DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Rural Economic and Community Development Services—Rural Housing and Community Development Service

[Docket No. N–95–3852; FR–3839–N–01]

Congregate Housing Services Program; Notice of Funding Availability (NOFA) for Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD; Office of the Administrator, Rural Housing and Community Development Service.[1]

ACTION: Notice of funding availability for fiscal year 1995.

SUMMARY: This Notice of Funding Availability (NOFA) announces the funding of designated geographic area competitions for HUD dollars and a national competition for dollars allocated to the Rural Housing and Community Development Service (RHCDS), which are available for the supportive services component of the Congregate Housing Services Program (CHSP). A Final Common Rule for the CHSP was published in the **Federal Register** as 59 FR 22220, on April 29, 1994. Funds are available for new grants for congregate services for frail elderly persons, persons with disabilities, and temporarily disabled individuals living in eligible housing for the elderly. States, Indian tribes, units of general local government, Public Housing Agencies (PHAs), Indian Housing Authorities (IHAs) and local nonprofit housing sponsors, are eligible applicants. Applications from PHA/IHAs and local non-profit housing sponsors are limited to the housing they own. States, Indian tribes and units of general local government may submit one or more applications on behalf of one or more owners of eligible housing who may be either local non-profit housing sponsors or for-profit housing owners.

This document contains information concerning: (a) The purpose of the NOFA; (b) where to get the application package; (c) deadline for filing applications; (d) eligibility, available amounts, and selection criteria; and (e) information on application processing, and the selection process.

[1] Previously entitled the Farmers Home Administration (FmHA).

DATES: The deadline date for submission of an application to HUD for funding under the CHSP is on or before 3 P.M., local time, July 10, 1995 at the appropriate HUD State or Area Office.

The deadline date for submission of an application to RHCDS for funding under the CHSP is on or before 3 P.M., Eastern Daylight Time, July 10, 1995 at RHCDS Headquarters.

RECEIPT OF APPLICATIONS: HUD will receive applications at the State or Area Office for the jurisdiction in which the projects are located.

RHCDS will receive applications at the RHCDS Headquarters Building in Washington, DC. Copies will also be received at the RHCDS State Office which has jurisdiction over the project.

FOR FURTHER INFORMATION CONTACT: For general information concerning grants under the CHSP, or limited technical assistance by telephone regarding the preparation of an application for the CHSP, potential applicants may contact HUD and RHCDS as follows:

For questions regarding HUD projects, applicants applying for Public and/or Indian Housing Projects should contact the Housing Management Specialist in the State or Area Office which has jurisdiction for the projects.

Applicants applying for Sections 8, 202, 221(d) or 236 Projects should call the Loan Servicer in the State or Area Office which has jurisdiction for the projects.

HUD and RHCDS State and Area Office addresses and telephone numbers are listed in Attachment 1 to this NOFA.

Applicants for RHCDS projects should contact Sue Harris at RHCDS Headquarters at 202–720–1606. (This is NOT a toll-free number.) Hearing impaired individuals may reach RHCDS by calling the central TDD number of (202)-245–0846, HUD by calling (202)-708–9300, or either agency by calling the TDD number of the Federal Relay Service 1–800–877–TDDY and requesting a transfer.

Applicants for HUD projects should not contact HUD Headquarters: such calls will normally be referred to the appropriate HUD State or Area Office. Applicants for RHCDS projects should not contact RHCDS State or District Offices; such calls will normally be referred to RHCDS Headquarters.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) under Number 2502–0485 through 5/31/97.

Purpose and Substantive Description

A. Authority and Background

(1) Authority

(a) Section 802 of the Cranston-Gonzalez National Affordable Housing Act (NAHA) (42 USC 8011) created a new CHSP.

(b) Section 604 and 672 of the Housing and Community Development Act of 1992 amended the CHSP.

(c) A final common rule for the CHSP is at 59 FR 22220, published on April 29, 1994.

(2) Background

The CHSP was originally authorized and funded as a demonstration program under the Congregate Housing Services Act of 1978 (1978 Act) (42 USC 8001). It provided congregate housing and coordinated supportive services for elderly handicapped or non-elderly handicapped individuals to allow them to maintain their independence and avoid costly and unnecessary institutionalization. Congress appropriated funds for Fiscal Years 1979 through 1982, to remain available until expended. Since then, Congress has provided funds on an annual basis to continue funding grantees that previously received assistance. The demonstration became a permanent program in 1987.

Based upon the experience of the grantees funded under the demonstration, Congress created a new CHSP as one of the components of NAHA, which was enacted on November 28, 1990 and amended in 1992. HUD, in coordination with the Rural Housing and Community Development Service (RHCDS) of the Department of Agriculture, administers the CHSP under a Common Rule in accordance with the statute. This Notice announces the availability of both HUD and RHCDS funds for the CHSP and invites applications from both HUD and RHCDS applicants.

The CHSP is a program with two components: a retrofit and renovation component which has not yet been implemented and a supportive services component. Retrofitting and renovation of facilities are not eligible for funding under this NOFA.

