/consERVE/tools/cpg/pdf/rcra-6002.pdf for complete text and requirements of Section 6002.

Participation in a HUD-Sponsored Program Evaluation.

As a condition of the receipt of financial assistance under a Program NOFA, all successful applicants will be required to cooperate with all HUD staff, contractors, or designated grantees performing research or evaluation studies funded by HUD.

OMB Administrative Requirements and Cost Principles.

Unless excepted under 24 CFR chapters I through IX, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, set forth in 2 CFR part 200, shall apply to Federal Awards made by the Department of Housing and Urban Development to non-Federal entities.

Drug-Free Workplace.

Applicants awarded funds from HUD are subject to 2 CFR part 2429, which implements the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, et seq.), as amended, and required to provide a drug-free workplace. Compliance with this requirement means that the applicant will:

a. Publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, or use a controlled substance in the applicant's workplace and such activities are prohibited. The statement must specify the actions that will be taken against employees for violation of this prohibition. The statement must also notify employees that, as a condition of employment under the federal award, they are required to abide by the terms of the statement and that each employee must agree to notify the employer in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace, no later than 5 calendar days after such conviction.

b. Establish an ongoing drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The applicant's policy of maintaining a drug-free workplace;
- (3) Available drug counseling, rehabilitation, or employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Notify HUD and other federal agencies providing funding in writing within 10 calendar days after receiving notice from an employee of a drug abuse conviction or otherwise receiving actual notice of a drug abuse conviction. The notification must be provided in writing to HUD's Office of Strategic Planning and Management, Grants Management Division, Department of Housing and Urban Development, 451 7th Street, SW, Room 3156, Washington DC 20410-3000, along with the following information:

- (1) The program title and award number for each HUD award covered;
- (2) The HUD staff contact name, telephone and fax numbers;
- (3) A grantee contact name, telephone and fax numbers; and
- (4) The convicted employee's position and title.

d. Require that each employee engaged in the performance of the federally funded award be given a copy of the drug-free workplace statement required in item (a) above and notify the employee that one of the following actions will be taken against the employee within 30 calendar days of receiving notice of any drug abuse conviction:

- (1) Institution of a personnel action against the employee, up to and including termination consistent with requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended; or
- (2) Imposition of a requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

e. Identify to the agency making the award all known workplaces under the award. The workplace identification must include the actual address of buildings or other sites where work under the award will take place. The applicant must also inform the agency of any workplace changes during the performance of the award. The identification of the workplaces must occur either:

- (1) At the time of application or upon award; or
- (2) In documents the applicant keeps on file in its offices during performance of the award, in which case the applicant must make the information available for inspection upon request by the agency.

Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L.109-282) (Transparency Act), as amended.

Prime Grant Awardee Reporting. Prime recipients of HUD's financial assistance are required to report certain subawards in the Federal Funding Accountability and Transparency Act Subaward System (FSRS) website located at www.fsr.gov or its successor system for all prime awards listed on the FSRS website. Prime financial assistance awardees receiving funds directly from HUD are required to report subawards and executive compensation information both for the prime award and subaward recipients, including awards made as pass-through awards or awards to vendors. For reportable subawards, if executive compensation reporting is required and subaward recipients' executive compensation is reported through the SAM system, the prime recipient is not required to report this information. The reporting of award and subaward information is in accordance with the requirements of the Transparency Act, as amended by section 6202 of Public Law 110-252, and by section 3 of Public Law 113-101.

Physical Accessibility.

Note that all meetings must be held and services provided in facilities that are physically accessible to persons with disabilities. Where physical accessibility is not achievable, successful applicants must give priority to alternative methods of product or information delivery that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate in accordance with HUD's implementing regulations for section 503 of the Rehabilitation Act of 1973 (29 U.S.C. §794) at 24 CFR part 8. In addition, all notices of and communications during all training sessions and public meetings shall be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities or provide other means of accommodation for persons with disabilities consistent with section 504 of the Rehabilitation Act of 1973 and HUD's section 504 regulations. See CFR section 8.6.

