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Presidential Documents

Title 3—

The President

Proclamation 7275 of February 22, 2000

Registration Under the Military Selective Service Act

By the President of the United States of America

A Proclamation

Section 3 of the Military Selective Service Act, as amended (50 U.S.C. App. 453), provides that male citizens of the United States and other male persons residing in the United States who are between the ages of 18 and 26, except those exempted by sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, and in such manner as determined by the President. Section 6(k) provides that such exceptions shall not continue after the cause for the exemption ceases to exist.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Military Selective Service Act, as amended (50 U.S.C. App. 451 *et seq.*), do hereby proclaim as follows:

Section 1. Paragraph 1–201 of Proclamation 4771 of July 2, 1980, is amended to read:

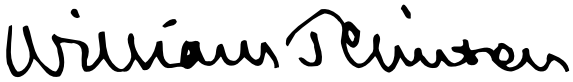
''1–2. *Places and Times for Registration.*

1–201. Persons who are required to be registered and who are in the United States shall register at the places and by the means designated by the Director of Selective Service. These places and means may include but are not limited to any classified United States Post Office, the Selective Service Internet web site, telephonic registration, registration on approved Government forms, registration through high school and college registrars, and the Selective Service reminder mailback card.''

Sec. 2. Paragraph 1–202 of Proclamation 4771 of July 2, 1980, is amended to read:

''1–202. Citizens of the United States who are required to be registered and who are not in the United States, shall register via any of the places and methods authorized by the Director of Selective Service pursuant to paragraph 1–201 or present themselves at a United States Embassy or Consulate for registration before a diplomatic or consular officer of the United States or before a registrar duly appointed by a diplomatic or consular officer of the United States.''

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF ENERGY

10 CFR Part 708

RIN 1901–AA78

Criteria and Procedures for DOE Contractor Employee Protection Program; Correction

AGENCY: Office of Hearing and Appeals, Department of Energy.

ACTION: Final rule; correction.

SUMMARY: The Department of Energy published a final rule on February 9, 2000, to amend 10 CFR Part 708, the DOE contractor employee protection program (''whistleblower'') regulations. DOE previously adopted an interim final rule amending Part 708, which was published on March 15, 1999, and amended on July 12, 1999. This document corrects an error in the final rule.

DATES: This final rule is effective on March 10, 2000.

FOR FURTHER INFORMATION CONTACT: Roger Klurfeld, or Thomas O. Mann, telephone: (202) 426–1449; e-mail: roger.klurfeld@hq.doe.gov, thomas.mann@hq.doe.gov.

SUPPLEMENTARY INFORMATION: This document makes a correction to a final rule that was published in the **Federal Register** on February 9, 2000 (65 FR 6314). In that rulemaking, an error was made in a section heading numbering.

In rule FR document 00–2797, beginning on page 6314, in the issue of Wednesday, February 9, 2000, make the following correction:

PART 708—[CORRECTED]

§ 708.40 [Corrected]

1. On page 6319, in the third column, correct amendatory instruction 5 to read as follows:

5. A new Section 708.43 is added as follows:

§ 708.43. Does this rule impose an affirmative duty on DOE contractors not to retaliate?

* * * * *

Dated: February 16, 2000.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 00–4346 Filed 2–23–00; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 2, 4 and 5

[Notice 2000–3]

Electronic Freedom of Information Act Amendments

AGENCY: Federal Election Commission.

ACTION: Final rules and statement of basis and purpose.

SUMMARY: The Electronic Freedom of Information Act Amendments of 1996, which amended the Freedom of Information Act, were designed to make government documents more accessible to the public in electronic form. The amendments also expedite and streamline the process by which agencies disclose information generally. The Commission is revising its Freedom of Information Act regulations both to comply with these new requirements and to address issues that have arisen since the rules were originally adopted.

DATES: These rules will become effective on March 27, 2000

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Assistant General Counsel, or Ms. Rita A. Reimer, Attorney, 999 E Street, NW, Washington, DC 20463, (202) 694–1650 or (800) 424–9530 (toll-free).

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (''FOIA'') provides for public access to all federal agency records except those that are protected from release by specified exemptions. 5 U.S.C. 552. In 1996, Congress enacted the ''Electronic Freedom of Information Act Amendments of 1996'' (''EFOIA''), Public Law 101–231, 110 Stat. 2422. EFOIA extended coverage of the FOIA to electronic records and made other changes in FOIA procedures that expedite and streamline the process by which agencies disclose information. The revisions to the Commission's FOIA rules published today in part conform these rules to the new EFOIA requirements and in part reflect issues that have arisen since the rules were originally adopted.

The Commission's FOIA rules are found at 11 CFR Part 4, while access to documents made public by the Commission's Public Disclosure Division is governed by 11 CFR Part 5. The revisions published today affect 11 CFR 4.1, 4.4, 4.5, 4.7, 5.1 and 5.4. In addition, the Commission is making technical amendments to 11 CFR 2.2 and 2.5, sections of its Government in Sunshine regulations.

The Notice of Proposed Rulemaking (''NPRM'') on these rules was published in the **Federal Register** on March 4, 1999. 64 FR 10405. The Commission received one joint comment in response to the NPRM, from Public Citizen and the Freedom of Information Clearinghouse. This comment is discussed in more detail below.

Statement of Basis and Purpose

EFOIA requires agencies to make covered records available by electronic means. The Commission fully supports this goal and fulfills the bulk of its FOIA requests electronically. For example, during calendar year 1998, of the 462 FOIA requests that the Commission granted in their entirety, 424 were for on-line computer access.[1]

The Commission's home page on the World Wide Web, www.fec.gov, contains a wide range of information on Commission policies and procedures, as well as campaign finance data. The material available includes summaries and searchable databases of campaign contributions; the FEC newsletter, the *Record;* candidate and committee Campaign Guides, reporting forms, and other FEC publications; news releases and media advisories; statistics and data on voting and elections; the text of the Commission's regulations; FEC Advisory Opinions extending back to 1977; summaries of court cases to which the Commission was a party; and images of campaign finance reports filed by

[1] Of the 486 FOIA requests received in 1998, only 24 were denied. Ten of these were denied because the Commission did not have records responsive to the requests; thirteen requests were denied because the Commission had already placed the requested records on the public record prior to the filing of the requests, pursuant to 11 CFR 4.4; and one request was denied due to exempt documents, as stipulated under 11 CFR 4.5.

candidates for the House, presidential campaigns, and other political committees, as well as reports filed by the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee.

The revised site includes a Site Index (alphabetical listing of information on the site), a ''What's New'' scrolling menu, daily highlights, and publications written in Spanish. The site also includes the Commission's annual FOIA Report, submitted to Congress pursuant to 5 U.S.C. 552(e), detailed information on how to submit a FOIA request, and a publication, *Availability of FEC Information*, which fulfills the agency's responsibilities under 5 U.S.C. 552(g) to ''prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency.''

The Commission is continuing to add information to this site. For example, campaign finance reports filed by Senate candidates and committees that support them will be added as soon as copies of those reports, which are filed with the Secretary of the Senate pursuant to 2 U.S.C. 432(g)(1), are made available to the Commission in a form that can be imaged onto the site.

The Commission recently redesigned its web site by reorganizing the available information in a more efficient presentation. It has also implemented Media-Independent Presentation Language, technology designed to allow persons with special needs to access many types of information using a wide variety of hardware and software solutions.

The Commission's 1999 publication, *Availability of FEC Information*, *supra*, provides a detailed listing of the types of documents available from the FEC, including those available under FOIA, as well as directions on how to locate and obtain them. This publication is available from the Public Records Office and also appears on the FEC web site.

The Commission also makes numerous documents available through its electronic FAXLINE, 202–501–3413. Information on documents available through the FAXLINE can be found in a FAXLINE menu (document #411), on the Commission's web site, in the above publication, or by calling the Commission's Public Records Office at 1–800–424–9530, extension #3 (toll free) or 202–694–1120. That Office also responds to E-mail requests at pubrec@fec.gov. The Commission's Information Division can be reached at 1–800–424–9530, ext. #1 (toll free), or 202–694–1100.

Section 2.2 Definitions

The Commission is revising paragraph 2.2(b), a part of its Government in the Sunshine regulations, to delete an obsolete reference to the Secretary of the Senate, the Clerk of the House, or their designees *ex officio* from the definition of ''Commissioner.'' These offices were declared unconstitutional in *FEC* v. *NRA Political Victory Fund*, 6 F.3d 821 (D.C. Cir. 1993), *cert. dismissed for want of jurisdiction*, 513 U.S. 88 (1994).

Section 2.5. Procedures for Closing Meetings

The Commission is also deleting a phrase referring to these *ex officio* members from paragraph (a) of this section.

Section 4.1 Definitions

The Commission is revising paragraph 4.1(b) to delete an obsolete reference to congressional officials who no longer serve on the Commission. *See* discussion of 11 CFR 2.2, *supra.*

Consistent with EFOIA, the Commission is revising the definition of *search* found at paragraph 4.1(h) to clarify that this encompasses all time spent reviewing Commission records, whether manually or by automated means. 5 U.S.C. 552(a)(3)(D). The Commission is also adding new paragraph 4.1(o), which states that the term *record* and any other term used in 11 CFR part 4 in reference to information maintained by the Commission includes any pertinent information that is maintained in an electronic format.

Section 4.4 Availability of Records

The Commission is a full disclosure agency that routinely places numerous categories of records on the public record, consistent with the rights of individuals to privacy; the rights of persons contracting with the Commission with respect to trade secret and commercial or financial information; and the need for the Commission to promote free internal policy deliberations and to pursue its official activities without undue disruption. Examples of categories of records made publicly available by the Commission that do not require a FOIA request include campaign finance reports, which are placed on the public record within 48 hours of receipt at the Commission, as required by 2 U.S.C. 438(a)(4); investigative files in closed enforcement matters, which are placed on the public record within 30 days of the date of the close-out letter, as required under 2 U.S.C. 437g(a)(4)(B)(ii) and 11 CFR 111.20(a); and requests for advisory opinions pursuant to 2 U.S.C. 437f(d) and 11 CFR 112.2. Because these records are made publicly available pursuant to the Federal Election Campaign Act (''FECA''), requests for them generally are not processed under FOIA—requesting them under FOIA may even cause the requester to lose time in gaining the needed information. Consequently, the Commission has restructured and revised parts of paragraph 4.4(a), which deals with the availability of records under FOIA, to reflect this situation.

Section 4.4(a) as formerly written covered both FOIA sections 5 U.S.C. 552(a)(2) and 552(a)(3). Section 552(a)(2) encompasses final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases; statements of policy and interpretations which have been adopted by the Commission but are not published in the **Federal Register**; and administrative staff manuals and instructions to staff that affect a member of the public. Section 552(a)(3) includes all other documents covered by the FOIA, that is, all documents that are not subject to one or more of the exceptions set forth at 5 U.S.C. 552(b).

Paragraphs 11 CFR 4.4(a)(1)–(3), which are largely unchanged, refer to material covered by 5 U.S.C. 552(a)(2), while former paragraphs 4.4(a)(4)–(15) listed other agency documents. The NPRM noted that this latter listing might not have included all covered documents. It was also overinclusive, since it covered materials that are also available from the Commission's Public Disclosure Division. *See* former 11 CFR 4.4(b). The Commission has therefore replaced the listing of covered documents in former paragraphs 4.4(a)(4)–(15) with a general statement in new paragraph 4.4(b) that, in accordance with 5 U.S.C. 552(a)(3), the Commission will make available, upon proper request, all non-exempt Agency records, or portions of records, that have not previously been made public pursuant to 5 U.S.C. 552(a)(1) and (a)(2). Former paragraph 4.4(b), which noted that public access to the materials listed in former paragraphs 4.4(a)(3) and (a)(10)–(15) are also available under the FECA from the Public Disclosure Division, has been repealed, because some of these provisions are being replaced by language in 11 CFR 5.4, while other provisions duplicate language found elsewhere in the regulations.[2]

[2] Records that an agency has previously made available to the public under section 552(a)(2) need not be released again in response to a FOIA request made pursuant to section 552(a)(3). *Department of Justice* v. *Tax Analysts*, 492 U.S. 136, 152 (1989).

The Commission is not revising paragraphs (a)(1) or (a)(2) of section 4.4. The Commission is revising paragraph (a)(3), however, to delete language referring to Commission votes to take no further action in an enforcement action, which sometimes but not always occurs in connection with a decision to close a file. For example, if the Commission votes to accept a conciliation agreement, this serves to end the matter—there is no vote as such to take no further action in the case. A further revision clarifies that all respondents must be notified of the Commission's action before this 30-day period for the Commission to make these records public begins to run.

In addition, the material in former paragraphs 4.4(a)(4), dealing with letter requests for guidance [3] and the Commission's responses thereto; 4.4(a)(5), minutes of Commission meetings; 4.4(a)(6), material routinely prepared for public distribution; and 4.4 (a)(14), audit reports discussed in public session, has been moved to revised 11 CFR 5.4(a), the appropriate location for information available from the Commission's Public Disclosure Division. Former paragraphs 4.4(a)(7), proposals submitted in response to a request for proposals under Federal Procurement Regulations; 4.4(a)(8), contracts for goods and services entered into by the Commission; and 4.4(a)(13), studies published by the Commission's Office of Election Administration, have been deleted, since this material is covered by the new general language in paragraph 4.4(b). Finally, paragraph 4.4(a)(9), statements and certifications required by the Government in the Sunshine Act, 5 U.S.C. 552b, has been repealed, as these documents are covered by the Commission's Sunshine regulations, 11 CFR part 2.

Consistent with new 5 U.S.C. 552(1)(2)(D) and (E), the Commission is revising paragraphs (a)(4) and (5) of section 4.4 to include new material that will be made available under EFOIA. The new categories include copies of all records that have been released to any person in response to a previous FOIA request and that the Commission determines have become, or are likely to become, the subject of subsequent requests for substantially the same records; and a general index of these records. The Commission is also revising the first sentence of paragraph 4.4(c), to include within the listing of indexes and supplements it makes available to the general public the additional documents referenced in EFOIA at 5 U.S.C. 552(a)(2)(E). In particular, the Commission's publication, *Availability of FEC Information*, discussed *supra*, which is available on the Commission's web site, was prepared in response to this new EFOIA requirement.

In addition to the above activity, the comment urged the Commission to put in place the Government Information Locator System required by the Paperwork Reduction Act of 1995 at 44 U.S.C. 3511. The Commission declines to do this, because it is statutorily exempt from coverage under that Act. *See* 44 U.S.C. 3502(1).

As requested by the comment, the Commission is adding new paragraph 4.4(g) to alert the public to the Commission's web site and the wealth of information it contains. However, the Commission is not providing in its regulations a detailed listing of available material, as suggested by the commenters, since new information is added to the web site on an ongoing basis, and because the Commission's 1999 brochure, *Availability of FEC Information*, provides a detailed list of available material—precisely the sort suggested by the commenters.

Section 4.5 Categories of Exemptions

Estimates of the Volume of Materials Denied

EFOIA at 5 U.S.C. 552(a)(6)(F) requires that agency responses denying exempt information include an estimate of the volume of any responsive documents the agency is withholding. It also requires that when an agency withholds only a portion of a record, the response indicate the amount of information deleted from the released record; and that, where possible, this be noted at the place of the deletion. 5 U.S.C. 552(b)(9). Paragraph 4.5(c) of the Commission's regulations has been revised to implement this new requirement.

The NPRM proposed no changes to the Commission's rules at 11 CFR 4.5(d), which address other agencies' records or subject matter to which a government agency other than the Commission has exclusive or primary jurisdiction. This regulation states that, when a FOIA request seeking such records is received, the request ''shall be promptly referred by the Commission to that agency for disposition or guidance as to disposition.''

The joint comment cites *McGehee* v. *CIA*, 697 F.2d 1095, 1119 (D.C. Cir. 1983), *vacated in part, mot. to intervene granted, reh'g granted*, 724 F.2d 201 (D.C. Cir. l984), and *Paisley* v. *CIA*, 712 F.2d 686, 691 (D.C. Cir. 1983), in urging the Commission to end its practice of routinely referring such requests to the issuing agency. However, these cases reflect the minority view. The Department of Justice's *Freedom of Information Act Guide & Privacy Act Overview*, Sept. 1998 Edition, at 25–26 and accompanying notes, directs agencies to consult with other agencies whenever a FOIA request implicates those agencies' documents. However, ''[w]hen entire records originating with another agency or component are located, those records ordinarily should be referred to their originating agency for its direct response to the requester.'' *See also Crooker* v. *United States Parole Commission*, 730 F.2d 1, 4–5 and n. 3 (1st Cir. 1984). Consequently, the Commission concludes that its current practice and regulatory language comply with the pertinent law.

Section 4.7 Requests for Records

EFOIA requires covered agencies to provide requested records in any form or format requested, if the record is readily reproducible by the agency in that form or format. Each agency must make reasonable efforts to maintain its records in forms or formats that are reproducible electronically, and to search for requested records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system. 5 U.S.C. 552(a)(3)(B), (C).

The Commission is removing and reserving former paragraph 4.7(a), which advises interested parties on how to obtain records from the Commission's Public Records Office, since those records are no longer covered by 11 CFR part 4. Identical information is contained in 11 CFR 5.5, which concerns access to records that may be obtained from the Commission's Public Disclosure Division. That language has not been revised.

The Commission is redesignating former paragraph 4.7(b), addressing what must be contained in a FOIA request, as paragraph 4.7(b)(1) and adding new paragraph 4.7(b)(2) to comply with this new requirement. The new language requires requests for Commission records to specify the preferred form or format, including electronic formats, for the agency's response. The Commission will accommodate requesters as to form or format if the record is readily available in that form. If a requester does not specify the form or format of the response, the Commission will respond in the form or format in which the

[3] Letter requests for guidance are letters that appear to be advisory opinion requests but do not meet the requirements of 2 U.S.C. 437f and 11 CFR Part 112. In appropriate cases Commission staff respond to these requests with information and guidance.

document is most accessible to the Commission.

1. Time Limit for Responding to Requests

EFOIA lengthened the time within which agencies must determine whether to comply with a FOIA request from ten to twenty working days. 5 U.S.C. 552(a)(6)(A)(i). Paragraph 4.7(c) has been revised to conform the Commission's regulations to this new time limit.

In addition, the Commission is revising the first sentence of paragraph 4.7(c) to conform with 5 U.S.C. 552(a)(6)(A). The statutory language provides that each agency shall determine within twenty days after the receipt of a FOIA request whether to comply with the request. However, the former regulation stated that the Commission would provide the requested records within ten days. Given the Commission's workload and the volume of FOIA requests, the Commission believes the statutory timeframe is more realistic than that included in the former rule. Accordingly, the revised regulation states that the Commission will determine within 20 days after receiving a FOIA request whether to comply with that request.

The FOIA at 5 U.S.C. 552(a)(6)(B) permits agencies, upon written notice to the requester, to extend the time limit for responding to a request or deciding an appeal of a denial of a request for not more than ten working days, if ''unusual circumstances'' exist for the extension. EFOIA did not revise the definition of ''unusual circumstances,'' but it did revise that section to permit agencies to further extend the response time by notifying the requesters and providing them with an opportunity to either limit the scope of the request so that no extension is needed, or to arrange with the agency an alternative time frame for processing the request. 5 U.S.C. 552(a)(6)(B)(ii). New paragraph 4.7(d) implements this statutory procedure.

2. Aggregation of Requests

EFOIA authorizes agencies to promulgate regulations providing for the aggregation of related requests by the same requester or a group of requesters acting in concert when the requests would, if treated as a single request, present ''unusual circumstances.'' 5 U.S.C. 552(a)(6)(B)(iv). Such circumstances include the need to search for and collect the requested records from diverse locations; the need to search for, collect, and examine voluminous separate and distinct records which are demanded in a single request; and the need to consult with another agency or among two or more Commission offices that each have a substantial subject matter interest in the records. 5 U.S.C. 552(a)(6)(B)(iii) [former section 552(a)(6)(B)].

New paragraph 4.7(e) implements this statutory provision. As EFOIA requires, the regulation provides that requests will be aggregated only when the Commission ''reasonably believes that such requests actually constitute a single request'' and the requests ''involve clearly related matters.'' 5 U.S.C. 552(a)(6)(B)(iv).

3. Multitrack Processing

EFOIA authorizes agencies to promulgate regulations providing for multitrack processing of requests for records based on the amount of work and/or time involved in processing requests. 5 U.S.C. 552(a)(6)(D)(i). Under this approach, requests for records where little work or time is required will be placed on a faster track, and therefore handled more quickly, than those which entail more work. The statute further permits agencies to include in their regulations a provision granting a FOIA requester whose request does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing. 5 U.S.C. 552(a)(6)(D)(ii).

The Commission believes that multitrack processing is the most efficient and fair way to process FOIA requests. If requests are processed on a strict first in, first out basis, easily filled requests will be processed only after earlier received, complex requests for dozens of documents located in offices throughout the Commission. Accordingly, the Commission is adopting new paragraph 4.7(f) to provide for multitracking and to establish a mechanism whereby requesters may seek to have their requests processed more rapidly.

The commenters urged the Commission to not only adopt a multitrack processing system, but also to specify the guidelines it will follow in placing requests on the various tracks. Contrary to the commenters' assertion, the adoption of a multitrack system itself is discretionary, as is the inclusion of specific standards in the regulatory text. The Commission rarely encounters difficulties in meeting FOIA deadlines and believes a flexible approach is the best way to address this situation.

4. Expedited Processing

EFOIA requires each agency to promulgate regulations providing for the expedited processing of FOIA requests in cases of ''compelling need'' and in other cases, if any, determined by the agency. 5 U.S.C. 552(a)(6)(E)(i). The statute specifies two categories of ''compelling need.'' The first is where a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. The second involves a request made by a person primarily engaged in disseminating information who shows there is an urgent need to inform the public concerning actual or alleged federal government activity. 5 U.S.C. 552(a)(6)(E)(v). The statute also sets out procedures for handling requests for expedited processing and for the judicial review of agency denials of such requests. 5 U.S.C. 552(a)(6)(E)(ii)–(iv).

New paragraph 4.7(g) implements EFOIA's expedited processing requirements. The Commission emphasizes that, in keeping with Congress' express intent that the specified criteria for compelling need ''be narrowly applied,'' expedited processing will be granted only in those truly extraordinary cases that meet the specific statutory requirements. H.R. Rep. No. 795, 104th Cong., 2d Sess. 26 (1996) (''House Report''). The legislative history makes it clear that ''the expedited process procedure is intended to be limited to circumstances in which a delay in obtaining information can reasonably be foreseen to cause a significant adverse consequence to a recognized interest.'' *Id.*

A requester seeking expedited processing under the ''imminent threat'' category of the ''compelling need'' definition will have to show that the failure to obtain expeditiously the requested information threatens the life or safety of an individual, and that the threat is ''imminent.'' The fact that an individual or his or her attorney needs information for an approaching litigation deadline is not a ''compelling need'' under this provision.

A requester seeking expedited processing under the second, ''urgency to inform,'' category will have to show that he or she is ''primarily engaged in disseminating information;'' there is an ''urgency to inform the public'' about the information requested; and the information relates to an ''actual or alleged federal government activity.''

To meet the first ''urgency to inform'' criterion, the requester must show that his or her principal occupation is disseminating information to the public. As the legislative history makes clear, ''[a] requester who only incidentally engages in information dissemination,

besides other activities, would not satisfy this requirement.'' *Id.*

To meet the second ''urgency to inform'' criterion, the requester must show more than a general interest in the ''public's right to know.'' *See id.* As explained in the legislative history, a requester must show that a delay in the release of the requested information will ''compromise a significant *recognized* interest,'' and that the requested information ''pertain(s) to a matter of *current* exigency to the American public.'' *Id.* (emphasis added). It will, therefore, be insufficient to base a showing of ''compelling need'' on a reporter's desire to inform the public of something he or she believes might be of public concern if it were publicized. Rather, a reporter must show that the information pertains to a subject currently of significant interest to the public and that delaying the release of the information would harm the public's ability to assess the subject governmental activity.

The final ''urgency to inform'' criterion makes it clear that the information must relate to the activities of the Commission and Commission staff. A request for expedited processing can thus be considered for information relating, for example, to a Commission decision. The Commission generally will not, however, grant a request for expedited processing of information that the Commission has collected regarding specific candidates, campaigns or political committees.

EFOIA also authorizes agencies to expand the categories of requests qualifying for expedited processing beyond the two specified in the statute. 5 U.S.C. 552(a)(6)(E)(i)(II). The joint comment urged the Commission to provide expedited service whenever it receives five or more requests for substantially the same records, and gave the hypothetical of fifty or more requesters waiting their turn to receive identical or nearly-identical information.

It is clear from the legislative history that Congress intended to narrowly limit the ''compelling need'' standard. The House Report gives as an example of such need Department of Justice procedures that permit expedited access ''if a delay would result in the loss of substantial due process rights and the information sought is not otherwise available in a timely manner.'' House Report at 26, n. 39. As that Report further explains, ''Given the finite resources generally available for fulfilling FOIA requests, unduly generous use of the expedited processing procedure would unfairly disadvantage other requesters who do not qualify for its treatment.'' House Report at 26. Consequently, the Commission does not believe the receipt of five similar requests is sufficient to trigger this process.

The Commission notes that it rarely receives more than a single request for the same records. It has never received five, much less 50, requests for the same material. Should that occur in the future, this may be a factor used to advance processing of such requests under the multitrack system.

As required by EFOIA at 5 U.S.C. 552(a)(6)(E)(iii), the Commission's rules at 11 CFR 4.7(g)(5) state that the Commission will process requests to grant expedited processing ''as soon as practicable.'' The Commission will also give priority to these requests.

5. Redesignations

The Commission is redesignating former section 4.7(d) as new section 4.7(h) and former section 4.7(e) as new section 4.7(i). The paragraphs set forth appeal rights of persons denied access to records, and the date of receipt of a request, which is the date on which the Commission's FOIA officer actually receives the request, respectively. The text of these paragraphs has not been changed.

Section 5.1 Definitions

The Commission is revising paragraph (b) of section 5.1 to delete an obsolete reference to congressional officials who no longer serve as *ex officio* members of the Commission. *See* discussion of 11 CFR 2.2, *supra.*

Section 5.4 Availability of Records

This section lists the types of records that are available from the Commission's Public Records Office. Paragraph (a)(4) has been revised to clarify that Opinions of Commissioners rendered in enforcement cases, as well as non-exempt General Counsel's Reports, and investigatory materials will be placed on the public record no later than 30 days from the date on which all respondents are notified that the Commission has voted to close the file. The term ''Opinions of Commissioners rendered in enforcement cases'' includes not only Statements of Reasons but any other document a Commissioner might author in this regard. The revision deletes language referring to Commission votes to take no further action, which, as explained above, does not always occur in connection with a decision to close a file. It also clarifies that all respondents must be notified of the Commission's action before this 30-day period begins to run.

The remainder of the section has been revised to mirror the changes made to 11 CFR 4.4, *supra,* addressing records that are available from the Public Disclosure Division and thus are not made available in response to a FOIA request. Former 11 CFR 4.4(a)(4), which pertains to letter requests for guidance and responses thereto, has been moved to new paragraph 5.4(a)(5); former 11 CFR 4.4(a)(5), minutes of Commission meetings, has been moved to new paragraph 5.4(a)(6); former 11 CFR 4.4(a)(6), material routinely prepared for public distribution, *e.g.,* campaign guidelines, the FEC Record, press releases, speeches, [and] notices to candidates and committees, has been moved to new paragraph 5.4(a)(7); former 11 CFR 4.4(a)(14), audit reports, if discussed in open session, has been moved to new paragraph 5.4(a)(8); and former 11 CFR 4.4(a)(15), agendas for Commission meetings, has been moved to new paragraph 5.4(a)(9).

Please note that, in keeping with its status as a full disclosure agency, the Commission defines these terms broadly, to grant the widest possible access to Commission materials. For example, the term ''campaign guidelines'' includes not only those publications called ''Campaign Guides,'' but also other publications that contain useful information to those involved or interested in federal campaigns. These include such publications as the Commission's *Guideline for Presentation in Good Order,* which explains how campaigns seeking matching funds under the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9035 *et seq.*, and other publications to assist publicly-financed campaigns. The term also includes brochures addressing a wide range of campaign-related topics, including, for example, which communications require a disclaimer, and how partnerships are treated under the FECA.

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached final rules will not have a significant economic impact on a substantial number of small entities. Most of the changes conform to statutory amendments that expand the options available to covered entities seeking to obtain records from the Commission under the Freedom of Information Act, while others clarify the Commission's current rules in this area. Therefore the rules will not have a significant economic effect on a substantial number of small entities.

List of Subjects

11 CFR Part 2

Sunshine Act.

11 CFR Part 4

Freedom of information.

11 CFR Part 5

Archives and records.

For the reasons set forth in the preamble, Chapter I of Title 11 of the Code of Federal Regulations is amended to read as follows:

PART 2—SUNSHINE REGULATIONS; MEETINGS

1. The authority citation for part 2 continues to read as follows:

Authority: Sec. 3(a), Pub. L. 94–409, 5 U.S.C. 552b.

2. Section 2.2 is amended by revising paragraph (b) to read as follows:

§ 2.2 Definitions.

* * * * *

(b) *Commissioner* or *Member. Commissioner* or *Member* means an individual appointed to the Federal Election Commission pursuant to 2 U.S.C. 437c(a), but does not include a proxy or other designated representative of a Commissioner.

* * * * *

3. Section 2.5 is amended by revising paragraph (a) to read as follows:

§ 2.5 Procedures for closing meetings.

(a) *General.* No meeting or portion of a meeting may be closed to the public observation under this section unless a majority of the Commissioners votes to take such action. The closing of one portion of a meeting shall not justify closing any other portion of a meeting.

* * * * *

PART 4—PUBLIC RECORDS AND THE FREEDOM OF INFORMATION ACT

4. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 552, as amended.