Funds are available under the supportive services component for five-year, renewable, congregate services grants for frail elderly persons, persons with disabilities, and temporarily disabled individuals living in eligible housing for the elderly. The program serves as a means of preventing

unnecessary institutionalization and encouraging deinstitutionalization of those potentially eligible residents who do not need an institutionalized setting. It also improves the capacity of management to assess the supportive service needs of eligible residents, and to either ensure the coordination and delivery of supportive services from third party providers or provide the services directly in order to meet the minimum needs of eligible residents.

HUD and RHCDS are interested in using the services funds in the most cost-efficient manner. Thus, a number of program items are highlighted. Both Departments continue to:

(a) stress the service coordination/case management aspects of the program by making the service coordinator a clearly mandated function, whether funded wholly or in part by CHSP, or funded by a third party. (The more coordinators that are funded, the larger the number of projects whose residents will ultimately benefit from supportive services in the community.)

(b) focus on projects nearly fully occupied. (Occupied projects more readily are able to plan programs for existing needs and get them operational in the most effective manner and the shortest time. Thus, CHSP is offered this year only to projects which are at least 85 percent occupied as of the date of the CHSP application to HUD.)

(c) clarify the meals requirement. While the current requirement that each CHSP provide at least one hot meal per day in a group setting for some or all of the participants who are assessed as needing such assistance is not changed, additional meals can be available for frail elderly or non-elderly disabled participants who are assessed with a need for them. Such additional meals can be either hot or cold and may be home delivered.

The CHSP will ensure the long-term provision of supportive services in a manner which insures the program participant's freedom of choice and which respects the dignity of the persons served. It will also provide readily available and efficient services with emphasis on providing only those services minimally necessary to maintain independent living, but maintaining a continuum of support for individual program participants over time.

B. Allocation Amounts

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (P.L. 103–124) appropriated $25,000,000 in FY 1994. Approximately $18,700,000 of these funds remained after the FY 1994 competition and the refunding of the 52 existing grantees through July 12, 1997. Additionally, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (P.L. 103–327) made available $25,000,000 for the CHSP, all of which is included in this NOFA. Up to $6,267,000 will be used to correct extensions and provide further extensions to pre-1992 grantees.

Together with carryover funds, $38,480,150 is available for new grants. In consultation with RHCDS, the dollars are allocated as follows:

—Approximately 20 percent ($7,696,030) of the total funds are available to applicants with RHCDS projects.

—The remainder, approximately 80 percent ($30,784,120) is for applicants with HUD projects.

1. HUD Projects

Applicants for HUD projects may apply for grants from the available $30,784,120. The formula for the HUD allocation is stated below:

a. Compute the total number of section 8 New Construction/substantial rehabilitation elderly, Section 202, section 221(d) elderly, section 236 elderly and PIH/IHA elderly units in each geographic area for the nation as a whole.

b. Calculate the proportion of the national total represented by each geographic area's share.

c. Divide the available dollars proportionally in accordance with the geographic area's share of the elderly housing inventory, as follows:

Geographic area	No. of units	Dollars	Percentage
New England	102,257	$2,770,571	9
New York/New Jersey	127,124	3,386,253	11
Mid-Atlantic	135,760	3,694,095	12
Southeast	182,684	4,617,618	15
Midwest	273,075	7,080,348	23
Southwest	82,319	2,154,888	7
Great Plains	95,605	2,462,730	8
Rocky Mountain	36,616	923,523	3
Pacific/Hawaii	96,958	2,462,730	8
Northwest/Alaska	42,837	1,231,364	4
Total	1,175,235	30,784,120	*100

*Percentages are rounded to equal 100%.

The funds for the CHSP will be awarded by HUD through 10 geographical area competitions, in which applicants are selected to receive supportive services grants by HUD. The funding process is further described in Section II of this NOFA.

2. RHCDS Projects

Applicants for RHCDS projects may apply for grants from the available $7,696,030.

The funds for the CHSP will be awarded by RHCDS through a national competition, in which applicants are selected to receive supportive services grants by RHCDS Headquarters. HUD will fund the grants, and administer them with RHCDS assistance. The funding process is further described in Section II. of this NOFA.

C. Eligibility

1. General

Applicants must submit applications for HUD projects to HUD State or Area Offices and applications for RHCDS projects to RHCDS Headquarters and State Offices. Applicants may apply for either HUD and/or RHCDS dollars. Applications may only be submitted to the HUD State or Area Office/RHCDS State Office which has jurisdiction over the project.

Projects submitted by eligible applicants under this NOFA are limited to eligible housing for the elderly, as defined below.

2. Eligible Applicants

Eligible applicants are States, Indian Tribes, units of general local government, PHA/IHAs or local non-profit housing sponsors as defined in 59 FR 22220, published April 29, 1994 (sections 700.105 or 1944.252). Local non-profit housing sponsors and PHA/IHAs may only apply on behalf of projects they own. For-profit owners of eligible housing for the elderly may not apply directly for CHSP grants. For-profit owners of eligible housing for the elderly shall apply through an application submitted by a State, Indian tribe or unit of general local government (but NOT under an application submitted by a local non-profit sponsor or a PHA/IHA).

