



U.S. Department of Housing and Urban Development

Fair Housing and Equal Opportunity

Fair Housing Initiatives Program Private Enforcement Initiative

FR-6600-N-21-C

12/05/2022

Table of Contents

Summary	3
Overview	3
I. FUNDING OPPORTUNITY DESCRIPTION.....	4
A. Program Description.	4
B. Authority.	14
II. Award Information.	14
A. Available Funds	14
B. Number of Awards.	14
C. Minimum/Maximum Award Information	14
D. Period of Performance.....	15
E. Type of Funding Instrument.	15
III. Eligibility Information.	15
A. Eligible Applicants.....	15
B. Ineligible Applicants.	17
C. Cost Sharing or Matching.....	17
D. Threshold Eligibility Requirements.	17
E. Statutory and Regulatory Requirements Affecting Eligibility.	18
F. Program-Specific Requirements.	19
G. Criteria for Beneficiaries.....	22
IV. Application and Submission Information.	23
A. Obtaining an Application Package.....	23
B. Content and Form of Application Submission.	24
C. System for Award Management (SAM) and Unique Entity Identifier (UEI).	28
D. Application Submission Dates and Times.	28
E. Intergovernmental Review.	31
F. Funding Restrictions.	31
G. Other Submission Requirements.....	33
V. Application Review Information.....	34
A. Review Criteria.	34
B. Review and Selection Process.....	42
VI. Award Administration Information.	45
A. Award Notices.....	45

B. Administrative, National and Department Policy Requirements and Terms for HUD
Recipients Financial Assistance Awards46

C. Reporting.....47

D. Debriefing.....49

VII. Agency Contact(s).....49

VIII. Other Information.....50

APPENDIX.....51

Program Office:

Fair Housing and Equal Opportunity

Funding Opportunity Title:

Fair Housing Initiatives Program Private Enforcement Initiative

Funding Opportunity Number:

FR-6600-N-21-C

Assistance Listing Number:

14.418

Due Date for Applications:

12/05/2022

Summary

The U.S. Department of Housing and Urban Development (HUD) Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all.

HUD's Strategic Goals

HUD's FY 2022-2026 Strategic Plan lays out this administration's strategy for ensuring everyone has an affordable, healthy place to live. Over the course of the next four years HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals undergird the Plan as follows:

- Strategic Goal 1: Support Underserved Communities
- Strategic Goal 2: Ensure Access to and Increase the Production of Affordable Housing
- Strategic Goal 3: Promote Homeownership
- Strategic Goal 4: Advance Sustainable Communities
- Strategic Goal 5: Strengthen HUD's Internal Capacity

The five goals of the FY 2022-2026 Strategic Plan present the core vision of what we hope to accomplish, the strategies to accomplish those objectives, and the indicators of success.

Overview

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. Prospective applicants should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete or noncompetitive proposal.

During the selection process HUD is prohibited from disclosing 1) information regarding any applicant's relative standing, 2) the amount of assistance requested by an applicant, and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants that have applied for assistance.

For Further Information Regarding this NOFO: Please direct questions regarding the specific

requirements of this NOFO to the office contact identified in Section VII.

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 NOFO will identify its applicable OMB control number unless its collection of information is excluded from these requirements under [5 CFR part 1320](#).

OMB Approval Number(s):
2529-0033

I. FUNDING OPPORTUNITY DESCRIPTION.

A. Program Description.

- **Purpose**

The Fair Housing Initiatives Program (FHIP) funds fair housing organizations and other non-profits that assist individuals who believe that they have been victims of housing discrimination. FHIP provides funds to eligible organizations through competitive grants under several 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), the Private Enforcement Initiative (PEI), and the Education and Outreach Initiative (EOI). In addition, consistent with HUD appropriations directives, FHEO is publishing a separate NOFO for Tester Coordinator Training under the Education and Outreach Initiative.

PEI provides funding to private, non-profit fair housing enforcement organizations that meet statutory requirements to conduct testing, investigate violations and obtain enforcement of the rights granted under the Fair Housing Act or State or local laws that are substantially equivalent to the rights and remedies provided in the Fair Housing Act. This NOFO announces the availability of \$15,000,000 through the PEI Multi-Year Funding Component to fund new FY2022 grant awards. The PEI Multi-Year Component provides grants of up to \$425,000 per year per grantee for a three-year duration, with future years' funding subject to appropriations. This NOFO will receive applications for PEI only. Please see the specific FHOI and EOI NOFOs for the additional FHIP funding opportunities.

- **Changes from Previous NOFO.**

- a. **ate Change (NOFO Summary)** – The FY2022 NOFO template adds a summary of HUD's five core goals under the Strategic Plan for FY2022-2026.
- b. This NOFO increases PEI-Multi-year funding from the FY2021 funding maximum of \$375,000 to \$425,000 for FY2022. The increased funding will be provided to new, and second and third- year grantees.
- c. **Section I.A. Program Definitions.** This NOFO adds program definitions for the following:
 - 1.) Appraisal - in accordance with the Interagency Task Force on Property Appraisal and Valuation Equity (PAVE) initiative;

- 2.) Government Technical Representative; and
- 3.) Government Technical Monitor.
- d. Section III.A. - Eligible Applicants. This NOFO adds additional eligible activities that will further enhance the ability of fair housing enforcement organizations to investigate sexual orientation and gender identity, especially through the use of testing that can be used as evidence of housing discrimination. Other eligible enforcement activities include investigation of source of income, algorithmic bias and criminal record policies when such discrimination may violate the Fair Housing Act and/or substantially equivalent state or local fair housing laws. Funding these additional activities will also ensure a high standard of relief to victims of discrimination and communities that are harmed by discrimination. This NOFO also includes as an eligible activity by FHIP and FHAP agencies the expansion of fair housing enforcement services in areas not currently served by an enforcement organization or agency.
- e. Section III.F. Program-Specific Requirements #3. This NOFO section adds discrimination on the basis of sexual orientation and gender identity under Program Specific Requirements. HUD makes this policy in accordance with Executive Order 13988 on Presenting and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, which directed every Federal agency to assess all agency actions taken under Federal statute that prohibit Sex Discrimination and to fully enforce those statutes to combat discrimination based on sexual orientation and gender identity.
- f. Section III.F. - Program Specific requirements #14 (Prior Rating Performance). FHIP reduced the time period that an applicant is ineligible for funding if the applicant received a “poor” on its most recent performance assessment on a prior FHIP grant or grant year. FHIP reduced the eligibility period from 2 years to 1 year to benefit grantees who quickly resolve a poor performance assessment.
- g. Section III.G. - Criteria for Beneficiaries. This section removes the former criteria, Dunn and Bradstreet Numbering System. New Department language addresses the replacement of Dunn and Bradstreet Numbering System with the New Government Issued Unique Entity Identifier (UEI) created in SAM.gov. (See NOFO Section IV.C). The change provides notification to applicants of the new means of entity identification which became effective April 2022 and is consistent with U.S. General Services Administration guidance at www.gsa.gov/entityid.
- h. Section III.G. Criteria for Beneficiaries (Training Funds). In addition to HUD sponsored or approved training, this section adds training related to appraisal and algorithmic bias, sexual orientation and gender identity discrimination, and discrimination resulting from criminal records policies and practices as approved uses of training funds.
- j. Section IV.B. – This section adds new requirements for the submission of the applicant’s Project Abstract. The new requirements result from the Office of Management and Budget (OMB) requirement to improve the quality of award descriptions and standardize the data collection.
- k. Section V. - Rating Factor Chart. This chart is revised for consistency with the Department’s template update which includes new NOFO Preference points for Environmental Justice. This change increases the total available Preference points from two point to four points and increases the total available NOFO score from 102 to 104. Also, this template change removes Opportunity Zones as a Preference.

- l. Section V. - Rating Factor 1, Capacity of Applicant and Relevant Organizational Experience (1)(d). This section, under the proposal of complex testing, adds testing for potential discrimination because of sexual orientation, gender identity, algorithmic bias, as a result of residential property appraisals, or source of income testing, if there is a possible Fair Housing Act violation.
- m. Section V. - Rating Factor 2. (2) Highly Segregated, Rural or Underserved Area Focus. The section “need” is revised as it relates to the expansion of fair housing enforcement services in areas not currently served by an enforcement organization or agency.
- n. Section V. - Rating Factor 2. (3)(a) Proposed Solution. This NOFO includes a plan to address the expansion of fair housing enforcement services in areas not currently served by a FHIP enforcement organization or agency.
- o. Section V. - Rating Factor 3 - Soundness of Approach. Removes references to Statement of Work (SOW) COVID-19 limitations since “in-person” testing and other enforcement related activities have fewer COVID-19 restrictions.
- p. Section V. - Rating Factor 3 (Proposed SOW& Budget). Both sections adjust the number of points that may be reduced if an applicant fails to comply with NOFO criteria for the submission of 3 separate SOW’s and 3 separate budgets (for each of the 3 year PEI grants).
- q. Preference Points. The Department has removed Opportunity Zones as an available preference, and added preference points for Environmental Justice. The current preference points include Promise Zones, Historically Black Colleges and Universities (HBCU) and Environmental Justice. The maximum points available under this section has increased from two to four points. HUD may award no more than four total preference points for these preferences.
- r. Section VI. Program-Specific Reporting Requirements. In compliance with Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, this NOFO requires that all FHIP-funded projects must address housing discrimination based on sexual orientation and gender identity. All grant recipients under this NOFO will be required to review all records of allegations of discrimination (inquiries, complaints, phone logs, etc.) received since January 20, 2020 to determine if any claims of discrimination based on gender identity or sexual orientation may still be timely and jurisdictional. All grant recipients must confirm this review was undertaken and report on findings in the first quarterly report.