Additional Program Requirements include:

1. **Product Information.** Press releases and any other product intended to be disseminated to the public must be submitted to the Government Technical Representative (GTR) four days before release for approval and acceptance. The GTR will work with the Office of Education and Outreach for information clearance and approval.
2. **Payment Contingent on Completion.** Payment of FHIP funds is made on a fixed price 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.
3. **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 2 CFR 215.36.
4. **Complaints Against Awardees.** Each FHIP award is overseen by a HUD Grant Officer (See www.hud.gov for list of FHEO Regional Directors). 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.
5. **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.
6. **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.

7. **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 the Preferred Sustainable Communities 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 and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD90611 found in their downloaded application to submit the technical cures to HUD. See the FY2015 **General Section** for further details.

C. Reporting.

1. Race and Ethnicity Data Reporting Form. HUD requires grantees that provide HUD-funded program benefits to individuals or families to report data on the race and ethnicity of those individuals receiving such benefits. Grantees that provide benefits to individuals during the period of performance, whether directly or through subrecipients or contractors, must report the data using the Race and Ethnic Data Reporting Form found on Grants.gov. The form is a data collection based on the standards published by OMB on August 13, 2002.

In view of these requirements, you should use Form HUD-27061, Racial and Ethnic Data Reporting Form (and instructions for its use), found on www.HUDclips.org. Also, quarterly and as your project ends, you must report meaningful data derived from client feedback on how they benefited from your project's activities.

2. **Quarterly Reporting.** All grant recipients under this NOFA are required to submit quarterly reports which identify their program's output and outcome achievements.

Please direct questions regarding specific reporting requirements to the point of contact listed in Section VII below.

D. Debriefing.

For a period of at least 120 days, beginning 30 days after the awards for a Program NOFA are publicly announced, HUD will provide to a requesting applicant a debriefing related to its application. A request for debriefing must be made in writing or by email by the authorized official whose signature appears on the SF424 or by his or her successor in office, and be submitted to the person, organization, or email address identified as the contact under the section entitled Agency Contact(s) in the Program NOFA. Information provided during a debriefing may include the final score the applicant received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

VII. Agency Contact(s).

HUD staff will be available to provide clarification on the content of this NOFA. Please note that HUD staff cannot assist applicants in preparing their applications.

Questions regarding specific program requirements for this NOFA should be directed to the point of contact listed below.

Myron Newry
(202) 402-7095

Myron.P.Newry@hud.gov

Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Relay Service at 800-877-8339.

VIII. Other Information.

Paperwork Reduction Act Statement. The information collection requirements in this notice have been approved by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C.3501-3520). 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 valid OMB control number. Each Program NOFA will identify its applicable OMB control number unless its collection of information is excluded from these requirements under 5 CFR part 1320.

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)(Accordingly, under 24 CFR 50.19(c)(5) , this program is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Please refer to the General Section for additional information required for preparing and submitting applications, including HUD's compliance with:

- Executive Order 13132 which prohibits an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs not required by statute, or preempt state law, unless the relevant requirements of Section 6 of the executive order are met;
- Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989; and
- The National Environmental Policy Act, if applicable, as indicated below.

In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12), (13) of the Federal regulations, activities under this program are categorically excluded from the requirements of the National Environmental Policy Act and are not subject to environmental review under the related laws and authorities.

Appendix.

APPENDIX A

STATEMENT OF WORK SAMPLE FORMAT - The Administrative Tasks listed in Appendix A are standard general tasks, however an applicant may edit the section to fit the applicant's specific necessary tasks. Under the Program Tasks section, each applicant should complete a detailed SOW based on the specific enforcement and/or EOI activities proposed in the organization's application, including activities and tasks, and proposed outcomes where applicable.