5. Section 4.1 is amended by republishing the introductory text, revising paragraphs (b) and (h) and adding new paragraph (o) to read as follows:

§ 4.1 Definitions.

As used in this part:

* * * * *

(b) *Commissioner* means an individual appointed to the Federal Election Commission pursuant to 2 U.S.C. 437c(a).

* * * * *

(h) *Search* means all time spent reviewing, manually or by automated means, Commission records for the purpose of locating those records that are responsive to a FOIA request, including page-by-page or line-by-line identification of material within documents. Search time does not include review of material in order to determine whether the material is exempt from disclosure.

* * * * *

(o) *Record* and any other term used in this part in reference to information includes any information that would be a Commission record subject to the requirements of this part when maintained by the Commission in any format, including an electronic format.

6. Section 4.4 is amended by revising paragraphs (a) and (b) and the first sentence of paragraph (c), and adding new paragraph (g) to read as follows:

§ 4.4 Availability of records.

(a) In accordance with 5 U.S.C. 552(a)(2), the Commission shall make the following materials available for public inspection and copying:

(1) Statements of policy and interpretation which have been adopted by the Commission;

(2) Administrative staff manuals and instructions to staff that affect a member of the public;

(3) Opinions of Commissioners rendered in enforcement cases, General Counsel's Reports and non-exempt 2 U.S.C. 437g investigatory materials shall be placed on the public record of the Agency no later than 30 days from the date on which all respondents are notified that the Commission has voted to close such an enforcement file;

(4) Copies of all records, regardless of form or format, which have been released to any person under this paragraph (a) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(5) A general index of the records referred to in paragraph (a)(4) of this section.

(b) In accordance with 5 U.S.C. 552(a)(3), the Commission shall make available, upon proper request, all non-exempt Agency records, or portions of records, not previously made public pursuant to 5 U.S.C. 552(a)(1) and (a)(2).

(c) The Commission shall maintain and make available current indexes and supplements providing identifying information regarding any matter issued, adopted or promulgated after April 15, 1975 as required by 5 U.S.C. 552(a)(2)(C) and (E). * * *

* * * * *

(g) The Commission encourages the public to explore the information available on the Commission's World Wide Web site, located at http://www.fec.gov. The site includes a Commission publication, *Availability of FEC Information,* which provides a detailed listing of the types of documents available from the FEC, including those available under FOIA, and directions on how to locate and obtain them.

7. Section 4.5 is amended by revising paragraph (c) to read as follows:

§ 4.5 Categories of exemptions.

* * * * *

(c) Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt. The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by an exemption in paragraph (a) of this section under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.

* * * * *

8. Section 4.7 is amended by removing and reserving paragraph (a); redesignating paragraph (b) as paragraph (b)(1); adding new paragraph (b)(2); revising the first sentence of paragraph (c); redesignating paragraph (d) as paragraph (h); redesignating paragraph (e) as paragraph (i); and adding new paragraphs (d), (e), (f) and (g), to read as follows:

§ 4.7 Requests for records.

(a) [Reserved]

(b) (1) * * *

(2) Requests for Commission records and copies thereof shall specify the preferred form or format (including electronic formats) of the response. The Commission shall accommodate requesters as to form or format if the record is readily available in that form or format. When requesters do not specify the form or format of the response, the Commission shall respond in the form or format in which the document is most accessible to the Commission.

(c) The Commission shall determine within twenty working days after receipt of a request, or twenty working days after an appeal is granted, whether to comply with such request, unless in

unusual circumstances the time is extended or subject to § 4.9(f)(3), which governs advance payments. * * *

(d) If the Commission determines that an extension of time greater than ten working days is necessary to respond to a request satisfying the ''unusual circumstances'' specified in paragraph (c) of this section, the Commission shall so notify the requester and give the requester an opportunity to limit the scope of the request so that it may be processed within the time limit prescribed in paragraph (c) of this section, or arrange with the Commission an alternative time frame for processing the request or a modified request.

(e) The Commission may aggregate and process as a single request requests by the same requester, or a group of requesters acting in concert, if the Commission reasonably believes that the requests actually constitute a single request that would otherwise satisfy the unusual circumstances specified in paragraph (c) of this section, and the requests involve clearly related matters.

(f) The Commission uses a multitrack system to process requests under the Freedom of Information Act that is based on the amount of work and/or time involved in processing requests. Requests for records are processed in the order they are received within each track. Upon receipt of a request for records, the Commission shall determine which track is appropriate for the request. The Commission may contact requesters whose requests do not appear to qualify for the fastest tracks and provide such requesters the opportunity to limit their requests so as to qualify for a faster track. Requesters who believe that their requests qualify for the fastest tracks and who wish to be notified if the Commission disagrees may so indicate in the request and, where appropriate and feasible, shall also be given an opportunity to limit their requests.

(g) The Commission shall consider requests for the expedited processing of requests in cases where the requester demonstrates a compelling need for such processing.

(1) The term compelling need means:

(i) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal government activity.

(2) Requesters for expedited processing must include in their requests a statement setting forth the basis for the claim that a ''compelling need'' exists for the requested information, certified by the requester to be true and correct to the best of his or her knowledge and belief.

(3) The Commission shall determine whether to grant a request for expedited processing and notify the requester of such determination within ten days of receipt of the request. Denials of requests for expedited processing may be appealed as set forth in § 4.8. The Commission shall expeditiously determine any such appeal. As soon as practicable, the Commission shall process the documents responsive to a request for which expedited processing is granted.

* * * * *

PART 5—ACCESS TO PUBLIC DISCLOSURE DIVISION DOCUMENTS

9. The authority citation for part 5 continues to read as follows:

Authority: 2 U.S.C. 437f(d), 437g(a)(4)(B)(ii), 438(a), and 31 U.S.C. 9701.

10. Section 5.1 is amended by revising paragraph (b) to read as follows:

§ 5.1 Definitions.

* * * * *

(b) *Commissioner* means an individual appointed to the Federal Election Commission pursuant to 2 U.S.C. 437c(a).

* * * * *

11. Section 5.4 is amended by revising paragraph (a)(4) and adding new paragraphs (a)(5) through (a)(9) to read as follows:

§ 5.4 Availability of records.

(a) * * *

(4) Opinions of Commissioners rendered in enforcement cases and General Counsel's Reports and non-exempt 2 U.S.C. 437g investigatory materials shall be placed on the public record of the Agency no later than 30 days from the date on which all respondents are notified that the Commission has voted to close such an enforcement file.

(5) Letter requests for guidance and responses thereto.

(6) The minutes of Commission meetings.

(7) Material routinely prepared for public distribution, e.g. campaign guidelines, FEC Record, press releases, speeches, notices to candidates and committees.

(8) Audit reports (if discussed in open session).

(9) Agendas for Commission meetings.

* * * * *

Dated: February 17, 2000.

Darryl R. Wold,

Chairman, Federal Election Commission.

[FR Doc. 00–4318 Filed 2–23–00; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T]

Credit by Brokers and Dealers; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Foreign Margin Stocks (Foreign List) is composed of certain foreign equity securities that qualify as *margin securities* under Regulation T. The Foreign List is published twice a year by the Board.

EFFECTIVE DATE: March 1, 2000.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2837, or Scott Holz, Senior Counsel, Legal Division, (202) 452–2966, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired *only,* contact Diane Jenkins, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below is a complete edition of the Board's Foreign List. The Foreign List was last published on August 26, 1999 (64 FR 46559), and became effective September 1, 1999.

The Foreign List is composed of foreign equity securities that qualify as margin securities under Regulation T by meeting the requirements of § 220.11(c) and (d). Additional foreign securities qualify as margin securities if they are deemed by the Securities and Exchange Commission (SEC) to have a ''ready market'' under SEC Rule 15c3–1 (17 CFR 240.15c3–1) or a ''no-action'' position issued thereunder. This includes all foreign stocks in the FTSE World Index Series.

It is unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the Foreign List is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing

a reference to the Board in connection with the Foreign List or the stocks thereon shall be an unlawful representation.

There are no additions to the Foreign List. The following seven stocks are being removed because they no longer substantially meet the provisions of § 220.11(d) of Regulation T:

Germany

HOECHST AG
Ordinary shares, par DM 50

Japan

DAIWA KOSHO LEASE CO., LTD.
50 par common
JACCS CO., LTD.
50 par common
MAEDA ROAD CONSTRUCTION CO., LTD.
50 par common
NICHIMEN CORPORATION
50 par common
SANKI ENGINEERING CO., LTD.
50 par common
TAKASAGO THERMAL ENGINEERING COMPANY
50 par common

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Foreign List specified in § 220.11(c) and (d). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of the Foreign List as soon as possible. The Board has responded to a request by the public and allowed approximately a one-week delay before the Foreign List is effective.

List of Subjects in 12 CFR Part 220

Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 220.2 and 220.11, there is set forth below a complete edition of the Foreign List.

Germany

GEHE AG
Ordinary shares, par DM 50

Japan

AIWA CO., LTD.
¥ 50 par common
AKITA BANK, LTD.
¥ 50 par common
AOMORI BANK, LTD.
¥ 50 par common
ASATSU INC.
¥ 50 par common
BANDAI CO., LTD.
¥ 50 par common
BANK OF KINKI, LTD.
¥ 50 par common
BANK OF NAGOYA, LTD.
¥ 50 par common
CHUDENKO CORP.
¥ 50 par common
CHUGOKU BANK, LTD.
¥ 50 par common
CLARION CO., LTD.
¥ 50 par common
DAIHATSU MOTOR CO., LTD.
¥ 50 par common
DAINIPPON SCREEN MFG. CO., LTD.
¥ 50 par common
DENKI KAGAKU KOGYO
¥ 50 par common
EIGHTEENTH BANK, LTD.
¥ 50 par common
FUTABA CORP.
¥ 50 par common
FUTABA INDUSTRIAL CO., LTD.
¥ 50 par common
HIGO BANK, LTD.
¥ 50 par common
HITACHI CONSTRUCTION MACHINERY CO., LTD.
¥ 50 par common
HITACHI SOFTWARE ENGINEERING CO., LTD.
¥ 50 par common
HITACHI TRANSPORT SYSTEM, LTD.
¥ 50 par common
HOKKOKU BANK, LTD.
¥ 50 par common
HOKUETSU BANK, LTD
¥ 50 par common
HOKUETSU PAPER MILLS, LTD.
¥ 50 par common
IYO BANK, LTD.
¥ 50 par common
JAPAN AIRPORT TERMINAL CO., LTD.
¥ 50 par common
JAPAN SECURITIES FINANCE CO., LTD.
¥ 50 par common
JUROKU BANK, LTD
¥ 50 par common
KAGOSHIMA BANK, LTD.
¥ 50 par common
KAMIGUMI CO., LTD.
¥ 50 par common
KATOKICHI CO., LTD.
¥ 50 par common
KEISEI ELECTRIC RAILWAY CO., LTD.
¥ 50 par common
KEIYO BANK, LTD.
¥ 50 par common
KIYO BANK, LTD.
¥ 50 par common
KOMORI CORP.
¥ 50 par common
KONAMI CO., LTD.
¥ 50 par common
KYOWA EXEO CORP.
¥ 50 par common
MATSUSHITA SEIKO CO., LTD.
¥ 50 par common
MAX CO., LTD.
¥ 50 par common
MICHINOKU BANK, LTD.
¥ 50 par common
MUSASHINO BANK, LTD.
¥ 500 par common
NAMCO, LTD.
¥ 50 par common
NICHICON CORP.
¥ 50 par common
NIHON UNISYS, LTD.
¥ 50 par common
NIPPON COMSYS CORP.
¥ 50 par common
NIPPON TRUST BANK, LTD.
¥ 50 par common
NISHI-NIPPON BANK, LTD.
¥ 50 par common
NISHI-NIPPON RAILROAD CO., LTD.
¥ 50 par common
NISSAN CHEMICAL INDUSTRIES, LTD.
¥ 50 par common
OGAKI KYORITSU BANK, LTD.
¥ 50 par common
Q.P. CORP.
¥ 50 par common
RINNAI CORPORATION
¥ 50 par common
RYOSAN CO., LTD.
¥ 50 par common
SAGAMI RAILWAY CO., LTD.
¥ 50 par common
SAIBU GAS CO., LTD.
¥ 50 par common
SAKATA SEED CORP.
¥ 50 par common
SANTEN PHARMACEUTICAL CO., LTD.
¥ 50 par common
SHIMADZU CORP.
¥ 50 par common
SHIMAMURA CO., LTD.
¥ 50 par common
SUMITOMO RUBBER INDUSTRIES, LTD.
¥ 50 par common
SURUGA BANK, LTD.
¥ 50 par common
TAIYO YUDEN CO., LTD.
¥ 50 par common
TAKARA STANDARD CO., LTD.
¥ 50 par common
TAKUMA CO., LTD.
¥ 50 par common

TOHO BANK, LTD.
¥ 50 par common
TOHO GAS CO., LTD.
¥ 50 par common
TOKYO OHKA KOGYO CO., LTD.
¥ 50 par common
TOKYO TOMIN BANK, LTD.
¥ 500 par common
UNI-CHARM CORP.
¥ 50 par common
USHIO, INC.
¥ 50 par common
YAMAHA MOTOR CO., LTD.
¥ 50 par common
YAMANASHI CHUO BANK, LTD.
¥ 50 par common
YODOGAWA STEEL WORKS, LTD.
¥ 50 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), February 17, 2000.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 00–4327 Filed 2–23–00; 8:45 am]
BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–51–AD; Amendment 39–11593; AD 2000–04–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. This action requires a revision to the Limitations and Normal Procedures Sections of the FAA-approved Airplane Flight Manual (AFM) to limit the use of the radio altimeter of the flight management guidance system (FMGS) during the approach phase of flight. This action also provides for an optional terminating modification, which, if accomplished, would terminate the requirement for the AFM revision. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent erroneous display of decision height information to the flight crew during final approach, which could result in an increased risk of collision with the terrain.

DATES: Effective March 10, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 10, 2000.

Comments for inclusion in the Rules Docket must be received on or before March 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–51–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the **Federal Register**, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that, during testing and analysis, logic errors, *i.e.*, software anomalies, occurred on certain Rockwell Collins radio altimeters. Investigation revealed that, under certain conditions, the software anomalies cause the radio altimeter to display erroneous information to the flight crew with no alarm detection. This condition, if not corrected, could result in an increased risk of collision with the terrain.

Explanation of Relevant Service Information

The manufacturer has issued Airbus A319/A320/A321 Airplane Flight Manual (AFM) Temporary Revision (TR) 2.05.00/43, dated September 16, 1999. The temporary revision provides information for the flight crew concerning the use of the radio altimeter of the flight management guidance system (FMGS) during the approach phase of flight. The TR revises the AFM to limit the use of the automatic flight system for certain types of instrument landing system (ILS) approaches. The DGAC classified this TR as mandatory and issued airworthiness directive 2000–004–142(B), dated January 12, 2000, in order to assure the continued airworthiness of these airplanes in France.

Airbus also has issued Service Bulletin A320–31–1106, Revision 04, dated December 21, 1999, which describes procedures for modification of the flight warning computers (FWC). The modification involves incorporating software changes into the onboard replaceable modules of the FWC's. Accomplishment of the modification would terminate the requirement for the AFM temporary revision.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent erroneous display of decision height information to the flight crew during final approach, which could result in an increased risk of collision with the terrain. This AD requires a revision to the Limitations and Normal Procedures Sections of the FAA-approved AFM to limit the use of the radio altimeter of the FMGS during the approach phase of flight. This action also provides for an optional terminating modification, which would eliminate the need for the AFM revision. The optional terminating modification is to be accomplished in accordance with the service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at

which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption ''**ADDRESSES.**'' All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–51–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–11 Airbus Industrie: Amendment 39–11593. Docket 2000–NM–51–AD.

Applicability: Model A319, A320, and A321 series airplanes; certificated in any category; equipped with Rockwell Collins radio altimeter LRA 700 having part number (P/N) 622–4542–020; excluding those on which Airbus Modification 26017 (Airbus Service Bulletin A320–31–1106) has been installed.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent erroneous display of decision height information to the flight crew during final approach, which could result in an increased risk of collision with the terrain, accomplish the following:

Airplane Flight Manual (AFM) Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations and Normal Procedures Sections of the FAA-approved AFM by inserting a copy of Airbus Temporary Revision (TR) 2.05.00/43, dated September 16, 1999, into the AFM.

Note 2: When the Temporary Revision required by paragraph (a) of this AD has been incorporated into the general revisions of the AFM, the general revisions may be inserted into the AFM, provided that the information contained in the general revisions is identical to that specified in the Temporary Revision.

Optional Terminating Modification

(b) In lieu of accomplishing the requirements of paragraph (a) of this AD, modify the flight warning computers, in accordance with Airbus Service Bulletin A320–31–1106, Revision 04, dated December 21, 1999. After accomplishment of the modification, the AFM temporary revision required by paragraph (a) of this AD may be removed from the AFM.

Note 3: Accomplishment of the modification specified by paragraph (b) of the AD, prior to the effective date of this AD, in accordance with Airbus Service Bulletin A320–31–1106, Revision 01, dated April 16, 1997; Revision 02, dated January 20, 1998; or Revision 03, dated July 9, 1999; is considered acceptable for compliance with the applicable actions specified in paragraph (b) of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The revision to the Airplane Flight Manual shall be done in accordance with

Airbus Temporary Revision 2.05.00/43, dated September 16, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in French airworthiness directive 2000–004–142(B), dated January 12, 2000.

(f) This amendment becomes effective on March 10, 2000.

Issued in Renton, Washington, on February 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4120 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–325–AD; Amendment 39–11586; AD 2000–04–04]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes, that requires a measurement of the resistance of the electrical connectors of the auxiliary power unit (APU) to detect a short circuit; an inspection to determine if the grommets or shrink sleeves are present; and modification, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and prevent a short circuit of a fire extinguisher electrical system due to a lack of shrink sleeves or grommets, and consequent disabling of the affected fire extinguisher system.

DATES: Effective March 30, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Fokker Model F.28 Mark 0070 and 0100 series airplanes was published in the **Federal Register** on December 6, 1999 (64 FR 68056). That action proposed to require a measurement of the resistance of the electrical connectors of the auxiliary power unit (APU) to detect a short circuit; an inspection to determine if the grommets or shrink sleeves are present; and modification, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 123 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the measurement specified in Part A of the referenced service bulletin, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this measurement required by this AD on U.S. operators is estimated to be $14,760, or $120 per airplane.

It will take approximately 1 work hour per airplane to accomplish the inspection specified in Part B of the referenced service bulletin, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection required by this AD on U.S. operators is estimated to be $7,380, or $60 per airplane.

Should an operator be required to accomplish the modification specified in Part B of the referenced service bulletin, it will take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the modification required by this AD on U.S. operators is estimated to be $120 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–04 Fokker Services B.V.: Amendment 39–11586. Docket 99–NM–325–AD.

Applicability: All Model F.28 Mark 0070 and 0100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and prevent a short circuit of a fire extinguisher electrical system due to a lack of shrink sleeves or grommets, and consequent disabling of the affected fire extinguisher system, accomplish the following:

Inspection and Modification, if Necessary

(a) Within 12 months after the effective date of this AD, perform a measurement of the resistance of the electrical lines on the auxiliary power unit (APU) and engine fire extinguisher bottles to detect a short circuit, in accordance with Part A of the Accomplishment Instructions of Fokker Service Bulletin SBF100–26–015, dated August 15, 1999.

(1) If no short circuit is detected, at the next scheduled weight check of the fire extinguishing bottle, or within 2 years after the inspection required by paragraph (a) of this AD, whichever occurs first, perform a general visual inspection to determine if the grommets or shrink sleeves are present and installed properly. If any grommet or shrink sleeve is missing or not installed properly, prior to further flight, perform the modification of the connectors, in accordance with Part B of the Accomplishment Instructions of the service bulletin.

(2) If any short circuit is detected, prior to further flight, perform a general visual inspection to determine if the grommets or shrink sleeves are present and installed properly. If any grommet or shrink sleeve is missing or not installed properly, prior to further flight, perform the modification of the connectors, in accordance with Part B of the Accomplishment Instructions of the service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with of Fokker Service Bulletin SBF100–26–015, dated August 15, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Dutch airworthiness directive 1999–110, dated August 31, 1999.

(e) This amendment becomes effective on March 30, 2000.

Issued in Renton, Washington, on February 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4119 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–339–AD; Amendment 39–11588; AD 2000–04–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A319, A320, and A321 series airplanes, that requires modification of the forward and aft evacuation slide systems by replacing the Velcro restraints for the support logs with frangible link restraints. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent the ingestion of sill support-log material into the aspirator of the escape slide, which could result in failure of the escape slide to inflate.

DATES: Effective March 30, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes was published in the **Federal Register** on December 7, 1999 (64 FR 68300). That action proposed to require

modification of the forward and aft evacuation slide systems by replacing the Velcro restraints for the support logs with frangible link restraints.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 202 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required modification, and that the average labor rate is $60 per work hour. Required parts for the modification of the evacuation slide are available from the evacuation slide vendor without charge. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $12,120, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–06 Airbus Industrie: Amendment 39–11588. Docket 99–NM–339–AD.

Applicability: Model A319, A320, and A321 series airplanes; certificated in any category; equipped with any emergency evacuation slide having a part number (P/N) listed as:

D31516–103
D31516–105
D31516–107
D31516–109
D31517–103
D31517–105
D31517–107
D31517–109

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the ingestion of sill support-log material into the aspirator of the escape slide which could result in failure of the escape slide to inflate, accomplish the following:

Modification

(a) Within three years after the effective date of this AD, modify the forward and aft emergency evacuation slides by replacing the Velcro restraints for the support logs with frangible link restraints, in accordance with Airbus Service Bulletin A320–25–1215, dated April 29, 1999.

Note 2: Airbus Service Bulletin A320–25–1215 refers to Air Cruisers Service Bulletin S.B. 004–25–51, dated February 26, 1999, as an additional source of service information for accomplishment of the modification.

(b) As of the effective date of this AD, no person shall install on any airplane an emergency evacuation slide, P/N D31516–103, D31516–105, D31516–107, D31516–109, D31517–103, D31517–105, D31517–107, or D31517–109.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The modification shall be done in accordance with Airbus Service Bulletin A320–25–1215, dated April 29, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 1999–356–136(B), dated September 8, 1999.

(f) This amendment becomes effective on March 30, 2000.

Issued in Renton, Washington, on February 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4118 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–344–AD; Amendment 39–11589; AD 2000–04–07]

RIN 2120–AA64

Airworthiness Directives; British Aerospace BAe Model ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace BAe Model ATP airplanes, that requires a one-time detailed visual inspection to detect incorrect installation or discrepancies (damage, bending, overheating, discoloration) of the circuit breaker and the cable terminations of the circuit breaker of the engine de-ice panel. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the engine intake de-icing system, which could result in loss of engine intake de-icing capability, accretion of ice in the intake duct, ice ingestion, and consequent engine flameout.

DATES: Effective March 30, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace BAe Model ATP airplanes was published in the **Federal Register** on December 7, 1999 (64 FR 68296). That action proposed to require a one-time detailed visual inspection to detect incorrect installation or discrepancies (damage, bending, overheating, discoloration) of the circuit breaker and the cable terminations of the circuit breaker of the engine de-ice panel.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,200, or $120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–07 British Aerospace Regional Aircraft [Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Amendment 39–11589. Docket 99–NM–344–AD.

Applicability: All Model ATP airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engine intake de-icing system, which could result in loss of engine intake de-icing capability, accretion of ice in the intake duct, ice ingestion, and consequent engine flameout, accomplish the following:

One-Time Inspection

(a) Within 3 months after the effective date of this AD: Perform a one-time detailed visual inspection to detect incorrect installation or discrepancies (damage, bending, overheating, discoloration) of the circuit breaker and the cable terminations of the circuit breaker of the engine de-ice panel, in accordance with Part 5 of the Accomplishment Instructions of British Aerospace Service Bulletin ATP–30–52, Revision 1, dated June 12, 1998. If any incorrect installation or discrepancy is

detected, prior to further flight, repair it in accordance with the service bulletin.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The inspection and repair shall be done in accordance with British Aerospace Service Bulletin ATP–30–52, Revision 1, dated June 12, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directive 007–01–98.

(e) This amendment becomes effective on March 30, 2000.

Issued in Renton, Washington, on February 15. 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4117 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–352–AD; Amendment 39–11590; AD 2000–04–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–200C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–200C series airplanes. This action requires repetitive inspections to detect cracking in the lower skin at the stringer 4R lap joint, and certain fuselage frames; and corrective actions, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by a report of a fractured frame located at body station (BS) 480. The actions specified in this AD are intended to detect and correct cracking in certain frames, which, in conjunction with multiple site cracking in the lower skin of the lap joint, could result in failure of certain lap joints, and consequent rapid decompression of the airplane fuselage.

DATES: Effective March 10, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 10, 2000.

Comments for inclusion in the Rules Docket must be received on or before April 24, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–352–AD, 1601 Lind Avenue, SW., Renton, WA 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, WA 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James G. Rehrl, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2783; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received a report indicating that a cracked fuselage frame was detected at body station (BS) 480, common to the stringer 5R integral shear tie stringer cutout on a Model 737–200C series airplane. Subsequent investigation revealed that the z-frame and integral-shear-tie at the stringer cutout were fractured. A crack also was detected in the S–5R and S–2R integral shear ties at the stringer cutout. A fractured frame at stringer 5R is a concern because it is adjacent to the stringer 4R lap joint, which is susceptible to multiple site cracking. Although the cracking was detected at BS 480 only, the frames at BS 500, 500A, 500B, and 520 have a similar design. Such cracking in these frames, in conjunction with multiple site cracking in the lower skin of the stringer 4R lap joint, could result in failure of the lap joint, and consequent rapid decompression of the airplane fuselage.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 737–53A1220, dated October 4, 1999, which describes procedures for a low frequency eddy current (LFEC) inspection to detect cracking in the lower skin at the stringer 4R lap joint between BS 460 and BS 540, and a detailed internal visual inspection to detect cracking in the frames at BS 480 through BS 520. The alert service bulletin also describes procedures for a preventative modification of the BS 480 frame.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Model 737–200C series airplanes of the same type design, this AD is being issued to require repetitive inspections to detect cracking in the lower skin at the stringer 4R lap joint, and certain fuselage frames; and corrective actions, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. The actions are required to be accomplished in accordance with the alert service bulletin described previously, except as discussed below.

Differences Between Service Bulletin and This AD

Operators should note that, although the alert service bulletin does not

specify repeat inspections following accomplishment of the initial internal detailed visual inspection (DVI) to detect cracking of certain frames, this AD requires that the internal DVI be repeated at intervals not to exceed 2,500 flight cycles, until accomplishment of the optional preventative modification of the BS 480 frame. The FAA finds that accomplishment of the initial inspection alone would not adequately address the unsafe condition. The FAA has determined that accomplishment of the repetitive internal DVI will maintain an adequate level of safety in the fleet until accomplishment of the preventative modification of the BS 480 frame.

Operators also should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–352–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–08 Boeing: Amendment 39–11590. Docket 99–NM–352–AD.

Applicability: Model 737–200C series airplanes having line numbers 292 and subsequent, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking in certain fuselage frames, which, in conjunction with multiple site cracking in the lower skin of the lap joint, could result in failure of certain lap joints, and consequent rapid decompression of the airplane fuselage, accomplish the following:

Repetitive Inspections

(a) Prior to the accumulation of 50,000 total flight cycles, or within 600 flight cycles after the effective date of this AD, whichever occurs later: Perform a low frequency eddy current (sliding probe) inspection to detect cracking in accordance with Part 3.A. of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1220, dated October 4, 1999. Repeat the inspections at intervals not to exceed 600 flight cycles until accomplishment of the requirements of paragraph (b) of this AD.

(b) Within 2,500 flight cycles following accomplishment of the initial inspection required by paragraph (a) of this AD: Perform an internal detailed visual inspection to detect cracking in accordance with the Part 3.B. of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1220, dated October 4, 1999. Repeat the inspection thereafter at intervals not to exceed 2,500 flight cycles until the modification required by paragraph (d) of this AD is accomplished.

Detailed Visual Inspection

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Corrective Actions

(c) Prior to further flight, repair any cracking detected by any inspection required by paragraph (a) or (b) of this AD in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Optional Terminating Action

(d) Installation of the preventative modification of the BS 480 frame in accordance with Part 3.C. of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1220, dated October 4, 1999, constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) Except as provided by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–53A1220, dated October 4, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, WA 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, WA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on March 10, 2000.

Issued in Renton, Washington, on February 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4116 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–370–AD; Amendment 39–11591; AD 2000–04–09]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–135 and EMB–145 series airplanes. This action requires various inspections to detect discrepancies of the elevator servo tab and spring tab hinge fittings of the horizontal stabilizer, and follow-on corrective actions, if necessary. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified in this AD are intended to prevent the linkage of the elevator servo tab or spring tab hinge fittings from separating from the horizontal stabilizer, which could result in loss of control of the airplane.

DATES: Effective March 10, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 10, 2000.

Comments for inclusion in the Rules Docket must be received on or before March 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–370–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Satish Lall, Aerospace Engineer, Airframe and Propulsion Branch, ACE–117A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337–2748; telephone (770) 703–6082; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–135 and EMB–145 series airplanes. The DAC advises that it has received a report of looseness of the hinge fitting attachment of the elevator spring tab of the horizontal stabilizer. The configuration of the hinge fitting attachment of the elevator servo tab is similar in design to that of the elevator spring tab. Therefore the elevator servo tab may be subject to the same unsafe condition reported on the elevator spring tab. The looseness was attributed to the incorrect installation of the attachment fasteners (two) to the tab upper skin. The loss of the fitting rigidity may cause damage to the other attachment fasteners (four) in the tab spar, which could cause the linkage of the elevator servo tab or spring tab hinge fittings to separate from the horizontal stabilizer. This condition, if not corrected, could result in loss of control of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Embraer Alert Service Bulletin S.B. 145–55–A022, Change 02, dated October 8, 1999, which describes procedures for various inspections to detect discrepancies of the elevator servo tab and spring tab hinge fittings of the horizontal stabilizer, and corrective actions, if necessary.