- **Definitions.**

- a. Standard Definitions

Affirmatively Furthering Fair Housing (AFFH). Affirmatively Furthering Fair Housing (AFFH) means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair

housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

Assistance Listing number refers to the publicly available listing of Federal assistance programs managed and administered by the General Services Administration, formerly known as the Catalog of Federal Domestic Assistance (CFDA). Assistance Listing is a unique number assigned to identify a Federal Assistance Listings, formerly known as the CFDA

Authorized Organization Representative (AOR) is the person authorized to submit applications on behalf of the organization via Grants.gov. The AOR is authorized by the E-Biz point of contact in the System for Award Management. The AOR is listed in item 21 on the SF-424.

Consolidated Plan is a document developed by states and local jurisdictions. This plan is completed by engaging in a participatory process to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

Contract means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

Contractor means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

Deficiency is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, deficiencies may be either Curable or Non-Curable.

- *Curable Deficiencies* may be corrected by the applicant with timely action. To be curable the deficiency must:
- Not be a threshold requirement, except for documentation of applicant eligibility;
- 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.

Non-Curable Deficiencies cannot be corrected by an applicant 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.

DUNS Number is the nine-digit Dun and Bradstreet Data Universal Number System identification number assigned to a business or organization by Dun & Bradstreet and provides a means of identifying business entities on a location-specific basis.

E-Business Point of Contact (E-Biz POC) A user registered as an organization applicant who is responsible for the administration and management of grant activities for his or her organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The

E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Standard AOR and Expanded AOR). There can only be one E-Biz POC per DUNS Number.

Eligibility requirements are mandatory requirements for an application to be eligible for funding.

Expanded Authorized Organization Representative (AOR) An AOR is a member of your organization authorized by the EBiz POC to submit applications in Grants.gov on behalf of the organization. An applicant user with the Expanded AOR role is authorized to submit any applications on behalf of the organization and has privileges that allow the user to modify organization-level settings in Grants.gov.

Federal Financial Assistance means assistance that entities received or administer in the form of:

1. Grants;
2. Cooperative agreements (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a)).
3. Loans;
4. Loan guarantees;
5. Subsidies;
6. Insurance;
7. Food commodities;
8. Direct appropriations;
9. Assessed and voluntary contributions; and
10. Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds.
11. Federal financial assistance does not include amounts received as reimbursement for services rendered to individuals as described in section [200.502\(h\)](#) and (i). ([2 CFR 200.1](#))

Federal award, has the meaning, depending on the context, in either paragraph (i) or (ii) of this definition:

1. (i) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or a subrecipient receives indirectly from a pass-through entity, as described in [2 CFR §200.101](#); or
 - ii. The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR §200.101](#).
2. The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR §200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

3. Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).
4. See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

Grants.gov is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

Historically Black Colleges and Universities (HBCUs) The Higher Education Act of 1965, as amended, defines an HBCU as: "...any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation." HBCUs offer all students, regardless of race, an opportunity to develop their skills and talents.

Non-Federal Entity (NFE) means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a federal award as a recipient or subrecipient.

Point of Contact (POC) is the person who may be contacted with questions about the application submitted by the AOR. The POC is listed in item 8F on the SF-424.

Promise Zones (PZs) are high poverty communities where the federal government partners with local leaders to increase economic activity, improve educational opportunities, leverage private investment, reduce violent crime, enhance public health and address other priorities identified by the community. [See Promise Zones](#).

Recipient means an entity, usually but not limited to non-Federal entities, that receives a federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Small business is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than a corporation or regular-sized business. The definition of "small"—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR Part 121](#).

Standard Authorized Organization Representative (AOR) An AOR is a member of your organization authorized by the EBiz POC to submit applications in Grants.gov on behalf of the organization. An applicant user with the Standard AOR role can only submit applications when they are a Participant of that workspace.

Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a

federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

System for Award Management (SAM) is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

Threshold Requirements are an eligibility requirement that must be met for an application to be reviewed. Threshold requirements are not curable, except for documentation of applicant eligibility and are listed in Section III.D Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E, Statutory and Regulatory Requirements Affecting Eligibility.

Unique Entity Identifier (UEI) means the identifier assigned by SAM to uniquely identify business entities.

- Program Definitions.

Administrative Costs are reasonable costs of overall program management, coordination, monitoring and evaluation. Such costs include, but are not limited to, necessary expenditures for the following: (1) Salaries, wages, and related costs of the recipient's staff or other staff engaged in program administration; and (2) Providing or securing legal services, providing or securing financial management services such as accountants, consultants, sub-contractors, or others retained by the organization.

Affiliate is a business entity effectively controlling or controlled by another or associated with others under common ownership or control.

Allegation is 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.

Appraisal is a valuation of property through an estimate or opinion of the value of a specified residential or commercial property made in a business context in connection with the sale, rental, financing or refinancing of a dwelling or in connection with any activity that otherwise affect the availability of a residential real estate related transactions made by an authorized person.

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.

Complaint is a filed fair housing complaint accepted by HUD or a Fair Housing Assistance Program agency as jurisdictional, or a complaint filed in a state or federal court alleging violations of the Fair Housing Act.

Fair Housing Act is 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).

Fair Housing Assistance Program (FHAP) Agencies as described in 24 CFR §115 are State and local fair housing enforcement government agencies that receive FHAP funds to administer laws deemed substantially equivalent to the Fair Housing Act.

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

Full-service Projects must provide services to members of all protected classes and include these 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.

Government Technical Representative (GTR) means the HUD individual who is responsible for the technical administration of the grant, the evaluation of performance under the grant, the acceptance of technical reports or projects, and other such specific responsibilities as may be stipulated in the grant, and approval of payment.

Government Technical Monitor (GTM) means the HUD individual who has been designated to provide technical monitoring, advice, and assistance, to aid the GTR in the technical and financial oversight and evaluation of the grantee's performance.

Intake is a fair housing allegation contact/query received by a fair housing organization. Intake does not include inquiries unrelated to fair housing, including general housing, landlord/tenant or others. 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 additional intake unless the contact contains a new allegation or relates to a new respondent. Intakes do not include someone returning a non-enforcement related telephone call, a telemarketer calling the office, or incoming personal telephone calls.

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.

Lending discrimination means discriminatory practices against persons protected under the Fair Housing Act, in the mortgage process and includes actions that may violate the Fair Housing Act in the making, servicing, or purchasing of home loans or loans secured by a home. For instance, it 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.

Meritorious Claims are 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.

Operating Budget is 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.

Partnership is 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 with specific roles and deliverables defined, or less formal cooperation through volunteer efforts accomplished without a contract.

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

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

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

Rural Areas include any of the following:

- a. A non-urban place having fewer than 2,500 inhabitants (within or outside of the metropolitan areas).
- b. A county or parish with an urban population of 20,000 inhabitants or fewer.
- c. Territory, including its persons and housing units, in rural portions of "extended cities." The Census Bureau identifies the rural portions of extended cities.
- d. Open country that is not part of or associated with an urban area. The United States Department of Agriculture 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.
- e. Any place in whole or in part, not located in a Metropolitan Statistical Area.

Statement of Work (SOW) is a document that describes all the tasks necessary to do the work, including 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.

Systemic Housing Investigation is 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 large numbers 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; systemic investigations 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.

Technical Evaluation Panel (TEP) is a panel whose mission is to accomplish sound, impartial, and comprehensive evaluation of proposals consistent with the NOFO. 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 skills, or education and outreach, civil rights or other related experience.

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 to gather 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.

Underserved Areas are areas where there are no FHIP or FHAP agencies and where either no public or private fair housing organizations exist, or the jurisdiction is not sufficiently served by one or more public or private fair housing organizations and there is a need for service.

Underserved Populations means groups of individuals who are:

- a. Persons of an immigrant population (especially racial and ethnic minorities who are non-English-speaking or have limited English proficiency);
- b. Persons living in a rural area, particularly minority groups in such areas;
- c. Persons who are experiencing homelessness or other housing instability;
- d. Persons with disabilities (physical or mental), particularly persons living in housing with one or more qualities of an institutional setting, persons leaving institutions, or persons at-risk of institutionalization;
- e. Persons in areas where there is inadequate protection and ability to provide fair housing services from a State or local government or private fair housing organization;
- f. Persons living in impoverished areas or experiencing persistent poverty or inequality, including historical wealth disparities as compared to majority groups;
- g. Lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons, and particularly LGBTQ+ youth; and
- h. Indigenous and Native American.

B. Authority.

1. Section 561 of the Housing and Community Development Act of 1987, as amended (42 U.S.C. 3616), established FHIP, and the implementing regulations are found at 24 CFR Part 125.
2. Funding for this NOFO is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, approved March 15, 2022).

II. Award Information.

A. Available Funds

Funding of approximately **\$15,000,000** is available through this NOFO.

Additional funds may become available for award under this NOFO. Use of these funds might be subject to statutory constraints or other requirements. All awards are subject to the funding restrictions contained in this NOFO. Subject to statutory constraints at its discretion, HUD may limit the amount and actual awards made under this NOFO.

The funding of approximately \$15,000,000 is available through this NOFO to fund new FY2022 grantees. The remaining \$26,350,000 will be used to fund continuing (second and third year) FY2020 and FY2021 PEI Multi-year (PEI-MY) grantees outside of this NOFO. Maximum funding amounts for all grantees, including the second and third year of FY2020 and FY2021 PEI-MY grantees will increase from \$375,000 to \$425,000 each under this NOFO and is subject to the availability of future appropriated funds by Congress.

B. Number of Awards.

HUD expects to make approximately 35 awards from the funds available under this NOFO.