3. Eligible Housing Projects

Eligible projects under this NOFA must be eligible housing for the elderly as defined in 59 FR 22220, published April 29, 1994 (sections 700.105 or 1944.252), and must be 85 percent occupied as of the date of the application deadline for funding under this NOFA.

4. Services Required by the CHSP

Each application must provide documentation that it will provide or is already providing the following required services.

a. A meals program of at least one hot meal a day, seven days a week in a group setting for some or all of the participants; and,

b. A service coordinator to provide case management and other activities as required by 59 FR 22220, published April 29, 1994 (sections 700.220 and 225 or 1944.257 and 258).

5. Funding Limits

The maximum amount of funds which will be granted to any one applicant under this NOFA is $2,000,000, subject to Section II.G.(6). The maximum amount granted to any one project will be $500,000, also subject to Section II.G.(6).

D. Selection Criteria/Ranking Factors

1. General

To provide each applicant a fair and equitable opportunity to receive FY 1994 funds under the CHSP, HUD and RHCDS will use the selection criteria stated below to rate all eligible applications which have passed eligibility, threshold and technical review.

2. Selection Criteria

The selection criteria, with a maximum total rating value of 70 points, are as follows:

Selection Criteria

a. Experience or capability of the applicant:

The applicant currently administers an effective, successful service program for the frail elderly or (for persons with disabilities, or evidences relevant experience or capability to develop and implement such a service program. The applicant is:

Experienced	_____	(10)
Has Capability only	_____	(5)
Unqualified	_____	(0)

If 10 points are awarded here, No Points may be awarded under criterion ''i''.

b. The degree of adequacy of local service providers, appropriateness of the targeting of the services and the relationship of the proposal to the needs and characteristics of the eligible residents of the projects where the services are to be provided:

Proposed services to be provided by both the applicant and local social service agencies:

(1) appropriately address the daily living needs of the residents presented in the application;

(2) adequately appear to both provide a core of necessary services and fill the gap between the existing services and those that are not available/affordable; and,

(3) will serve all residents identified as either disabled or frail (deficient in at least 3 activities of daily living).

Meets all three	_____	(15)
Meets 2 of 3	_____	(10)
Meets one	_____	(5)
Meets none	_____	(0)

c. The schedule for establishment of services following approval of the application:

The applicant's timetable for implementation of services is reasonable and credible based upon HUD/RHCDS's experience with the applicant.

Implementation in 6 months or less	_____	(5)
From 7 to 12 months ...	_____	(3)
Over 12 months	_____	(0)
Plan is not credible as presented	_____	(0)

d. The professional qualification of the members of the PAC:

The proposed PAC consists of no less than three individuals, and includes both social service professionals and at least one qualified medical or other health professional. PAC members are competent to appraise the functional abilities of frail elderly individuals and persons with disabilities in regard to performing activities of daily living.

Acceptable	_____	(5)
Not acceptable	_____	(0)

e. The reasonableness and application of fee schedules established for congregate services:

The applicant proposes reasonable fees which meet prescribed requirements. The applicant has:

(1) accurately calculated meal fees according to Exhibit 20, or did not utilize meal fees as the meals are funded totally from the Older Americans Act;

(2) presented flat fees for services other than meals that do not exceed the cost of each service, or had no other service fee(s); and,

(3) proposed total fees that do not exceed 20% of a participant's adjusted income.

Yes, meets all three	_____	(10)
Yes, meets one or two .	_____	(5)
No, fee schedule meets none	_____	(0)

f. The adequacy and accuracy of proposed budgets:

The budget conforms to the following conditions:

(1) service costs are consistent with local market conditions;

(2) costs of all services correspond directly to the proposed number of participants;

(3) all costs proposed are eligible;

(4) the limits on administrative costs (10% of program), in-kind contributions (10% of match), local government proportion of match when a State is the applicant (10%) and the $1,200 per/person/year limit are not exceeded; and,

(5) total participant fees as shown in the first year budget are equal to or greater than 10% of total program cost.

Conforms to all five	_____	(15)
Conforms to at least two	_____	(5)
Conforms to one or none	_____	(0)

g. The extent to which the applicant proposes funds from other services in excess of that required:

The applicant proposes matching funds for the first year and for the next four years in an amount that exceeds the minimum required. The applicant's match is:

(1) 55% or more of total program cost for the first year and/or one or more of the next four years	_____	(3)
(2) Under 55% of total program cost for the first and other years .	_____	(0)

h. The methods of providing for deinstitutionalized older individuals and persons with disabilities:

The application has a proposed plan to identify and transfer potential

participants from institutions to the project and into the CHSP.