- Part I of the Accomplishment Instructions: Repetitive visual inspections to detect proper attachment (as specified in the alert service bulletin) of the left-and right-hand elevator servo tab and spring tab hinge fittings of the horizontal stabilizer, and follow-on corrective actions, if necessary. The corrective actions involve replacing all affected tabs with new or serviceable tabs or accomplishing Part II of the Accomplishment Instructions.
- Part II of the Accomplishment Instructions: One-time visual inspection to detect relative movement between the servo tab center hinge fitting and the tab lower skin and spar, and between the spring tab inboard hinge fitting and the tab upper skin and spar, and corrective

actions, if necessary. The corrective actions involve replacing all affected tabs with new or serviceable tabs. Part II of the Accomplishment Instructions also includes procedures for accomplishing a rework and performing a boroscopic inspection to verify correct installation (as specified in the alert service bulletin) of the fasteners attaching the elevator servo tab and spring tab hinge fittings to the elevator servo tabs and spring tabs, and replacing the fasteners (one at a time) with new fasteners and washers, if necessary. The boroscopic inspection is repeated to ensure correct installation of all replaced fasteners.

The DAC classified this alert service bulletin as mandatory and issued Brazilian airworthiness directive 1999–09–01R1, dated October 25, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent the linkage of the elevator servo tab or spring tab hinge fittings from separating from the horizontal stabilizer, which could result in loss of control of the airplane. This AD requires accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Differences Between Rule and Related Service Information

Operators should note that the parallel Brazilian airworthiness directive and the manufacturer's alert service bulletin allow the repetitive inspection interval to be increased from 100 flight hours to 400 flight hours after accomplishing Part II (one-time detailed visual inspection and boroscopic inspection) of the Accomplishment Instructions of the alert service bulletin. However, this AD would allow the repetitive inspection interval to be increased to 400 flight hours following replacement of all elevator servo and spring tabs.

In addition, the FAA has determined that it is not necessary to accomplish the rework and boroscopic inspection recommended by Part II of the Accomplishment Instructions of the alert service bulletin on any elevator servo and spring tabs which have been replaced in accordance with this AD. The FAA has determined that replacement of affected elevator servo and spring tabs adequately addresses the unsafe condition and ensures operational safety of the affected airplanes until final action can be identified.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–370–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

2000–04–09 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–11591. Docket 99–NM–370–AD.

Applicability: Model EMB–135 and EMB–145 series airplanes, as listed in Embraer Alert Service Bulletin S.B. 145–55–A022, Change 02, dated October 8, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the linkage of the elevator servo tab or spring tab hinge fittings from separating from the horizontal stabilizer, which could result in loss of control of the airplane, accomplish the following:

Detailed Visual Inspection

(a) Within 10 flight hours after the effective date of this AD, perform a detailed visual inspection to verify proper attachment, as specified in the alert service bulletin, of the left- and right-hand elevator servo tab and spring tab hinge fittings of the horizontal stabilizer, in accordance with Part I of the Accomplishment Instructions of Embraer Alert Service Bulletin S.B. 145–55–A022, Change 02, dated October 8, 1999.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirrors, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If all elevator servo tab and spring tab hinge fittings are properly attached, as specified in the alert service bulletin, repeat the detailed visual inspection thereafter at intervals not to exceed 100 flight hours until the requirements of paragraph (b) of this AD are accomplished.

(2) If any elevator servo tab or spring tab hinge fitting is improperly attached, as specified in the alert service bulletin, prior to further flight, accomplish the requirements of either paragraph (a)(2)(i) or (a)(2)(ii) of this AD.

(i) Replace the affected tab with a new or serviceable tab in accordance with Part I of the Accomplishment Instruction of the alert service bulletin. Thereafter, repeat the detailed visual inspection required by paragraph (a) of this AD at intervals not to exceed 100 flight hours until the requirements of paragraph (b) of this AD are accomplished. Following replacement of all tabs, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 400 flight cycles; or

(ii) Accomplish the requirements of paragraphs (b) of this AD.

(b) For airplanes that have not replaced all elevator servo tabs and spring tabs: Within 400 flight hours after the effective date of this AD, perform a one-time detailed visual inspection to detect relative movement between the servo tab center hinge fitting and the tab lower skin and tab spar, and between the elevator spring tab inboard hinge fitting and the tab upper skin and tab spar, in accordance with Part II of the Accomplishment Instructions of Embraer Alert Service Bulletin S.B. 145–55–A022, Change 02, dated October 8, 1999.

(1) If no relative movement is detected, prior to further flight, rework the elevator servo tabs and spring tabs and perform a boroscopic inspection to verify correct installation, as specified in the alert service bulletin, of the fasteners attaching the elevator servo tab and spring tab hinge fittings to the elevator servo tab and spring tab, in accordance with Part II of the Accomplishment Instruction of the alert service bulletin.

(i) If all fasteners attaching the elevator servo tab and spring tab hinge fittings are installed correctly, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 400 flight cycles.

(ii) If any fastener attaching the elevator servo tab or spring tab hinge fittings is incorrectly installed, as specified in the alert service bulletin, prior to further flight, replace, one at a time, each affected fastener with a new fastener and washer, and prior to further flight, repeat the boroscopic inspection required by paragraph (b)(1) of this AD. When correct fastener installation is verified, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 400 flight cycles.

Note 3: Replacement of the attaching fasteners one at a time will avoid the loss of the servo tab or spring tab hinge fittings position.

(2) If any relative movement is detected, prior to further flight, replace the affected tab with a new or serviceable tab, in accordance with Part II of the Accomplishment Instructions of the alert service bulletin. Following replacement of all tabs, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 400 flight cycles.

Note 4: Accomplishment of the actions required by this AD prior to the effective date of this AD, in accordance with Embraer Alert Service Bulletin S.B. 145–55–A022, dated September 24, 1999, or Revision 01, dated October 7, 1999, is considered acceptable for the compliance with the applicable actions specified by this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(e) The actions shall be done in accordance with Embraer Alert Service Bulletin S.B. 145–55–A022, Change 02, dated October 8, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 6: The subject of this AD is addressed in Brazilian airworthiness directive 1999–09–01R1, dated October 25, 1999.

(f) This amendment becomes effective on March 10, 2000.

Issued in Renton, Washington, on February 15, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4115 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8847]

RIN 1545–AS39

Adjustments Following Sales of Partnership Interests; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8847, which was published in the **Federal Register** on Wednesday, December 15, 1999 (64 FR 69903), relating to adjustments following the sale of partnership interests.

DATES: These corrections are effective December 15, 1999.

FOR FURTHER INFORMATION CONTACT: Matthew Lay, (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under sections 743, 754, and 755 of the Internal Revenue Code.

Need for Correction

As published, TD 8847 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8847), which were the subject of FR Doc. 99–32400, is corrected as follows:

1. On page 69904, column 1, in the preamble under the paragraph heading ''Explanation of Revisions and Summary of Contents'', paragraph 1.(c), the last line, the language ''after December 15, 1999.'' is corrected to read ''on or after December 15, 1999.''.

2. On page 69905, column 2, in the preamble under the paragraph heading ''*4. Elections Under Section 754*'', lines 9 and 10, the language ''previously were made, the IRS and Treasury believe that it is appropriate to'' is corrected to read ''previously were made, the IRS and the Treasury Department believe that it is appropriate to''.

3. On page 69906, column 2, in the preamble under the paragraph heading ''Special Analyses'', the paragraph is corrected to read as follows:

''It has been determined that these final regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has been determined that a final regulatory flexibility analysis is required for the collection of information in this Treasury decision under 5 U.S.C. 604. This analysis is set forth below under the heading ''Final Regulatory Flexibility Act Analysis.'' Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business. No comments were received regarding the impact of the regulations on small business.''

4. On page 69906, column 2, in the preamble, the paragraph heading ''Summary of Final Regulatory Flexibility Act Analysis'' is corrected to read ''Final Regulatory Flexibility Act Analysis''.

§ 1.743–1 [Corrected]

5. On page 69912, column 1, § 1.743–1(h)(2)(iv), line 3 of the introductory text, the language ''paragraph (h):'' is corrected to read ''paragraph (h)(2):''.

6. On page 69912, column 1, § 1.743–1(h)(2)(iv), the last sentence of paragraph (ii) in the *Example* is corrected to read as follows:

§ 1.743–1 Optional adjustment to basis of partnership property.

* * * * *

(h) * * *

(2) * * *

(iv) * * *

Example. * * *

(ii) * * * Under paragraph (h)(2)(i) of this section, X's basis in Asset 1 equals $90 (PRS's common basis in the asset, $60, plus the gain recognized by PRS under section 351(b)(1), $15, plus A's basis adjustment under section 743(b), $20, less the portion of the adjustment which reduced A's gain, $5).

* * * * *

§ 1.754–1 [Corrected]

7. On page 69916, column 2, § 1.754–1(c)(2), the paragraph heading ''*Revocations made for first taxable year ending after December 15, 1999.*'' is corrected to read ''*Revocations effective on December 15, 1999.*''.

8. On page 69916, column 2, § 1.754–1(c)(2), line 7, the language ''15, 1999, may revoke such election by'' is corrected to read ''15, 1999, may revoke such election effective for transfers or distributions occurring on or after December 15, 1999, by''.

§ 1.755–1 [Corrected]

9. On page 69917, column 2, § 1.755–1(b)(2)(ii) *Example* 2. (iii), the third line from the bottom of the column, the language ''743(b), less ($125), amount of the basis'' is corrected to read ''743(b), less ($125), the amount of the basis''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 00–4169 Filed 2–23–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Tampa 99–042]

RIN 2115 AA97

Safety Zone; Tampa Bay, Tampa, Florida

AGENCY: Coast Guard, DOT

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the permanent regulations for floating safety zones around Anhydrous Ammonia (NH3) vessels transiting the waters of Tampa Bay. These revisions will allow for nighttime vessel transits, and will replace the requirement for a safety zone at the berth, with a requirement to provide 30 minute advanced notice to the NH3 vessel or facility. Safety improvements in Tampa Bay have alleviated the need for such restrictions.

DATES: This section becomes effective March 27, 2000.

FOR FURTHER INFORMATION CONTACT: Lieutenant Warren Weedon, Chief, Waterways Management Branch at (813) 228–2189.

SUPPLEMENTARY INFORMATION:

Regulatory History

On August 31, 1999, the Coast Guard published a notice of proposed rulemaking on this amendment to the permanent safety zones around Anhydrous Ammonia (NH3) vessels transiting Tampa Bay in the **Federal Register** (64 FR 47752). No comments were received during the comment period.

Background and Purpose

After extensive discussions from the Tampa Bay Harbor Safety Committee and the formation of a Safety Zone Subcommittee consisting of Coast Guard representatives, vessel agents, pilots, tug operators and port authority representatives, recommendations were forwarded to the Coast Guard Captain of the Port to amend the regulations for NH3 vessels transiting the Port of Tampa.

In 1991, Coast Guard Marine Safety Office Tampa temporarily amended the transit requirements for Anhydrous Ammonia (NH3) vessels, through Port Community Information Bulletin (PCIB) 6–91 which allowed NH3 vessels to enter and transit the Port of Tampa during the nighttime with a minimum of three mile visibility. It also replaced the safety zone extending 150 feet waterside while the vessel is moored, with a requirement calling for vessels over 5000 gross tons to provide a 30 minute notification allowing the NH3 vessel time to take appropriate safety precautions. PCIB 6–91 has been replaced with a case by case waiver from the current regulations, utilizing the operational restriction initially identified in the PCIB. The Captain of the Port is now incorporating these proven operational guidelines into the permanent regulations.

In the late 1980's and early 1990's, many safety changes were made to the port, including the widening and deepening of the shipping channels, installation of centerline range marks, inbound and outbound, an increased brightness in range lights and a new Vessel Traffic Advisory System (VTAS). These changes have enhanced the level of safety on the navigable waters of Tampa Bay.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of the order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This regulation already exists. The amended rule will have minimal effects on vessel traffic as it will only extend the hours of operation to include the nighttime.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their field and governmental jurisdictions with populations of less than 50,000.

Therefore, the Coast Guard certifies under section 605(b) that this rule will not have a significant effect upon a substantial number of small entities, as this regulation will only be in effect approximately twice a week for two hours in a limited area of the Port of Tampa.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and it has been determined that the rulemaking does not have sufficient Federalism implications under that order.

Environmental Assessment

The Coast Guard has considered the environmental impact of this action and has determined under Figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination has been prepared and is available in the docket for inspection and copying.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Final Regulations

In consideration of the foregoing, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Revise § 165.703 (b) and (g) to read as follows:

§ 165.703 Safety Zone; Tampa Bay, Florida.

* * * * *

(b) All vessels over 5000 gross tons intending to pass anhydrous ammonia vessels moored in Port Sutton, and all vessels intending to moor in the R. E. Knight facilities at Hookers Point while an anhydrous ammonia vessel is moored in this facility, must give 30 minutes notice to the anhydrous ammonia vessel so it may take appropriate safety precautions.

* * * * *

(g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa and Hillsborough Bay and approaches only with a minimum of three miles visibility.

* * * * *

Dated: February 8, 2000.

A.L. Thompson, Jr.,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 00–4374 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region VII Tracking No 089–1089; FRL–6518–7]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correcting amendment.

SUMMARY: This document corrects an error in the amendatory instruction in a direct final rule pertaining to the Buffalo, Iowa, PM_{10} control plan regulation.

EFFECTIVE DATE: February 24, 2000.

FOR FURTHER INFORMATION CONTACT: Edward West at (913) 551–7330.

SUPPLEMENTARY INFORMATION: EPA published a document on March 18, 1999 (64 FR 13343), inadvertently omitting a revision to the nonregulatory table in paragraph (e). This document adds that revision.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), or require prior consultation with state officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This amendment to the PM_{10} control plan for Buffalo, Iowa, is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations.

Dated: November 9, 1999.

Dennis Grams, P.E.,

Regional Administrator, Region VII.

Part 52 of chapter I, title 40, *Code of Federal Regulations,* is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart Q—Iowa

2. Section 52.820 is amended by adding an entry at the end of the table in paragraph (e) as follows:

§ 52.820 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* *	* * *	*	*	*
PM_{10} control plan	Buffalo, Iowa	10/1/98	03/18/99 64 FR 13346	

[FR Doc. 00–4233 Filed 2–23–00; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 65, No. 37
Thursday, February 24, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

12 CFR Part 650

RIN 3052–AB56

Federal Agricultural Mortgage Corporation; Risk-Based Capital Requirements

AGENCY: Farm Credit Administration.

ACTION: Proposed rule; comment period extension.

SUMMARY: The Farm Credit Administration (FCA) Board extends the comment period on the proposed rule that would establish risk-based capital requirements for the Federal Agricultural Mortgage Corporation (Corporation) to June 12, 2000, so interested parties have additional time to provide comments.

DATES: Please send your comments to us on or before June 12, 2000.

ADDRESSES: You may mail or deliver comments to Carl A. Clinefelter, Director, Office of Secondary Market Oversight, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 or send them by facsimile transmission to (703) 734–5784. You may also submit comments via electronic mail to ''reg-comm@fca.gov'' or through the Pending Regulations section of the FCA's interactive Web site at ''www.fca.gov.'' Copies of all communications received will be available for review by interested parties in the Office of Policy and Analysis, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT: Carl A. Clinefelter, Director, Office of Secondary Market Oversight, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4280, TDD (703) 883–4444, or Dennis K. Carpenter, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD (703) 883–4444, or Joy Strickland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: On November 12, 1999, FCA published a proposed rule in the **Federal Register** to amend regulations in part 650 to establish a risk-based capital stress test for the Corporation as required by section 8.32 of the Farm Credit Act of 1971, as amended (12 U.S.C. 227966–1). The comment period will expire on March 13, 2000. *See* 64 FR 61740, November 12, 1999. In response to a request, we now extend the comment period until June 12, 2000, so commenters will have more time to respond.

Dated: February 17, 2000.

Vivian L. Portis,

Secretary, Farm Credit Administration Board.

[FR Doc. 00–4339 Filed 2–23–00; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–362–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A300–600 series airplanes. This proposal would require modification of certain electrical looms of the nose and main landing gear and modification of the rotor shaft attachment of the nose and main landing gear tachometers. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent erratic operation of the wheel tachometers, which could result in degradation of the braking performance, and possible increased landing roll.

EFFECTIVE DATE: Comments must be received by March 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–362–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–362–AD.'' The

postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–362–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A300–600 series airplanes. The DGAC advises that it has received a report indicating that, after touchdown, an airplane overran the runway due to degradation of the braking system performance combined with non-extension of spoilers 1 and 4. Investigation into the degradation of the braking system performance and the non-extension of the spoilers revealed that the cause was attributed to incorrect speed signals supplied by the wheel tachometers due to:

- Moisture, dirt, and subsequent corrosion of the electrical connectors of the nose and main landing gears; and
- Fracture of the coupling pins between the rotor shaft attachment and the drive coupling of the tachometer.

These conditions, if not corrected, could result in erratic operation of the tachometers, which could cause a significant degradation of the braking system performance. Furthermore, if a tachometer on an aft wheel of the main landing gear is not operating correctly, this condition could affect the control logic of the spoiler extension and could result in an increased landing roll.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletin A300–32–6069, Revision 01, dated December 29, 1999, which describes procedures for modification of certain electrical looms of the nose and main landing gears. The modification involves installing heat-shrinkable sheaths on the ground/flight detection loom connectors and strut-locking switches, and draining the looms of certain locking switches.

The manufacturer also has issued Airbus Service Bulletin A300–32–6077, Revision 01, dated September 25, 1999, which describes procedures for modification of the rotor shaft attachment of the nose and main landing gear tachometers. This modification involves machining the rotor assembly and either machining or replacing the drive coupling with a new drive coupling, and attaching the rotor shaft to the drive coupling with a rivet.

Accomplishment of the actions specified in the Airbus service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 1999–428–295(B), dated November 3, 1999, in order to assure the continued airworthiness of these airplanes in France.

The Airbus service bulletins reference Messier-Dowty Service Bulletin 470–32–779, dated April 14, 1997; Messier-Dowty Service Bulletin 470–32–777, dated July 1, 1997; and Messier-Bugatti Service Bulletin C20105–32–782, dated October 17, 1996, as additional sources of service information for accomplishing the requirements of this proposed AD.

FAA's Conclusions

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the Airbus service bulletins described previously.

Cost Impact

The FAA estimates that 79 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 7 work hours per airplane to accomplish the proposed modification of the electrical looms, at an average labor rate of $60 per work hour. Required parts would cost approximately $687 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $87.453, or $1,107 per airplane.

It would take approximately 13 work hours per airplane to accomplish the proposed modification of the rotor shaft attachment, at an average labor rate of $60 per work hour. Required parts would cost approximately $169 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $74,971, or $949 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 3913 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 99–NM–362–AD.

Applicability: Model A300–600 series airplanes, certificated in any category, except those airplanes on which Airbus Modifications 11661 and 11676 (Airbus Service Bulletin A300–32–6069) and 12095 (Airbus Service Bulletin A300–32–6077) have been installed.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent erratic operation of the wheel tachometers, which could result in degradation of the braking performance, and possible increased landing roll, accomplish the following:

Modifications

(a) Within 18 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD.

(1) Modify the electrical looms of the nose and main landing gear, in accordance with Airbus Service Bulletin A300–32–6069, Revision 01, dated December 29, 1999; and

(2) Modify the rotor shaft attachment of the nose and main landing gear tachometers, in accordance with Airbus Service Bulletin A300–32–6077, Revision 01, dated September 25, 1999.

Note 2: Messier-Dowty Service Bulletins 470–32–779, dated April 14, 1997, and 470–32–777, dated July 1, 1997, are referenced in Airbus Service Bulletin A300–32–6069. Messier-Bugatti Service Bulletin C20105–32–782, dated October 17, 1996, is referenced in Airbus Service Bulletin A300–32–6077. The Messier-Dowty and Messier-Bugatti service bulletins are additional sources of service information for accomplishing the applicable actions required by this AD.

Note 3: Accomplishment of the modifications required by paragraph (a) of this AD, prior to the effective date of this AD, in accordance with Airbus Service Bulletin A300–32–6069, dated June 13, 1997, or A300–32–6077, dated May 28, 1999, is considered acceptable for compliance with the applicable requirements specified by this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in French airworthiness directive 1999–428–295(B), dated November 3, 1999.

Issued in Renton, Washington, on February 4, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–3134 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–28–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Airbus Model A319, A320, and A321 series airplanes, that currently requires repetitive inspections for discrepancies of the lock bolt for the pintle pin on the main landing gear (MLG), and follow-on corrective actions, if necessary. This action would require additional follow-on actions for certain airplanes. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct a rotated, damaged, or missing lock bolt, which could result in disengagement of the pintle pin from the pintle fitting bearing, and consequent collapse of the MLG during landing.

DATES: Comments must be received by March 27, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–28–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–28–AD.''

The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–28–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1998, the FAA issued AD 98–14–11, amendment 39–10644 (63 FR 36834, July 8, 1998), applicable to all Airbus Model A319, A320, and A321 series airplanes, to require repetitive inspections for discrepancies of the lock bolt for the pintle pin on the main landing gear (MLG), and follow-on corrective actions, if necessary. That action was prompted by two reports indicating that the forward pintle pin of the MLG had migrated forward toward the wing rear spar. In both instances, the lock bolt and associated MLG barrel bushings securing the pintle pin were missing, which allowed the pintle pin to migrate forward, although further movement was prevented by the incrementally tapered diameter of the pintle pin. Backward migration of the pintle pin also could occur, which would allow the pintle pin to become disengaged and separate from the pintle fitting bearing. The requirements of that AD are intended to detect and correct a rotated, damaged, or missing lock bolt, which could result in disengagement of the pintle pin from the pintle fitting bearing, and consequent collapse of the MLG during landing.

Explanation of Relevant Service Information

Since issuance of AD 98–14–11, Airbus issued Service Bulletin A320–32–1187, dated June 17, 1998, and Revision 01, dated February 17, 1999. The original and revised service bulletin describe procedures for repetitive detailed visual inspections for discrepancies (rotation, wear, and missing or broken parts) of the lock bolt for the MLG pintle pin, and follow-on corrective actions, if necessary. The corrective actions include replacement of a discrepant lock bolt with a new or serviceable part, and relubrication of the pintle fitting bearing. The inspection procedure of the service bulletin is different from that described in Airbus All Operator Telex (AOT) 32–17, Revision 01, dated November 6, 1997 (which was cited in AD 98–14–11 as the appropriate source of service information). The service bulletin includes procedures for additional follow-on and corrective actions, including a one-time retorque of the lock bolt for the pintle pin if there is no sign that the lock bolt has turned, and replacement of the lock bolt with a new lock bolt. In addition, Revision 01 of the service bulletin includes procedures for additional follow-on actions, including application of sealant to the head of the lockbolt. The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, approved the original service bulletin and classified Revision 01 as mandatory, and issued French airworthiness directive 97–385–112(B)R1, dated October 21, 1998, in order to ensure the airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 98–14–11 to continue to require repetitive inspections for discrepancies of the lock bolt for the pintle pin on the main landing gear (MLG), and follow-on corrective actions, if necessary; and would require additional follow-on actions, including a retorque of the lock bolt for the pintle pin. In addition, the FAA has added a note to clarify the definition of a detailed visual inspection.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 341 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 2 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $40,920, or $120 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a 'significant regulatory action' under Executive Order 12866; (2) is not a 'significant rule' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10644 (63 FR 36834, July 8, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Airbus Industrie: Docket 99–NM–28–AD. Supersedes AD 98–14–11, Amendment 39–10644.

Applicability: All Model A319, A320, and A321 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct a rotated, damaged, or missing lock bolt, which could result in disengagement of the pintle pin from the bearing, and consequent collapse of the main landing gear (MLG) during landing, accomplish the following:

Inspection

(a) Perform a detailed visual inspection to detect discrepancies (rotation, damage, and absence) of the lock bolt for the pintle pin on the MLG, in accordance with Airbus All Operator Telex (AOT) 32–17, Revision 01, dated November 6, 1997, Airbus Service Bulletin A320–32–1187, dated June 17, 1998, or Airbus Service Bulletin A320–32–1187, Revision 01, dated February 17, 1999, at the latest of the times specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD. If any discrepancy is detected, prior to further flight, perform corrective actions, as applicable, in accordance with the AOT or service bulletin. Repeat the inspection thereafter at intervals not to exceed 1,000 flight cycles or 15 months, whichever occurs first. After the effective date of this AD, only Airbus Service Bulletin A320–32–1187, Revision 01, dated February 17, 1999, shall be used for compliance with this paragraph.

(1) Within 30 months since the airplane's date of manufacture or prior to the accumulation of 2,000 total flight cycles, whichever occurs first.

(2) Within 15 months or 1,000 flight cycles after the last gear replacement or accomplishment of Airbus Industrie Service Bulletin A320–32–1119, dated June 13, 1994, whichever occurs first.

(3) Within 500 flight cycles after August 12, 1998 (the effective date of AD 98–14–11, amendment 39–10644).

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

One-Time Follow-On Actions

(b) For airplanes on which the actions described in paragraph 2.B.(2)(c) of Airbus Service Bulletin A320–32–1187, Revision 01, dated February 17, 1999, have not been accomplished: At the time of the initial inspection or the next repetitive inspection required by paragraph (a) of this AD, perform the applicable one-time follow-on actions (including retorquing the forward pintle pin lock bolt and applying sealant to the head of the lock bolt), in accordance with section 2.B.(2)(c) of the Accomplishment Instructions of Airbus Service Bulletin A320–32–1187, Revision 01, dated February 17, 1999.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in French airworthiness directive 97–385–112(B)R1, dated October 21, 1998.

Issued in Renton, Washington, on February 17, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–4336 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–24]

Proposed Establishment of Class E Airspace; Yukon-Kuskokwim Delta, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class E airspace over the Yukon-Kuskokwim (Y–K) Delta area in southwest Alaska in support of the Capstone Research and Development (R&D) project. Specifically, this action proposes to establish controlled airspace extending from 1,200 feet above ground level (AGL) upwards to the base of the existing Class E airspace of 14,500 feet above mean sea level (MSL) within an area bounded by lat. 58° 25′ 36″ N long. 158° 00′ W, to lat. 57° 50′ N long. 158° 00′ W, to lat. 57° 50′ N long. 156° 00′ W, to lat. 64° 00′ N long. 156° 00′ W, to lat. 64° 00′ N long. 161° 41′ 24″ W, then via the 12 nautical mile limit to the point of beginning. The intended effect of this proposal is to provide adequate controlled airspace for commercial air carriers conducting Instrument Flight Rules (IFR) operations over southwest Alaska and validate new operational procedures and equipment in the IFR environment.

DATES: Comments must be received on or before April 10, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 99–AAL–24, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Bob Durand, Operations Branch, AAL–531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

In a February 12, 1997, report to President Clinton on aviation safety and security, Chairman Vice President Al Gore reported that satellite-based navigation and positioning is a core element of our National Airspace System (NAS) modernization plans, and is critical to achieving a seamless, efficient global aviation system. Over the period of the past few years, the FAA has been working with commercial, military, and general aviation (GA) users to develop a global satellite-based navigation system independent of conventional ground navigation aids. Alaska and Hawaii were selected to pioneer this program through a R&D demonstration program called Capstone.

The Alaskan Region's ''Capstone Program'' is an accelerated effort to

improve aviation safety and efficiency through installation of government-furnished, GPS-based avionics and data link communications suites in most commercial aircraft serving the Yukon-Kuskokwim Delta area. Up to 200 aircraft will be equipped. Compatible ground systems, equipment, and services will also be provided. The name ''Capstone'' is derived from the program's effect of drawing and holding together concepts and recommendations contained in reports from the Radio Telecommunications Conference of America (RTCA), the National Transportation Safety Board (NTSB), the Mitre Corporation's Center for Advanced Aviation System Development (CAASD), and Alaskan aviation industry representatives. In addition to the avionics suites, Capstone will deploy a ground infrastructure for weather observation, data link communications, surveillance, and Flight Information Services (FIS) to improve safety and enable eventual implementation of new procedures. A successful Capstone demonstration will help validate these new procedures.

Under the FAA's ''Safe Flight 21 Program,'' some Capstone-equipped aircraft and the Capstone ground system infrastructure will be used beginning in January 2000 to validate three of the nine high priority Free Flight Operational Enhancements requested by the RTCA. Validation of other operational enhancements will be undertaken in future years. The first three enhancements to begin validation in Alaska are:

- Flight Information Services (FIS)
- Cost Effective, Controlled Flight Into Terrain (CFIT) Avoidance
- Enhanced See and Avoid

Test procedures, data collection, and analysis associated with the validations will be developed and implemented under the FAA's Safe Flight 21 Program administered by the Office of Communication, Navigation, and Surveillance Systems, AND–1.

Under Capstone, most of the commercial aircraft based in the test area will be equipped, on a voluntary basis, with government-furnished avionics. Certain other commercial and government aircraft regularly operating in the test area will also be equipped. Services provided through the avionics suite will improve the pilot's flight capabilities and situational awareness. The sample size will ensure that safety improvements and operational efficiencies are demonstrated in a substantial, statistical manner with the rest of Alaska serving as the test control area. Aircraft selected for the Capstone Program will receive:

- An IFR-certified GPS navigation receiver
- Automatic Dependent Surveillance-Broadcast (ADS–B) Transmitter/Receiver
- A moving map display with Traffic Information Service-Broadcast (TIS–B) traffic and terrain advisory services
- FIS providing weather maps, special use airspace status, wind shear alerts, NOTAMs, and PIREPs
- A multi-function color display

A data link network will be installed within existing FAA and Joint-use facilities at up to twelve (12) locations in the test area and connected via existing communications systems to FAA air traffic control facilities, service providers, and aircraft operator bases. To facilitate collection of test data, a common design will be used for Capstone as was used in the Cargo Airline Association (CAA) ADS–B demonstration in the Ohio Valley. Aircraft position reports will be made available to operators for flight following purposes. A ground broadcast server and a gateway processor will be installed at the Anchorage Air Route Traffic Control Center (ARTCC) to receive ADS–B aircraft position reports and data link messages from each remote site and interface them with the existing Micro Enroute Automated Radar Tracking System (Micro-EARTS). The Micro-EARTS and related subsystems will be programmed to integrate the ADS–B targets on one or more air traffic controller displays with radar tgargets. TIS–B will be implemented to enable the pilot of a Capstone-equipped aircraft to see both ADS–B and radar targets on the multi-function display.