C. Minimum/Maximum Award Information

The maximum award possible under this solicitation is \$425,000. Specific maximum PEI award amount(s) and other eligibility information is listed under Section III. Eligibility Information.

Estimated Total Funding:

\$15,000,000

Minimum Award Amount:

\$100,000

Per Project Period

Maximum Award Amount:

\$425,000

Per Project Period

D. Period of Performance

The period of performance for PEI-MY projects is 36 months. Obligations should be made within six months of notice of award and all grants expended in the specified agreed upon timeframe(s) established in negotiations.

Estimated Project Start Date:

04/01/2023

Estimated Project End Date:

04/01/2026

Length of Project Periods:

36-month project period and budget period

Length of Periods Explanation of Other:

The period of performance for PEI-MY is 36 months. Obligations should be made within 6 months of notice of award and all grants expended in the specified time frame(s) established in negotiations.

E. Type of Funding Instrument.

Funding Instrument Type:

G (Grant)

HUD will award a grant agreement to each applicant selected for an award. The grant agreement will set forth the relationship between HUD and the awardee, 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 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.

HUD will conduct monitoring reviews, request quarterly reports, and approve all proposed deliverables as documented in the applicant's Work Plan or SOW.

III. Eligibility Information.

A. Eligible Applicants.

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

Additional Information on Eligibility

Under this NOFO, an eligible applicant must be: (1) a Qualified Fair Housing Enforcement Organizations (QFHO) with at least two years of experience in complaint intake, complaint investigation, testing for fair housing violations, and enforcement related experience and

meritorious claims in the three years prior to filing this application; or (2) a Fair Housing Enforcement Organizations (FHO) with at least one year of experience in the enforcement-related activities listed above in the two years prior to the filing of the application. If the applicant is neither a QFHO nor a FHO with the requisite experience, the organization is ineligible. Both FHOs and QFHOs must currently conduct these enforcement activities and operate a full- service program. Applicants must complete Appendix B, "Certification for PEI Applicants," to confirm QFHO or FHO status.

If an organization does not currently have sufficient experience to qualify as a FHO or QFHO (see 24 CFR §§ 125.103 and 125.401), the organization may be eligible to apply under FHIP's Education and Outreach Initiative (FR-6600-21-A), Tester Coordinator Training (FR-6600-71-A), and/or Fair Housing Organizations Initiative (FR-6600-21-B) NOFOs. Please see the correct NOFO for specific eligibility requirements. If an applicant applies for both a PEI and FHOI Continuing Development Component (CDC) and receives an award for both, funding for the FHOI CDC will be rescinded if a determination is made that the activities for both awards are exactly alike or similar.

Applicants must submit a separate application for each FHIP Initiative/component.

Eligible Activities

Eligible activities include, but are not limited to: (1) intake of allegations of violations of the Fair Housing Act, testing, evaluating testing results, and conducting 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; and (4) litigation of fair housing cases, including procuring expert witnesses. Activities are eligible only in cases involving conduct prohibited by, or rights protected under, the Fair Housing Act and/or substantially equivalent state or local fair housing laws. Activities may include investigation into potential discrimination based on sexual orientation, gender identity or source of income in connection with a protected class; discrimination resulting from criminal history policies; or discrimination in residential real estate related transactions, including appraisal and/or algorithmic bias. If discrimination is uncovered, activities may include enforcement actions. Applicants may also expand their service area to address fair housing enforcement needs in areas and for communities not currently represented by an enforcement organization or agency. HUD will allow applicants under the PEI-MY funding component to modify their activities in the second or third year with the approval of the Government Technical Representative (GTR) and Government Technical Monitor (GTM) based upon changing demographics and/or need. All applicants must review Appendix A for guidance on the format that should be used to list the applicant's proposed tasks/activities. If an applicant reduces the overall number of activities or the overall complexity of the activities during negotiations or through future grant amendments, the grant award amount will be reduced.

Applicants may be required to verify section 501(c)(3) status in accordance with 24 CFR 5.109(l).

B. Ineligible Applicants.

HUD does not award grants to individuals. HUD will not evaluate applications from ineligible applicants, including those that do not meet the threshold, statutory and regulatory, or program eligibility requirements under III.D, E and F.

C. Cost Sharing or Matching.

This Program does not require cost sharing or matching.

D. Threshold Eligibility 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.

1. Resolution of Civil Rights Matters. Outstanding civil rights matters must be resolved before the application deadline. Applicants, who after review are confirmed to have civil rights matters unresolved at the application deadline, will be deemed ineligible. Their applications will receive no further review, will not be rated and ranked, and they will not receive funding.

- a. Applicants having any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that have not been resolved to HUD’s satisfaction before or on the application deadline date are ineligible for funding. Such matters include:
 1. 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;
 2. Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. 3614(a);
 3. Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, 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, the Americans with Disabilities Act or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;
 4. Receipt of a letter of findings identifying systemic non-compliance 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 the Americans with Disabilities Act; or
 5. 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.
- b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter.

Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

1. Current compliance with a voluntary compliance agreement signed by all the parties;
2. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
3. 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;
4. Current compliance with a consent order or consent decree;
5. Current compliance with a final judicial ruling or administrative ruling or decision; or
6. Dismissal of charges.

2. Affirmatively Furthering Fair Housing. With some exceptions for federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an accepted Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan."

3. Timely Submission of Applications. Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy will be marked late. Late applications are ineligible and will not be considered for funding. See Section IV. D. Application Submission Dates and Times.

4. **Minimum Score.** Applicants must receive a minimum Technical Evaluation Panel (TEP) score of 75 points to be considered for funding, not including preference points.

5. **Eligible Activities.** An applicant is ineligible for funding when the majority of the proposed activities are ineligible (more than 50%). In that event, HUD will not fund the application. HUD has the right to request information or documentation to clarify or confirm that activities are eligible fair housing activities

6. **Suits Against the United States.** An applicant is ineligible for funding if, as a current recipient of FHIP funds (within the last 3 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)).

7. **Other Litigation.** An applicant is ineligible for funding if the organization proposes in its current application or used funds provided by HUD (within the last 3 years) 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. sec. 3616 note Sec. 561 (i))

Only applicants deemed eligible will be ranked and rated. Applicants that do not meet one or more of the Departmental or Program threshold requirements will not be eligible for funding.

E. Statutory and Regulatory Requirements Affecting Eligibility.

Eligibility Requirements for Applicants of HUD's Grants Programs

The following requirements affect applicant eligibility. Detailed information on each requirement is posted on [HUD's Funding Opportunities Page](#).

- Active Prime and Sub Recipient registration with SAM.gov
- Outstanding Delinquent Federal Debts
- Debarments or Suspensions, or both
- Pre-selection Review of Performance
- Sufficiency of Financial Management System
- False Statements
- Mandatory Disclosure Requirement
- Prohibition Against Lobbying Activities
- In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [24 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

F. Program-Specific Requirements.

Applicants who fail to meet the following Program Specific Eligibility will be deemed ineligible for funding.

1. Applicants must be a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) under 24 CFR 125.103.
2. The application must demonstrate that the "applicant organization" is a broad-based and full-service project (as defined under section I.A.3, Program definitions), or the application will be deemed ineligible. If the application has income restrictions for services, the application must identify this restriction, and describe how individuals who fall outside of the restrictions are being equally served and how that service is provided. If not provided, the applicant will be deemed ineligible.
3. Fair Housing Related Activities. All of the program related tasks/activities and costs within the SOW and budget must be fair housing related activities and **must demonstrate an explicit connection to the non-discrimination and affirmatively furthering fair housing 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 NOFO. Only the eligible portions of a successful application will be funded.
4. All grant recipients must comply with HUD's February 11, 2021, memorandum from Jeanine M. Worden, Acting Assistant Secretary for Fair Housing & Equal Opportunity, Implementation of Executive Order 13988 on the Enforcement of the Fair Housing Act. That directive begins to implement President Biden's Executive Order 13988 on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation which addresses the U.S. Supreme Court's holding in *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020), that the prohibitions against sex discrimination in the workplace contained in Title VII of the Civil Rights Act of 1964 extend to and include discrimination on the basis of sexual orientation and gender identity. Relying on this landmark decision, the Executive Order directs every federal agency to assess all agency actions taken under federal statutes that prohibit sex discrimination and to fully enforce

those statutes to combat discrimination based on sexual orientation and gender identity. HUD's Office of General Counsel has concluded that the Fair Housing Act's sex discrimination provisions are comparable to those of Title VII and that they likewise prohibit discrimination because of sexual orientation and gender identity.

Accordingly, all FHIP-funded projects must address housing discrimination based on sexual orientation and gender identity. All grant recipients under this NOFO will be required to review all records of allegations of discrimination (inquiries, complaints, phone logs, etc.) received since January 20, 2020 to determine if any claims of discrimination based on gender identity or sexual orientation may still be timely and jurisdictional. All grant recipients must confirm this review was undertaken and report on findings in the first quarterly report.

5. Fair Housing Act/Protected Classes. All FHIP-funded projects must address housing discrimination based on race, color, religion, sex (including sexual orientation and gender identity), disability, familial status, and/or national origin and further the non-discrimination provisions of the Fair Housing Act. All services and activities must be available to all protected class members. The application's proposed activities must reflect the commitment to address housing discrimination affecting all of the above protected classes or the applicant is ineligible.
6. Eligibility of Successor Organizations for PEI. HUD recognizes that QFHOs and FHOs may merge with each other or other organizations. The merger of a QFHO or an FHO with a new organization with 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, 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 an FHO with at least one-year of experience, HUD will assess the eligibility of the new organization under the 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 and an establishment of the new eLOCCS account. In addition, the new organization must secure a new Unique Entity Identifier 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 cannot secure a new Unique Entity Identifier number or register in SAM, then the grant will be suspended and terminated.
7. Applicants that received FY2020 or FY2021 PEI-MY funding are ineligible to receive a new FY2022 PEI-MY. Ineligible PEI-MY applicants may apply and receive funding under other FHIP initiatives/component(s) if all funding restrictions are adhered. Applicants must submit a separate application for each component and/or initiative for which the applicant applies.