FY2016 NOFA

Statement of Work for:

The recipient, _____, agrees to undertake the following activities in accordance with its FY 2016 application for funding under the Initiative--_____ Project (if applicable) for a _____-month project commencing _____, 2016 in the geographic area of _____

ADMINISTRATIVE TASKS

| Activities | Tasks | Submitted By | Key Person(s) |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------------------|
| 1. Assign staff to project | Submit assignment memo or other documentation assigning staff by name and number of hours to be spent on the project. | 30 days | |
| 2. Execute subcontract agreements (if any) | Submit draft contract for GTR approval. Submit copy of signed agreement. | 30 days | |
| 3. Submit evidence of compliance with 24 CFR 125.107 (if program activities include testing) | Submit copy of organization written conflict of interest policy, demonstrating 24 CFR 125.107 compliance including conflict of interest and other requirements | TBD during negotiations | |
| 4. Complete HUD-2880 Disclosure Statements | Submit Disclosure Statement. If no changes occur, submit statement of no change | Quarterly when changes occur | |
| 5. Complete SF-LLL Disclosure of Lobbying Activities | Submit updated form. If no changes occur, submit statement of no change | Quarterly when changes occur | |
| 6. Quarterly Report of Performance | Submit (2) copies of quarterly report of performance. Include outcomes and progress towards achieving outcomes | Quarterly | |
| 7. Complete SF-425 Financial Status Report and Written Quarterly Status Reports on All Activities | Submit (2) copies of SF-425 and Copy of Written Report | Quarterly | |
| 8. Voucher of Payment | Submit payment request to LOCCS | Per payment schedule | |
| 9. Complete listing of current or pending Grants/ Contracts/Other Financial Agreements | Submit listing for Recipient and any contractors | 45 days and At the end of grant | |
| 10. Prepare summary of First Year (36 month grants) | Submit summary of first year accomplishments | 395 days | |

| | | | |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--|
| 11. Prepare and submit draft of Final Report | Submit (2) copies of draft final report. Report summary should include objectives, accomplishments and results (outcomes) . Complaint and testing activities should summarize data on complaints received and test conducted by basis and issue and outcomes should include number of credible, legitimate complaints filed with HUD, State and local Fair Housing Agency, Department of Justice or Private Litigator; and Types of Relief/Results. | One month before end of grant term. | |
| 12. Complete final report and all program products produced under the grant (with CD/ flash drive, where feasible) to HUD. | Submit (2) copies of the Final Report and all final products not previously submitted to GTR and GTM. Submit activities and database entry sheet(s) or detailed description of items to HUD. | Within 90 days after end of grant term. | |
| | | | |

(Program Tasks)

| PROGRAM TASKS | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------------------|-------------------|
| *Activities (sample only) activities and tasks are based on an organization's individual proposed activities and tasks. | | | |
| Activities/Tasks | Outcome(s) | Submitted By | Key Person |
| 1. Contact HUD and/or other information sources to obtain any appropriate materials prior to development of new material. Task: List of materials requested and copy of final products. | | 90 days | |
| 2. Review/refine referral process to refer potential victims to HUD, DOJ, a state or local agency, or a private attorney. Task: Copy of referral process. All audit-based enforcement actions should be referred to HUD. | | 45 days | |
| 3. Intake and process complaints, including testing and referral. Complete Enforcement Log which details complaints received; dates; the protected basis of complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing; including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred. Task: Submit copy of Enforcement Log and a report on number of enforcement proposals referred to HUD. | | Quarterly | |
| 4. Submit tester training and other forms for review/approval. | | 60 days | |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| 5. Train staff on fair housing. Task: number of hours spent in training. | | | |
| 6. Conduct at least ____ training for landlords, lenders, insurers or real estate agents. | | | |
| 7. Conduct at least ___ trainings for potential victims of discrimination. | | | |
| 8. Make at least ____ referrals of non-fair housing issues. | | | |
| 9. Evaluate at least ___ potential complaints for enforcement. | | | |
| 10. Distribute fair housing PSA to ___ media outlets | | | |
| 11. Conduct __meetings with housing industry and/or government officials | | | |
| 12. Provide fair housing information to local/ state officials on obligations to AFFH. | | | |
| 13. Develop partnership with local university (or others) to develop and execute innovative approaches for the creation of diverse communities. | | | |
| 14. Conduct ___ fair housing workshops for members of the protected classes and housing industry personnel. | | | |