Under the Capstone Program, the FAA will develop first-time, GPS-based, non-precision instrument approach to one or more runways at ten remote village airports. These airports were jointly recommended by the Alaska DOT/PF and the Alaska Air Carriers Association as the highest priority locations within the Capstone demonstration area for an instrument approach procedure. They are: Holy Cross, Kalskag, Kipnuk, Koliganek, Egegik, Mountain Village, Platinum, Scammon Bay, St. Michael, and Russian Mission. These airports have been GPS-surveyed for preparation for non-precision GPS instrument approach procedures. To conduct instrument approaches under FAR Part 121 or 135, weather reporting is essential. With budgetary limitations, these same airports are slated to receive automated weather reporting equipment during the Capstone program. Detailed information on the Capstone R&D program can be found on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/capstone/.

The Capstone Program will enable delivery of improved weather products (text and graphics) to the pilot and test the GPS and data link technology as a ''proof of concept'' for the operational enhancements requested by RTCA. The program will also include training for pilots, operators, safety inspectors, air traffic control specialists, and technicians. The University of Alaska's Aviation Complex at Merrill Field will be used for many of these activities. The University will also be contracted to conduct an independent evaluation of system safety improvements and to document user benefits derived.

The purpose of this proposal is to create controlled airspace and infrastructure for IFR operations within the Yukon-Kushkokwim Delta area where uncontrolled airspace currently exists. This controlled airspace is needed to validate new operational procedures and equipment in the IFR environment. Additionally, this action will enhance flight safety, reduce the potential for midair collisions, improve operational efficiencies, and better manage air traffic operations.

Establishment of Class E airspace in this proposal will have an impact on pilots' flight visibility and cloud avoidance requirements when flying under Visual Flight Rules (VFR), during the day above 1,200 feet AGL and below 10,000 feet MSL. The flight visibility requirement will increase to three (3) statute miles. VFR weather minimums are shown in the following table extracted from 14 CFR 91.155 Basic VFR weather minimums:

BASIC VFR WEATHER MINIMUMS

	Flight visibility	Distance from clouds
Class G (uncontrolled):		
1,200 feet or less AGL, Day	1 statute mile	Clear of clouds.

BASIC VFR WEATHER MINIMUMS—Continued

	Flight visibility	Distance from clouds
1,200 feet or less AGL, Night	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
1,200 feet or more and less than 10,000 feet MSL, Day	1 statute mile	500 feet below. 1,000 feet above. 2,000 feet horizontal.
1,200 feet or more and less than 10,000 feet MSL, Night	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
More than 1,200 feet AGL and at or above 10,000 feet MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.
Class E (controlled):		
Less than 10,000 MSL	3 statute miles	500 feet below. 1,000 feet above. 2,000 feet horizontal.
At or above than 10,000 MSL	5 statute miles	1,000 feet below. 1,000 feet above. 1 statute mile horizontal.

On February 25, 1999, the FAA initiated an environmental review, 99–AAL–024–NR, seeking public comment on the proposal to establish Class E airspace to encompass the Capstone Demonstration Area. In the environmental review solicitation, the FAA stated the desire to design and establish Class E airspace that will facilitate the development of the Capstone Demonstration and the transition to the future NAS Architecture with minimum impact on the environment. Significant environmental issues were not identified during the scoping process. Thus, this activity falls within a category of actions normally categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

On April 7, 1999, the FAA conducted a Preliminary Environmental Review. This review was conducted in accordance with policies and procedures in Department of Transportation Order 5610.1C, Procedures for considering Environmental Impacts, Order 1050.1, and is in compliance with the National Environmental Policy Act of 1969 and in accordance with the regulations promulgated by the Council on Environmental Quality, 40 CFR 1500 et seq. Thus, on April 13, 1999, the FAA signed the Categorical Exclusion Declaration. This review enabled the FAA to exclude this proposed action from further environmental documentation according to Order 1050.1, Policies and Procedures for Considering Environmental Impacts.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AAL–24.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light to comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at http://www.access.gpo.gov/su__docs/aces140.html.

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

The Proposal

The FAA proposes to amend 14 CFR part 71 (part 71) by establishing Class E airspace within the Yukon-Kushkokwim Delta area in southwest Alaska. The intended effect of this proposal is to (1) provide adequate controlled airspace and infrastructure for commercial air carrier IFR operations and (2) validate new operational procedures and equipment in the IFR environment.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83.

The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9G, *Airspace Designations and Reporting Points*, dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be revised and published subsequently in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, *Airspace Designations and Reporting Points*, dated September 1, 1999, and effective September 16, 1999, is to be amended as follows:

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Yukon-Kuskokwim Delta, AK [New]

That airspace extending upward from 1,200 feet above the surface within the area bounded by lat. 58°25′36″ N long. 158°00′ W, to lat. 57°50′ N. long. 158° 00′ W, to lat. 57°50′ N long. 156°00′ W, to lat. 64°00′ N long. 156°00′ W, to lat. 64°00′ N long. 161°41′24″ W, then via the 12 nautical mile limit to the point of beginning.

* * * * *

Issued in Anchorage, AK, on February 9, 2000.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 00–3699 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 00N–0506]

Safety Issues Associated With Dietary Supplement Use During Pregnancy; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Announcement of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting on safety issues associated with dietary supplement use during pregnancy. The purpose of this meeting is to obtain public comment on safety concerns that have been raised regarding structure/function claims for dietary supplements used during pregnancy. On January 6, 2000, FDA published a final rule on statements that may be made for dietary supplements concerning the effect of the product on the structure or function of the body. FDA has since received comments from public health professionals and others concerned about the safety of using dietary supplements during pregnancy. The public meeting is intended to give the public an opportunity to comment on these issues.

DATES: The meeting will be held on April 24, 2000, from 9 a.m. to 5 p.m. Submit written comments by April 24, 2000.

ADDRESSES: The public meeting will be held in the Crystal Ballroom at the Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877. Submit written comments to the Dockets Management Branch (DMB) (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Rose Cunningham, Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane (HFD–6), Rockville, MD 20857, 301–594–5468, FAX 301–594–5493, e-mail: sfp15reg@cder.fda.gov.

See **SUPPLEMENTARY INFORMATION** for electronic access addresses.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this announcement for a public meeting on safety issues associated with dietary supplement use during pregnancy apply to me?

This announcement is directed to the general public. It may, however, be of particular interest to individuals or organizations concerned with public health, pregnancy, or dietary supplements. Specific groups that may want to attend include: Consumers; public health professionals, including obstetricians, gynecologists, neonatologists, pediatricians, and pediatric and obstetric nurses; dietary supplement producers, processors, distributors, and retailers; academia; and State, Tribal, and local public health agencies. Other entities or individuals may also be interested in attending.

B. Where will this meeting be held?

This meeting will be held in the Crystal Ballroom at the Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

C. When will this meeting be held?

This meeting will be held on March 30, 2000, from 9 a.m. to 5 p.m.

D. How can I participate?

1. In person. Anyone interested in dietary supplement use during pregnancy is encouraged to attend the public meeting. Persons who wish to speak during the public meeting must file an electronic, written, or facsimile notice of participation with Rose Cunningham by March 17, 2000. To ensure timely handling, the outer envelope or facsimile cover sheet should be clearly marked with Docket No. 00N–0506. Groups should submit two copies. The notice of participation should contain the speaker's name, address, telephone number, FAX

number, title, business affiliation, if any, a brief summary of the presentation, and approximate amount of time requested for the presentation. The notice of participation form is available on the Internet and can be e-mailed to sfp15reg@cder.fda.gov or printed and faxed to 301–594–5493.

Individuals and organizations with common interests are encouraged to consolidate or coordinate their presentations and to request time for a joint presentation. FDA may require joint presentations by persons with common interests. Participants may request a specific amount of time for their presentation. After registration has closed, FDA will inform participants of the amount of time available for their presentation.

Persons requiring a sign language interpreter or other special accommodations should notify Rose Cunningham at 301–594–5468 by March 21, 2000.

2. In writing. FDA has established a public docket for comments. Comments should be submitted by April 24, 2000. It is important that comments submitted to the docket are identified with Docket No. 00N–0506. Submit written comments to DMB (address above).

E. Is there a registration fee for this meeting?

There is no registration fee for this meeting.

F. How can I get additional information, including copies of this document or other related documents?

1. Electronically. You may obtain electronic copies of this document and other related documents on the Internet at http://www.fda.gov/ohrms/dockets/default.htm. The notice of participation form, information about the meeting, and other related documents are available at http://www.fda.gov/cder/calendar/meeting/pregsup2000/default.htm. Additional information regarding dietary supplements is available at http://vm.cfsan.fda.gov/dms/supplmnt.html.

2. By phone. If you have any questions about the public meeting, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

G. Can I get a transcript of this meeting?

A transcript of the public meeting will be available from DMB (address above), approximately 15 business days after the meeting at a cost of 10 cents per page. The transcript of the public meeting will also be available for public examination at the office above between the hours of 9 a.m. and 4 p.m., Monday through Friday.

II. Background Information

A. Why is FDA holding this meeting?

FDA is holding this meeting in response to comments it received after publishing a final rule regarding claims that may be made for dietary supplements concerning the effect of the product on the structure or function of the body (65 FR 1000, January 6, 2000).

In that final rule, FDA announced that it would not treat as diseases common conditions associated with natural states or processes that do not cause significant or permanent harm and that claims about beneficial effects on such conditions would not be treated as disease claims. In the preamble to the final rule, FDA noted that pregnancy is associated with common and mild conditions such as morning sickness and leg edema that cause no permanent harm if left untreated, as well as with such serious conditions as hyperemesis gravidarum, toxemia of pregnancy, and acute psychosis of pregnancy, which can be life-threatening if not effectively treated. FDA stated that claims about common, mild conditions related to pregnancy such as morning sickness and leg edema would be considered structure/function claims. FDA also noted that claims to treat some conditions related to pregnancy would remain disease claims that could not be made without prior review, for example, toxemia of pregnancy, hyperemesis gravidarum, and acute psychosis of pregnancy.

After FDA published the final rule, it received additional comments raising safety concerns about dietary supplement use during pregnancy. As a result, on February 9, 2000, FDA issued a statement concerning the structure/function rule and pregnancy claims. That statement said:

> To ensure that careful consideration is given to concerns recently raised regarding how the structure/function rule relates to pregnancy, FDA today is advising dietary supplement manufacturers not to make any claims related to pregnancy on their products based on the agency's recently issued structure/function rule. FDA will issue a **Federal Register** Notice shortly describing these concerns in more detail, stating the agency's intention to fully review these concerns, hold a public meeting related to potential pregnancy related safety concerns, and then issue further guidance. FDA urges all pregnant women to consult their health care provider before taking any dietary supplements or medications.

FDA is issuing this **Federal Register** notice in accordance with that statement.

B. What concerns have been raised to FDA in recent letters?

FDA has received three letters from medical doctors, one letter from a law professor, and one letter from a citizen's group. Several newspapers have also run articles regarding the marketing of dietary supplements to pregnant women. All the incoming letters indicate opposition to classifying ''ordinary morning sickness'' and ''leg edema associated with pregnancy'' as non-diseases and express concern that use of dietary supplements during pregnancy may adversely affect the fetus. They strongly urge revising the rule so it does not allow these claims to be made in the absence of evidence of fetal safety. Several letters argue that FDA should treat as disease claims all conditions associated with pregnancy. In addition, similar safety concerns were raised about the safety of dietary supplement use in other vulnerable populations such as infants, who may be exposed thru nursing and children.

C. On what issues does FDA seek comment?

The Dietary Supplement Health and Education Act (DSHEA) allows manufacturers of dietary supplements to claim effects on the ''structure or function'' of the body, but not to make claims to mitigate, treat, prevent, cure, or diagnose disease (21 U.S.C. 343(r)(6)). The structure/function rule focuses on the distinction between disease claims, which require evidence of safety and efficacy to be presented to the agency before marketing, and structure/function claims. In contrast, the comments received by the agency focus primarily on the safety issues that may result from the use of dietary supplements during pregnancy. The purpose of this meeting is to obtain public comment on safety concerns that have been raised regarding structure/function claims for dietary supplements used during pregnancy. Although FDA welcomes comments on all of the issues discussed in the letters mentioned previously and on all aspects of dietary supplement use during pregnancy, FDA specifically seeks comment on the following points.

1. What are the potential hazards that may be associated with use of dietary supplements for conditions associated with pregnancy, both to the pregnant woman and the fetus? Should these hazards be considered to be different than hazards to other potential users of dietary supplements? If so, why and on what basis under DSHEA?

2. Are there certain conditions associated with pregnancy (in addition to those already identified in the final

rule) for which structure/function claims should not be permitted? If so, why and on what basis?

3. What is the potential for harm that may be associated with the use of dietary supplements during pregnancy for conditions unrelated to pregnancy?

4. Are there means to address safety concerns associated with dietary supplement use during pregnancy, for example, a requirement to conduct animal studies or collect human safety information?

5. Should dietary supplements with a specific recommended use during pregnancy be required to bear specific warnings about use during pregnancy? Should all dietary supplements be required to bear such warnings?

FDA will post any additional questions to be addressed on the Internet at http://www.fda.gov/cder/calendar/meeting/pregsup2000/default.htm.

Dated: February 16, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–4276 Filed 2–18–00; 10:05 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC66

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Update of International Organization for Standardization Documents Incorporated by Reference

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: The MMS is proposing to remove API Specification 14A and replace it with a new document incorporated by reference in regulations governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS). The addition of this document incorporated by reference will ensure that lessees use the best available and safest technologies while operating in the OCS. The proposed new document has been issued by the International Organization for Standardization (ISO) and is an international standard titled: ''Petroleum and natural gas industries—Downhole equipment—Subsurface safety valve equipment'' (ISO 10432:1999, otherwise known as API/ISO 10432:1999).

DATES: We will consider all comments we receive by May 24, 2000. We will begin reviewing comments then and may not fully consider comments we receive after May 24, 2000.

ADDRESSES: Mail or hand-carry comments (three copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team. The Rules Processing Team' e-mail address is: rules.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: Fred Gray, Operations Analysis Branch, at (703) 787–1027.

SUPPLEMENTARY INFORMATION: We use standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry for establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows us to incorporate the provisions of technical standards into the regulations without increasing the volume of the Code of Federal Regulations (CFR). The legal effect of incorporation by reference is that the material is treated as if it was published in the **Federal Register**. This material, like any other properly issued regulation, then has the force and effect of law. We hold operators/lessees accountable for complying with the documents incorporated by reference in our regulations. We currently incorporate by reference 85 private sector consensus standards into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how we and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. Agencies must also gain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the specific edition or specific edition and supplement or addendum cited in the regulations.

ISO is a worldwide federation of national standards bodies (ISO member bodies). Founded in the mid 1940s, ISO is a non-profit agency based in Geneva, Switzerland, whose purpose is to promote the development of international standards and related activities to facilitate the global exchange of goods and services. The American National Standards Institute (ANSI) is the official United States member body to ISO.

The work of preparing international standards is normally carried out through an ISO technical committee (TC). Each member body interested in a subject for which a TC has been established has the right to be represented on that committee. ANSI relies on various United States trade and industry associations, such as the American Petroleum Institute (API), for support on industry specific standards. This standard was developed by ISO/TC 67, ''Materials, equipment and offshore structures for petroleum and natural gas industries.'' API has been appointed by ANSI to administer the U.S. ISO/TC 67 delegation, known as the U.S. Technical Advisory Group (U.S.TAG). MMS has been an active participant in the U.S. TAG since August 1998.

This second edition of the international standard cancels and replaces the first edition (ISO 10432:1993) and includes the changes in the similar API standard, API Specification 14A, Ninth edition, 1994, and its supplement dated December 15, 1997. ISO 10432:1999 was released as a Final Draft International Standard (FDIS) on June 3, 1999. Voting to advance the FDIS to a full international standard occurred on August 3, 1999, and the standard was published as an international standard in November 1999.

This standard was formulated to provide the minimum acceptable requirements for subsurface safety valve (SSSV) equipment—the SSSV is a downhole safety device used to shut off flow of hydrocarbons in the event of an emergency. MMS views this important piece of equipment as the last line of defense in securing the well and/or preventing pollution of the environment. The standard covers SSSVs, safety valve locks, safety valve landing nipples, and all components that establish tolerances and/or clearances that may affect performance or interchangeability of the SSSV equipment.

We have reviewed this document and have determined that the new edition should be incorporated into the regulations to ensure the use of the best and safest technologies. We currently incorporate by reference the ninth edition (July 1994) of API Specification 14A, without Supplement 1. Until now we have not included API Specification 14A, Supplement 1, in the documents incorporated by reference in our regulations. API Specification 14A, Supplement 1, includes editorial corrections, changes, and revisions approved by the API Subcommittee on Valves and Wellhead Equipment. The revisions strengthened guidelines for

equipment changes that affect requalification testing, added new definitions to clarify the revised design change language, and deleted a 3-year requalification testing requirement for SSSVs.

MMS has been analyzing the potential impacts of deleting the 3-year requalification testing requirement for SSSVs and specifically requests public comment on this issue. MMS has been involved in a series of meetings and discussions with oil and gas operating companies, representatives of oil and gas associations, equipment manufacturers, quality assurance auditors, independent third-party testing and research facilities, and MMS offshore inspectors to consider the relative merits of the 3-year requalification testing requirement. Our data gathering indicates that manufacturers of SSSVs perform functional testing of each valve manufactured and each valve must pass all test criteria before shipment to a purchaser. Functionally testing every valve produces volumes of data and is a good indicator of product conformity, design efficiency, quality procedures, and safety effectiveness. The requalification testing process, conducted on a single valve once every 3 years, provides significantly less data and does not address safety considerations in each manufactured valve.

It is anticipated that API will adopt ISO 10432:1999 as the API/ISO standard. Since maintaining one standard is more resource efficient than maintaining two in parallel, it is also anticipated that all future revisions to the SSSV standard will be made to API/ISO 10432:1999. MMS sees value in developing international standards and is supportive of harmonization of technical standards worldwide where practical. If MMS issues a final rulemaking to incorporate by reference ISO 10432:1999 (API/ISO 10432:1999) into our regulations, we will simultaneously remove API Specification 14A from the documents we incorporate by reference.

Comments are sought on the suitability of including the international standard among the documents incorporated by reference in our regulations.

Procedural Matters

This is a very simple rule to add one additional document incorporated by reference. The addition of the new document, ISO 10432:1999 (API/ISO 10432:1999), will not have a significant effect on any entity (small or large). One entity which serves as a third party independent testing facility for initial design verification testing and subsequent 3-year requalification design testing will be affected. Therefore, this regulation's impact on the entire industry is minor.

Public Comment Procedure

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments because it concerns the manufacturing requirements for specific equipment used in offshore oil and gas wells. The rule only affects manufacturers and users of such equipment. This rule does not impose costs on States or localities, as it only affects manufacturers and users of specific equipment used in offshore oil and gas wells.

Takings Implication Assessment (Executive Order 12630)

According to Executive Order 12630, this rule does not have significant Takings Implications.

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

The rule would have no significant economic impact because the document does not contain any significant revisions that will cause lessees or operators to change their business practices. The document will not require the retrofitting of any facilities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

Civil Justice Reform (Executive Order 12988)

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Paperwork Reduction Act of 1995

There are no information collection requirements associated with this rule.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In general, the entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to safely conduct such activities. Incorporating the new document into MMS regulations would allow SSSVs with design verification approval to be manufactured and placed into service without the need for requalification testing every 3 years. Thus, incorporating the new document will not impose new cost on the offshore oil and gas industry but rather the new document will reduce the costs to the offshore oil and gas industry by decreasing the costs of the newly manufactured SSSVs, in that manufacturers of SSSVs will not incur the costs of requalification testing every 3-years. The Department also determined that the indirect effects of this rule on small entities that provide

support for offshore activities are small (in effect zero).

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more. The proposed rule will not cause any significant costs to lessees or operators. The only costs will be the purchase of the new document and revisions to some operating procedures. The revisions to operating procedures will actually result in significant costs savings, in that manufacturers of SSSVs will not incur the costs of requalification testing every 3-years.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, and tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: February 8, 2000.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the MMS proposes to amend 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331, *et seq.*

2. In § 250.198, in the table in paragraph (e), the entry for ''API Spec 14A'' is removed and a new entry is added in alphanumerical order to read as follows:

§ 250.198 Documents incorporated by reference.

* * * * *

(e) * * *

Title of documents	Incorporated by reference at
* * * * * * *	
ISO/FIS 10432 (1999), Petroleum and natural gas industries—Downhole equipment—Subsurface safety valve equipment ...	§ 250.806(a)(3).
* * * * * * *	

3. In § 250.806, the last sentence in paragraph (a)(3) is revised to read as follows:

§ 250.806 Safety and pollution prevention equipment quality assurance requirements.

(a) * * *

(3)* * * All SSSVs must meet the technical specifications of ISO/FIS 10432 (1999) (API/ISO 10432:1999).

* * * * *

[FR Doc. 00–4292 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 165

[OPP–190001C; FRL–6495–4]

RIN 2070–AB95

Standards for Pesticide Containers and Containment; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: On October 21, 1999 (64 FR 56918), EPA reopened the comment period on the proposed rule ''Standards for Pesticide Containers and Containment'' (59 FR 6712, February 11, 1994) to obtain comment on four specific issues. On December 21, 1999, EPA published a notice in the **Federal Register** to extend the comment period by 60 days until February 19, 2000. EPA is now reopening the comment period for an additional 30 days until March 20, 2000. The October 21, 1999 notice solicited comments on potential changes that would reduce the scope of the container standards, add an exemption for certain antimicrobial pesticides, and adopt some of the Department of Transportation (DOT) hazardous materials regulations. That notice also requested comments on the definition for small business used to identify small pesticide formulators, agrichemical dealers and commercial pesticide applicators in the small entity impact analysis. These potential changes, if adopted in the final rule, would support EPA's goal of pollution prevention by promoting the use of refillable containers and would harmonize and promote consistency within the Federal packaging standards by adopting the DOT standards. In addition, the changes would decrease

the estimated economic impact by reducing the number of pesticide products subject to the container requirements compared to the original proposal.

DATES: Comments, identified by the docket control number OPP–190001C, must be received on or before March 20, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–190001C in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Nancy Fitz, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–7385; fax number: (703) 308–3259; e-mail address: fitz.nancy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are a pesticide formulator, agrichemical dealer, or an independent commercial applicator. However, the issues addressed in this action apply mainly to pesticide formulators. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	SIC	Examples of Potentially Affected Entities
Pesticide formulators	32532	2879	Establishments that formulate and prepare insecticides, fungicides, herbicides, or other pesticides from technical chemicals or concentrates produced by pesticide manufacturing establishments. Some formulating establishments are owned by the large basic pesticide producers and others are independent.
Agrichemical dealers	44422	5191	Retail dealers that distribute or sell pesticides to agricultural users.
Independent commercial applicators	115112	0721	Businesses that apply pesticides for compensation (by aerial and/or ground application) and that are not affiliated with agrichemical dealers.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed above could also be affected. The Standard Industrial Classification (SIC) codes and the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in Unit VII of the proposed rule published in the **Federal Register** of October 21, 1999 (64 FR 56918) and in §§ 165.100, 165.120, 165.122, 165.140, 165.141, and 165.142 of the original proposed rule (59 FR 6712, February 11, 1994). If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. How can I get additional information, including copies of this document and other related documents?

1. *Electronically.* You may obtain electronic copies of this document and various support documents from the EPA internet Home Page at *http://www.epa.gov/*. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The EPA has established an official record for this action under docket control number OPP–190001C. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. A public version of this record, including printed, paper versions of any electronic comments submitted during the comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is 703–305–5805.

C. How and to whom do I submit comments?

As described in Unit I. of the proposed rule published in the **Federal Register** of October 21, 1999 (64 FR 56918) (FRL–5776–3), you may submit your comments through the mail, in person, or electronically. Please follow the instructions that are provided in the proposed rule. Do not submit any information electronically that you consider to be CBI. To ensure proper receipt by EPA, be sure to identify docket control number OPP–190001C in the subject line on the first page of your response.

D. How should I handle CBI information that I want to submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

E. What should I consider as I prepare my comments for EPA?

We invite you to provide your views on the various options we discuss in this document, new approaches we haven't considered, the potential impacts of the various options (including possible unintended

consequences), and any data or information that you would like the Agency to consider during the development of the final action. You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you use.
- Provide solid technical information and/or data to support your views.
- If you estimate potential burden or costs, explain how you arrive at the estimate.
- Tell us what you support, as well as what you disagree with.
- Provide specific examples to illustrate your concerns.
- Offer alternative ways to improve the rule.
- Make sure to submit your comments by the deadline in this notice.
- To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What action is EPA taking?

EPA is reopening the comment period for 30 days in response to two requests for additional time to prepare comments. On October 21, 1999 (64 FR 56918) (FRL–5776–3), EPA reopened the comment period on the rule ''Standards for Pesticide Containers and Containment'' to obtain comment on four specific issues. The October 21, 1999 **Federal Register** notice solicited comments on four aspects of the original 1994 proposed rule that proposed container design and residue removal requirements for refillable and nonrefillable pesticide containers and standards for pesticide containment structures. (59 FR 6712, February 11, 1994) (FRL–4168–9). Because of the lengthy time period between the original proposal in 1994 and the October 21, 1999 notice to reopen the comment period, EPA believes that granting an additional 30 days is warranted.

B. What is the agency's authority for taking this action?

EPA proposed the standards for pesticide containers and containment based on the authority in section 19 of the Federal Insecticide, Fungicide, and Rodenticide Act.

III. Do Any Regulatory Assessment Requirements Apply to This Action?

No. This action is not a rulemaking, it merely extends the date by which public comments must be submitted to EPA on a proposed rule that previously published in the **Federal Register** of October 21, 1999 (64 FR 56918). For information about the applicability of the regulatory assessment requirements to that proposed rule, which published in the **Federal Register**, please refer to the discussion in Unit X of that document.

List of Subjects in 40 CFR Part 165

Environmental protection, Antimicrobial pesticides, Packaging and containers, Pesticides and pests.

Dated: February 19, 2000.

Susan H. Wayland,

Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–4415 Filed 2–18–00; 5:01 pm]

BILLING CODE 6560–50–F

Notices

Federal Register

Vol. 65, No. 37

Thursday, February 24, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Risk Management Agency

RIN 0563–AB77

Dairy Options Pilot Program

AGENCY: Risk Management Agency, USDA.

ACTION: Notice of availability.

SUMMARY: This notice supersedes the Notice of Availability published on November 6, 1998 (63FR 59930–59936), which announced the availability of a new Dairy Options Pilot Program (DOPP) to be administered by the Risk Management Agency (RMA) in conjunction with the private sector. This notice extends the program to new states and counties and changes several of its provisions to enhance the educational benefits of the program to producers. The objective of DOPP is to ascertain whether put options can provide dairy producers with an effective risk management tool by providing reasonable protection from volatile dairy prices.

EFFECTIVE DATE: February 23, 2000.

FOR FURTHER INFORMATION CONTACT: For further information contact Craig Witt, Director, Risk Management Education Division, Risk Management Agency, United States Department of Agriculture, 1400 Independence Avenue, S.W., Stop 0805, Room 6749–S, Washington, DC 20250–0805.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined this notice to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by OMB.

Civil Rights Impact Analysis

RMA does not collect civil rights data on the farmers/ranchers who participate in the programs, therefore, we cannot determine if this pilot program will negatively or disproportionately affect minorities, women or persons with disabilities who are program beneficiaries or applicants for program benefits in RMA assisted programs. If DOPP becomes a permanent program, a proposed and final rule with a complete civil rights impact analysis will be submitted. For specific information on the Civil Rights Impact Analysis, contact William Buchanan, Director, USDA/RMA, Office of Civil Rights, Room 3059, South Building, Washington, D.C. 20250–0801, telephone (202) 690–6068, e-mail address—William.Buchanan@wdc.usda.gov.

Cost-Benefit Analysis

The program is designed to increase the level of understanding of options contracts as risk management tools among dairy producers and to explore their specific applicability to the dairy industry. The costs to the Government of option premiums under the program are estimated to be about $10 million annually. If successful, the program will help create liquid markets in basic formula price (BFP) futures and options contracts which would be sustained, in part, by the on-going hedging of output price risk by dairy producers who have benefitted from the educational aspects of the program. Under that scenario, the benefits of the program would include furnishing producers with a viable price risk management alternative, exerting a stabilizing influence on the dairy industry, and contributing to the Department's goal of supporting market oriented reforms in the agricultural sector.

Paperwork Reduction Act of 1995

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S. C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this notice of availability have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0563–0058 to the information collection and recordkeeping requirements. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for RMA, Washington, DC 20503. Please state that your comments refer to the Dairy Options Pilot Program (DOPP), Round 2.

The paperwork associated with the Dairy Options Pilot Program will include information to be used by RMA in: (a) establishing producer eligibility by requiring their certification and documentation of the minimum level of milk production; (b) verifying compliance of participating producers and brokers, and (c) evaluating the effectiveness of dairy put options as a risk management tool for dairy farmers. In addition, the response to voluntary surveys will allow RMA to obtain the participants' perspective on the program, and valuable information from producers who attended information presentations but elected not to participate as to why the program did not fit their needs. We are soliciting comments from the public (as well as affected agencies) concerning the program's information collection and recordkeeping requirements. We need this outside input to help us accomplish the following:

(1) Evaluate whether the collection of information is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission responses).