8. HUD will not fund an organization if the parent or its affiliate/subsidiary organization has an open grant (previously funded) under this same PEI component and will not fund both a parent organization and its affiliate/subsidiary organization under this NOFO for the same component. In addition, HUD will not allow affiliate and parent organization staff sharing protocols whereby the parent organization shares key staff with an affiliate(s). All funded organizations must be fully independent functional enforcement organizations, e.g., able to conduct business on an on-going basis without support from parent or its staff to complete proposed program activities and set apart from parent organization.
9. A parent organization that is a QFHO or an FHO with a separate Employer Identification Number (EIN) does not confer QFHO or FHO status upon an affiliate organization. To determine whether the affiliate organization meets eligibility requirements for this Initiative, HUD will review the independent enforcement-related experience of the affiliate organization (based upon the organization's EIN). The affiliate organization, under that EIN must establish in its application that it is a private, tax-exempt organization with the requisite years of enforcement related independent staff and organization experience from that of the parent organization for a QFHO or one-year of independent staff and organization experience for an FHO to be eligible for funding.
10. Co-applicants or members of a consortium are not eligible applicants under this NOFO.
11. All applicants must meet the eligibility requirements as defined in Section III A.
12. 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.
13. Fund Request exceeding the Maximum Amount. Applicants may not request funding over the maximum amount allowed under the initiative or component for which they have applied, or the applicant will be deemed ineligible.
14. 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 deemed ineligible.
15. Prior Performance Rating. An organization is deemed ineligible for funding under this NOFO if it received a "poor" rating on its most recent performance assessment on a prior FHIP grant for any initiative/component. The organization will remain ineligible for a period of one- year after the NOFO closure date unless the organization provides evidence that the rating was overturned through an appeal or that another resolution was accepted by the Government Technical Representative/Government Technical Monitor (GTR/GTM) to improve future performance. In addition, if a "poor" performance rating

on another FHIP grant is received after being selected and receipt of funding under this NOFO, all remaining FHIP grant funds received under this NOFO will be rescinded and the organization will be deemed ineligible. The organization will remain ineligible for a period of 1 year after receipt of the "poor" performance rating unless the organization provides evidence that the rating was overturned through an appeal or that another resolution was accepted by the GTR/GTM to improve future performance.

16. **Research/Survey Activities.** Applicants are ineligible for funding if their project is aimed solely at research or data gathering (such as Audit Testing). If a successful application contains research and activities, only the eligible portions of the application will be funded. In addition, proposed surveys must be approved by HUD and the OMB under the Paperwork Reduction Act before the application submission, or the activity is deemed ineligible.
17. Applicants and recipients are required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* 24 C.F.R. §§ 1.5; 3.115; 8.50; and 146.25. HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.
18. Funding awarded under this grant must be used for the specific activities applied for under this PEI NOFO only. Funded applicants may not co-mingle funds to support other FHIP grant activities.

Only applicants deemed eligible will be ranked and rated.

G. Criteria for Beneficiaries.

1. 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.

2. Independence of Awards. The application submitted must be independent and capable of being implemented without reliance on other applications, or other grantees(s), including staff sharing protocols of key staff. 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.

3. Testing Requirements. If funded, during negotiations each applicant 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 minimal 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. These background checks are necessary to ensure the credibility of testers as witnesses.

4. Review and Approval of Testing Training Materials. If funded, during negotiations, HUD may require the applicant to submit copies of these 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.

5. Training Funds. The applicant's proposed budget must set aside \$5,000 annually to be utilized to participate in HUD sponsored mandatory or approved training, to include but is not limited to training related to appraisal and/or algorithmic bias and discrimination resulting from criminal records policy when such discrimination may violate the Fair Housing Act and/or substantially equivalent state or local fair housing laws. Under the PEI-MY 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 for this training set aside requirement under the applicant's budget submission.

If an applicant is awarded more than one FHIP grant (under more than one initiative/component), 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. Failure to use the funds for training and/or fair housing activities will result in grantee returning funds to the Department.

6. Closeout. Closeout should be undertaken as specified in 2 CFR § 200.343.

IV. Application and Submission Information.

A. Obtaining an Application Package.

Instructions for Applicants.

You must download both the Application Instructions and the Application Package from Grants.gov. You must verify that the Assistance Listing Number and Assistance Listing Description on the first page of the Application Package, and the Funding Opportunity Title and the Funding Opportunity Number match the Program and NOFO to which you are applying. The Application Package contains the portable document forms (PDFs) available on Grants.gov, such as the SF-424 Family. The Instruction Download contains official copies of the NOFO and forms necessary for a complete application. The Instruction Download may include Microsoft Word files, Microsoft Excel files, and additional documents.

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 your business offices are located. Lack of SAM registration or valid DUNS/UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic grant submission requirements. HUD will not grant a waiver if the Applicant fails to submit to HUD in writing or via email a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Stephanie Thomas

Email:

Stephanie.W.Thomas@hud.gov

HUD Organization:
FHEO
Street:
451 7th Street, SW
City:
Washington
State:
DC DISTRICT OF COLUMBIA
Zip:
20410

All waiver requests will be submitted to the Assistant Secretary or designee 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 Standard Time on the application deadline date. When delivering a paper copy, please allot time to adhere to HUD Headquarters' visitor policies and requirements to assure your application is timely submitted. All applications must meet the NOFO application submission deadline. 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) of HUD's receipt. This HUD receipt may not come before the submission deadline.

B. Content and Form of Application Submission.

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, under the wrong Assistance Listing and Funding Opportunity Number is Non-Curable unless otherwise stated under the Threshold requirements section.

1. Content.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
HUD Applicant Recipient Disclosure Report (HUD) 2880 Applicant/Recipient Disclosure/Update Report	Submission is required for all applicants by the application due date.	
Application for Federal Assistance (SF424)	Submission is required for all applicants by the application due date.	Required for all applications.
Disclosure of Lobbying Activities (SFLLL), if applicable	HUD will provide instructions to grantees on how the form is to be submitted.	If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the applicant shall complete and submit the SF-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Applicants must furnish an executed copy of the Certification Regarding Lobbying prior to award.
SF-424B Assurances for Non-Construction Programs		
Certificate Regarding Lobbying	All applicants (except as noted below) must submit with their application the signed Certification Regarding Lobbying included in the Application	The Byrd Amendment and 24 CFR part 87 prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific award.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
	download from Grants.gov. Federally-recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally-recognized Indian Tribes are excluded from coverage of the Byrd Amendments.	
Certification of Consistency with Promise Zone Goals and Implementation, if applicable.	<div style="border: 1px solid black; padding: 5px;"> HUD Form 50153. Promise Zone Certification. </div>	This form is required if the applicant would like to apply for Promise Zone preference points.
Survey for Ensuring Equal Opportunity for Applicants	HUD Form SF-424 Supplement ("Faith Based EEO Survey - HUD-424SUP). 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.	Encouraged form.
Race and Ethnic Data Reporting Form	HUD Form-27061	Required form - post award.

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Budget Information	HUD Form SF424-CBW ("HUD Detailed Budget Form and Worksheet)	Required form.

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

- Submit separate narrative responses to Rating Factors 1-4 criteria for each factor as described in Section V, "Application Review Information".
- Project Abstract (required) – Applicants may use the Appendix C Sample or a similar format to submit the required Project Abstract information which includes:
 - Initiative and Component applied
 - Amount of funding requested
 - Statement identifying whether the organization is a new FHIP applicant,
 - Grant purpose
 - Activities to be performed
 - Expected outcomes
 - Intended beneficiaries
 - Subrecipient activities or note if applicant does not intend to use subaward funds.
- SOW Narrative and SOW chart (see Appendix A for sample chart), and Narrative Budget Work Plan and Form Grant Application Detailed Worksheet (HUD 424-CBW).
- Any Rating Factor charts required under Section V of this NOFO.
- Complete Appendix B, PEI Eligibility Certification and submit as a part of your application.

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

2. Format and Form.

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

10 Pages maximum length of narratives

Double spaced 12-point (minimum) Times Roman font on letter sized paper (8 1/2 x 11 inches) with at least 1-inch margins on all sides

C. System for Award Management (SAM) and Unique Entity Identifier (UEI).

1. SAM Registration Requirement.

Applicants must be registered with <https://www.sam.gov/> before submitting their application. Applicants must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a federal contract or grant within the last three years, if applicable. Information in SAM must be current for all times during which the applicant has an active Federal award or an application or plan under consideration by HUD.

2. UEI Requirement.

Applicants must provide a valid UEI, registered and active at [/www.sam.gov/](https://www.sam.gov/) in the application. For more information, see: <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>.

The DUNS number remained the official identifier for doing business with the U.S. Government only until April 4, 2022. As of April 4, 2022, entities doing business with the federal government must use the Unique Entity Identifier created in SAM.gov.

3. Requirement to Register with Grants.gov.

Anyone planning to submit applications on behalf of an organization must register at grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through grants.gov. Complete registration instructions and guidance are provided on grants.gov.