There is a plan and it is acceptable.	YES_____	(2)
	NO_____	(0)

i. Existing/New Services:

The applicant or other third parties currently do not provide supportive services to frail or disabled residents and the proposed CHSP services will constitute an entirely new program	_____	(5)
The applicant or other third party provides some supportive services to eligible residents; the proposed CHSP services will expand or add to existing services	_____	(0)

If 5 points are awarded here, NO MORE THAN 5 POINTS may be awarded under criterion ''a''.

j. Housing/Services Assistance for Minorities and Minority Business Enterprise/Women Business Enterprise (MBE/WBE)

1. Housing/Services Experience

Applicant has significant previous experience in serving minorities (i.e., previous housing/services to minorities was equal to or greater than the percentage of minorities in the jurisdiction where the previous housing/service experience occurred *AND* has direct experience in serving the client group proposed to be served in the application .	_____	(3)
Applicant has previous experience in serving minorities, BUT previous housing/services to minorities was less than the percentage of minorities in the jurisdiction where the previous service experience occurred	_____	(1)
Applicant does not have experience in serving minorities .	_____	(0)

2. Minority Business Enterprise/Women Business Enterprise Experience (MBE/WBE)

Applicant has substantial prior MBE and WBE experience (awarded services or other contracts over $10,000)	_____	(2)
Applicant has substantial prior MBE or WBE experience (awarded services or other contracts over $10,000)	_____	(1)
Applicant does not have significant MBE/WBE experience	_____	(0)

II. Application Process

A. Obtaining Application Packages

CHSP applications can be obtained ONLY from the Multifamily Housing Clearinghouse at 1–800–685–8470. The Clearinghouse must be called regardless of whether the potential applicant is considering HUD projects or RHCDS projects. Applications will not be available to applicants directly from HUD Headquarters or State and Area Offices or from RHCDS Headquarters or State Offices.

The application packages will be available from May 10, 1995 through July 10, 1995.

B. Application Requirements

All applications must contain the following information, in such form and in such detail as HUD/RHCDS require in the application package:

Part A: Applicant Information

1. SF–424, ''Request for Federal Assistance''

General Information

Exhibit 1: Applicant information
Exhibit 2: Evidence of Eligibility
Exhibit 3: List of Applications submitted to other HUD State or Area/RHCDS State Offices
Exhibit 4: Applicant Experience Statement

Disclosures and Certifications

Exhibit 5: HUD–2880, ''Applicant/Recipient Disclosure/Update Report''
Exhibit 6: Applicant's Anti-lobbying Certifications (certification for Grants, Loans, Contracts and Cooperative Agreements and SF–LLL, ''Disclosure Form to Report Lobbying'')
Exhibit 7: Applicant Certifications (SF–424B ''Assurances, Non-construction Programs'', Drug-Free Workplace Certification and Civil Rights Certifications)
Exhibit 8: CHSP Blanket certification

Part B: Project Information

General Information

Exhibit 1A Applicant Identifier
Exhibit 9: Letter of Support from Area Agency on Aging/Agency Serving the Disabled
Exhibit 10: Project information
Exhibit 11: Evidence of Eligibility
Exhibit 12: Certification for HUD-Approved Budget and for use of Residual Receipts (section 202 only)
Exhibit 13: Existing Services Description

Needs of Residents and Need for Supportive Services

Exhibit 14: Profile of Eligible Project Residents
Exhibit 15: Description of the Need for the Supportive Services
Exhibit 16: Deinstitutionalization Plan

Proposed CHSP Program

Exhibit 17: Description of Proposed Services
Exhibit 18: Meals description
Exhibit 19: Implementation Start-up Schedule
Exhibit 20: Participant Fees Calculation Form
Exhibit 21: Budget Forms:
—HUD–91178—''Annual Program Budget, Applicant'',
—HUD–91179—''Summary Budget, Five-Year Projection'', and,
—HUD–91180—''Summary Budget, Applicant''

Matching Funds

Exhibit 22: Summary Form for Match
Exhibit 23: Match Letters
Exhibit 24: Documentation of Residual Receipts (NOT for use of Public/Indian Housing Agencies)

Professional Assessment Committee (PAC)

Exhibit 25: Qualification of PAC members

For applicant's information, the application package contains a copy of the Joint Common Rule and three Attachments:

—Attachment 1: CHSP Questions and Answers;
—Attachment 2: Discussion of Service Coordinator; and,
—Attachment 3: Instructions for Completing Budget Forms

C. Packaging of Applications

Applications must be submitted on the basis of ''one application—one project.'' A HUD PHA/IHA project is defined either by number or by distinct building name; HUD Multifamily and RHCDS projects are defined by a project number and/or a Section 8 contract

number. The applicant's portion of the application submission is ''Part A'' and the project's portion of the application with project and program information is ''Part B.''

RHCDS applicants must submit an original ''Part A and one or more Part Bs'' to RHCDS Headquarters; a copy of each Part A and Part B must be submitted to the appropriate RHCDS State Offices.

An applicant submitting one application for one project only must submit one Part A and one Part B. (For example, the Smalltown Housing and Redevelopment Authority submits one application for one project ''Pleasant Valley Towers'' to the HUD Omaha State Office. That application must contain one Part A and one Part B.)

Applicants submitting applications for multiple projects must submit a separate application for each project, in each jurisdiction in which it is submitting applications.

However, for multiple applications from the same applicant in the same jurisdiction, only one copy of Part A is submitted. Thus, an applicant submitting three applications in one jurisdiction must submit one Part A and three Part Bs (e.g., the North Carolina Office on Aging is submitting three applications for three HUD projects to the HUD Greensboro Office. It submits one Part A to that office, with a Part B for each of the three separate projects.)