Estimate of burden: 31,701 hours.

Respondents: 6,150.

Estimated number of responses: 42,825.

Estimated number of responses per respondent: 1.1.

Estimated total annual burden on respondents: $285,607.76.

Copies of this information collection can be obtained from: Information Collection Clearance Officer, OCIO, USDA, Stop 7602, 1400 Independence Avenue SW, Washington, DC 20250.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This notice contains no Federal mandates (under the regulatory provisions of title II of UMRA) for State, local, and tribal governments or the private sector. Therefore, this notice is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the states. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This notice will not have a significant impact on a substantial number of small entities. The provisions included in this notice will not impact small entities to a greater extent than large entities. The amount of work required of brokers will only increase slightly because the information to determine the eligibility of producers and trading activities is already collected by brokers specializing in hedge positions and the only additional burden is the electronic transmittal of this information. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This notice has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this notice will not have a retroactive effect. The provisions of this notice will not preempt State and local laws. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action for judicial review of any determination made by RMA may be brought.

Environmental Evaluation

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

Section 191 of the Federal Agriculture Improvement and Reform Act of 1996 authorizes the Secretary of Agriculture (Secretary) to conduct a pilot program for one or more agricultural commodities to determine the feasibility of the use of futures and options as risk management tools to protect producers from fluctuations in price, yield and income. Accordingly, the Secretary directed RMA to develop DOPP.

The purpose of this notice is to announce the availability of DOPP in new States and counties and provide the new terms and conditions of the program.

DOPP is intended to offer an educational experience to dairy producers whose need for risk management tools has risen sharply as a result of unprecedented price volatility, the elimination of price supports, and the current unavailability of production insurance.

The program represents a joint initiative between RMA and the private sector. DOPP procedures were first proposed to RMA by the Coffee, Sugar & Cocoa Exchange (CSCE), now the New York Board of Trade (NYBOT). During the development of this program, the Chicago Mercantile Exchange (CME) provided additional recommendations. If successful, the educational benefits of DOPP will prepare producers to manage their price risk independently through the milk futures and options markets.

In the November 6, 1998, Notice of Availability (63 FR 59930–59936), DOPP was offered in 42 counties. However, DOPP did not operate in Orleans County of Vermont; and Commanche, Erath, and Van Zandt counties of Texas because no producer in those counties elected to participate by purchasing put options. DOPP will no longer be available in any of the 42 counties included in the notice of November 6, 1998.

The program will be available in the following States and counties: Maricopa County, Arizona; Marin and Sonoma counties, California; Weld County, Colorado; Gilchrist and Okeechobee counties, Florida; Morgan and Putnam counties, Georgia; Gooding, Jerome, and Twin Falls counties, Idaho; Clinton and Washington counties, Illinois; Elkhart and Marshall counties, Indiana; Clayton, Dubuque, and Winneshiek counties, Iowa; Nemaha County, Kansas; Adair and Barren counties, Kentucky; Carroll and Frederick counties, Maryland; Franklin County, Massachusetts; Allegan, Clinton, and Sanilac counties, Michigan; Fillmore and Wabasha counties, Minnesota; Webster and Wright counties, Missouri; Gage County, Nebraska; Chaves, Lea, and Roosevelt counties, New Mexico; Madison and Wyoming counties, New York; Iredell County, North Carolina; Ashtabula, Mercer, and Wayne counties, Ohio; Adair and Mayes counties, Oklahoma; Marion and Washington counties, Oregon; Lebanon and Tioga counties, Pennsylvania; Deuel and Grant counties, South Dakota; McMinn County, Tennessee; Archer County, Texas; Cache and Utah counties, Utah; Washington County, Vermont; Franklin and Rockingham counties, Virginia; Skagit, Snohomish, and Whatcom counties, Washington; Barron and Shawano counties, Wisconsin. At the discretion of the Secretary, States and counties are subject to change throughout the duration of this pilot program.

The participation limit per county is set at 100 producers, subject to adjustments as described below. Counties with a higher number of participants signing-up will have participants selected through a lottery. When a county has fewer than the maximum number of participants, the excess program vacancies will be pooled and distributed among counties where more than the maximum number has signed up. Producers wishing to participate in the program must fill out and sign an application (Form CCC–320) and a release of information from their broker to RMA (CCC–321).

The program will last a maximum of 12 months for each participating producer , commencing at the date of training through the close-out of DOPP options positions. After registration and training, producers will have up to 4 months to purchase DOPP options and all DOPP options must expire within 12 months from the month the producer attends the training session. Producers

are required to buy ''put options'' at least two months in the future in order to allow time for the educational benefits of the program to be realized. For the same reason, producers will be required to hold their options until the four week period immediately prior to the expiration date.

In order to introduce the new trading volume onto the markets slowly, each round of participants will commence trading at different times by state. The two exchanges where the BFP futures and put options are currently available are NYBOT and CME. The contracts on the two exchanges differ with regard to quantity. Under the program, a participating producer will be permitted to purchase contracts to hedge between 100,000 and 600,000 pounds of milk over a period extending from a minimum of 2 months to a maximum of 12 months following the date the producer attends DOPP training. Producers will be required to submit documentation supporting their farm's production of at least 100,000 pounds of milk over a six-month period.

On November 6, 1998, RMA published a Notice of Availability in the **Federal Register** at 63 FR 215 in which DOPP was offered as a pilot in selected counties in the states of California, Minnesota, New York, Pennsylvania, Texas, Wisconsin, and Vermont. A total of 428 dairy producers from 38 counties participated in the program by buying a total of 1,701 put options.

An assessment of the first round of the program revealed that some changes were warranted. In addition to minor reformatting and word changes for clarity, RMA has made the following changes to DOPP:

1. In section 1 of the producer contract and section 1 of the broker contract, RMA added a definition for ''abandonment'' to recognize this alternative which is available to a buyer of an option for resolving contractual rights and obligations associated with an option that will expire worthless; added a definition for ''contract month'' and deleted the definition for ''strike month'' to conform to the more common terminology used by brokers and hedgers; changed the definition of ''futures contract'' to avoid confusion regarding contract markets, wherein obligations of performance are created, and cash commodity markets, wherein the actual commodity is transferred; added a definition for ''NYBOT'' (the New York Board of Trade) and changed the definition of the ''CSCE'' to reflect the name change by that futures exchange (also, all references to the CSCE were changed to the NYBOT in both the producer and broker contracts); changed the definition of ''expiration date'' to reflect the possibility of selling before expiration; changed the definition for ''premium'' to eliminate possible confusion between the value of the option and strike price for an option; changed the definition of ''round turn'' to reflect the alternative of abandonment as a method of liquidating a put position and also to clarify RMA's responsibilities in the event a put buyer under DOPP wishes to exercise a put; and changed the definition of ''sale'' to avoid confusion between option contract markets, wherein obligations of performance are created, and asset markets, wherein titles of property are transferred.

2. In section 3(a)(1) of the producer contract and section 3(a)(1) of the broker contract, the time in which producer has to buy options in the program was changed from 2 to 4 months from the date the producer attends the training and information session. In the first round of the program, many participants indicated that 2 months did not provide sufficient time to observe the market and to implement a sound buying strategy.

3. In section 3(a)(1) of the producer contract, a phrase was added that allows producers to not fulfill their obligation to buy put options in the program if market conditions fail to provide price protection that exceeds production costs. This provision was added to ensure that producers will not be required to buy puts during periods when that strategy may not be in the producer's economic interest.

4. In section 3(a)(8) of the producer contract and section 3(a)(7) of the broker contract, the requirement that all options purchased in the program will expire no more than 6 months after the month of purchase was changed to 12 months from the month the producer attended the DOPP training session. Some participants in the first round of the program indicated that the 6 month forward limitation prevented producers from considering more favorable opportunities in contract months more than 6 months forward.

5. Section 3(a)(9) was added to the producer contract to ensure that producers are aware of their financial responsibility for any losses and brokerage commissions if they choose to exercise any put options before expiration.

6. In section 3(c) of the producer contract, the deadline for submitting a properly completed and executed application was changed from within 14 days after receiving notification and application materials from RMA through the mail to within 14 calendar days after attending a DOPP training session. An application postmarked within the deadline will be considered valid. Participants in the first round of the program indicated that requiring producers to execute the application before having the opportunity to learn about the program in the training session discouraged many prospective participants.

7. In section 6(d) of the producer contract and 5(b) of the broker contract, the description of possible program changes was revised to reflect current information regarding Federal Milk Marketing Order reform.

8. In section 3(b)(3) of the broker contract, the requirement to report the strike price, contract type, and exchange was added. This change was made to reflect that this additional information is needed to assess the program and that this information was collected during the first round of the program.

9. Section 4(d) of the broker contract was added. This change makes the financial responsibilities of the producer for futures transactions explicit, in the event a put option is exercised.

Notice: The terms and provisions for the DOPP Producer Contract are as follows: United States Department of Agriculture, Risk Management Agency, Dairy Options Pilot Program Contract.

Participation in the Dairy Options Pilot Program is voluntary. Neither the United States, the Commodity Credit Corporation, the Federal Crop Insurance Corporation, the Risk Management Agency, the Department of Agriculture, nor any other Federal agency is authorized to guarantee that participants in this pilot program will be better or worse off financially as a result of participation in the pilot program than the producer would have been if the producer had not participated in the pilot program.

1. Definitions

Abandonment. The surrender of the right possessed by an option buyer, an alternative available to an option buyer whose option is to expire worthless.

Application. Form CCC–320 that is required to be completed and signed by the producer before the producer is eligible to participate in this program.

Basic formula price (BFP). The price established by USDA, and provided to the USDA marketing order administrators to be used to set regional minimum prices.

Broker. A broker or brokerage firm registered under the Commodities Exchange Act that has entered into an agreement with RMA to participate in the program.

Contract Month. A month designated in an eligible market for which futures and options contracts are quoted for trading.

CME. Chicago Mercantile Exchange.

CSCE. Coffee, Sugar, and Cocoa Exchange (now known as the NYBOT).

DOPP. Dairy Options Pilot Program.

Eligible markets. Commodity futures and options markets designated as contract markets under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*).

Exercise. The action taken by the holders of a put option on a futures contract if they wish to sell the underlying futures contract.

Expiration Date. The last date on which a put option may be exercised or sold.

Futures contract. A standardized contract to make or take delivery of a commodity traded on an eligible market at some point in the future.

Hedge. To take compensatory measures to counter a possible loss.

NYBOT. The New York Board of Trade (formerly known as the CSCE).

Open outcry. Method of public auction required to make bids and offers in the trading pits, or rings, of commodity exchanges.

Out-of-the-money. Put option with a strike price that is less than the underlying futures contract price.

Premium. The value of a put option determined by open outcry. The premium does not include related brokerage commission fees.

Producer. An individual, entity, or joint operation, which as owner, operator, landlord, tenant, or sharecropper, is entitled to share in the production available for marketing from the farm, or share in the proceeds thereof.

Program. The Dairy Options Pilot Program.

Put Option. A contract traded on eligible markets that gives the buyer the right, but not the obligation, to sell the underlying futures contract at the strike price on or before the expiration date.

RMA. Risk Management Agency, an agency of the United States Department of Agriculture.

Round turn. The broker's service in transacting a single put option consisting of consultation services and the purchase and liquidation (sale, exercise, or abandonment) of a put option.

Sale. An alternative available to the purchaser of an option by which the option is liquidated through an offer in an eligible market.

Secretary. The Secretary of Agriculture.

Settlement price. The price established at the end of each day's trading for a specific put option as published by the exchange on which that contract trades.

Strike price. The price at which the holder of a put option has the right, but not the obligation, to sell the underlying futures contract.

USDA. The United States Department of Agriculture.

2. Eligibility

(a) To be eligible for any benefits under this contract, a producer must:

(1) Be eligible for a production flexibility contract, a loan deficiency payment, a non-recourse marketing assistance loan or any other assistance under title I of the Federal Agriculture Improvement and Reform Act of 1996;

(2) Operate a dairy farm located in a county selected for the pilot program;

(3) Have documented production history of at least 100,000 pounds of milk production over any consecutive six month period during the most recent 12 months; and

(4) Execute this contract and comply with its terms and conditions.

(b) This program is available to milk producers in states and counties designated.

3. Responsibilities

(a) Producers who elect to participate in the program agree:

(1) To attend not less than one training session conducted by RMA to receive training on the use of put options and the program's operations;

(2) To purchase put options on a minimum of 100,000 pounds of milk on an eligible market, through an eligible broker, within 4 months after the date the producer attends the required training session, unless market conditions fail to provide an opportunity to establish price protection that exceeds production costs;

(3) To purchase put options on no more than 200,000 pounds of milk for any one contract month;

(4) To purchase put options on no more than the producer's total production over the consecutive 6-month period used to establish the producer's eligibility. (For example, if a producer has provided copies of marketing receipts for 245,000 pounds of total milk production for a consecutive 6 month period to meet the eligibility criteria of the program, only 200,000 pounds can be hedged under the program because there are no contracts equal to or less than 45,000 pounds currently available on an eligible market);

(5) To purchase only those put options that expire at least two months after the purchase date (For example, assume the producer wants to hedge September 1999 production with BFP put options. The last date on which the producer shall be able to purchase a September put option under the program would be Tuesday, August 3, because September options expire exactly two months later, on October 4. On August 4, the producer could purchase only October or more distant options;

(6) To purchase only those put options with a strike price that is at least 10 cents out of the money;

(7) That no put option will be sold or exercised before four weeks prior to the expiration date (For example, assume the producer owns September, 1999 put options which expire on October 4, 1999. The producer would not be allowed to sell or exercise September options under the program prior to September 6);

(8) To purchase only those put That all options purchased shall expire during the month that is not more than 6 with contract months less than 12 months after the month of purchase from the month of training (For example, assume a producer is trained on June 7, 1999, and makes all purchases in the months of June and July. The most distant option contract the producer is permitted to buy is the May 2000 contract); and

(9) To assume any losses from the underlying futures contract if the producer chooses to exercise any put option rather sell the option or abandon it.

(b) The producer must open an account with an eligible broker in order to participate in the program and must do so before making any purchases.

(c) The producer must submit to RMA within 14 calendar days after attending a DOPP training session a properly completed and executed application and a copy of the marketing receipts for 6 consecutive months in the previous 12 months showing production in excess of 100,000. An application postmarked within the deadline will be considered valid.

4. Costs

(a) The producer will pay to the broker 20 percent of the premium for each put option purchased.

(b) RMA will pay 80 percent of the premium to the broker on behalf of the producer and will pay transaction costs not to exceed $30 per round turn for each option purchased. The producer is free to deal with brokers who charge more than $30 per round turn, but will be financially responsible for amounts that exceed $30.

(c) The producer is solely responsible for any commission cost associated with futures contracts created when put options are exercised.

5. Restrictions and Limitations

(a) Except as stated herein, total program participation will be limited to 100 producers per county. If more participants are enrolled than the county limit, a lottery will be held by RMA to determine participants within a county. If fewer than 100 participants are enrolled in a county, the number of unfilled participation slots will be pooled and redistributed over counties where enrollment exceeds 100.

(b) A producer will be able to place orders for put options with a broker under DOPP only after the broker has obtained verification from RMA of the producer's selection as a program participant and the date the producer received training. RMA will notify eligible brokers electronically after their selection by a producer.

(c) No producer may participate in the program more than once.

(d) If a producer who has participated in the program is not in compliance with the provisions of this contract, the producer will be required to repay any cost sharing of option premiums and broker fees paid by RMA on behalf of the producer.

(e) The agreement is not effective until the producer executes and returns the forms CCC–320, with supporting documentation of milk marketing, and CCC–321, and the producer receives written notice from RMA that the producer has been accepted into the program.

6. Other

(a) The National Futures Association, on behalf of the Commodity Futures Trading Commission, maintains a current listing of brokers and brokerage firms who are licensed to conduct futures-related business. However, only those brokers who have entered into an agreement with RMA will be eligible to execute orders on behalf of DOPP participants.

(b) To assist in the evaluation of the program, participating producers may be asked to complete entry and exit surveys by RMA. Producers are encouraged to complete these surveys to assess this program's effectiveness.

(c) There may be tax consequences with respect to participation in this program. Producers interested in the program who have questions regarding related tax issues should seek the advice of a competent tax advisor.

(d) Because of likely implementation of Federal Milk Marketing Order reform, the NYBOT or CME could replace existing BFP options contracts with options derived from other milk price indexes. DOPP will permit the trading of put option contracts on a milk price index which replaces the BFP under a new Federal Milk Marketing Order.

Notice: The terms and conditions for the DOPP broker agreement are as follows: United States Department of Agriculture, Risk Management Agency, Broker Agreement for the Dairy Options Pilot Program

1. Definitions

Abandonment. The surrender of the right possessed by an option buyer, an alternative available to an option buyer whose option is to expire worthless.

Application. Form CCC–320 that is required to be completed and signed by the producer before the producer is eligible to participate in this program.

Basic formula price (BFP). The price established by USDA, and provided to the USDA marketing order administrators to be used to set regional minimum prices.

Broker. A broker or brokerage firm registered under the Commodities Exchange Act that has entered into an agreement with RMA to participate in the program.

Contract Month. A month designated in an eligible market for which futures and options contracts are quoted for trading.

CME. Chicago Mercantile Exchange.

CSCE. Coffee, Sugar, and Cocoa Exchange (now known as the NYBOT).

DOPP. Dairy Options Pilot Program.

Eligible markets. Commodity futures and options markets designated as contract markets under the Commodity Exchange Act (7 U.S.C. 1 *et seq*).

Exercise. The action taken by the holders of a put option on a futures contract if they wish to sell the underlying futures contract.

Expiration Date. The last date on which a put option may be exercised or sold.

Futures contract. A standardized contract to make or take delivery of a commodity traded on an eligible market at some point in the future.

Hedge. To take compensatory measures to counter a possible loss.

NYBOT. The New York Board of Trade (formerly known as the CSCE).

Open outcry. Method of public auction required to make bids and offers in the trading pits, or rings, of commodity exchanges.

Out-of-the-money. Put option with a strike price that is less than the underlying futures contract price.

Premium. The value of a put option determined by open outcry. The premium does not include related brokerage commission fees.

Producer. An individual, entity, or joint operation, which as owner, operator, landlord, tenant, or sharecropper, is entitled to share in the production available for marketing from the farm, or share in the proceeds thereof.

Program. The Dairy Options Pilot Program.

Put Option. A contract traded on eligible markets that gives the buyer the right, but not the obligation, to sell the underlying futures contract at the strike price on or before the expiration date.

RMA. Risk Management Agency, an agency of the United States Department of Agriculture.

Round turn. The broker's service in transacting a single put option consisting of consultation services and the purchase and liquidation (sale, exercise, or abandonment) of a put option.

Sale. An alternative available to the purchaser of an option by which the option is liquidated through an offer in an eligible market.

Secretary. The Secretary of Agriculture.

Settlement price. The price established at the end of each day's trading for a specific put option as published by the exchange on which that contract trades.

Strike price. The price at which the holder of a put option has the right, but not the obligation, to sell the underlying futures contract.

USDA. The United States Department of Agriculture

2. Eligibility

(a) To be eligible to execute option orders on behalf of DOPP participants under this agreement, a broker must:

(1) Be properly licensed; and in good standing with the National Futures Association;

(2) Not be suspended or debarred by any U.S. Government Agency;

(3) Attend at least one DOPP training session;

(4) Have the following hardware and software and service in order to operate the DOPP communications software: Internet Service Provider; Internet E-mail address; a Windows 95 PC; Internet Browser, either Microsoft Internet Explorer or Netscape; minimum 28.8 modem; minimum 8 meg RAM. (16 meg recommended); and

(5) Execute this agreement and comply with all its terms and conditions.

3. Responsibilities

(a) Brokers who participate in the program agree to enforce the following

program requirements with respect to any DOPP participant who elects to purchase options and who uses the broker's services:

(1) To buy put options on a minimum of 100,000 pounds of milk on an eligible market, through an eligible broker, within 4 months after the date the producer attends the required training session, unless market conditions fail to provide an opportunity to establish price protection above production costs;

(2) To purchase put options on no more than 200,000 pounds of milk for any one contract month;

(3) To purchase put options on no more than the producer's total production over the consecutive 6-month period used to establish the producer's. (For example, if a producer has provided copies of marketing receipts for 245,000 pounds of total milk production for a consecutive 6 month period to meet the eligibility criteria of the program, only 200,000 pounds can be hedged under the program because there are no contracts equal to or less than 45,000 pounds currently available on an eligible market);

(4) To only those put options that expire at least two months after the purchase date (For example, assume the producer wants to hedge September 1999 production with BFP put options. The last date on which the producer shall be able to purchase a September put option under the program would be Tuesday, August 3, because September options expire exactly two months later, on October 4. On August, the producer could purchase only October or more distant options;

(5) To purchase only those put options with a strike price that is at least 10 cents out of the money;

(6) That no put option will be sold or exercised before four weeks prior to the expiration date. (For example, assume the producer owns September, 1999 put options which expire on October 4, 1999. The producer would not be allowed to sell or exercise September options under the program prior to September 6); and

(7) To purchase only those put options with contract months less than 12 months from the month of training. (For example, assume a producer is trained on June 7, 1999. The most distant option contract the producer is permitted to buy is the May 2000 contract).

(b) The broker must keep detailed records on each transaction and transmit all transaction information to RMA electronically. RMA will provide the broker with communications software for this purpose. Records required to be submitted by the broker to RMA include:

(1) The purchase date, time, premium, strike price, contract type, and exchange for each put option;

(2) The expiration date and contract month for each put option;

(3) Whether the options are sold, exercised, or abandoned, and the date, time, and price of the futures contract transaction, in the event of exercise.

(c) Brokers certify that systems used to transmit data will be year 2000 compliant, i.e. be able to accurately process date and time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the years 1999 and 2000 and leap year calculations, and to properly exchange date and time data with other information technology. Data transmission requirements and year 2000 compliance guidelines are available upon request.

(d) The broker cannot permit a producer to purchase a DOPP option until RMA has electronically notified the broker that the producer has been accepted into the program, the amount of milk for which the producer has provided production records, and the date on which the producer fulfilled the training requirement.

(e) If a broker participating in the program through this agreement is not in compliance with the provisions of this agreement, the broker will be required to repay any broker fees and premiums paid by RMA on options contracts traded by the broker under the program.

4. Costs

(a) Up to $30 per round turn in broker fees will be paid by RMA for each put option purchased on behalf of a producer. Any transactions costs agreed upon between the broker and a producer in excess of $30 will be the sole responsibility of the producer and not of RMA.

(b) The broker will charge the producer's account for 20 percent of the premium of each put option purchased. This 20 percent of the put option premium is the sole responsibility of the producer and not of RMA.

(c) The broker will bill transaction costs not to exceed $30 and the balance of the put option premium, 80 percent, to RMA. RMA will pay these amounts via the automated clearing house (ACH) payments process within three banking days after RMA's acceptance of the transaction. Transactions will be considered accepted after RMA systems verify that the broker and participant have been selected for participation in the program, and that the transaction does not violate the trading limitations of the program itemized in Section 3 above.

(d) The producer is solely responsible for any broker commissions or other costs associated with futures contracts when put options are exercised.

5. Program Changes

(a) The broker acknowledges that, due to the pilot nature of this program, on-going modifications may be necessary. The broker agrees to abide by reasonable changes in the program by RMA.

(d) Because of likely implementation of Federal Milk Marketing Order reform, the NYBOT or CME could replace existing BFP options contracts with options derived from other milk price indexes. DOPP will permit the trading of put option contracts on a milk price index which replaces the BFP under a new Federal Milk Marketing Order.

Signed in Washington, D.C., on February 18, 2000.

Kenneth D. Ackerman,

Administrator, Risk Management Agency.

[FR Doc. 00–4376 Filed 2–23–00; 8:45 am]

BILLING CODE 3410–08–P

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION.

Sunshine Act Notice; BOAC #473891

AGENCY: Barry Goldwater Scholarship and Excellence in Education Foundation.

TIME AND DATE: 2:00 pm, Wednesday, March 15, 2000.

PLACE: U.S. Cannon House Office Building, Washington, DC 20510.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Review and approval of the minutes of the March 24th, 1999 Board of Trustees meeting.

2. Report on financial status of the Foundation fund.

A. Review of investment policy and current portfolio.

3. Report on results of Scholarship Review Panel.

A. Discussion and consideration of scholarship candidates.

B. Selection of Goldwater Scholars.

4. Other Business brought before the Board of Trustees.

CONTACT PERSON FOR MORE INFORMATION: Gerald J. Smith, President, Telephone: (703) 756–6012.

Gerald J. Smith,

President

[FR Doc. 00–4529 Filed 2–22–00; 3:45 pm]

BILLING CODE 4738–91–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822, A–122–823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Final Results of Antidumping Duty Administrative Reviews, and Determination Not To Revoke in Part

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Final Results of the Antidumping Duty Administrative Reviews of Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada and Determination Not to Revoke in Part.

SUMMARY: On August 19, 1999, the Department of Commerce (the Department) published the preliminary results of its administrative reviews of the antidumping duty orders on certain corrosion-resistant carbon steel flat products and certain cut-to-length (CTL) carbon steel plate from Canada. These reviews cover four manufacturers/exporters of corrosion-resistant carbon steel and two manufacturers/exporters of CTL carbon steel plate), and the period August 1, 1997, through July 31, 1998. We gave interested parties an opportunity to comment on our preliminary results. As a result of these comments, we have made certain changes in these final results. These changes are discussed in the section on ''Interested Party Comments'' below.

EFFECTIVE DATE: February 24, 2000.

FOR FURTHER INFORMATION CONTACT: Sarah Ellerman at (202) 482–4106 (Continuous Colour Coat (CCC)); Michael Strollo at (202) 482–5255 (Dofasco, Inc. and Sorevco Inc. (collectively, Dofasco)); Mark Hoadley at (202) 482–0666 (Gerdau MRM Steel (MRM)) and National Steel Co. (National); Elfi Blum at (202) 482–0197 (Stelco Inc. (Stelco)); or Maureen Flannery at (202) 482–3020, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (1998).

Background

On September 29, 1998, we published in the **Federal Register** (63 FR 51893) the notice of initiation of administrative review of the orders on certain CTL carbon steel plate and certain corrosion-resistant carbon steel flat products from Canada for the period August 1, 1997 through July 31, 1998.

On August 19, 1999, we published in the **Federal Register** (64 FR 45228–301) the preliminary results of the administrative reviews of the antidumping duty orders on certain corrosion-resistant carbon steel flat products and certain CTL carbon steel plate from Canada. We gave interested parties an opportunity to comment on our preliminary results. For corrosion-resistant carbon steel, we received written comments from CCC, Dofasco, and Stelco, and from the petitioners (Bethlehem Steel Corporation, U.S. Steel Group (a unit of USX Corporation), Inland Steel Industries, Inc., AK Steel Corporation, LTV Steel Co., Inc. and National); for CTL carbon steel plate, we received comments from Stelco and the petitioners (Bethlehem Steel Corporation, U.S. Steel Group (a unit of USX Corporation), Inland Steel Industries, Inc., Gulf States Steel Inc. of Alabama, Sharon Steel Corporation, Geneva Steel, and Lukens Steel Company). We have now completed these administrative reviews in accordance with section 751(a) of the Act.

Scope of Reviews

The products covered by these administrative reviews constitute two separate ''classes or kinds'' of merchandise: (1) Certain corrosion-resistant carbon steel flat products, and (2) certain CTL carbon steel plate.

The first class or kind, certain corrosion-resistant steel, includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel-or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this review are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this review are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this review are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this review are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio.

The second class or kind, certain CTL carbon steel plate, includes hot-rolled carbon steel universal mill plates (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-

rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included in this review are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been ''worked after rolling'') —for example, products which have been beveled or rounded at the edges. Excluded from this review is grade X–70 plate. Also excluded is CTL carbon steel plate meeting the following criteria: (1) 100% dry steel plates, virgin steel, no scrap content (free of Cobalt-60 and other radioactive nuclides); (2) .290 inches maximum thickness, plus 0.0, minus .030 inches; (3) 48.00 inch wide, plus .05, minus 0.0 inches; (4) 10 foot lengths, plus 0.5, minus 0.0 inches; (5) flatness, plus/minus 0.5 inch over 10 feet; (6) AISI 1006; (7) tension leveled; (8) pickled and oiled; and (9) carbon content, 0.3 to 0.8 (maximum).

With respect to both classes or kinds, the HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive of the scope of these reviews.

Normal Value Comparisons

To determine whether sales of subject merchandise from Canada to the United States were made at less than normal value (NV), we compared the Export Price (EP) or Constructed Export Price (CEP) to the NV, as described in the ''United States Price'' and ''Normal Value'' sections of the preliminary results of review notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transaction prices.

Determination Not to Revoke in Part the Order on CTL Steel Plate

On August 21, 1998, and August 31, 1998, respectively, MRM and Stelco submitted requests, in accordance with section 351.222(b) of the Department's regulations, that the Department revoke the order covering CTL carbon steel plate from Canada with respect to their sales of this merchandise.

In accordance with section 351.222(b)(2)(iii) of the regulations, these requests were accompanied by certifications from MRM and Stelco that they had not sold the subject merchandise at less than NV for a period of three consecutive reviews, which included this review period, and would not do so in the future. The Department conducted verifications of MRM's and Stelco's responses for this period of review. Prior to considering whether it is appropriate to revoke an order pursuant to section 351.222(b)(2) of the regulations, the Department ''must be satisfied that, *during each of the three (or five) years*, there were exports to the United States *in commercial quantities* of the subject merchandise to which a revocation or termination will apply.'' See 19 CFR 351.222(d)(1) (emphasis added). In other words, the Department must be satisfied that the company participated meaningfully in the U.S. market during each of the three years at issue, and that past margins are reflective of a company's normal commercial activity.