D. Application Submission Dates and Times.

Application Due Date Explanation

The application deadline is 11:59:59 PM Eastern Standard time on 12/05/2022

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

"Received by Grants.gov" means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and-timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

"Validated by Grants.gov" means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting "Applicants" from the top navigation, and selecting "Track my application" from the dropdown

list. If the application status is "rejected with errors," you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in "rejected with errors" status after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you submit your applications at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

Grants.gov Customer Support. Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. Applicants having difficulty accessing the application and instructions or having technical problems can receive customer support from Grants.gov by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to support@grants.gov. The customer support center is open 24 hours a day, seven days per week, except Federal holidays. 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 (800)-877-8339.

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column, to view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Please make note of the Grants.gov tracking number, it will be needed by the Grants.gov Help Desk if you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also include the fact of the extension in the program's NOFO required to be published in the Federal Register.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's extension request (how closely it followed the basis for the extension), whether other applicants

in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

PLEASE NOTE: Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

1. Amending or resubmitting an application.

Before the submission deadline, you may amend a validated application through Grants.gov by resubmitting a revised application containing the new or changed material. The resubmitted application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

2. Grace Period for Grants.gov Submissions.

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

3. Late Applications.

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding consideration. Improper or expired registration and password issues are not sufficient cause to allow HUD to accept applications after the deadline date.

4. Corrections to Deficient Applications.

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency in the definitions section (Section I.A). Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

Applicants must email corrections of Curable Deficiencies to applicationsupport@hud.gov within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to applicationsupport@hud.gov must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must 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 containing the wrong UEI/DUNS number as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI/DUNS number and active registration in SAM will render the application ineligible for funding.

5. **Authoritative Versions of HUD NOFOs.** The version of these NOFOs as posted on Grants.gov are the official documents HUD uses to solicit applications.
6. **Exemptions.** Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the Religious Freedom Restoration Act (RFRA).

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 annually. Neither the grantee nor the individual(s) on whose behalf any action is filed can request that HUD waive these provisions.
2. **Reimbursement Requirement.** Grantee must reimburse the Federal government the amount of the grant from all financial settlements, conciliations, and agreements reached because of the use of FHIP funds. With prior approval from the HUD GTR, grantee may choose to use the funds as program income to further fair housing activities rather than returning these funds to HUD.
3. **Performance Standards.** Applicants must 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.
4. **Number of Awards.** An organization may not receive more than one award under a single component. This restriction includes organizations with separate EIN’s that apply separately for funding under a single component but identify more than one of the same direct personnel and/or key staff for both organizations (i.e. key staff sharing). FHIP will fund only one organization. This restriction ensures FHIP’s commitment to continued program integrity by eliminating double payments under a single component to an organization or individuals. This restriction includes but is not limited to any organization affiliate, associate, subsidiary, or other organizations that engage in direct personnel and/or key staff sharing protocols.
5. **Funding.** Grantees must use FHIP PEI funds only for those activities funded under their grant agreement for this NOFO.

6. **Limitations for Education and Outreach.** Under this PEI NOFO, there is a 20 percent cap on the dollar amount allowed for education and outreach related activities that support PEI. 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.
7. **Administrative Costs.** Salaries, fringe benefits, and other administrative costs charged against the project or a program element for the sole purpose of administering the grant agreements shall not exceed 10% of the annual grant award (Federal and cost share). One hundred percent of the salaries and fringe benefits related to these functions are considered administrative costs. Examples of administrative costs include but are not limited to: preparation and submission of grant applications, fiscal tracking of grants funds, maintaining project files and performance measures, collection and submission of deliverables, accounting staff wages and benefits, building rent, consulting expenses, management wages and benefits (such as Executive Director and support staff), depreciation of office equipment, insurance, legal staff wages and benefits, and office supplies. Building rent is eligible only under the following conditions: the rent must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities; no repairs or renovations of the property may be undertaken with funds under this NOFO; and properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased or rented with federal funds. Non-administrative Costs. Salaries and fringe benefits related to the implementation of the project or program element of the grant agreement are not considered administrative costs. For example, the salaries and fringe benefits for technical staff to conduct work to accomplish specific Fair Housing goals as outlined in the program or project elements are not administrative costs.

Indirect Cost Rate.

Normal indirect cost rules under [2 CFR part 200, subpart E](#) apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional) rate and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in [2 CFR 200.403](#), costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must

be retained on file for audit.

G. Other Submission Requirements.

Application, Assurances, Certifications and Disclosures.

Standard Form 424 (SF-424) Application for Federal Assistance is the government-wide form required to apply for Federal assistance programs, discretionary Federal grants, and other forms of financial assistance programs. Applicants for this Federal assistance program must submit all required forms in the SF-424 Family of forms, including SF-424B (Assurances of Non construction Programs) or SF-424D (Assurances for Construction Programs). Applications receiving funds for both non-construction programs and construction programs must submit both the SF-424B and SF-424D.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), the applicant and the signing authorized organization representative affirm that they have reviewed the certifications and assurances associated with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, 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, or Alaskan native villages and those applicable to applicants other than federally recognized Indian tribes or Alaskan native villages.

Assurances.

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. Upon receipt of an award, you, and any recipients and subrecipients of the award are also required to submit assurances of compliance with federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975; *see also* [24 C.F.R. §§ 1.5; 3.115; 8.50](#); and [146.25](#). HUD accepts these assurances in the form of the SF-424B and SF-424D, which also require compliance with all general federal nondiscrimination requirements in the administration of the grant.

Applicant Disclosure Report form 2880.

Required for each applicant applying for assistance within the jurisdiction of HUD to any housing project subject to Section 102(d). Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance

to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. 1437f](#)). [See HUD Reform Act regulation for additional information.](#)

Affirmatively Furthering Fair Housing.

With some exceptions for federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations. Applicants may propose activities that are consistent with their jurisdiction's Analysis of Impediments (AI), an Assessment of Fair Housing (AFH), or other means of fair housing planning that meaningfully supports their AFFH certification.

If the applicant will carry out proposed activities in a jurisdiction with an accepted Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan

V. Application Review Information.

A. Review Criteria.

1. Rating Factors.

The criteria for rating and ranking applications, and the maximum points for each Rating Factor are provided below. Applicants must provide responses to all four rating factors below or points will be deducted. The maximum number of Rating Factor points awarded under this NOFO is 100. Each factor has a maximum ten-page narrative limit unless otherwise specified by this NOFO. In addition to the Rating Factor points, applicants may receive a maximum of four additional points under the Preference Points, for a total of 104 available NOFO points. Please see the chart below.

Rating Factors Summary

Capacity of Applicant and Relevant Organization Experience	
• Description of expertise of Staff	20
• Organization Experience	16
Need/Distress/Extent of the Problem	
• Problem Statement	5
• Highly segregated area focus	3
• Proposed Solution	7
• Immediacy of Need	2

• Applicant of Funding	2
Soundness of Approach	
• Proposed Statement of Work and Information Requirements	16
• Budget and Cost Estimates	14
Achieving Results and Program Evaluation	
• Measurement	5
• Evaluation Plan	10
TOTAL	100
Preference Points - Promise Zone, Historically Black College or University (HBCU), and/or Environmental Justice	+4
Maximum POINTS	104

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience

Maximum Points: 36

This factor addresses the extent to which the organization has the staff experience and organizational capacity necessary to successfully complete the proposed project for the duration of the grant performance period, including actively maintaining staff/consultants and/or contractors throughout this period. Applicants without the requisite experience may consider applying for a Fair Housing Organizations Initiative grant (FHOI) to improve capacity and gain the experience necessary to apply for future funds. Please see FHIP's FHOI NOFO. Under this rating factor, HUD will consider the extent to which the applicant clearly addresses:

(1) Description and expertise of staff (Up to 20 points). The applicant narrative must describe staff expertise to show that the applicant organization will have sufficient and qualified staff available to complete the proposed activities. The applicant must: describe the organization staffing plan including a proposal to add staff (employees) or contractors or consultants, if applicable. To receive full points, the staffing plan must:

a. Demonstrate that there is sufficient current applicant organization staff (more than two key staff) with fair housing related experience at the time of the application due date and describe the organization's proposal to add staff and/or contractors or consultants to complete the proposed project. The application description must demonstrate that the applicant organization is independent and capable of implementing the proposed project without relying on other applicants or other grantee(s), including sharing of key staff. Applicants may not use the performance (e.g. performance review rating or successfully completed activities) of another organization to meet the requirements of this Rating Factor. If the applicant or applicant staff perform activities in any capacity on other FHIP grants, the applicant must list the name of the organization sharing activities, and the role and time staff devotes to all FHIP related activities that the organization/staff is undertaking, including as a grantee, sub-grantee, affiliate,

contractor, consultant, or in any other capacity. This information may be provided in a chart or list and will not be included within the 10-page limit. **(Up to 6 points)**.

Failure to provide information that demonstrates that the applicant organization has sufficient current staff to complete the proposed project will result in the applicant receiving 0 points under Factor 1, Section a. above.

b. The staffing plan should identify each staff 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 the individual will devote to the proposed project. The Project Manager must be currently on staff and devote at least 50 percent of their time to the proposed project. Points will be deducted if less time is identified. Further, the plan must describe how the applicant will evaluate and provide oversight for each contractor, if applicable.