However, if an applicant is submitting applications to more than one HUD State or Area Office or RHCDS State Office or to both HUD and RHCDS, it must submit one ''Part A'' and the appropriate number of ''Part Bs'' in each jurisdiction. For example, the Ohio Office of Aging is submitting two applications for two HUD projects to the Cleveland HUD Office, one application for one HUD project to the Columbus HUD Office and one RHCDS application to the RHCDS Columbus State office. An original Part A must be submitted to each of the three Offices, with two Part Bs to the Cleveland Office, one Part B to the HUD Columbus Office and one Part B to the RHCDS Columbus Office.

Each Part A and each Part B must be in separate folders. Each Part must be appropriately tabbed and numbered according to the instructions in the Application Package.

D. Submission of Applications

1. Submission of Applications to HUD

All applicants shall submit an original and three copies (a FAX copy of the application is NOT acceptable) of the CHSP application to the Director of Multifamily Housing in the HUD State or Area Office which has jurisdiction over the project at the address noted in Attachment 1 of the NOFA by 3 P.M., Local Time, on or before July 10, 1995.

In the case of IHAs, the submission is to the Director of Multifamily Housing in the HUD State or Area Office in which is located the Office of Native American Programs which has jurisdiction over that project. The deadline date is firm as to date and hour.

In the interest of fairness to all applicants requesting CHSP funds, HUD will treat as ineligible for consideration any request which is received after the deadline.

Applicants making requests for CHSP funds should take this practice into account and make early submission of their materials to avoid any risk of lost eligibility brought about by unanticipated delivery-related problems.

Applications received after the date and time stated herein will not be accepted, and will be returned to the applicant.

Each application package must be identified on the envelope or wrapper as follows:

Director of Housing/Director of Multifamily CHSP FY 1995 Application Package, Due by 3 P.M., Local Time, July 10, 1995.

Determination whether an application is received in a timely manner is solely the responsibility of the receiving HUD State or Area Office.

2. Submission of Applications to RHCDS

All applicants shall submit an original and TWO copies (a FAX copy of the application is NOT acceptable) of the CHSP application to RHCDS Headquarters by 3 P.M., Eastern Daylight Time, on or before July 10, 1995. The deadline date is firm as to date and hour. The address is: U.S. Department of Agriculture, Rural Housing and Community Development Service, Attn: Sue M. Harris-Green, South Building, Room 5343, 14th and Independence Avenue SW., Washington, DC 20250.

One copy of the application must also be submitted to the RHCDS State Office which has jurisdiction over the project.

In the interest of fairness to all applicants requesting CHSP funds, the RHCDS will treat as ineligible for consideration any request which is received by RHCDS Headquarters after the deadline.

Applicants making requests for CHSP funds should take this practice into account and make early submission of their materials to avoid any risk of lost eligibility brought about by unanticipated delivery-related problems.

Applications received after the date and time stated herein will not be accepted, and will be returned to the applicant.

Each application package must be identified on the envelope or wrapper as follows:

CHSP FY 1995 Application Package, Due by 3 P.M., Eastern Daylight Time July 10, 1995.

Determination whether an application is received in a timely manner is solely the responsibility of RHCDS Headquarters. The decision of that Office is not subject to appeal.

E. Eligibility Review

HUD State and Area Office/RHCDS State Office staff will review all timely applications for eligibility. Both applicants and projects will be reviewed to determine that the applicant entity and the project included in the application, if different, are eligible under the terms of this NOFA and the common rule to participate in the FY 1995 CHSP.

Applicants must submit a copy of their charter or by-laws as evidence of their legal status and of their authority to run a CHSP, or evidence of non-profit status as a local non-profit housing sponsor. Applicants that are applying as local non-profit housing sponsors or PHA/IHAs must ALSO submit proof of ownership of the project submitted in the application.

Applicants must also submit proof of project eligibility. The regulatory agreement or the HAP contract may be submitted as evidence of the project's eligibility.

All documentation of eligibility or ownership must have been executed and dated on or before the application deadline.

Eligibility will also include determination that the application was submitted to the appropriate HUD or RHCDS Office.

Applicants and/or projects which are not eligible or have been submitted to the incorrect HUD State or Area Office/ RHCDS State Office will be rejected and so notified by the appropriate office at this time. Applications which pass eligibility review will proceed to threshold/technical deficiency review. If eligibility material is missing, it will be treated as a deficiency, subject to Sections II.F(4) and III below.

F. Threshold and Technical Deficiency Review

1. General: HUD State or Area Offices/ RHCDS Headquarters staff will review

applications for threshold and technical acceptability concurrently.

2. First, each application will be checked for completeness. Any application missing three or more exhibits other than certifications will be rejected by the HUD State or Area Office/RHCDS Headquarters, with the applicant being notified.

3. Second, the applications will be checked for threshold eligibility. During this review, an applicant (or project in the case of an application from a governmental jurisdiction) will be rejected if:

a. The project is not 85 percent occupied;

b. It has not met the match requirement (i.e., there is a lack of clear and documented evidence of a commitment for funds equal to no less than 50 percent for the supportive services from the applicant or project owners, or from third party providers, for the first year of the five-year grant).