On January 15, 1999, Stelco submitted comments supporting its revocation request. On January 19, 1999, petitioners submitted factual information pertaining to Stelco's performance and the data Stelco submitted to the Department in support of its revocation request.

Based on the record, we find that Stelco did not sell merchandise in the United States in commercial quantities during the current (fifth) administrative review period. During the period of review (POR) covered by the fifth administrative review (August 1997 though July 1998), Stelco made only a few sales in the United States. Moreover, Stelco's total sales volume during this POR was only 47 tons of subject merchandise.[1] By contrast, during the period covered by the antidumping investigation, which was only six months long, Stelco made several thousand sales totaling approximately 30,000 tons.[2] In other words, Stelco's sales for the *entire year* covered by the fifth review period were only 0.157 percent of its sales volume during the *six months* covered by the investigation. Similarly, during the fourth POR (covering the period August 1996 through July 1997), Stelco sold approximately 2,000 tons of subject merchandise in the United States. While this amount is small in comparison to the amount sold prior to issuance of the order, it is more than 40 times greater than the amount sold during the period covered by the fifth administrative review. Consequently, although Stelco received a *de minimis* margin in the fifth administrative review, this margin was not based on commercial quantities within the meaning of the revocation regulation. The number of sales and total sales volume is so small, both in absolute terms, and in comparison with the period of investigation and other review periods, that it does not provide any meaningful information on Stelco's normal commercial experience. In light of this fact, we cannot conclude that the antidumping duty is no longer necessary to counteract dumping. Therefore, we find that Stelco does not qualify for revocation from the order on steel plate under section 351.222(b)(1)(i) and (d)(1).

With respect to MRM's request for revocation, we have decided not to revoke the antidumping order with respect to MRM at this time. On May 28, 1998, the Department initiated an anti-circumvention investigation of MRM based upon information that MRM was circumventing the antidumping duty order on cut-to-length plate by adding small amounts of boron to plate products covered by the order. *Cut-To-Length Carbon Steel Plate From Canada; Initiation of Anticircumvention Inquiry on Antidumping Duty Order*, 63 FR 29179 (May 28, 1998). We find that the issue of whether a company is engaged in circumventing an antidumping duty order is relevant to whether that company has satisfied the criteria for revocation under section 351.222 of the Department's regulations. *See Color Television Receivers From the Republic of Korea: Initiation of Changed Circumstances Antidumping Duty Administrative Review and Consideration of Revocation of Order (in Part)*, 61 FR 32426 (June 24, 1996); *see also Samsung Electronics Co., Ltd. v. United States*, 946 F. Supp. 5, 10 (CIT 1996), *aff'd*, 129 F.3d 135 (Fed. Cir. 1997) (''Commerce has initiated both anticircumvention and changed circumstances reviews which will address whether the antidumping duty order should be revoked.''). In light of the information before the Department concerning MRM's alleged circumvention of the order and the

[1] Stelco's response (public version) to Section A of the Department's questionnaire in the current administrative review of CTL carbon steel plate from Canada (Oct. 26, 1998) at Exhibit A–1.

[2] Stelco's response (public version) to Section A of the Department's questionnaire in the antidumping duty investigations of certain flat carbon steel (CTL plate) products from Canada (Sept. 11, 1992) at Exhibit 1.

Department's ongoing anti-circumvention investigation of MRM, we find that MRM has not satisfied the requirements for revocation given that the issue of MRM's alleged circumvention of the order remains unresolved. Although the Court of International Trade has issued an injunction with respect to the Department's anti-circumvention proceeding in *Co-Steel Lasco and Gerdau MRM Steel* v. *United States*, Ct. No. 98–08–02684, we note that the injunction is preliminary and that the Court has not yet finally decided the case on its merits. Because the Department expects to proceed with the anti-circumvention investigation following the litigation in this matter, and because a determination on circumvention is relevant to the determination of revocation, the Department has determined to withhold MRM's revocation pending resolution of the anti-circumvention investigation.

Duty Absorption

On October 28, 1998, petitioners in the corrosion-resistant carbon steel case requested that the Department determine whether antidumping duties had been absorbed during the POR for Dofasco, CCC, and Stelco; and petitioners in the CTL carbon steel plate case requested that such a determination be made for MRM and Stelco. Section 751(a)(4) of the Act provides for the Department, if requested, to determine during an administrative review initiated two or four years after the publication of the order, or in 1996 or 1998 for orders in effect prior to January 1, 1995 (transition orders), whether antidumping duties have been absorbed by a foreign producer or exporter, if the subject merchandise is sold in the United States through an affiliated importer. Because this review is of a transition order and was initiated in 1998, we have made a duty absorption determination in this segment of the proceeding.

In this case, Dofasco sold to the United States through an affiliated importer and also acted as its own importer. In all other cases, the producer was the importer of record. Therefore, all companies meet the definition of affiliation within the meaning of section 751(a)(4) of the Act. With respect to corrosion-resistant carbon steel, we have determined that there is a *de minimis* dumping margin for Dofasco's sales. Therefore, we determine that no antidumping duties have been absorbed by Dofasco on its U.S. sales of corrosion-resistant carbon steel during the period of review.

For Stelco, 22.63 percent of its U.S. sales were made at positive dumping margins, and for CCC, 20.38 percent of its U.S. sales were made at positive margins. CCC and Stelco have provided evidence that they charged their unaffiliated customers an amount equal to the cash deposits required on individual sales. CCC and Stelco argue that this is sufficient to indicate that there has not been duty absorption. However, the documentation only indicates that the cash deposit rate was passed on to the unaffiliated customer, and no statement or agreement by the producer/importer and unaffiliated customer, indicating that the unaffiliated customer will ultimately pay all the antidumping duties due, was submitted. We presume that the duties will be absorbed for those sales which were dumped, unless there is evidence (*e.g.,* an agreement between the affiliated importer and the unaffiliated purchaser) that the unaffiliated purchasers in the United States will pay the full duty ultimately assessed on the subject merchandise. Although in this case certain companies have provided invoices which separately list an amount for estimated antidumping duties which they are charging their unaffiliated purchasers, this is not evidence of payment of antidumping duties by the customer, and none of these companies has presented evidence of agreements with unaffiliated purchasers to pay ultimately assessed antidumping duties. Therefore, we find that the antidumping duties have been absorbed by the above-listed firms. (*See Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Romania, Singapore, Sweden and the United Kingdom: Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 62 FR 31568 (June 10, 1997).)

With respect to CTL carbon steel plate, we have determined that there are no dumping margins for MRM and Stelco. Therefore, we find that antidumping duties have not been absorbed by MRM and Stelco on their U.S. sales of CTL carbon steel plate.

Interested Party Comments

CCC

Comment 1: Imputed U.S. Credit

CCC contends that, in determining the appropriate short-term interest rate, the Department erred in using the average U.S. prime rate as the basis upon which to calculate CCC's U.S. imputed credit expense. CCC argues that the Department's Policy Bulletin 98.2 maintains that the Department's practice is to use the Federal Reserve's weighted-average rate for commercial and industrial loans maturing between one month and one year from the time the loan is made. CCC notes that the Department has used the weighted-average rate for commercial and industrial loans in the last two administrative reviews of this case. CCC states that the interest rate it provided in its section C response, which is based on the Federal Reserve's weighted-average data for commercial and industrial loans for the POR, should be used instead of the average prime rate, in accordance with the Department's Policy Bulletin 98.2.

Petitioners argue that the average prime rate used by the Department to value CCC's U.S. credit expense is correct. Petitioners cite two cases in which the Department used the prime rate for imputing credit expense: *Industrial Phosphoric Acid from Belgium: Final Results of Antidumping Duty Administrative Review*, 63 FR 55087 (October 14, 1998) and *Silicon Metal from Brazil: Notice of Final Results of Antidumping Duty Administrative Review*, 64 FR 6305 (February 9, 1999). Petitioners also argue that the rate proposed by CCC is improper because it involves mainly foreign money market rates, and the Department's practice requires interest rates to be calculated in the currency in which the transaction was made.

Department's Position: We agree with CCC. We have used the average short-term lending rates calculated by the Federal Reserve, as outlined in Policy Bulletin 98.2. Policy Bulletin 98.2 states a preference for the Federal Reserve's average rate on commercial loans as the basis of the short-term interest rate. Policy Bulletin 98.2 recognizes that, while using the U.S. prime rate is ''reasonable,'' it is not preferable because the prime rate usually represents the minimum borrowing rate available in the U.S. market, instead of an average, and does not necessarily represent a short-term borrowing rate that a respondent might realize in the usual course of business. Although this rate may include foreign money market rates, as noted by petitioners, the Federal Reserve collects this data by surveying 348 domestically chartered commercial banks and 50 U.S. branches and agencies of foreign banks; therefore, this data accurately reflects the experience of businesses for borrowing dollars in the United States. The Department's standard practice, as described in Policy Bulletin 98.2, in a case where a respondent has no short-term borrowings in the currency of

transaction, is the following: ''For dollar transactions, we will generally use the average short-term lending rates calculated by the Federal Reserve to impute credit expenses. Specifically, we will use the Federal Reserve's weighted-average rate for commercial and industrial loans maturing between one month and one year from the time the loan is made.'' (Policy Bulletin 98.2, at 7) Accordingly, we have applied the average short-term lending rates calculated by the Federal Reserve.

Dofasco

Comment 1: By-Product Offset for Industrial Coke

Dofasco argues that the Department improperly denied an offset to Dofasco's cost of production (COP) for by-product profit from sales of industrial coke. Dofasco claims that, as an integrated producer, it must produce coke to produce steel. Dofasco maintains and operates three batteries that produce industrial coke. Dofasco asserts that, in order to meet its requirements for steel production, it must operate all three batteries since operating two batteries does not produce enough coke to meet its steel production requirements. Therefore, the production of coke is an unavoidable consequence of steel-making, and as such, should be treated as a by-product in the production of subject merchandise.

Petitioners contend that coke is an intermediate product, not a by-product, in the production of subject merchandise. Petitioners assert that, in determining whether a product should be treated as an intermediate product, as opposed to a by-product, the Department, as established in *Titanium Sponge from Japan: Final Determination of Sales at Less Than Fair Value* (*Titanium Sponge*), 49 FR 38687 (October 1, 1984), examines whether (1) it is manufactured in separate facilities; (2) its quantity of production could be determined by management and is not determined by the production of the subject merchandise; and (3) its production was not an unavoidable consequence of the manufacturing of the subject merchandise. Petitioners contend that Dofasco, like any coke manufacturer, must produce its coke in specialized coke oven batteries, while the subject merchandise, corrosion-resistant carbon steel, is produced in an entirely separate and distinct mill. Petitioners also argue that the amount of coke produced by Dofasco is entirely independent from the amount of subject merchandise produced. Petitioners maintain that Dofasco can manufacture coke without producing any corrosion-resistant carbon steel at all; conversely, Dofasco can manufacture corrosion-resistant carbon steel without producing coke. In addition, petitioners assert that, since coke is fully consumed in the steelmaking process, it can not be considered a by-product.

Department's Position: We agree with petitioners that coke is not a by-product of the steel-making process. Coke is a material that goes into making steel, not a product that results from the same process that yields steel. Nor does that fact that coke is necessary to make steel mean that coke is produced along with steel in the same process. Therefore, for these final results, we continue to deny Dofasco's requested offset to COP for revenue from sales of industrial coke. We have continued to use the amount that Dofasco reported for its average, per-unit coke production cost as part of the cost of steel-making. Thus, only the cost of coke used in the production of steel is included in the steel cost of production. No cost of coke that was sold is reflected in the steel COP.

Comment 2: Foreign Exchange Gains as an Offset to COP

Dofasco argues that the Department's denial of its foreign exchange gains as an offset to net interest expense is, in effect, an improper use of facts available. Dofasco maintains that it cooperated throughout the review process by answering all questions and supplemental questions. Dofasco also contends that it cooperated with the Department during verification and answered all questions asked of it. In addition, Dofasco argues that it reported the foreign exchange gains as an offset to net interest expense early in the proceeding but the Department never once asked Dofasco to provide any additional information on the offset. Therefore, Dofasco argues, the Department should allow the offset to net interest expense for its reported foreign exchange gains.

Department's Position: We agree with Dofasco. Foreign exchange gains are normally taken as an offset to the elements of COP to which they are relevant. Since we do not know the source of these foreign exchange gains, we disallowed an offset in the preliminary results. However, because Dofasco treated these foreign exchange gains as cost-of-sale adjustments in its business records, and because we did not request any information from Dofasco concerning the source of these foreign exchange gains, we have determined that it is appropriate to include them in the calculation of Dofasco's COP for these final results. *See Certain Welded Carbon Steel Pipes and Tubes from Thailand: Final Results of Antidumping Duty Administrative Review,* 64 FR 56759 (October 21, 1999).

Comment 3: Offset to COP for Baycoat Profit

Dofasco argues that the Department's failure to allow an offset to Dofasco's COP for profit that was remitted to Dofasco by Baycoat Partnership (Baycoat) is contrary to the dictates of the North American Free Trade Agreement (NAFTA) Panel Decision in *In the Matter of Corrosion-Resistant Steel Flat Products from Canada,* Panel No. USA–97–1904–3, 1999 FTAPD LEXIS 2 (January 20, 1999)(NAFTA Panel Decision). Moreover, Dofasco contends, it is contrary to the Department's own remand determination in that case.

Dofasco maintains that, in the review that was the subject of the NAFTA Panel Decision, respondent Stelco was charged a transfer price for painting services that exceeded the actual costs of Baycoat to provide painting services, even though Baycoat, which was 50% owned by Stelco, remitted 50% of its profits at the end of each year back to Stelco. Dofasco contends that the NAFTA Panel rejected the Department's decision to use the inflated transfer price rather than the actual cost, stating that ''{w}hen the transfer price is artificially high between affiliated parties, as in this case, application of the 'highest' standard yields a result at odds with the 'actual cost' object of the statute.''

Dofasco maintains that, in accordance with the NAFTA Panel's instructions, the Department recalculated Stelco's cost of production by adjusting the transfer price for Baycoat services to Stelco, in order to account for Baycoat's profit remittances to Stelco. Dofasco asserts that it is the other partner in the joint venture with Stelco; and, like Stelco, Dofasco pays Baycoat for painting services and receives a share of remittance of profit at the end of the year. Accordingly, Dofasco argues, it is entitled to the same type of adjustment to the reported Baycoat transfer price that the Department granted to Stelco, pursuant to the NAFTA Panel remand. Specifically, Dofasco claims, the Department should allocate total per-unit Baycoat profit (Dofasco's per-unit profit, as derived by Dofasco, multiplied by two), by multiplying it by the ratio of the value charged to Dofasco by Baycoat to the total value produced by Baycoat, or simply rely on the cost data already submitted by Dofasco in its response to Section D of the Department's questionnaire.

Petitioners counter that the Department properly valued the major inputs purchased from Baycoat at the transfer price. Petitioners cite subsections 773(f)(2) and (3) of the Act, which address the treatment of transactions between affiliated parties for the purpose of calculating COP or constructed value (CV). Petitioners contend that subsection 773(f)(2) permits the Department to disregard the transfer price for a transaction between a respondent and an affiliated supplier if, and only if, the transfer price does not fairly reflect the amount usually reflected in sales of merchandise under consideration in the market under consideration. Similarly, petitioners maintain subsection 773(f)(3) permits the Department to disregard the transfer price (or market price) for a major input if it has reasonable grounds to believe or suspect that such price is less than the cost of production of such input. Accordingly, petitioners argue, the statute requires in this case that the Baycoat inputs be valued at the transfer price.

Petitioners also argue that, under section 19 U.S.C. 1516a(b)(3), a court in the United States is not bound by a final decision of a binational panel. Petitioners cite *Live Swine From Canada; Final Results of Countervailing Duty Administrative Reviews,* 61 FR 52408 (October 7, 1996) (*Live Swine From Canada),* to support its claim that panel decisions are not binding precedent on the Department, and are not binding on subsequent administrative determinations, but are binding only on the particular matters presented which are based on the particular administrative record subject to review. Thus, petitioners argue, the Department, in this review, is under no obligation with respect to the Binational Panel's decision in that review. Further, petitioners assert that it was only in order to comply with the Panel's instructions that the Department adjusted the Baycoat transfer price for remitted profits.

Finally, petitioners maintain that, in its remand determination, the Department reiterated its position that because the transfer price is not below cost, it should be an appropriate basis for valuing the input provided by Baycoat.

Department's Position: We agree with petitioners that valuing Baycoat coating services at the Baycoat transfer price is the correct method to arrive at actual cost for the producer of subject merchandise. As stated in the *North American Free Trade Agreement-Final Remand Determination,* Article 1904 Binational Panel Review, U.S.A.–97–1904–3 (June 14, 1999) (*Final Remand Determination*), this practice is consistent with the Department's antidumping regulations, which require that the Department normally value inputs supplied by affiliated persons at the transfer price between the entities, provided that such a price reflects the price commonly charged in the market and, for major inputs, is not below the cost of producing the input. *See* 19 CFR 351.407(b).

Moreover, the Department's practice of using the highest of the market price, actual transfer price, or cost of production has been upheld by the CIT in *Mannesmannrohren-Werke AG* v. *United States,* Slip Op. 99–118 (Ct. Int'l Trade Oct. 29, 1999). In that case, the Court held that the plain language of the statute makes clear that ''although Commerce may use an affiliated party's cost-of-production to value a major input, it may *only* do so when (1) Commerce has 'reasonable grounds to believe or suspect' that the cost-of-production exceeds the transaction value reported; and (2) the cost-of-production exceeds the market value of the input.'' *Id.* at 14.

Further, as in the *Final Remand Determination,* the Department considers the factual circumstances in this case to fit neatly within the circumstances contemplated by sections 773(f)(2) and (f)(3) of the Act. That is, since (1) Baycoat is a supplier affiliated with Dofasco; (2) the coating services provided by Baycoat constitute a major input into the production of corrosion-resistant carbon steel; and (3) there is no market value available (Baycoat only provides coating services for its joint venture owners), the higher of transfer price or cost of production would apply. These statutory provisions ensure that transactions between affiliated parties occurring at less than the affiliate's cost of production are not used as the basis of the Department's calculation of cost of production of the producer of subject merchandise. Thus, when affiliated party transactions occur at invalid prices, *i.e.,* below cost or below market value, then the Department may make an adjustment to the costs recorded in the books and records of the respondent. *See* also ''Department's Position'' on Stelco's ''Comment 3,'' below.

Furthermore, we agree with petitioners that a NAFTA panel decision does not constitute binding precedent upon agency determinations in subsequent administrative proceedings. *See Porcelain-On-Steel Cookware From Mexico: Notice of Final Results of Antidumping Duty Administrative Review,* 62 FR 25908 (May 12, 1997) and *Live Swine From Canada.* Nevertheless, in determining whether to continue or modify our practice in any given area, we consider seriously every decision by a NAFTA panel and its implications in subsequent reviews. On the input valuation issue, as discussed above, there are split decisions from the CIT in *Mannesman* v. *United States* and from a NAFTA panel *In the Matter of Corrosion-Resistant Steel Flat Products from Canada.* In *Mannesman* v. *United States,* the Department's interpretation of the major input rule was upheld as a reasonable interpretation of the statute. We continue to believe that our interpretation of these statutory provisions is reasonable. Therefore, in the instant case we have continued to value Baycoat's painting services using the transfer price from Baycoat to Dofasco.

Comment 4: U.S. Credit Expenses

Petitioners argue that the Department should recalculate Dofasco's U.S. credit expenses based on its practice of using the respondent's own weighted-average short-term borrowing rate in the currency of the transaction. Petitioners contend that, because Dofasco had short-term borrowings in U.S. dollars, Dofasco should have used that rate for purposes of its U.S. credit expense calculation. Petitioners cite *Notice of Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms From Chile,* 63 FR 56613 (October 22, 1998) and *Policy Bulletin 98:2, Imputed Credit Expenses and Interest Rates.*

Dofasco claims that petitioners have mischaracterized its short-term borrowings. Dofasco argues that the situation surrounding its short-term borrowing was unique and not representative of its normal commercial practices. Dofasco contends that, in previous cases, the Department has excluded aberrant rates when those rates were not representative of normal commercial borrowings by the respondent, citing the *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Round Wire from Korea,* 64 FR 17342 (April 9, 1999). Dofasco argues that, in this case, the loan in question was exceedingly rare, and did not represent normal commercial borrowing conditions for Dofasco. Dofasco argues that, had it financed its receivables through bank borrowings, it would have used the rate that was available to it for borrowings of a longer period of time.

Department's Position: The Department's practice is to calculate the U.S. credit expense using a short-term interest rate tied to the currency in which the sales are denominated. This

interest rate should be based on the respondent's weighted-average short-term borrowing experience in the currency of the transaction. (*See Policy Bulletin 98:2, Imputed Credit Expenses and Interest Rates.)* Therefore, we have applied the various interest rates available to Dofasco to the sales which best reflect the terms of the rates' availability, respectively. For further information, see the proprietary Final Analysis Memorandum for Dofasco, February 15, 2000 (*Dofasco Analysis Memorandum),* on file in room B–099 of the Commerce Department.

Comment 5: Costs for iron ore

Petitioners argue that, pursuant to section 773(f)(2) of the Act, the Department should reject the transfer price for Dofasco's purchases of iron ore from its affiliated supplier, Wabush Mines, and revalue the iron ore at market price. As the basis of market price, petitioners cite prices paid by other steel companies to a different Dofasco affiliate. For further details, see *Dofasco Analysis Memorandum.*

Dofasco contends that testing the transfer price from one affiliated supplier to Dofasco against the transfer price from another of Dofasco's affiliated suppliers to its unaffiliated customers is not a valid test of a transfer price to a market price. To make such a comparison, Dofasco argues, would be tantamount to concluding that there is only one market price for any major input, regardless of the economic situation of the supplier. Dofasco also argues that the market price petitioners suggest is actually for a different kind of pellet than that purchased from Wabush. Dofasco claims that this would create an ''apples to oranges'' comparison. Finally, Dofasco maintains that petitioners' attempt to inflate Dofasco's true cost for Wabush iron ore would be contrary to the major input rule. In support, Dofasco cites the NAFTA panel decision discussed above, where the Panel held that it was unlawful for the Department to automatically choose the inflated transfer price over input cost. For these reasons, Dofasco argues, the Department should continue to use the reported cost/transfer price in its calculations for the final results.

Department's Position: In accordance with section 773(f)(2) of the Act, the Department determines the highest of transfer price or market price. As Dofasco notes, the sale that petitioners suggest indicates market price is, in fact, of a different type of pellet than that purchased by Dofasco from Wabush. Currently, we have no information on the record of this review whereby to assess the significance of any differences between the different types of pellets in terms of physical properties or market value. We do not consider a price between the companies proposed by petitioner to constitute a valid basis upon which to determine a market price for Dofasco's purchases from Wabush. Therefore, we have continued to value Dofasco's iron ore from Wabush at the higher of transfer price or cost, which, in this case, are identical.

Comment 6: Ministerial Error

Petitioners claim that the Department, in its model match and margin programs, used an incorrect or partial home market data set, and, as a result, the Department did not perform an arm's-length test. Therefore, petitioners argue, the Department should base its final results on the complete home market data set.

Dofasco agrees with petitioners' comments regarding ministerial errors.

Department's Position: We agree with petitioners and Dofasco, and have corrected these errors for these final results.

Stelco

Comment 1: The Merits of Stelco's Request For Revocation—Commercial Quantities

Stelco disagrees with the Department's preliminary determination not to revoke the order on CTL carbon steel plate with regard to Stelco. Stelco states that it has fulfilled all the requirements of section 351.222(b) of the Department's regulations for revocation of the antidumping duty order in part. Stelco points out that the Department determined that Stelco did not engage in dumping of subject merchandise during the third and fourth review periods (1996–96 and 1996–1997, respectively). Stelco points out that, in the fifth review, the Department again preliminarily determined that Stelco did not dump subject merchandise. In addition, Stelco submitted the necessary certification in its request for revocation.

Stelco further states that the Department denied Stelco revocation because it did not sell to the United States in commercial quantities during the current review period. Stelco argues that the term ''commercial quantities'' has not been defined under the statute or regulations, and that its usage has been to confirm that sales were *bona fide.* Furthermore, Stelco suggests that the term commercial quantities refers to the volume of individual shipments rather than to the total volume of all shipments. Stelco claims that the quantity of each of Stelco's shipments to its U.S. customers corresponds with its normal individual shipments to its customers.

Stelco asserts that it has been Department practice to consider even one single shipment to constitute commercial quantities, and that a decreased sales volume is not considered no volume at all, citing *Brass Sheet and Strip from Germany; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part*, 61 FR 49727, 49729 (September 23, 1996) (*BSS from Germany*). Stelco further argues that, in *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy*, 60 FR 10959, 10967 (February 28, 1995) (*AFBs from Italy*), the Department agreed with respondent that there is nothing in the Department's regulations which would preclude revocation even when sales are considered minimal. Stelco points out that the *bona fide* nature of its sales has not been contested. Stelco argues that, even when there is a severe drop in exports, the Department does not automatically terminate its revocation analysis. (*See Pure Magnesium from Canada; Preliminary Results of Antidumping Administrative Review and Notice of Intent Not To Revoke Order in Part*, 63 FR 26147 (May 12, 1998) (*Pure Magnesium from Canada; Preliminary Results 96/97*) at 26148–9.)

Petitioners state that the Department was correct in finding Stelco ineligible for revocation. Petitioners argue that Stelco failed to demonstrate that it shipped CTL carbon steel plate in commercial quantities during the fifth administrative review and, therefore, failed to demonstrate that it was able to obtain zero or *de minimis* margins while selling at normal commercial levels in the U.S. market for all three consecutive years. Consequently, petitioners argue, Stelco does not qualify for revocation under sections 351.222(b) and (d)(1) of our regulations.

Petitioners point out that section 351.222(b)(2) of the Department's regulations requires that, to establish eligibility for revocation, a company must meet two threshold requirements: (1) [o]ne or more exporters or producers covered by the order have sold the merchandise at no less than NV for a period of at least three years, and (2) it is not likely that those persons will in the future sell the subject merchandise at less than NV. Petitioners contend that it is the Department's longstanding practice to consider whether sales have been made in commercial quantities in making its revocation decision. (*See Steel Wire Rope From the Republic of*

Korea; Final Results of Antidumping Duty Administrative Review and Revocation in Part of Antidumping Duty Order, 63 FR 17986, 17989 (April 13, 1998) (*Steel Wire Rope from Korea*).)

Petitioners point out that Stelco made only a few sales, totaling 47 tons, during the fifth administrative review period, whereas Stelco made several thousand sales totaling approximately 30,000 tons during the six-month period of the antidumping investigation; that is, the volume sold during the fifth review period is only 0.157 percent of the sales volume during the period of the antidumping investigation. In addition, the sales quantity of the fifth administrative review period was very small in comparison with the sales quantity of the fourth review period. Petitioners point out that the Department rejected Stelco's revocation request in the fourth administrative review, because the total sales volume during the second administrative review (one of the three periods considered for a potential fourth administrative review revocation) amounted to only 36 tons, and thus did not constitute commercial quantities. (*See Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada*, 64 FR 2173, 2175 (January 13, 1999) (*Fourth Review Final Results*).) Petitioners argue that the above comparisons demonstrate that the sales volume in the fifth administrative review does not give any meaningful information on Stelco's normal commercial experience. Therefore, petitioners state, the zero margin does not credibly indicate that Stelco can export to the United States at not less than NV in the absence of an antidumping duty order.

Petitioners challenge Stelco's argument that commercial quantities constitute *bona fide* sales in quantities typical for shipments to individual customers. Petitioners note that the Department rejected this argument in *Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not To Revoke Order in Part*, 64 FR 12977 (March 16, 1999) (*Pure Magnesium From Canada; Final Results 96/97*), stating that, despite the *bona fide* nature of sales, the abnormally small aggregate quantity did not constitute sales in commercial quantities and thus could not provide a basis for revocation. (*See Pure Magnesium From Canada; Final Results 96/97*, at 12979.) Petitioners additionally point out that in *Pure Magnesium From Canada; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part*, 64 FR 50489 (September 17, 1999) (*Pure Magnesium From Canada; Final Results 97/98*) the Department determined that the commercial quantities requirement in the regulations would be redundant if commercial quantities would pertain to the *bona fide* nature of sales. (*See Pure Magnesium From Canada; Final Results 97/98*, at 50492.)

Petitioners further state that Stelco mischaracterizes the Department's decision in *BSS from Germany*, when it argues that one *bona fide* shipment could constitute commercially significant quantities. In that case, petitioners state, the Department did not revoke the antidumping duty order because it concluded that the sharp decline in shipping volume after the imposition of the order indicated that respondent in that case had problems selling subject merchandise above NV. (*See BSS from Germany*, at 49729.)

Petitioners disagree with Stelco's reference to *AFBs from Italy*, to support Stelco's claim that minimal sales are sufficient to obtain revocation. Petitioners state that in those final results the Department agreed with respondent that, although the quantities could be considered minimal, the fact that they were significantly greater than the quantity of sales on which the Department based its determination in the less-than-fair-value (LTFV) investigation, constitutes an acceptable level on which to base revocation. This, petitioners state, greatly differs from Stelco's sales record. Therefore, petitioners conclude that Stelco's zero margin for the POR was not reflective of its normal commercial experience.

Department's Position: We disagree with Stelco on the interpretation of the term ''commercial quantities,'' namely, that in the absence of any definition in the law of the Department's regulations, the term commercial quantities should be interpreted as the volume of individual shipments. On the contrary, it has long been the Department's practice to examine the aggregate volume of total sales to the United States in determining whether sales have been made in commercial quantities. In addition, it has been the position of the Department that, relating commercial quantities to whether sales are *bona fide* would make the commercial quantities requirement in our regulations redundant. (*See Pure Magnesium From Canada; Final Results 96/97*, at 12979, and *Pure Magnesium From Canada; Final Results 97/98*, at 50492.) Commercial quantities and *bona fide* sales are two distinct and separate concepts under the law. In this case we examined whether Stelco's sales were made in commercial quantities, which is necessary to support a determination to revoke, and not whether these sales constitute *bona fide* transactions for the purpose of calculating dumping margins.