If applicable, the applicant must further identify FY2019, FY2020 and FY2021 FHIP grant awards, 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 entire 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 list or chart does not count towards the 10-page limit for Factor 1. Applicants will not be deducted points for not identifying these grant awards and sub-grantee projects if this section is not applicable. **(Up to 6 points)**

c. Describe each key staff person's experience as it relates to the proposed project position. This should include fair housing related experience if the position is for a fair housing related professional. Experience included should relate to enforcement activities and proposed fair housing training or disseminating information to the community. The staffing plan must describe how all key staff position (fair housing or otherwise) experience contributes to the proposed project. 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 successful project completion. 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, if applicable. **(Up to 4 points)**

d. Demonstrate that the organization has available staff with the appropriate training, expertise, and experience to conduct tests, or propose a plan and budget (under Factor 3) for training and technical assistance for testing. If an applicant proposes complex testing, the applicant must describe the specialized staff training, expertise and/or experience to complete the proposed testing activities. Complex testing includes testing in the context of real estate sales, mortgage lending, homeowner's insurance, home appraisals; testing for discrimination because of sexual orientation, gender identity, or source of income; and testing for discrimination that may result

from criminal record policies when such discrimination may violate the Fair Housing Act or substantially equivalent state or local fair housing laws. **(Up to 4 points)**

(2) Organizational Experience (Up to 16 points). The applicant must describe the proposed project and the applicant organization's ability to complete the project within the grant period:

(a) Show that the applicant organization has 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 4 points)**

(b) Describe the applicant organization's experience working with populations of the targeted area of need, including diverse populations that have faced historic segregation. If the organization is currently addressing the needs of service areas without a fair housing enforcement presence describe the applicant organization's experience in addressing the needs. **(Up to 2 points)**

(c) Specify how FY2022 funds will include the capacity to conduct investigations, including systemic investigations, and how FY2022 funds will expand FHIP-funded activities or other fair housing enforcement activities toward increased housing discrimination investigations and other enforcement-related efforts. **(Up to 2 points)**

(d) Describe the applicant organization's current experience (within the last two years) 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;
- (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 have met these requirements in the past two years and outline specific instances for each category. The list may be provided in a chart form and will not count against the 10-page limit. **(Up to 8 points).**

Additionally, applicants must show how their proposed/provided fair housing enforcement project is both a full-service project and a broad-based project addressing protected classes under the Fair Housing Act and that meets the need(s) outlined in Rating Factor 2.

If this information is not provided, there will be an eight-point reduction from the applicant's Rating Factor 1, Organization Experience final score.

Rating Factor 2: Need/Distress/Extent of the Problem

Maximum Points: 19

This factor addresses the extent to which there is a need for funding the proposed activities, including addressing the needs of highly segregated, rural, and/or underserved populations. The

need(s) described must relate to the activities for which funds are being requested under Rating Factor 3.

To receive maximum points for Rating Factors 2-4 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.

(1) Problem Statement: Applicant must define the need(s) identified and reference supporting data/evidence demonstrating identified need. This may include but is not limited to Census data, an Assessment of Fair Housing, a Consolidated Plan, an Analysis of Impediment to Fair Housing Choice (AI), and other fair housing planning documents. **(Up to 5 points)**

(a) Describe the specific community fair housing needs that will be addressed under this application.

(b) Describe the target area's impediments to fair housing choice, if applicable, or other significant barriers, discriminatory impacts, contributing factors, or other fair housing problems.

(2) Highly Segregated, Rural or Underserved Area Focus: Applicant should provide evidence demonstrating that they have provided enforcement services in areas of need in highly segregated, rural, or underserved locations. Maximum points will be provided if the applicant demonstrates how the funds requested through this NOFO will allow the organization to continue or expand work in highly segregated, rural, or underserved locations/service areas, specifically those areas not currently secured by a fair housing enforcement organization or agency (e.g. FHIP or FHAP agency). **(Up to 3 points)**

(3) Proposed solution: Applicant should describe the proposed solution to address systemic and other housing discrimination as it relates to the applicant's Factor 2, Problem Statement. Supporting evidence must be referenced in the application demonstrating the effectiveness of proposed interventions. Evidence may include but is not limited to case studies, evaluation of applicant's past best practices, etc. **(Up to 7 points)**

(a) Describe applicant's 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) Identify relevant information from various studies done by HUD or any other reliable source (e.g. Consolidated Plan, Analysis of Impediments to Fair Housing Choice, Assessment of Fair Housing, etc.) used to support the need for fair housing activities in the proposed target area. Applicants should not submit copies of reports or supporting documentation in the application, but should reference any reports, statistics or other data used by providing appropriate websites where the data were found. Reference information should be current within the last 5 years or still applicable fair housing problems, or two points will be deducted.

(d) Describe the link between the need identified and the applicant's proposed activities. This description should include how the applicant's proposed activities meet the specific fair housing needs identified and documented for the targeted area. This may include but is not limited to addressing: the presence of systemic housing discrimination, high segregation indices, or other documented evidence of discrimination prohibited by the Fair Housing Act within the project

area.

(e) Address the organization's need to secure or provide language assistance services in languages other than English by describing the target population's language needs and actions the applicant will take to achieve reasonable steps to ensure meaningful access for LEP persons. All printed material disseminated to the public must be in English and two other languages. Please provide a brief description of what other languages will be used based on the targeted population and how materials will be translated and by whom.

(f) Address the organization's plan to expand enforcement services in areas not currently represented by a fair housing organization or agency.

(4) Immediacy of Need: Applicants 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 the use of funds provided under this NOFO will differ from prior projects and/or expand enforcement activities to increase investigations of systemic housing discrimination. **(Up to 2 points)**

Rating Factor 3: Soundness of Approach

Maximum Points: 30

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. Two sub-factor requirements make up the total possible points (up to 30 points) for this rating factor. The SOW should reflect program tasks which the applicant expects are reasonable for completion. If funded, the grantee is responsible for completing the SOW activities agreed upon during negotiations.

(a) Proposed SOW and Information Requirements (Up to 16 points). This sub-factor does not count toward the 10-page limit under this rating factor. Each applicant should complete a detailed SOW narrative and chart. The SOW narrative sub-factor will be evaluated on the extent to which the applicant provides a clear, detailed description of the proposed project goals/objectives, activities, and where applicable, proposed outcome measures.

1. The proposed SOW narrative should identify quantifiable project goals and describe how those goals are related to each of the specific needs identified in Rating Factor 2 "Need/Extent of Problem." Goals are the results or outcomes the applicant aims to accomplish. The SOW narrative should also identify the proposed activities, specific deliverables, and anticipated outcomes consistent with the activities outlined in the required SOW chart. The SOW narrative must also include: a description of the continuation of existing activities or the expansion or creation of systemic investigation(s) based on prior FHIP funded activities or other fair housing enforcement activities. The SOW narrative must correspond with the activities outlined in the SOW chart. **(SOW narrative - Up to 6 points)**
2. SOW chart (Appendix A). All applicants should use the format outlined in Appendix A as an example to describe the organization's specific SOW tasks. The Administrative Tasks in Appendix A are standard general tasks, but the tasks may be edited to fit the applicant's specific tasks. Under the Program Tasks section, each applicant should

complete a detailed SOW based on the specific enforcement activities proposed in the organization's application, including activities, and tasks, and proposed outcomes where applicable. The SOW program tasks must include complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims, and describe:

- (i) all proposed project activities and major tasks **(Up to 3 points)**,
- (ii) 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 3 points)**,
- (iii) the steps to complete the proposed activities required to successfully implement the proposed project **(Up to 2 points)**, and
- (iv) the proposed outcomes where applicable under program tasks. **(Up to 2 points)**

Applicants may receive up to six points for the submission of a complete SOW narrative and up to 10 points for a complete SOW chart. Applicants must submit a separate SOW for each year of the applicant organization's activities (36 months) or 5 points will be deducted from this Factor.

(b) Budget and Cost Estimates (up to 14 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, and the rationale for the proposed budget and narrative. The applicant's budget submission must include the following for each separate year of funding (3 years): the applicant's Narrative Budget Work Plan and 424 CBW Budget Worksheet; a narrative budget work plan for all sub-contractors or sub-recipients; and a budget worksheet for sub-contractors or sub-recipients whose budget amounts exceed \$5,000. The budget must also indicate what activities and tasks will be increased as a result of an increase in the funding amount. If the applicant does not provide this information, up to five points will be deducted.

- (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, consistent with the list provided in Factor 1, who will be responsible and accountable for completing major tasks. In addition, the applicant's budget narrative should describe the organization's Financial Management Capacity, and its Board's role in financial management or oversight. In addition, applicants with current or prior FHIP grants should provide a list or chart of the HUD FHIP grants received since 2018 including the grant number, dollar amount awarded, the amount expended and obligated as of 30 days prior to the date the application is submitted and a description of the applicant's activities and results (outcomes) achieved in the previous FHIP grant(s).
- (2) The applicant's narrative must describe the organization's capabilities in handling financial resources, disseminating payments to third parties (e.g. contractors), and maintaining adequate accounting and internal control procedures.
- (3) When testing services are being performed, the applicant must include a budget line item to conduct a minimal background investigation of testers to ensure compliance with the FHIP regulation at 24 CFR §125.107.

All Factor 3 criteria are exempt from the 10-page limit.

Applicants may receive up to seven points for the Narrative Budget Plan, and up to seven points

for a completed 424 CBW. Under the 424 CBW score, there will be an automatic reduction of five points in the applicant's score (in addition to any other point deduction(s)) if the applicant submits a 424 CB, but not the detailed 424 CBW. In addition, failure to submit a separate 424 CBW budget form for each year will result in an additional 5-point deduction from this sub-factor. Additional information regarding the 424 CBW may be found at: www.hud.gov/sites/documents/HUD-424-CBW.XLS; www.hud.gov/sites/documents/HUD-424-CBWINSTRUCTIONS.PDF

Rating Factor 4: Achieving Results and Program Evaluation

Maximum Points: 15

HUD will assess the applicant's plan to achieve its proposed project objectives and goals. Based on the narrative statements (staff, proposed activities, etc.) that the applicant provided in Factors 1 through 3, HUD will assess the extent to which the applicant will measure project results and hold itself accountable to ensure effective program management. The applicant should outline its strategy for evaluating and improving (if necessary) its program performance against proposed activity goals during the grant period. Further, the applicant must describe:

1. **Measurement (Up to 5 points)** – What strategy or strategies the organization will use to measure its outputs and outcomes for the program activities outlined in the applicant's SOW and Appendix 1. Points are given to organizations that propose outputs, outcomes, and methods that can result in reliable, valid data. This description should include but is not limited to: (a) quantifiable outputs and outcomes that measure progress on the goals identified in the Factor 3, SOW; (b) data collection methods used to measure outputs and outcomes and the frequency of data collection; (c) technological tools in place to capture, maintain, and share data; and (d) an explanation of how the applicant's data will be validated.