Indicators of clear and documented evidence are: (i) there is a separate match letter on letterhead of the provider of the matching funds; (ii) match letters show committed dollar levels at least equal to the dollar level in the first year budget; (iii) the match items provided are firm commitments not contingent upon any other action (e.g., state or county legislation, board of directors or local county legislation/approval); and (iv) for match other than in-kind (see 59 FR 22220, published April 29, 1994, sections 700.235(d)(2)(iii) or 1944.260(d)(2)(iii)), the required certification for new or expanded services is included.

c. It has not submitted a participant fee-collection plan that proposes to collect at least 10 percent of the cost of the CHSP (up to 20 percent of the adjusted incomes of the participants or the cost of providing the services, whichever is less).

d. The proposal includes a retrofit or renovation component in the budget subject to section 802(a)(2) of the Act.

e. The meals program does not provide at least one hot meal a day in a group setting *SEVEN* days a week, for some or all of the participants. (The meals program may be an existing program; it may be funded fully or in part with funds *other* than the CHSP.)

f. A service coordinator is NOT included as part of the services program. (The coordinator may be paid fully or in part from funds other than the CHSP.)

g. There is:

—a pending civil rights suit against the applicant (or project owner, if different) brought by the Department of Justice;

—an outstanding finding of non-compliance as a result of formal administrative proceedings under any of the statutes, regulations, or other requirements listed in the civil rights certification, unless the applicant is operating under a HUD-approved compliance agreement designed to correct the area(s) of noncompliance, or, in cases of noncompliance with state or local statutes, regulations or other requirements, is operating under a compliance agreement approved by the appropriate state or local agency designed to correct the area(s) of non-compliance.

—a charge issued by the Secretary concerned against the applicant (or project owner, if different) under Section 810(g) of the Fair Housing Act as implemented by 24 CFR 103.400.

—a pending denial of application processing by HUD or by RHCDS under Title VI of the Civil Rights Act of 1964, under the Attorney General's guidelines (28 CFR 50.3), or the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under Section 504 of the Rehabilitation Act of 1973 and the HUD Section 504 regulations (24 CFR 8.57); or,

—an adjudication adverse to the applicant (or the project owner, if different) of a civil rights violation in a civil action brought against it under any of the statutes, regulations or other requirements listed in the civil rights certification, unless the sponsor is operating in compliance with a court order designed to correct the area(s) of noncompliance.

h. There exist serious, unaddressed or outstanding Inspector General audit findings or HUD Headquarters/State or Area Office/RHCDS State Office management monitoring review findings for any of the applicant's (or project's, if different) ongoing management operations or in connection with its administration of existing grants;

i. There exist serious, unaddressed or outstanding Inspector General audit findings or HUD Headquarters/State or Area Office/RHCDS State Office FH&EO monitoring review findings for any of the applicant's (or project's, if different) ongoing management operations or in connection with its administration of existing grants; or,

j. The applicant (or project owner, if different) is involved with litigation which could seriously jeopardize its ability to administer the CHSP.

If an applicant (or project within an application) is determined to be the subject of a rejection on the basis of one or more of the above criteria, the HUD State or Area Office or RHCDS Headquarters staff shall reject the application; the review cannot be completed nor the application scored.

If the applicant agency is a governmental jurisdiction supporting one or more projects in multiple applications and the applicant agency is rejected, all projects submitted by that applicant agency will be disqualified. However, any individual project may be rejected without disqualifying the applicant agency, if it is a different legal entity. For example, ''River Homes'' (a section 202 project) and ''Tower House'' (a section 236 project) are the two projects in two applications submitted by the Westchester County, NY, Area Agency on Aging. ''River House'' is rejected for insufficient match. As the project is a different legal entity than the applicant, the other application submitted by that same applicant may still be processed.

All applicants whose application(s) have been rejected by HUD State or Area Offices or RHCDS Headquarters will be notified that they have been rejected, in writing, at the time the decision to reject is made.

4. Third, applicants will be reviewed for technical completeness (deficiency review).

During the technical review process, if HUD or RHCDS determines that an application is missing up to two exhibits (other than certifications), or has certain technical deficiencies, the applicant will be given 14 calendar days from the date of written notification in which to correct such deficiencies.

The purpose of this process is to assist an applicant in completing a fundable proposal, and not to provide an opportunity for an application to be substantively improved, once it has been submitted. Curable, technical deficiencies relate to submission of a limited number of missing items, submission of items that are not necessary for HUD review under threshold review or selection criteria/ranking factors, e.g., a missing certification, inadvertent blank spot in certain forms and certifications or missing signature; substantive items for which information exists elsewhere in the application showing that the items have been created (e.g., an annual first year budget summary is missing, but there are sufficient program budgets to determine what the annual budget is; or revision of match letters to include missing data, when the amount of resources is clearly indicated); or, missing match letters in certain instances (see next paragraph).