Furthermore, the two cases Stelco relies upon to build its argument, *BSS from Germany* and *AFBs from Italy*, are inapposite because the Department in those cases did not consider whether sales were made in commercial quantities as a threshold matter for purposes of revocation until its new regulations came into effect. In *BSS from Germany*, the Department specifically declined to consider commercial quantities in making its determination regarding revocation.

We agree with petitioners that Stelco has not sold subject merchandise in commercial quantities at not less than NV for three consecutive years, as required by sections 351.222(b)(2)(i) and (d)(1) of the Department's regulations. A few sales totaling 47 tons of CTL carbon steel plate is so insignificant in comparison with the volume of sales prior to the imposition of the antidumping order, as well as in comparison with subsequent review periods, as to fail to constitute a commercial quantity. Therefore, we do not consider Stelco sales to have been made in normal commercial quantities. Accordingly, we are not revoking the antidumping order on CTL carbon steel plate with respect to Stelco. For further details, see the ''Determination Not to Revoke'' section above.

Comment 2: The Merits of Stelco's Request For Revocation—Unusual Occurrences

Stelco states that, in 1997–98, its plate mill underwent major modernization and upgrading, which was accompanied by planned shutdowns as well as by ''substantial unanticipated and unrelated mill shutdowns.'' Stelco claims that such a magnitude of plate mill shutdowns has never occurred at Stelco. These unusual occurrences, Stelco states, severely impacted its production capacity. Stelco claims that there was a severe reduction in production from the fourth to the fifth POR due to these ''unusual occurrences'' which resulted from the plate mill modernization. Stelco further points out that it is company policy to support the domestic market, and that the company under these unusual circumstances did make all the sales that it could to its U.S. customers. Stelco distinguishes its situation from that which occurred in the *Pure Magnesium* reviews, claiming that its

level of sales in each review was the result of ''normal commercial behavior.''

Petitioners contend that mill upgrades as undertaken by Stelco do not constitute an unusual occurrence as defined in the Department's *Notice of Proposed Rules*, namely, that the Department will take into consideration natural disasters and other unusual occurrences that have an impact on a company's capacity utilization. (*See Notice of Proposed Rules*, 61 FR 7308 (February 27, 1996), at 7320.) Petitioners argue that it is not uncommon for companies to periodically upgrade a mill and to have planned shutdowns during the upgrade process. Petitioners also state that a planned upgrade, as undertaken by Stelco, must be distinguished from the permanent shifting of production to the United States that characterized the case in *Notice of Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke Order: Brass Sheet and Strip from the Netherlands*, 64 FR 48760, 48765 (September 8, 1999) (*BSS from the Netherlands-Preliminary Results*), because it was not a permanent change in the company's commercial behavior.

Petitioners further argue that Stelco itself did not appear to consider the plate mill upgrade an unusual occurrence up to the point that it sought revocation, because, for example, Stelco did not report any closure or restructuring costs in its original section D questionnaire response with respect to a question on plant closures, shut-downs, or restructuring costs during the POR. (*See* Stelco's Section D Questionnaire Response (Public Version) (November 23, 1998), at D–27 & D–49.) Petitioners note that Stelco should have reported these additional costs as part of its cost of production, as required in the Department's questionnaire.

Petitioners point out that, although Stelco refers to major unexpected and unrelated mill shut-downs as unusual occurrences, in fact unanticipated delays and shut-downs are not unusual, but are instead a common part of the maintenance and operation of steel mills. In support of this argument petitioners cite *Notice of Final Determination of Sales at Less Than Fair Value: Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Japan*, 64 FR 24329, 24355 (May 6, 1999), where the Department determined that the loss from a one-time blast furnace accident was not an unusual occurrence.

Petitioners state that Stelco cannot establish a causal relationship between the planned and unplanned mill stoppages and the major reduction in shipments to the United States. Petitioners note that, in *BSS from the Netherlands-Preliminary Results*, the Department found it very important that the unusual occurrence was the immediate cause of the decline or cessation of shipments. Petitioners argue that there is no objective information which demonstrates that the reduction in shipments is due to the plate mill shutdowns in the two documents that Stelco cites: the company's letter of January 15, 1999, requesting revocation, and the cost verification exhibit depicting Stelco's plate mill capacity in a chart from 1994 to 1998. Petitioners further argue that the plate mill capacity utilization chart constitutes unverifiable information, and is not probative.

Department's Position: We agree with petitioners that Stelco's mill upgrade does not qualify as an unusual occurrence within the meaning of the *Notice of Proposed Rules*. (*See Notice of Proposed Rules*, at 7320.) Mill modernizations, such as that of Stelco's plate mill, and accompanying plant stoppages, are not unusual, infrequent, or extraordinary events. Companies can plan in advance how to pursue their business during such times of temporary stoppages.

The severe decrease in Stelco's shipments to the United States during the fifth review period was not an unavoidable consequence of Stelco's mill modernization, but, rather, the result of Stelco's choice to give priority to the Canadian market. Had it so chosen, Stelco could have participated more fully in the U.S. market, just as it continued to participate in the Canadian market. For further information see the February 15, 2000 proprietary memorandum to the file regarding Stelco's participation in the U.S. market.

In order for us to determine that there is an unusual occurrence, there should be a permanent change that is not based on an easily-altered decision. For example, in *BSS from the Netherlands-Preliminary Results,* where the company's commercial practices were preliminarily considered to have permanently changed by shifting production of subject merchandise to the United States. (*See BSS from the Netherlands-Preliminary Results,* at 48765 & 48766.) (In that case the Department ultimately determined that the change in the company's commercial behavior was not permanent, and, therefore, the calculated margins were not reflective of the company's normal commercial activity.) In contrast, Stelco's plate mill modernization and its accompanying planned and unplanned production stoppages are temporary changes. We cannot conclude that the reduction in shipments to the United States is a permanent change, and therefore representative of normal commercial activity from this time forward.

Since the small quantity of Stelco's sales of subject merchandise to the United States during the POR cannot be attributed to an unusual occurrence, we must consider it in the context of Stelco's historical sales to the United States. Considered in this context, the small quantity of merchandise sold during this POR does not meet the commercial quantities requirement of the revocation provisions of the Department's regulations.

Comment 3: The Merits of Stelco's Request For Revocation—The Likelihood of Dumping After Revocation

Stelco states that, because it has met all the requirements of section 351.222(b)(2) of the Commerce regulations, including a demonstration that it is not likely to dump in the future, and because the Department has not made a determination to the contrary, the Department must revoke the order with respect to Stelco.

Petitioners argue that Stelco failed to address factors such as domestic and home market industries, currency movements, and Stelco's competitiveness in the U.S. market in its case brief. In addition, petitioners state that Stelco did not discuss the issues of price and cost trends, investments and production capacity in its case brief.

Petitioners contend that it is likely that Stelco would sell at dumped prices upon revocation of the order because it has substantially increased its plate mill capacity due to its modernization project.

Department's Position: Respondents must meet the threshold criterion of three consecutive years of sales in commercial quantities at not less than NV in order to be eligible for revocation. When that criterion has been met, the Department makes a determination regarding the likelihood of resumption of dumping based on the evidence on the record. (See, e.g., *BSS Germany* and *Brass Sheet and Strip from Canada: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Revoke Order in Part,* 63 FR 6519 (February 9, 1998) (*BSS from Canada*).) Because we have determined that Stelco's POR sales were not made in commercial quantities, Stelco is not eligible for revocation. Therefore, we have not considered the likelihood

criterion. (*See Pure Magnesium from Canada; Final Results 97/98,* at 50491.)

Stelco is ineligible for revocation under section 351.222(b)(2)(i), based on the fact that it has not had three consecutive years of sales in commercial quantities at not less than NV; therefore, we need not address U.S. or Canadian market conditions, or Stelco's mill expansion in process.

Comment 4: Major Input Rule—Corrosion-Resistant Carbon Steel

Stelco states that the Act requires the Department to use actual costs in the calculation of the cost of production, citing sections 773(b)(3) and 773(f)(1) of the Act. Stelco claims that, by using Baycoat's transfer price to determine Stelco's cost of coating services, the Department arrives at a cost in excess of Stelco's actual cost of production in violation of the statute. Stelco maintains that, based on the remittance of Baycoat profits to Stelco, Stelco's true costs of production will not be the same as the face value of the invoice price received from its affiliated supplier. Stelco notes that, in its cost accounting system, it records the estimated costs for coating services by Baycoat, which it adjusts based on the actual sum of all invoices. At the end of each month, Stelco adjusts its gross income by reducing its cost of sales to account for the income recognized by Baycoat. This income, Stelco explains, constitutes Stelco's 50% share of Baycoat's returned profits. Stelco explains that Baycoat is a 50/50 partnership with Dofasco, with the sole purpose of providing coating services to its owners. Therefore, Stelco maintains, valuing coating services of Baycoat without taking into account the Baycoat profits returned to Stelco, would result in a calculated cost in excess of actual cost.

Stelco further states that, with regard to the second review, the Binational Panel has ruled that the Department failed to follow the requirements of the statute by overvaluing Stelco's painting costs, noting that the Department must be mindful that the amounts used to value an input may not exceed ''the costs associated with the production and sale of the merchandise.'' (*See In the Matter of Certain Corrosion-Resistant Carbon Steel Flat Products from Canada,* North American Free Trade Agreement Article 1904 Binational Panel Review, USA 97–1904–03 (June 4, 1998).) On September 13, 1999, Stelco states, the Binational Panel issued its decision on the second remand determination, affirming the Department's remand determination concerning its compliance with the Binational Panel's instructions. Stelco argues that the Department completely disregarded the Binational Panel's ruling in the preliminary results of the current review (1997–98), and artificially inflated the value of Baycoat's painting costs.

Petitioners state that the Department correctly valued the input purchase from Stelco's affiliate Baycoat at transfer price. Petitioners cite section 773(f) of the Act as the Department's legal basis for its applied methodology. Petitioners state that under subsection (f)(1), cost calculations for the merchandise should be based on the exporter's/producer's records, and that subsections (f)(2) and (f)(3) address inputs purchased from an affiliated party. According to petitioners, subsection (f)(2) states that the transfer price, i.e., the price generally maintained in the producer's books and records, may be disregarded if it does not reflect market value. Subsection (f)(3) states that the Department may disregard the value of a major input in favor of the cost of production if such amount is less than cost of production or market value. Petitioners argue that these subsections, read together, provide that the Department can only reject the transfer price of a major input when such price is less than the cost of production or market value. Based on the statutory requirements, petitioners state, the Department had to use transfer price for the major input in question, since the prices Stelco paid for the painting services received from Baycoat for this major input were higher than Baycoat's cost of production.

Petitioners contend that Stelco erred when it asserted that the use of transfer price was not consistent with the statute, because the Department should have utilized the most accurate cost available in valuing such a major input. Petitioners state that Stelco ignored subsections (f)(2) and (f)(3) which regulate how ''actual costs'' are calculated when a major input is supplied by an affiliate. Petitioners argue that the Department used the actual cost, which is the transfer price recorded in Stelco's own books and records. Petitioners further assert that Stelco confuses its investment interest in Baycoat with its commercial relationship, which would not have any bearing on the price of the services rendered by Baycoat.

Petitioners question Stelco's assertion that its cost for Baycoat painting services should be adjusted downward for Baycoat investment profits remitted. Petitioners state that Stelco ignores the instructions of subsections (f)(2) and (f)(3) of the Act, which require the use of transfer price in transactions between affiliated parties, unless the transfer price is below the usual market price or the transfer price is below the affiliated supplier's cost of production. Petitioners further point out that these profits remitted are not attributable to individual sales and could be earned from services performed for either of the two partners. Rather, these profits are unrelated in volume and value to coating services performed for Stelco, petitioners say. Additionally, petitioners argue that adjusting transfer price by the Baycoat profits remitted would render subsections (f)(2) and (f)(3) of the Act ineffective because the adjustment for profit would convert the transfer price to Baycoat's cost of production. Petitioners further add that market value generally includes an element of profit.

Petitioners contend the Binational Panel's decision is not binding on subsequent administrative reviews. In support of their argument they cite *Live Swine from Canada,* at 52424, and *Porcelain-on-Steel Cookware from Mexico; Final Results of Antidumping Duty Administrative Review,* 62 FR 25908–01, 25914 (May 12, 1997) (*Porcelain Cookware from Mexico*). Further, petitioners point out that the Department, contrary to Stelco's assertion, did not act contrary to its own determination in the Second NAFTA Binational Panel Remand, when adjusting for Baycoat transfer price in the current review. *See Final Remand Determination.* Rather, the Department followed the decision of the Binational Panel in the second administrative review when adjusting the transfer price as instructed, while at the same time maintaining the position that the profit remitted by Baycoat would not constitute an element of cost and should be viewed as a return on investment.

Department's Position: We agree with petitioners that valuing Baycoat coating services at the Baycoat transfer price is the correct method to value this major input. As stated in the *Final Remand Determination,* this practice is consistent with the Department's antidumping regulations, which require that the Department normally value inputs supplied by affiliated persons at the transfer price between the entities, provided that such a price reflects the price commonly charged in the market and, for major inputs, is not below the cost of producing the input. *See* 19 CFR 351.407(b).

Moreover, the Department's practice of using the highest of the market price, actual transfer price, or cost of production has been upheld by the CIT in *Mannesmannrohren-Werke AG* v. *United States,* Slip Op. 99–118 (Ct. Int'l Trade Oct. 29, 1999). In that case, the

Court held that the plain language of the statute makes clear that ''although Commerce may use an affiliated party's cost-of-production to value a major input, it may *only* do so when (1) Commerce has 'reasonable grounds to believe or suspect' that the cost-of-production exceeds the transaction value reported; and (2) the cost-of-production exceeds the market value of the input.'' *Id.* at 14.

Further, as stated in the *Final Remand Determination,* the Department considers the factual circumstances in this case to fit squarely within the circumstances contemplated by sections 773(f)(2) and (f)(3) of the Act. That is, since (1) Baycoat is a supplier affiliated with Stelco; (2) the coating services provided by Baycoat constitute a major input into the production of corrosion-resistant carbon steel; and (3) there is no market value available (Baycoat only provides coating services for its joint venture owners), the higher of transfer price or cost of production would apply. These statutory provisions ensure that transactions between affiliated parties occurring at less than the affiliate's cost of production are not used as the basis of the Department's calculation of cost of production of the producer of subject merchandise. Thus, when affiliated party transactions occur at invalid prices, *i.e.,* below cost or below market value, then the Department may make an adjustment to the costs recorded in the books and records of the respondent.

Finally, as Stelco's books and records use transfer price in recording cost of manufacturing (COM), and the transfer price is not below cost, it is an appropriate basis for valuing the input provided by Baycoat.

In addition to the propriety of using transfer price in valuing Baycoat's coating services, the Department's previous decision not to adjust transfer price to account for profit remittances was based upon the Department's finding that profit was not an element of cost. In this regard, the profit recognized by Stelco resulted from its investment in Baycoat and served to increase Stelco's equity interest in its affiliate. Baycoat's distributions to its joint venture partners are directly proportional to their ownership interests, and do not serve as price adjustments that reduce the cost of manufacturing subject merchandise. It would be inappropriate for the Department to adjust transfer prices between affiliates by the return on investment recognized due to the affiliated supplier operating at a profit or making a cash contribution. Thus, the Department would not consider this investment income to constitute an element of cost that must be accounted for in the context of section 773(f)(1)(A) of the Act. Moreover, where and to what extent affiliated companies choose to recognize profit or loss on investments is a separate and distinct business decision from the value these companies place on the inputs at issue. Affiliated companies may choose to recognize profits through one corporate entity over another for a variety of reasons, such as tax advantages, or the ability to write down losses against profits. These considerations, and the business decisions that result, however, do not alter the value of the inputs established between the parties. Our interpretation of the major input rule is that Congress intended the Department to use the transaction price between affiliated parties as the value of the input, unless that value is below cost or market price. In our view, Congress clearly did not intend that the Department examine every transfer of money between affiliated parties to determine whether the transfer price for an input is a valid reflection of its transaction value. Accordingly, we have not engaged in an examination of any money transfers between Stelco and its affiliated suppliers for purposes of valuing major inputs.

We also agree with petitioners that the final ruling of the Binational Panel applies to Stelco's 1994/95 administrative review and does not establish precedent for any subsequent cases. As stated in *Live Swine from Canada,* ''panel decisions are binding only on the particular matters presented which are based on the particular administrative record subject to appellate review. Live Swine from Canada, 14 ITRD 2388, 2404–04 (1992). Second, the Courts have recognized that collateral estoppel is inapplicable when the Department's determinations are based on different administrative records. See PPG Industries v. United States, 746 F. Supp. 119, 133–34 (CIT 1990).'' (*See Live Swine from Canada,* at 52424, and *Porcelain Cookware from Mexico.*) Therefore, we are not bound by panel decisions on previous reviews.

Comment 5: Adjustment for G&A

Stelco asserts that, in adjusting Stelco's reported cost for Baycoat coating services up to the Baycoat transfer price, the Department double counted Baycoat's interest and general and administrative expenses (G&A), as those are already included in Stelco's consolidated financial statements. Stelco states that this is inconsistent with the Department's *Final Remand Determination,* where the Department, in its adjustment, as ordered by the Binational Panel, subtracted Baycoat profit and interest and G&A from Stelco's cost for coating services by Baycoat.

Petitioners argue that Stelco's reliance on any adjustments to the Baycoat transfer price pursuant to the NAFTA Binational Panel ruling is misplaced, because in that case the adjustment was ordered by the NAFTA Binational Panel. In contrast, in the current review, the Department is not bound by any restrictions in utilizing the full transfer price, which, by its nature would include interest and G&A.

Department's Position: We agree with petitioners that the Department is not bound in its adjustment of Stelco's coating costs to transfer price. (*See Live Swine from Canada,* at 52424.)

Stelco reported two categories of coating services. In the preliminary results, we adjusted Stelco's reported costs for Baycoat coating services so that they accurately reflected the transfer price for each category of services. In calculating Stelco's COP and CV, we used this transfer price rather than Baycoat's actual costs in accordance with section 773(f)(2) of the Act. However, in our COP and CV calculations for Stelco, we inadvertently added in Baycoat's interest and G&A because Stelco submitted consolidated financial statements only, which include Baycoat's and Stelco's interest and G&A combined. To avoid such double counting, we must adjust Stelco's COP and CV for G&A expenses already accounted for in our adjustments made to Baycoat coating services.

We agree with Stelco's assertion that we double counted interest and G&A expenses for the second category of coating services. For this category of merchandise, Stelco reported Baycoat's cost. In making our adjustments to Baycoat's cost as reported by Stelco in order to arrive at Baycoat's transfer price, we added in Baycoat's total profit, without adjusting for interest and G&A, which is included in the transfer price. The double counting occurred due to Stelco's consolidation of its affiliates' expenses in its financial statements, as reported to the Department.

With respect to the first category of coating services, we disagree with Stelco's comment that the Department double counted interest and G&A expenses by not subtracting these expenses from our adjustments to Stelco's costs in order to arrive at Baycoat's transfer price. In its section D questionnaire response of November 23, 1998, Stelco stated it reported the higher of Baycoat's actual cost of coating, or Stelco's net acquisition cost, which is

the ''transfer prices minus or plus Stelco's share of Baycoat's income or loss.'' (*See* Stelco's Section D response of November 23, 1998, at D–61.) Stelco did not report the actual transfer price, but only reported transfer price adjusted for profit and interest and G&A. (*See* Verification Exhibit C–16.) In making our adjustments to the cost reported by Stelco to obtain the transfer price, we added the difference between the transfer price and Stelco's reported cost. We did not adjust this difference for any amount of interest or G&A, because Stelco had adjusted transfer price for profit, interest and G&A.

Because we are subtracting Baycoat's G&A from Stelco's consolidated G&A in our COP and CV calculation in the final results, we must include it in our adjustments to Stelco's reported cost. We are correcting our calculations by adding the amount of Baycoat's interest and G&A to our adjustment of the first category coating services to arrive at an adjusted transfer price. We then subtract Baycoat's G&A per net ton for all Control Numbers (CONNUM) which obtained coating services.

Additional Changes to Final Results

Due to a clerical error in the preliminary results of this review, certain sales of CCC were not considered in the preliminary results calculation. For these final results of review, the Department has rectified this error and these sales have been included. For more information, please see the *Memorandum to the File Through Maureen Flannery from Sarah Ellerman; Analysis for Continuous Colour Coat, Ltd. for the Final Results of the Fifth Administrative Review of Corrosion-Resistant Carbon Steel from Canada for the period August 1, 1997 through July 31, 1998,* dated February 15, 2000.

Final Results of Reviews

As a result of our reviews, we determine the dumping margins (in percent) for the period August 1, 1997 through July 31, 1998 to be as follows:

Manufacturer/exporter	Margin (percent)
Corrosion-Resistant Carbon Steel Flat Products:	
CCC	1.01
Dofasco	0.16
National	5.65
Stelco	0.68
Cut-to-Length Carbon Steel Plate:	
MRM	0.00
Stelco	0.00

The Department will determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with section 351.212(b), we calculated importer-specific *ad valorem* duty assessment rates for each class or kind of merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer for that class or kind of merchandise made during the POR. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for each reviewed company will be the rate stated above (except that no deposit will be required for firms with zero or *de minimis* margins, i.e., margins less than 0.5 percent); (2) for exporters not covered in this review, but covered in the LTFV investigation or a previous review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the all others rates established in the LTFV investigations, which were 18.71 percent for corrosion-resistant steel products and 61.88 percent for CTL carbon steel plate (*see Amended Final Determinations of Sales at Less Than Fair Value and Antidumping Orders: Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada,* 60 FR 49582 (September 26, 1995)). These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under section 351.402(f) of our regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 353.34 (1997). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and sections 351.213 and 351.221(b)(5) of our regulations.

Dated: February 15, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–4377 Filed 2–23–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Ballistic Missile Defense Advisory Committee; Meeting

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Ballistic Missile Defense (BMD) Advisory Committee will meet in closed session at the Consolidated Support Facility, 1901 North Moore Street, Suite 750, Arlington Virginia 22209, on March 2, 2000.

The mission of the BMD Advisory Committee is to advise the Secretary of Defense and Deputy Secretary of Defense, through the Under Secretary of Defense (Acquisition, Technology, and Logistics), on all matters relating to BMD acquisition, system development, and technology.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended by 5 U.S.C., Appendix II, it is hereby determined that this BMD Advisory Committee meeting concerns matters listed in 5 U.S.C., 552b(c)(1), and that accordingly this meeting will be closed to the public.

Dated: February 16, 2000.

Linda M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4286 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Partnership Council Meeting

AGENCY: Department of Defense.

ACTION: Notice of Meeting.

SUMMARY: The Department of Defense (DoD) announces a meeting of the Defense Partnership Council. Notice of this meeting is required under the Federal Advisory Committee Act. This meeting is open to the public. The agenda will include a discussion of the Defense Labor-Management Relations Evaluation Project next steps, a partnership presentation by Fort Jackson, NFFE Local 1214 and AFGE Local 1909, and other related Partnership topics.

DATES: The meeting is to be held March 22, 2000, in room 1E801, Conference Room 7, the Pentagon, from 1:00 p.m. until 3:00 p.m. Comments should be received by March 15, 2000, in order to be considered at the March 22 meeting.

ADDRESSES: We invite interested persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Kenneth Oprisko at the address shown below. Seating is limited and available on a first-come, first-serve basis. Individuals wishing to attend who do not possess an appropriate Pentagon building pass should call the below listed telephone number to obtain instructions for entry into the Pentagon. Handicapped individuals wishing to attend should also call the below listed telephone number to obtain appropriate accommodations.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Oprisko, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Blvd, Suite B–200, Arlington, Virginia 22209–5144, (703) 696–6301, select menu #3, ext. 704.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 00–4284 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Change in Meeting Date of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a change to a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, March 16, 2000.

ADDRESSES: The meeting will be held Palisades Instiute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. § 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4287 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, March 14, 2000.

ADDRESSES: The meeting will be held at Room 2, 14th fl. Rosslyn Plaza North, 1777 N. Kent Street, Rosslyn, VA 22209.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 19(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4288 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Wednesday, March 15, 2000.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Mr. Eliot Cohen, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: February 16, 2000.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4289 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group C (Electro-Optics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday, February 29, 2000. This is a change to the meeting originally schedule for February 24, 2000.

ADDRESSES: This meeting will be held at Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 10(d)(1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1994), and that accordingly, this meeting will be closed to the public.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4290 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Military Personnel Testing; Meeting

ACTION: Notice.

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Military Personnel Testing is scheduled to be held from 8:00 a.m. to 5:00 p.m. on March 30, 2000, and from 8:00 a.m. to 5:00 p.m. on March 31, 2000. The meeting will be held at The Inn at Opryland, 2401 Music Valley Drive, Nashville, Tennessee 37214. The purpose of the meeting is to review planned changes and progress in developing paper-and-pencil and computerized enlistment tests and renorming of the tests. Persons desiring to make oral presentations or submit written statements for consideration at the Committee meeting must contact Dr. Jane M. Arabian, Assistant Director, Accession Policy, Office of the Assistant Secretary of Defense (Force Management Policy), Room 2B271, The Pentagon, Washington, DC 20301–4000, telephone (703) 697–9271, no later than March 6, 2000.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 00–4285 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Correction.

SUMMARY: The Office of the Secretary, DoD, is proposing to change the system identifiers of two previously published Privacy Act systems of records notices. The changes were published, but never incorporated into the notice.

The Department of the Army notice A0340 JDMSS, entitled 'HQDA Correspondence and Control/Central Files System' published on February 8, 2000, at 66 FR 6178, will now be known as 'A0025 JDIM', same title.

The Defense Logistics Agency notice S200.30 DLA-M, entitled 'Reserve Affairs', published on February 1, 2000, at 66 FR 4811, will now be known as 'S200.30 CAI', same title.

EFFECTIVE DATE: February 24, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 607-2943.

SUPPLEMENTARY INFORMATION: The Office of the Secretary, DoD, is proposing to change the system identifiers of two previously published Privacy Act systems of records notices.

The Department of the Army notice A0340 JDMSS, entitled 'HQDA Correspondence and Control/Central Files System' published on February 8, 2000, at 66 FR 6178, will now be known as 'A0025 JDIM', same title.

The Defense Logistics Agency notice S200.30 DLA-M, entitled 'Reserve Affairs', published on February 1, 2000, at 66 FR 4811, will now be known as 'S200.30 CAI', same title.

The specific changes to the records system being amended are set forth above. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4291 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, Defense Contract Management Command.

ACTION: Notice.

In compliance with Section 3506©(2)(A) of the Paperwork Reduction Act of 1995, the Defense Logistics Agency, Defense Contract Management Command, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 24, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Commander, Defense Contract Management Command, ATTN: Cdr Mark Feallock, DMCM–OI, 8725 John J. Kingman Rd., Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call DCMC, Flight Operations Safety and Environment, at (703) 767–2444.

Title, Associated Form, and OMB Number: Request for Government Approval for Aircrew Qualifications and Training, DD Form 2627, OMN NO. 0704–0347; Request for Approval of Contractor Flight Crewmember, DD Form 2627, OMB NO. 0704–0347 (both forms have same OMB number).

Needs and Uses: The DD Form 2627 is used to request qualification training for contractor crewmembers. The DD Form 2628 requests approval for contractor personnel to function as a flight crewmember.

Affected Public: Individuals; business or other for profit; not-for-profit institutions; state, local or tribal government.

Annual Burden Hours: 7.

Number of Respondents: 42.

Responses per Respondent: 2.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The requirement to have government approval of contract flight crewmembers is in Defense Logistics Agency Manual (DLAM) 8210.1, Contractor's Ground and Flight Operations, Vol 1, Chapter 6. The contractor provides a personal history and requests the government approve training in a particular type government aircraft (Form 2627). The contractor certifies the crewmember has passed a flight evaluation and, with the Form 2628, requests approval for the personnel to operate and fly government aircraft. Without the approvals, the contractor cannot use their personnel as requested.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4282 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, Defense Reutilization and Marketing Service.

ACTION: Notice.

In compliance with Section 3506(C)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Logistics Agency, Defense Reutilization and Marketing Service, announces the proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 24, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Commander, Defense Reutilization and Marketing Service, ATTN: Mr. Jim Jasper, 74 Washington Ave. N., Battle Creek, MI 49017–3092.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call DRMS, Office of Quality, at (616) 961–7233.

Title, Associated Form, and OMB Number: Defense Reutilization and Marketing Service Customer Comment Card, OMB NO. 0704–0394.

Needs and Uses: The information collection requirement is necessary to obtain customer rating and comments on the service of a Defense Reutilization and Marketing store.

Affected Public: Individuals; business or other for profit; not-for-profit institutions; state, local or tribal government.

Annual Burden Hours: 200.

Number of Respondents: 800.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Supplementary Information:

Summary of Information Collection

Respondents are customers who obtain, or visit a store to obtain, surplus or excess property. The customer comment card is a means for customers to rate and comment on aspects of the store's appearance, as an agent for service improvement and determining whether there is a systemic problem.

Dated: February 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–4283 Filed 2–23–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF ENERGY

Idaho High-Level Waste and Facilities Disposition Draft Environmental Impact Statement

AGENCY: U.S. Department of Energy.

ACTION: Extension of Comment Period and Additional Public Hearing.

SUMMARY: In response to the public's request, the Department of Energy (DOE) announces the extension of the public comment period for the Idaho High-Level Waste and Facilities Disposition Draft Environmental Impact Statement (EIS) to April 19, 2000, an additional 30 days. This will result in a comment period totaling 90 days. DOE also announces that an additional public hearing has been added in Fort Hall, Idaho. This new hearing has been publicized in the local media.