Applicant outcomes should reflect the anticipated effect the organization's proposed activities will have on its beneficiaries. In other words, outcomes measure progress made towards achieving the program goals, while outputs are the measurable organization activities.

2. **Evaluation Plan (Up to 10 points)** – What is the applicant's plan to evaluate its progress towards meeting its stated objectives and goals? This answer should include:

- a description of the output and outcome data that will be used to determine progress on objectives/goals;
- timelines for continuous evaluation and adjustments as needed; and
- a description of how evaluation results will be used to improve progress, increase efficiency and/or make adjustments if expectations are not on track to be met.

The Evaluation Plan should also include a description of the public interest outputs and outcomes that, based on past experience, the applicant expects to achieve. This description may include the applicant's expectations in terms of people served, cases handled, relief obtained, enforcement actions that contribute to changes in local ordinances or state statutes, and/or any other reasonable metric of the impact of the applicant's enforcement work. To understand long term outcomes the applicant may examine changes in the levels of residential segregation in the communities they serve, educational segregation, or other metrics that indicate change in levels of systemic housing discrimination.

2. Other Factors.

This program does not offer points for Section 3.

Preference Points

HUD encourages activities in support of the interdepartmental initiatives. HUD may award no more than four total preference points for a combination of any of the four (4) preferences (Climate Change, Environmental Justice, Promise Zones (PZ) or Historically Black Colleges and Universities (HBCU). Each preference is worth up to two (2) points. For example, points may be awarded for Climate Change and Environmental Justice, or for Promise Zones and HBCUs.

This program does not offer points for Climate Change

Environmental Justice: In accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and EO 14008, HUD will award up to two (2) points for applications proposing projects that advance environmental justice in communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care, as delineated by the Climate and Economic Justice Screening Tool (CJEST) or other HUD-approved definition.

*HUD anticipates that program offices will revise the criteria listed in this section according to program scope and based on program actions identified in HUD's Climate Action Plan and Justice40 Initiative.

HBCU.

An applicant partnering with a Historically Black College or University (HBCU) will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that an HBCU Partnership is in place and signed by an authorizing official of the HBCU and documentation of the college or university's status as an HBCU. [Click here to view the list of accredited HBCU's](#)

Promise Zones

HUD encourages activities in Promise Zones (PZ). To receive Promise Zones Preference 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 preference points. To view the list of designated Promise Zones and persons authorized to certify, please see the [Promise Zone](#) pages on HUD's website.

B. Review and Selection Process.

1. Past Performance

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements;

Timely use of funds received from HUD;

Timely submission and quality of reports submitted to HUD;

Meeting program requirements;

Meeting performance targets as established in the grant agreement;

The applicant's organizational capacity, including staffing structures and capabilities;

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds;

The number of persons served or targeted for assistance;

Promoting self-sufficiency and economic independence

Producing positive outcomes and results.

HUD may reduce scores based on the past performance review, as specified under V.A. Review Criteria. Whenever possible, HUD will obtain past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in Section III E., Statutory and Regulatory Requirements Affecting Eligibility, "[Pre-selection Review of Performance](#)".

2. Assessing Applicant Risk.

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- Financial stability;
- Quality of management systems and ability to meet the management standards prescribed in this part;
- History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- Reports and findings from audits performed under Subpart F—Audit Requirements of this part or the reports and findings of any other available audits; and
- The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

This section incorporates past performance with the assessment of applicant risk. For current FHIP grantees, past performance will be assessed as part of applicant risk and based on the applicant's most recent FHIP GTR Final Performance Assessment Report. GTR Final Performance Assessment Reports contain these items: (1) performance of all requirements under the grant, (2) acceptance of work performed, and (3) quality of performance. Up to 7 points may be deducted from the applicant's overall rating score as follows:

1 point if the applicant received less than an "Excellent"

5 points if the applicant received less than a "Good"

1 point if the applicant is deemed "high risk" (i.e. new FHIP applicant)

An organization is deemed ineligible for funding under this NOFO if the organization received a "poor" rating within the last year performance assessment on a prior FHIP grant for any

initiative/component. Applicants who have not received a performance assessment within the last year will be deemed as a new applicant for purposes of this NOFO.

In addition, 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 the Multi-year Funding Component. **Maximum Score.** The maximum number of points to be awarded for the Rating Factors is 100. Applicants may also be awarded a total of four (4) preference points for PZ, HBCU collaboration, and/or Environmental Justice. Applicants may receive a total of 104 points including the rating factors and Preference points.

- **Ineligible Applications.** Ineligible applications will not be rated or ranked.
- **Minimum Score to be Funded.** Only applications with a rating score of 75 points or more will be considered of sufficient quality for funding. Preference points may not be included in reaching this minimum score.
- **Ranking.** All eligible applicants will be placed in rank order based on the total application score.
- **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 Leveraged funds under Rating Factor 4 will be selected.

4. Other Application Review Considerations. In accordance with 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Federal awarding agency will review and consider applications for funding pursuant 2 CFR Part 200.

5. 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, under 2 CFR § 200.207, 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;
- e. An applicant has not included the mandatory training 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); or

- f. An applicant is awarded more than one grant (HUD reserves the right to examine the requested training needs and transfer funds back to fair housing activities during negotiations, if additional training funds are not needed).

6. Reallocation of Funds. If any funds remain after all grant award selections have been made, HUD will have the discretion to reallocate those remaining funds among Initiatives as follows:

- a. Any remaining funds will be reallocated first within the PEI initiative. If, after reallocating funds within the initiative, funds remain, they shall be reallocated to FHOI, then to EOI.

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 other applicants, whose applications were received by the deadline, but have not been chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

Final Grant. After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant.

HUD may impose specific conditions on an award as provided under [2 CFR 200.208](#):

- Based on HUD's review of the applicant's risk under [2 CFR 200.206](#);
- When the applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
- When the applicant or recipient fails to meet expected performance goals contained in a federal award; or
- When the applicant or recipient is not otherwise responsible.

Adjustments to Funding. To ensure the fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD will fund no portion of an application that:

- (1) Is not eligible for funding under applicable statutory or regulatory requirements;
- (2) Does not meet the requirements of this notice; or
- (3) Duplicates other funded programs or activities from prior year awards or other selected applicants.

b. If funds are available after funding the highest-ranking application, HUD may fund all or part of another eligible fundable application. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

c. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, or be held for future competitions, or be used as otherwise provided by authorizing statute or appropriation.

d. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other appropriations or recapture of funds, HUD may use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

Funding Errors. If HUD commits an error that when corrected would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year, if funding is available.

Additional 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 NOFO 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. HUD will only communicate with persons specifically identified in the SF-424 in the application. HUD will not provide information about the application to any third party such as contractors.

b. Negotiation. If you are selected, HUD will require you to participate in negotiations to determine the specific terms of your grant agreement. The selection is conditional and does not become final until the negotiations are successfully concluded and the grant 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 GO and GTR 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. Upon request via email, FHEO 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 application.

B. Administrative, National and Department Policy Requirements and Terms for HUD Recipients Financial Assistance Awards

For this NOFO, the following [Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards](#) apply.

1. Unless otherwise specified, these non-discrimination and equal opportunity authorities and other requirements apply to all NOFOs. Please read the following requirements carefully as the requirements are different among HUD's programs.

- Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities (see cf. [24 CFR 5.105\(a\)](#)).

- Affirmatively Furthering Fair Housing ([Click Here](#)).

- Improving Access to Services for Persons with Limited English Proficiency (LEP) See https://www.hud.gov/program_offices/fair_housing_equal_opp/limited_english_proficiency.

- Accessible Technology. See

<https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>

2. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

3. Drug-Free Workplace.

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

5. Accessibility for Persons with Disabilities. See

https://www.hud.gov/program_offices/fair_housing_equal_opp/disability_overview

6. Conducting Business in Accordance with Ethical Standards/Code of Conduct.

7. Award Term and Condition for Recipient Integrity and Performance Matters

8. Suspension and debarment.

Environmental Review

In accordance with 24 CFR 50.19(b)(2), (3), (4), (9), (12), and (13) activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

Prohibition on Surveillance

[2 CFR 200.216](#) Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment

Remedies for Noncompliance

[2 CFR 200.340](#) *Termination* A Federal award may be terminated in whole or in part if the grantee fails to comply with the terms and conditions of the award or if HUD determines the award no longer effectuates the program goals or agency priorities.

Lead Based Paint Requirements.

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your grant you must 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).

C. Reporting.

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

1. Recipient Integrity and Performance Matters. Applicants should be aware that if the total Federal share of your federal award includes more than \$ 500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in Appendix XII to Part 200 Award Terms and Conditions for Recipient Integrity and Performance Matters.

2 CFR Part 200.328

2. Race, Ethnicity and Other Data Reporting. HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987.

Applicants should submit Form HUD-27061, Racial and Ethnic Data Reporting Form found at https://www.hud.gov/program_offices/administration/hudclips/forms/.

3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA). FFATA requires information on federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR Part 170](#), "REPORTINGSUBAWARD AND EXECUTIVE COMPENSATION INFORMATION," unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.