Submission of missing items or correction of technical deficiencies does not allow additional time to complete,

amend or correct the application to overcome any substantive defects in the original submission. Thus, missing match letters, or corrected match letters adding the required certification of new or expanded qualifying resources must be submitted together with proof that the match was available to the applicant on or before the application deadline (e.g., copy of dated Board resolution approving the allocation of the match dollars). Also, missing documents dealing with applicant or project eligibility (e.g., articles of incorporation) must be dated on or before the application deadline date.

The HUD State or Area Office or RHCDS Headquarters will request documents as necessary to correct technical deficiencies in any CHSP application. (A FAX copy of an original document may NOT be submitted to meet any technical deficiency correction request.) A response to a letter request from HUD or RHCDS to an applicant for correction of technical deficiencies must be received by the requesting HUD State or Area Office/RHCDS Headquarters, by 3:00 P.M., Local Time on the 14th calendar day following the date on the request letter to the applicant. This means (for example) that if the deficiency letter to the applicant is dated July 30, 1995, the response must be received by 3:00 P.M., Local Time, in the HUD State or Area Office or RHCDS Headquarters on August 13, 1995. Information provided after 3:00 P.M. on the fourteenth day of the correction period will be rejected as non-responsive. In any such situation, the application, or the appropriate project, will be rejected.

All applicants are encouraged to review the Table of Contents provided in the application package. The Table of Contents identifies all technical exhibits needed for application processing. Filling in the appropriate page number indicates that the exhibit has been prepared.

5. HUD/RHCDS reserves the right to reduce the amount of funding requested in any application. Examples of reasons to reduce initial funding requests during HUD State or Area Office/RHCDS Headquarters review include, but are not limited to:

(a) Activities proposed in any project are not eligible or not approved by HUD or RHCDS; (b) HUD or RHCDS determines that the cost of any particular component of a proposed program is more than necessary to make the activity feasible; and, (c) the cost of the grant is reduced to meet the funding limits of Section I.C(5).

Reductions may take place in the State or Area Offices as part of the review process.

6. Once threshold and technical reviews have been completed, HUD State or Area Offices, or the RHCDS Headquarters (as appropriate) will score all selection criteria.

HUD State or Area Offices will rank-order all applications by score and submit the scores and other required information to HUD Headquarters.

G. Final Selection

1. All eligible applications, other than those noted as rejects, will be rank-ordered by score in either the RHCDS Headquarters or by HUD Headquarters, within the geographic areas.

2. Final Reductions in Funding Within Applications

HUD/RHCDS reserves the right to additionally reduce the amount of funding requested in any application at time of selection to reduce the cost of the grant to meet the funding limits of Section I.C(5).

Reductions may also take place after selection and announcement of award, as part of final negotiations.

3. Ranking of Projects

a. Ranking of RHCDS Projects

RHCDS Headquarters will select applicants by rank-order until all CHSP funds allocated have been exhausted. If there is more than one unfunded application at the next-highest score (in a tie) and there are insufficient funds to cover both, funding will be decided subject to section II.F.4, below. Further selections will be made until any residual funds are insufficient to fund another RHCDS project.

If there is a residual amount after all eligible applications in rank order are funded, the next application(s) on the list which contain funding requests above the level of the residual may be skipped over to reach a fundable project lower down on the list which is within the level of the residual amount. The first remaining fundable but unfunded project on the list which is within the residual limit must be funded, as well as any subsequent projects which are still within any remaining residual.

If funds remain available after ranking all the approvable RHCDS projects, these funds will be utilized by HUD Headquarters for reallocation to HUD projects which were approvable but unfunded (see subsection II.G(3)(b), below). The RHCDS Headquarters reserves the right to reduce any proposed amount of CHSP funds requested.

b. Ranking of HUD projects

HUD Headquarters will integrate all scored applications within each designated geographic area by rank-order and select applicants in score order in each geographic area until the funds allotted to that geographic area are exhausted.

If there is more than one unfunded application at the next-highest score (in a tie) and there are insufficient funds to cover both, funding will be decided subject to section II.G.4, below. Further selections will be made until any residual funds are insufficient to fund another HUD project.

If there is a residual amount after most eligible applications are funded in rank order, the next application(s) on the list which contain funding requests above the level of the residual may be skipped over to reach a fundable project lower down on the list which is within the level of the residual amount. The first remaining fundable but unfunded project on the list which is within the residual limit must be funded, as well as any subsequent projects which are still within any remaining residual.

If there are excess funds in one or more geographic areas, Headquarters will fund in score order additional eligible but unfunded projects from other geographic areas in which there were too many projects to fund from within the initial allocation, consistent with Section II.G(4), below.

If there are insufficient fundable applications, any excess funds will be made available to approvable but unfunded RHCDS applicants.

4. Tie Scores

In the event of a tie score among the last-to-be-considered applications in either RHCDS Headquarters or in a HUD geographic area allocation, the application that scores higher on Selection Criteria Numbers b, f, g, and i will be selected, if that application is within the limits of the remaining dollars or can be so modified. If there is still a tie score among two or more applications, one of the tied applications will be selected by lottery.

5. Multi-project Grants

HUD and RHCDS reserve the right to aggregate into one grant award multiple applications from a single applicant in any jurisdiction.

6. Self-Monitoring

HUD and RHCDS reserve the right to require self-monitoring of those applications approved for States, Indian tribes and units of general local government (NOT PHA/IHAs). In such cases, HUD/RHCDS will add an amount

equal to one percent of the total HUD grant approved, for monitoring costs, under which certain responsibilities will be delegated to that agency subject to 24 CFR 700.325 or 7 CFR 1944.270. As this is a HUD or RHCDS-directed add-on, it may bring the total award granted to more than the limit stated in section I.C(5).

7. Excess Funds

In the event that funds still remain after completion of the selection process, such funds will be allotted to the HUD Headquarters Reserve Fund, subject to 59 FR 22220 (sections 700.405 or 1944.278), published on April 29, 1994.

H. Awarding of Grants

Once selections are made, the HUD State or Area Offices will issue funding letters to selected applicants. Each applicant must sign and return the letter within the indicated time period to signify acceptance of the award. Subsequent to receipt of the signed acceptance, HUD State or Area Offices or RHCDS Headquarters, as appropriate, will negotiate the final terms, conditions and amount of the grant with the selected applicant. Once agreement is reached on all issues, a grant award will be prepared and sent to the applicant for signature by the HUD State or Area Office. Once the signed grant award is returned to HUD, it will be executed by an appropriate HUD Official.

III. Checklist of Application Submission Requirements

The checklist specifies the required information that must be submitted as part of an application, and identifies those materials necessary to pass eligibility and threshold requirements. Other items including forms and certifications may be corrected during the technical deficiency correction period, subject to Section II.F(4) of this Notice.

The Checklist is the Table of Contents in the application package; the check is done by filling in the appropriate application page number in the blank space.

IV. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

B. Family Executive Order

The General Counsel of HUD, as the Designated Official under Executive order 12606, The Family, has determined that the policies contained in this NOFA will have some significant impact on the maintenance and general well-being of families. The revised CHSP can be expected to provide supportive services which can prevent or postpone unnecessary or premature institutionalization, and reduce unnecessary stress and financial burdens on participants' families by allowing them to remain in their apartments. Because the impact on family concerns is wholly beneficial, no further review under the executive order is considered necessary.

C. Federalism Executive Order

The General Counsel of HUD, as the Designated Official under section 6(a) of the Executive order 12612, Federalism, has determined that the policies contained in this NOFA do not have Federalism implications, and, thus, are not subject to review under the order. These guidelines are limited to providing the procedures under which HUD would make rental assistance available to applicants under a program designed to provide housing assistance and supportive services to frail elderly individuals. The program involves intergovernmental cooperation, but in no manner will involve federal incursion upon local or state decision making, or the administration of local or state law.

D. Section 102 of the HUD Reform Act—Accountability in the Provision of HUD Assistance

1. Documentation and Public Access

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five year period beginning not less than thirty days after the award for assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b) and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on these requirements.)

2. Disclosures

HUD will make available to the public for five years all applicant disclosure reports (form HUD–2880) submitted in connection with this NOFA. Update reports (also form HUD–2880) will be made available along with the applicant disclosure reports, but in no case for a period of less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (95 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on disclosure requirements.)

3. Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than necessary to make the assisted activity feasible after taking into account other government assistance. HUD will make the decision with respect to each certification available free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) and the guidelines published in the **Federal Register** on February 25, 1994 (59 FR 9332) for further information on this certification.) Additional information about applications, HUD certifications and assistance adjustments, both before assistance is provided or subsequently are to be made under the Freedom of Information Act (24 CFR part 15).

E. Section 103 of the HUD Reform Act—Prohibition of Advance Disclosures of Funding Decisions

HUD's regulation implementing section 103 of the Reform Act was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. Also, refer to (58 FR 61016), a final rule amending part 4 regarding the regulations of certain conduct by HUD employees and by applicants for HUD assistance during the selection process

for the award of financial assistance by HUD.

HUD and RHCDS employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD or RHCDS) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD or RHCDS employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her State or Area Office Counsel, or Headquarters counsel for the program to which the question pertains.

F. Section 112 of the HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act (section 112 of the Reform Act) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912), as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Any questions regarding the rule should be directed to: Acting Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD Office.

G. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87 and 7 CFR part 1944, Subpart G, applicants, recipients, and a subrecipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Indian Housing Authorities (IHAs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage.

IHAs established by an Indian tribe as a result of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are NOT excluded from the Statute's coverage.

Required Reporting

A certification is required at the time application for funds is made that Federally appropriated funds are not being or have not been used in violation of section 319 and the disclosure will be made of payments for lobbying with other than federally appropriated funds. Also, there is a standard disclosure form, SF–LLL, ''Disclosure Form to Report Lobbying'', which must be used to disclose lobbying with other than Federally appropriated funds at the time of application.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program title and number is 14.170, Congregate Housing Services Program.

Authority: Section 802, Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012).

Section 604 and 672, Housing and Community Development Amendments of 1992 (Pub. L. 102–550).

Dated: May 4, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

BILLING CODE 4210–27–P

Attachment 1

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April 6, 1995

BILLING CODE 4210–27–C

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