4. Program-Specific Reporting Requirements

a. **Performance Reporting.** All HUD funded programs, including this program, require recipients to submit, not less than annually, a report documenting achievement of outcomes under the purpose of the program and the work plan in the award agreement.

b. **Quarterly Report/Final Report.** All grant recipients under this NOFO are required to submit quarterly reports and a final report which identify their program's output and outcome achievements. Quarterly reports should contain responses to the following:

1. How many persons does the organization propose to serve? How is the estimate derived?
2. How many clients have been served?
3. Of those served, how many resulted in cases?
4. How many cases were resolved?
5. How many cases were litigated?
6. What is the total amount of damages the organization received for victims of discrimination by case settlements and litigation?
7. Describe how many cases were resolved to the benefit of the client, and how those clients benefited.

8. How many jurisdictions developed policies to remove barriers to fair housing as a result of FHIP PEI engagement with local jurisdictions/regional organizations?

For quarterly reports and the final report, recipients will be required to derive meaningful data from client feedback on how they benefited from the project's activities in quarterly and final performance reports. Recipients will also report outcomes and evidence of continued project success, 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 example of an enforcement success, e.g., outputs and outcomes of settlements or systemic investigations). Grantees will be required to track outcomes in the final report using the following forms: Types of Closures (HUD-904-A); Bases and Issues in Test (HUD-904-B); and Bases and Issues of Reports of Discrimination (HUD-904-C). These forms can be found at the following links:

<https://www.hud.gov/sites/dfiles/FHEO/images/904-A-OMB2529-0033.pdf>

<https://www.hud.gov/sites/dfiles/FHEO/images/904-B-OMB2529-0033.pdf>

<https://www.hud.gov/sites/dfiles/FHEO/images/904-C-OMB2529-0033.pdf>

Finally, in accordance with NOFO Section III.F, Program Specific Requirements, all FHIP-funded projects must address housing discrimination based on sexual orientation and gender identity and grant recipients under this NOFO will be required to review all records of allegations of discrimination (inquiries, complaints, phone logs, etc.) received since January 20, 2020, to determine if any claims of discrimination based on gender identity or sexual orientation may still be timely and jurisdictional. All grant recipients must confirm this review was undertaken and report on findings in the first quarterly report.

D. Debriefing.

For a period of at least 120 days, beginning 30 days after the public announcement of awards under this NOFO, HUD will provide a debriefing related to their application to requesting applicants. A request for debriefing must be made in writing or by email by the authorized organization representative whose signature appears on the SF-424 or by his or her successor in office and be submitted to the POC in Section VII Agency Contact(s), below. 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 funding was approved or denied.

Non-funded applicants will receive the total application score, and non-funded and ineligible applicants will receive a debriefing summary to include overall applicant Rating Factor scoring averages and average common errors.

VII. Agency Contact(s).

HUD staff will be available to provide clarification on the content of this NOFO.

Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Stephanie W. Thomas

Phone:

202-402-6938

Email:

Stephanie.W.Thomas@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. Please note that HUD staff cannot assist applicants in preparing their applications.

VIII. Other Information.

1. National Environmental Policy Act.

This NOFO provides for assistance in promoting or enforcing fair housing or nondiscrimination. Accordingly, under [24 CFR 50.19\(c\)\(3\)](#), this NOFO is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Code of Conduct list](#)
- [Assistance Listing \(formerly CFDA\)](#)
- [Unique Entity Identifier](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [FFATA Subaward Reporting System](#)
- [Grants.gov](#)
- [HBCUs](#)
- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [Limited English Proficiency](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Section 3 Business Registry](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Uniform Relocation Assistance and Real Property Acquisition Act of 1970 \(URA\)](#)
- [USA Spending](#)

3. Program Relevant Web Resources

www.hud.gov/fairhousing

4. Additional Program Requirements include:

a. Product Information. Press releases and any other product intended to be disseminated to the public must be submitted to the GTR 4 days before release for approval and acceptance. The GTR will work with the FHEO's Office of the General Deputy Assistant Secretary for information clearance and approval.

b. 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 agreement. Requests for funds must be accompanied by financial and progress reports.

c. Copyright Materials. You may copyright any work 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.

d. Complaints Against Awardees. Each FHIP award is overseen by a HUD GO (See www.hud.gov for list of FHEO Regional Directors). Complaints from the public against FHIP grantees should be forwarded to the POC listed above in Section VII Agency Contact(s). 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 agreement, or any other applicable statute, regulation or other requirement, HUD will take appropriate action under 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 under 24 CFR part 24.

e. Double Payments. If an applicant is awarded funds under this NOFO, the applicant (and any contractor or consultant) may not charge or claim credit for the activities performed under this project under any other Federally assisted project.

f. Performance Sanctions. A grantee or contractor violating the requirements in its grant agreement will be liable for such sanctions as 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.

g. 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 uniformly 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 correct deficiencies which are in whole or part of a rating factor. Applicants will have 5 business days from date of notification to submit the required documents to HUD. Applicants will be notified by email and telephone about corrections to ensure notification. The applicants must submit the corrections by using the form HUD Form 90611 found in their downloaded application to submit the technical cures to HUD.

h. Compliance. For preparing and submitting applications, please ensure HUD's compliance with: (a) 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; and (b) Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989.

APPENDIX

FR-6600-N-21-C - Fair Housing Initiatives Program - Private Enforcement Initiative

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.

FY2022 NOFO

Statement of Work for:

The recipient, _____, agrees to undertake the following activities in accordance with its FY 2022 application for funding under the Initiative--
_____ Project (if applicable) for a _____-month project
commencing _____ 2022/2023 in the geographic area of _____.

Administrative Tasks

Activities	Tasks	Submitted By	Key Personnel
1. Assign staff to project	Submit assignment memo or other documents assigning staff by name and number of hours to be spent on the project	30 days	
2. Execute subcontracts 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 two (2) copies of quarterly report of performance. Include outcomes and progress towards achieving outcomes.	Quarterly	
7. Complete SF-425 Financial Status	Submit two (2) copies of SF-425 and Copy of Written Report.	Quarterly	

Report and Written Quarterly Status Reports on All Activities			
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 the grant	
10. Prepare Summary of First Year (36 month grant)	Submit summary of first year accomplishments	395 days	
11. Prepare and submit draft of Final Report and HUD Forms 904-A, 904-B and 904-C	Submit two (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.	

Program Tasks

***Activities and tasks (sample only) are based on an organization's individual proposed activities and tasks.**

Activities/Tasks	Outcome(s)	Submitted By
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 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 tie 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 ___ training(s) for potential victims of discrimination.		
8. Make at least ___ referrals of non-fair housing issues.		
9. Evaluate at ___ potential complaints for enforcement.		

APPENDIX B

CERTIFICATION FOR PEI APPLICANTS

I/WE [applicant] _____, certify that the information provided below is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 32 U.S.C § 3729, 3802)

Applicant Name: _____
(Applicant name same as it appears on SF 424)

In accordance with 24 CFR §125.103 (definitions) and §125.401 (Private Enforcement Initiative), which states:

(a) The Private Enforcement Initiative provides funding on a single-year or multi-year basis, 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. Multi-year funding may be contingent upon annual performance reviews and annual appropriations.

(b) Organizations that are eligible to receive assistance under the Private Enforcement Initiative are:

(1) Qualified fair housing enforcement organizations.

(2) Fair housing enforcement organizations with at least 1 year of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims. For the purposes of meeting this 1 year qualification period, it is not necessary that the activities were conducted simultaneously, as long as each activity was conducted for 1 year. It is also not necessary for the activities to have been conducted for a continuous year. An organization may aggregate its experience in each activity over the 2-year period preceding its application to meet Title 24: Housing and Urban Development.

I _____ certify that
(Applicant name as it appears on SF 424)

_____ is a private,
(Applicant Organization name as it appears on SF 424)

tax-exempt, nonprofit, charitable organization and has a “letter of determination” from the IRS confirming 501(c)(3).

AND

I _____ certify that
(Applicant name as it appears on SF 424)

_____ is a Qualified Fair
(Applicant Organization name as it appears on SF 424)

Housing Organization (QFHO) or a Fair Housing Enforcement Organization (FHO) with at least one year’s experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims.

As defined by 24 CFR Part 125.103`, my organization is:

___ QFHO (entity has at least two years of enforcement-related experience); and organization is currently engaged in each of the activities at the time this application is submitted: Complaint intake; Complaint investigation; Testing for fair housing violations; and Enforcement of meritorious claims.

OR

___ FHO (entity has at least one year of enforcement-related experience); and is currently engaged in each of the activities and upon receipt of funds will continue to be engaged in each

NOTE: The Technical Evaluation Panel will verify this certification through the organization's response to Factor 1. In accordance with FHIP regulation at 2 CFR §125.103, "the Department may request an organization to submit documentation to support its claimed status as an FHO."

REQUIRED ABSTRACT – SAMPLE FORMAT - All applicants should use the format outlined in this Appendix as an example and guidance to describe the organization's project.

FY 2022 NOFO ABSTRACT for:

Award Description:

- Page 56 of 57

- e. **Subrecipient Activities Or Indicate “None”** if the applicant does not intend to subaward funds (up to 1,000 character limit)

Award Description Definitions	Definition
Purpose	A brief summary of how and where the award funds will or may be used.
Activities To Be Performed	A list of eligible proposed activities that the applicant proposes to implement within the award’s period of performance.
Expected Outcomes	A list of the proposed outcome or performance measures for the grant award.
Intended Beneficiaries	A list of intended eligible beneficiaries or protected classes to be targeted for the grant award.
Subrecipient Activities	A list of eligible proposed activities that must be executed within the subaward’s period of performance.