DATES: The public is invited to submit written and oral comments at the public hearings shown below. The hearing in Fort Hall, Idaho will be held at the Fort Hall Tribal Business Center on March 2, 2000, at 6:00 p.m. The location of the Boise, Idaho, meeting has been changed to the Doubletree Riverside, 2900 Chinden Blvd., Boise, Idaho 83714. Meetings will include overview presentations, a question and answer session, and an oral comment session. To schedule a time to submit oral comments during the hearings, please call 1–888–918–5100. Persons wishing to provide oral comments who have not registered in advance may register at the hearings.

SCHEDULE OF PUBLIC HEARINGS

Cities	Dates	Meeting times	Meeting locations
Idaho Falls, ID	Monday, February 7, 2000	7 p.m.	Shilo Inn.
Pocatello, ID	Tuesday, February 8, 2000	6 p.m.	Idaho State University.
Jackson, WY	Wednesday, February 9, 2000	6 p.m.	Snow King Lodge.
Twin Falls, ID	Tuesday, February 15, 2000	6 p.m.	College of Southern Idaho, Taylor Bldg.
Boise, ID	Thursday, February 17, 2000	6 p.m.	Doubletree Riverside.
Portland, OR	Tuesday, February 22, 2000	6 p.m.	Doubletree Lloyd Center.
Pasco, WA	Thursday, February 24, 2000	6 p.m.	Doubletree Pasco.
Fort Hall, ID	Thursday, March 2, 2000	6 p.m.	Tribal Business Center.

* There will be a 1-hour open house prior to the start of each meeting.

ADDRESSES: Other options for submitting comments on the Draft EIS are as follows:

- Comments may be mailed to: Thomas L. Wichmann, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, MS 1108, Idaho Falls, Idaho 83401–1563, Attn: EIS Public Comment.
- Comments may be transmitted by facsimile to: 1–208–526–1184.
- Comments may be submitted over the Internet at: *http://www.jason.com/hlwfdeis.*

DOE will consider all comments transmitted or postmarked by April 19, 2000. Comments submitted after this date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wichmann, U.S. Department of Energy, Idaho Operations Office, at (208) 526–0535; or Ann Dold, State of Idaho Department of Environmental Quality, at (208) 528–2600.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 2000, the DOE published a Notice of Availability (65 FR 3432) of its Idaho High-level Waste and Facilities Disposition Draft Environmental Impact Statement and announced a 60-day public comment period ending March 20, 2000. Copies of the Draft EIS have been provided to Federal, state, tribal, and local government agencies and other interested parties. The Draft EIS is available on the Internet via the DOE National Environmental Policy Act website at *http://tis.eh.doe.gov/nepa/docs/docs.htm.* In addition, the Draft EIS is available at 20 public reading rooms across the country and may be requested by calling 1–888–918–5100.

References used in the preparation of the Draft EIS are available for review at the EIS Project Office at DOE Idaho, 785 DOE Place, Idaho Falls, Idaho.

DOE is extending the public comment period for the Draft EIS to April 19, 2000, an additional 30 days. This will result in a comment period totaling 90 days. At the Shoshone-Bannock Tribe's request, DOE also is adding a public hearing at Fort Hall, Idaho on March 2, 2000, which has been publicized in the local media.

Mark W. Frei,

Deputy Assistant Secretary for Project Completion, Environmental Management.

[FR Doc. 00–4345 Filed 2–23–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Tanner Tap to Snoqualmie-Lake Tradition No.1 115–kV Transmission Line

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Floodplain and Wetlands Involvement.

SUMMARY: This notice announces BPA's proposal to site a new 115,000-volt (115–kV) transmission line across a number of wetlands and a floodplain. The line will be constructed in central King County, Washington, to provide Tanner Electric Cooperative (Tanner), one of BPA's full requirements customers, a new point of delivery at Tanner's proposed substation in the City of North Bend. The action is necessary to allow Tanner to meet their existing and future loads in the North Bend area. The effect on the public will be the construction and operation of a new 4.5-mile-long transmission line where no transmission line has existed before. In accordance with DOE regulations for compliance with floodplain and wetlands environmental review

requirements, BPA will prepare a floodplain and wetlands assessment and would perform this proposed action in a manner so as to avoid or minimize potential harm to or within the affected floodplain and wetlands. After BPA issues the assessment, a floodplain statement of findings will be published in the **Federal Register**.

DATES: Comments are due to the address below no later than March 10, 2000.

ADDRESSES: Submit comments to Communications, Bonneville Power Administration—KC–7, P.O. Box 12999, Portland, Oregon, 97212. Internet address: comment@bpa.gov.

FOR FURTHER INFORMATION CONTACT: Gene Lynard, Environmental Project Lead , KECN–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number 503–230–3790, fax number 503–230–5699.

SUPPLEMENTARY INFORMATION: Wetlands in the project area are primarily associated with the floodplains of the Snoqualmie River and its tributaries. The proposed transmission line route would cross a number of small wetlands, which support no unique flora or fauna. Most wetlands crossed are narrow and would be spanned where practical. Impacts would be primarily related to the removal of trees, which would threaten transmission line safety from wetlands and associated buffers. The largest wetland area crossed is located about one mile northwest of the City of North Bend along North Bend Way in Section 5, 23N, 8E. This is a large diverse wetland associated with Kimball Creek. The proposed transmission line alignment bisects this Pulustrian scrub/shrub and forested wetland for a distance of about 0.8 kilometers (0.5 miles). The project would be located within the North Bend Way right-of-way (at this location) and no structures would be placed within the wetland; however, the transmission line would be located within the 50-foot buffer of this sensitive area.

Wetlands could be affected if construction activities alter wetland vegetation, soils or hydrology. Construction and clearing activities and any necessary road improvements could also potentially affect sediment transport, damage vegetation and wildlife habitat, and reduce a wetland's ability to provide for flood and sediment control.

Maps and further information are available from BPA at the address above.

Issued in Portland, Oregon, on February 15, 2000.

James M. Kehoe,

Manager, Policy and Strategic Planning.

[FR Doc. 00–4344 Filed 2–23–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Supplemental Announcement Number 02, Hydrogen Technical Analysis, to the Broad Based Solicitation (DE–PS36–00GO10482) for Submission of Financial Assistance Applications Involving Research, Development and Demonstration

AGENCY: The Department of Energy (DOE).

ACTION: Request for applications for technical analysis efforts in support of the DOE Hydrogen Program.

SUMMARY: The DOE Office of Power Technologies is funding a competitive financial assistance program in support of the DOE Hydrogen Program. Applications are requested under a DOE Broad Based Solicitation that is anticipated to result in the award of one or more cooperative agreements in Fiscal Year 2000.

Background Information

The Office of Power Technologies (OPT) of the DOE Office of Energy Efficiency and Renewable Energy (EERE) is supporting the issuance of a Supplemental Announcement to the EERE Broad Based Solicitation for Submission of Financial Assistance Applications Involving Research, Development and Demonstration, DE–PS36–00GO10482. The Broad Based Solicitation contains information that must be used in conjunction with the Supplemental Announcement when applying for an award. Thus, in order to prepare a complete application, it is mandatory to comply with the requirements of the overall Broad Based Solicitation document, DE–PS36–00GO10482 (found on the Golden Field Office Home Page at http://www.eren.doe.gov/golden/solicitations.html) as well as the requirements of the Supplemental Announcement 02 document.

Under this Supplemental Announcement, DOE is seeking applications for technical analysis that can advance hydrogen production, storage, and utilization technologies. The objectives are to provide analysis in the following areas: (1) Technical analysis of projects now funded by the DOE Hydrogen Program, (2) analysis of novel hydrogen systems not currently being researched in the Program, (3) assistance in disseminating hydogen-related information to the public and industry, and (4) technical analysis on matters affecting hydrogen-related issues being considered by the International Energy Agency.

It is anticipated that projects may be selected for initial 12-month awards with possible continuations for up to two additional years. DOE is proposing to undertake this effort under the Hydrogen Future Act of 1996, Public Law 104–271. Awards, if any, will result from a merit review process applied to the applications.

DATES: Applications should be submitted as described in the Supplemental Announcement by March 31, 2000.

FOR FURTHER INFORMATION, CONTACT: U.S. Department of Energy, Golden Field Office, 1617 Cole Boulevard, Golden, CO 80401. The Contract Specialist is Beth H. Peterman, at facsimile (303) 275–4788, or e-mail at beth__peterman@nrel.gov. The Supplemental Announcement can be obtained from the GFO website at *www.eren.doe.gov/golden/solicitations.html* as of February 22, 2000.

Issued in Golden, Colorado, on February 15, 2000.

Mary Hartford,

Contracting Officer, GO.

[FR Doc. 00–4347 Filed 2–23–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–46–000]

Entergy Power Marketing Corporation v. Southwest Power Pool; Notice of Complaint

February 17, 2000.

Take notice that on February 16, 2000, Entergy Power Marketing Corporation tendered for filing a complaint against the Southwest Power Pool (SPP) alleging violations of the SPP's Open Access Transmission Tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests

must be filed on or before March 7, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before March 7, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–4325 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–89–000]

Koch Gateway Pipeline Company; Notice of Request Under Blanket Authorization

February 17, 2000.

Take notice that on February 11, 2000, Koch Gateway Pipeline Company (Koch Gateway), PO Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP00–89–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon in place by sale to Koch Midstream Services Company (Midstream), a Texas intrastate pipeline company, various natural gas gathering pipelines and associated compression, taps, laterals, metering stations, and appurtenant facilities, under Koch Gateway's blanket certificate issued in Docket No. CP82–430, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Koch Gateway states that these gathering facilities are located in the east Texas counties of Rusk and Gregg and are classified and functionalized as natural gas gathering and operate as gathering laterals connecting producing wells in the Henderson and Willow Springs producing areas to Koch Gateway. Koch Gateway states the continued operation and maintenance of the gathering facilities by Koch Gateway is no longer justified as a part of Koch Gateway's interstate pipeline system. Koch Gateway avers that these facilities are no longer part of Koch Gateway's core pipeline assets, and Koch Gateway currently has no plans to expand its natural gas gathering services in the Henderson and Willow Springs areas. Koch Gateway states that upon approval of the requested abandonment, and the closing of the sale of the gathering facilities, the facilities that will be interconnected with the existing intrastate pipeline system of Midstream Koch Gateway states that all of Koch Gateway's customers who have utilized the gathering facilities between and including January 1999 and December 1999 has accepted an equivalent offer from the parties and has consented to the proposed abandonment. The contact person for this filing is Kyle Stephens, Director of Certificates, Koch Gateway Pipeline Company, PO Box 1478, Houston, Texas, 77251–1478, (713) 544–7309.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. if a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 00–4322 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–82–000]

Williams Gas Pipelines Central, Inc.; Notice of Application

February 17, 2000.

Take notice that on February 8, 2000, Williams Gas Pipelines Central, Inc. (Williams Central), P.O. Box 3288, Tulsa, Oklahoma, 74101, filed an application pursuant to Section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing the construction of a pipeline expansion project on its Sedalia Line and its Ottawa Crossover facilities. The details of Williams Central's proposal are more fully set forth in the application which is on file with the Commission and open to public inspection. This application may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Any questions regarding this application should be directed to Bart Wherritt, Manager, Certificates & Tariffs at (918) 573–4369, or at Williams Gas Pipelines Central, Inc., P.O. Box 3288, Tulsa, Oklahoma 74101.

Williams Central proposes to construct about 1.5 miles of 24-inch pipeline and related facilities between the Ottawa Crossover and the Ottawa Compressor Station. They also propose to upgrade of two existing compressor units on its Sedalia Line at the Peculiar Compressor Station from 1,350 horsepower each to 2,000 horsepower each, and install new ISO rated 1,590 horsepower turbine set at the Peculiar Compressor Station. Finally, they propose to convert an 800 horsepower compressor unit at Concordia Compressor Station from Natural Gas Policy Act (NGPA) Section 311 authorization to NGA Section 7(c) authorization.

Williams Central says that the additional facilities will allow them to provide incremental firm transportation service to two customers of its East of Ottawa/Sedalia Line system (UtiliCorp United, Inc. (UtiliCorp); and U.S. Energy Services, as agent for Tyson Foods, Inc.). The new service provided will support growing LDC requirements, industrial needs and most significantly, the new Pleasant Hill power plant that will be constructed in Cass County, Missouri. The cost to construct the Ottawa pipeline, upgrade the two existing compressor units, and install the new Solar turbine at the Peculiar station is estimated to be about $9.7 million. The cost associated with the conversion of the 800 horsepower compressor unit at Concordia station is $2.3 million, for a total project cost of $13.0 million.

Williams Central says that beginning on June 1, 2001, they will provide 35,000 Dth/d of firm service year-round to UtiliCorp in both the production and market areas for four years. During the initial four year term, for the 35,000 Dth/d amount, Williams Central and UtiliCorp have agreed that the reservation rate paid by UtiliCorp will not exceed the maximum reservation rate in effect on October 31, 1999. The

primary delivery point for this 35,000 Dth/d will be at the interconnection of Williams Central's facilities and a 7.7 mile non-jurisdictional lateral pipeline to be constructed by UtiliCorp from the Pleasant Hill power plant. Williams Central will also provide to UtiliCorp 16,000 Dth/d of firm service during the summer months only for use at the Pleasant Hill plant for four years. The balance of the 86,000 Dth/d Pleasant Hill requirement during the summer months will be provided through capacity release arrangements between UtiliCorp and other third parties that Williams Central says they will help to arrange.

Williams Central will also provide 7,000 Dth/d of firm service under NGPA Section 311 to UtiliCorp during the winter months (October through March) with the primary delivery points at various existing town borders on the East of Ottawa/Sedalia Line system. Williams Central will also provide 2,200 Dth/d of incremental firm service to U.S. Energy/Tyson Foods in the production and market area for five years, with the market area primary delivery point located at the Sedalia town border on the Sedalia system.

William Central also requests approval to rolled-in the costs of the proposed new, converted, and upgraded facilities with existing their facilities' costs in their next general rate case. Williams Central says that impact of such rolled-in treatment will be a decrease in their 100% load factor rates for firm transportation across both their Production and Market areas from $0.3065 per Dth currently to $0.2992 per Dth after the proposed roll-in, a decrease of about 2.4%. They say that this meets the Commission's ''threshold requirement'' that there be no financial subsidies from existing capacity holders on the pipeline, as set forth in the Commission's Statement of Policy on the Certification of New Interstate Natural Gas Pipeline Facilities, issued in Docket No. PL99–3–000.

Any person desiring to be heard or making any protest the reference to said application should on or before March 9, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commissions' Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or person to whom the protests are directed. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, of filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court. The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on these applications if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Williams Central to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–4324 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–53–000, et al.]

Black River Limited Partnership, et al. Electric Rate and Corporate Regulation Filings

February 16, 2000.

Take notice that the following filings have been made with the Commission:

1. Black River Limited Partnership

[Docket No. EC00–53–000]

Take notice that on February 16, 2000, pursuant to Section 203 of the Federal Power Act (FPA), 16 U.S.C. § 824b (1998) and Part 33 of the Regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 33 *et seq.*, Black River Limited Partnership (BRLP) filed a supplement to its ''Application for Approval of Disposition of Jurisdictional Facilities,'' filed on January 31, 2000 (January 31st Application) in the above-referenced proceeding. The supplement to the January 31st Application is being submitted for purposes of providing certain agreements pursuant to which BRLP will enter into the sale and lease transactions with respect to the Fort Drum Project.

BRLP also has requested that the Commission find that it will no longer be deemed to be a ''public utility'' as such term is defined under Section 201 of the FPA upon consummation of the sale and lease transactions. BRLP has requested a shortened notice period and expedited consideration of the application.

Comment date: February 28, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Baltimore Gas and Electric Company, Calvert Cliffs, Inc., Constellation Generation, Inc. and Constellation Power Source, Inc.

[Docket No. EC00–57–000]

Take notice that on February 11, 2000, Baltimore Gas and Electric Company, Calvert Cliffs, Inc., Constellation Generation, Inc., and Constellation Power Source, Inc. (collectively Joint Applicants) submitted for filing,

pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations (18 CFR Part 35), an Application for authorization to make sales at market-based rates, for certain waivers and blanket authorizations, for cancellation of code of conduct, and for acceptance of interconnection agreements.

Comment date: March 13, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Kansas City Power & Light Company

[Docket No. ER94–1045–000]

Take notice that on February 10, 2000, Kansas City Power & Light Company (KCP&L) informed the Commission that it was rescinding a previously imposed prohibition on sales to Western Resources, Inc. under its filed market based tariff. KCP&L states that it has terminated its merger agreement with Western Resources and thus will no longer treat Western Resources as an affiliate under its market-based tariff.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. EnergyOnline, Inc., First Power, L.L.C. and Merrill Lynch Capital Services, Inc.

[Docket Nos. ER96–138–009, ER97–3580–010 and ER97–830–006]

Take notice that on February 11, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

5. New York Independent System Operator, Inc.

[Docket Nos. ER97–1523–027, OA97–470–025 and ER97–4234–023]

Take notice that on February 11, 2000, the New York Independent System Operator, Inc. (NYISO) made a compliance filing with respect to whether Hydro-Quebec's (HQ) DC intertie may permit HQ to provide voltage support in the New York Control Area.

Copies of this filing were served on the Commission's Service List in Docket No. ER97–1523–000 *et al.*, and on the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. New York Independent System Operator, Inc.

[Docket Nos. ER97–1523–028, OA97–470–026 and ER97–4234–924]

Take notice that on February 11, 2000, the New York Independent System Operator, Inc. filed in response to a portion of the Commission's Order issued January 14, 2000, 90 FERC ¶ 61,045 (2000) (January 14 order).

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Light Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Power Authority of the State of New York, Orange and Rockland Utilities, Inc. and Rochester Gas and Electric Corporation

[Docket Nos. ER97–1523–029, OA97–470–027 ER97–4234–025, (not consolidated)]

Take notice that on February 11, 2000, the Members of the Transmission Owners Committee of New York State, formerly known as the Member Systems of the New York Power Pool (Member Systems), tendered for filing certain revised tariff sheets to their ISO Open Access Transmission Tariff and ISO Services Tariff. The Member Systems state that these tariff sheets are in compliance with the Commission's January 14, 2000 order in this proceeding. *Central Hudson Gas & Electric Corp., et al.,* 90 FERC ¶ 61,045 (2000). The Member Systems request that the above-referenced tariff sheets become effective on November 18, 1999.

A copy of this filing was served upon all persons on the Commission's official service lists in the captioned proceeding, and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Pepco Services, Inc.

[Docket No. ER98–3096–006]

Take notice that on January 31, 2000, Pepco Services filed their quarterly report for the quarter ending December 31, 1999, for information only.

9. AI Energy, Inc. and Morgan Stanley Capital Group Inc.

[Docket Nos. ER98–3164–006 and ER94–1384–028]

Take notice that on February 10, 2000, the above-mentioned power marketers filed quarterly reports with the Commission in the above-mentioned proceedings for information only.

10. Sierra Pacific Energy Company

[Docket No. ER00–500–001]

Take notice that on February 10, 2000, Sierra Pacific Energy Company (SPEC) tendered for filing a revision to its FERC Electric Rate Schedule No. 1 specifying the ancillary services it may sell at market-based rates within the California ISO control area. This filing is a requirement imposed by the Commission in its order approving SPEC's request for market rate authority.

Comment date: March 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. New York Independent System Operator, Inc., Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Light Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Power Authority of the State of New York, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation

[Docket No. ER00–550–002]

Take notice that on February 11, 2000, the Members of the Transmission Owners Committee of New York State, formerly known as the Member Systems of the New York Power Pool (Member Systems), and the New York Independent System Operator, Inc. (NYISO) tendered for filing certain revised tariff sheets to the ISO Open Access Transmission Tariff. The Member Systems and the NYISO state that these tariff sheets are in compliance with the Commission's January 12, 2000 order in this proceeding. *New York Independent System Operator, Inc. et al.,* 90 FERC ¶ 61,015 (2000).

The Member Systems and the NYISO request that the above-referenced tariff sheets become effective on November 18, 1999.

A copy of this filing was served upon all persons on the Commission's official service list in the captioned proceeding, and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. PJM Interconnection, L.L.C.

[Docket No. ER00–941–000]

Take notice that on February 8, 2000, PJM Interconnection, L.L.C. supplemented its filing in this docket to more clearly set forth the method by which Interconnection Customers that have cost responsibility for the construction of transmission facilities or upgrades necessary to accommodate their Interconnection Requests will be allocated Incremental Fixed Transmission Rights.

PJM requests an effective date of April 9, 2000.

Copies of this filing were served upon all PJM Members, the electric regulatory commissions in the PJM control area, and all parties to this proceeding.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Bangor Hydro-Electric Company

[Docket No. ER00–988–000]

Take notice that on February 11, 2000, Bangor Hydro-Electric Company (Bangor Hydro), tendered for filing an amendment to its December 30, 1999 filing of long-term service agreement with Morgan Stanley Capital Group, Inc., entered into pursuant to Bangor Hydro's market-based rate authority.

Bangor Hydro requests an effective date of March 1, 2000 for the agreement.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Dynegy Power Marketing, Inc.

[Docket No. ER00–1109–000]

Take notice that on February 8, 2000, Dynegy Power Marketing, Inc., tendered for filing proposed changes in its FERC Electric Service Tariff No. 1.

The filing amends certain language contained in the revised market-based rate schedule dated January 14, 2000.

Copies of the filing were served upon all persons designated on the official service list compiled by the Secretary in this proceeding.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Mississippi Power Company

[Docket No. ER00–1575–000]

Take notice that on February 8, 2000, Mississippi Power Company (MPC), filed proposed changes to Rates Schedule MRA–18 of FERC Electric Tariff, First Revised Volume No. 1 (Tariff) of Mississippi Power Company. The proposed changes will provide a rate decrease to all customers under the Tariff. In addition, the filing proposes to revise the provisions of the Tariff for terminating service at any given delivery point and provides for a moratorium on unilateral changes in rates under the Tariff until January 1, 2002.

MPC has requested an effective date of January 1, 2000. The filing also contains corresponding Settlement Agreement and Statement of Consents for each of the customers served under the Tariff.

The rate decrease is being filed as a result of agreements reached between each of the customers under the Tariff and MPC, which agreements are set forth in the separate Settlement Agreement and Statement of Consents between each customer and MPC.

Copies of the filing were provided to each of the customers under the Tariff, to the Mississippi Public Service Commission, and to the Mississippi Public Utilities Staff.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Niagara Mohawk Power Corporation and Potomac Electric Power Company

[Docket Nos. ER00–1590–000 and ER00–1596–000]

Take notice that on February 10, 2000 the above-mentioned affiliated power producers and/or public utilities filed their quarterly reports for the quarter ending December 31, 1999.

Comment date: March 7, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Baltimore Gas and Electric Company, Calvert Cliffs, Inc., Constellation Enterprises, Inc. and Constellation Generation, Inc.

[Docket No. ER00–1598–000]

Take notice that on February 11, 2000, Baltimore Gas and Electric Company (BGE), Calvert Cliffs, Inc. (CCI), Constellation Enterprises, Inc. and Constellation Generation, Inc. (Constellation Generation) (collectively, the Applicants) submitted for filing, pursuant to Section 203 of the Federal Power Act, and Part 33 of the Commission's regulations, an Application for authorization to transfer certain jurisdictional transmission facilities as part of the transfer of BGE's generating plants to its affiliates, Constellation Generation and CCI.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Pool

[Docket No. ER00–1599–000]

Take notice that on February 11, 2000, the New England Power Pool (NEPOOL) Participants Committee submitted two revised Market Rules and Procedures (the Market Rules), the proposed deletion of two other Market Rules and revisions and deletions of several relevant appendices to the Market Rules, which collectively remove from the Market Rules all mention of the Operable Capability Market in accordance with NEPOOL's proposed elimination of that Market as set forth in the Fiftieth Agreement Amending Restated NEPOOL Agreement filed with the Commission on December 30, 1999 in Docket No. ER00–985–000.

The NEPOOL Participants Committee states that copies of these materials were sent to all participants in the New England Power Pool, the New England state governors and regulatory commissions.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Montaup Electric Company

[Docket No.ER00–1556–000]

Take notice that on February 8, 2000, Montaup Electric Company (Montaup), tendered for filing a fully executed Service Agreement for Non-Firm Point-To-Point Transmission Service (Service Agreement) between Montaup and H.Q. Energy Services (US), Inc. (HQ).

Montaup requests a waiver of the 60 day notice requirement and requests an effective date of February 8, 2000, the day on which it is being filed.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. California Independent System Operator Corporation

[Docket No. ER00–1576–000]

Take notice that the California Independent System Operator Corporation, on February 8, 2000, tendered for filing a Participating Generator Agreement between the ISO and Fresno Cogeneration Partners, LP for acceptance by the Commission.

The ISO states that this filing has been served on Fresno Cogeneration Partners, LP and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective February 8, 2000.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. PECO Energy Company

[Docket No. ER00–1577–000]

Take notice that on February 8, 2000, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 et seq., an Agreement dated January 12, 2000 with H.Q. Energy Services (U.S.) Inc. (HQUS) under PECO's FERC Electric Tariff Original Volume No. 1 (''Tariff'').

PECO requests an effective date of January 12, 2000, for the Agreement.

PECO states that copies of this filing have been supplied to H.Q. Energy Services (U.S.) Inc. and to the Pennsylvania Public Utility Commission.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. California Independent System Operator Corporation

[Docket No. ER00–1578–000]

Take notice that the California Independent System Operator Corporation, on February 8, 2000, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Fresno Cogeneration Partners, LP for acceptance by the Commission.

The ISO states that this filing has been served on Fresno Cogeneration Partners, LP and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO Metered Entities to be made effective January 18, 2000.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Public Service Company of Oklahoma

[Docket No. ER00–1579–000]

Take notice that on February 8, 2000, Public Service Company of Oklahoma (PSO) tendered for filing Amendment No. 1 to the Contract for Electric Service (Contract) between PSO and Collinsville Municipal Authority, Collinsville, Oklahoma (Collinsville). Amendment No.1 provides for a new point of delivery.

PSO requests an effective date of January 30, 2000 and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing have been served on Collinsville and the Oklahoma Corporation Commission.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. Cinergy Services, Inc.

[Docket No. ER00–1580–000]

On February 8, 2000, Cinergy Services, Inc. (Cinergy), on behalf of its affiliated Operating Companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI) (collectively the Cinergy Operating Companies), tendered for filing a Reservation Letter between Cinergy and the City of Piqua, Ohio (Piqua), which specifies the understanding between the Cinergy Operating Companies and Piqua concerning the manner in which service previously contracted and reserved under CG&E's Rate Schedule FERC No. 48 and PSI's Rate Schedule FERC No. 31 will be provided by the Cinergy Operating Companies for the remaining years of service for those transactions.

Cinergy requests an effective date of February 9, 2000, one day after filing, for its Reservation Letter.

Cinergy states that it has served a copy of its filing upon the City of Piqua, Ohio.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. Arizona Public Service Company

[Docket No. ER00–1581–000]

Take notice that on February 8, 2000, Arizona Public Service Company, tendered for filing Cancellation of Off Season Power Sale Agreement between Arizona Public Service Company (APS or Company) and the City of Vernon (Vernon) (APS-FERC Rate Schedule No. 228), effective date June 29, 1996 by order dated May 30, 1996.

Effective date is at midnight April 30, 2000.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. Public Service Company of Oklahoma

[Docket No. ER00–1582–000]

Take notice that on February 8, 2000, Public Service Company of Oklahoma (PSO) submitted for filing Amendment No. 1 to the Contract for Electric Service (Contract) between PSO and Collinsville Municipal Authority, Collinsville, Oklahoma (Collinsville). Amendment No. 1 provides for a new point of delivery.

PSO requests an effective date of January 30, 2000 and, accordingly, seeks waiver of the Commission's notice requirements.

Copies of the filing have been served on Collinsville and the Oklahoma Corporation Commission.

Comment date: February 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. PJM Interconnection, L.L.C.

[Docket No. ER00–1607–000]

Take notice that on February 11, 2000, PJM Interconnection, L.L.C. (PJM), tendered for filing 8 executed service agreements for network integration transmission service under state required retail access programs and for point-to-point transmission service under the PJM Open Access Transmission Tariff.

Copies of this filing were served upon the parties to the service agreements.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

28. Southern Company Services, Inc.

[Docket No.ER00–1608–000]

Take notice that on February 11, 2000, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), filed an Interconnection Agreement (IA) by and between APC and Tenaska Alabama Partners, L.P. (Tenaska Alabama). The IA will interconnect Tenaska Alabama's generating facility to be located near Billingsley, Alabama in Autauga County to APC's electric system.

An effective date of February 14, 2000 has been requested.

Comment date: March 3, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–4353 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 17, 2000.

Take notice that the following application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amendment of license for the modification of license Article 401.

b. *Project No.* 2582–016.

c. *Dates Filed:* January 27 and 31, 2000.

d. *Applicant:* Rochester Gas and Electric Corporation.

e. *Name of Project:* Station 2 Project.

f. *Location:* Genesee River in the city of Rochester, Monroe County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. Hugh J. Ives, Hydro License Coordinator, Rochester Gas and Electric Corporation, 89 East Avenue, Rochester, NY 14649–0001, (716) 724–8209, e-mail address: Hugh__ives@rge.com.

i. *FERC Contact:* Any questions on this notice should be addressed to Jim Haimes at (202) 219–2780, or e-mail address: james.haimes@ferc.fed.us.

j. *Deadline for filing comments and or motions:* 30 days from the issuance date of this notice. All documents should be filed by providing an original and eight copies, as required by the Commission's regulations, to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project name and number (Station 2 Project, No. 2482–016) on any comments or motions filed.

k. *Description of Amendment:* License Article 401 of the existing license, issued February 22, 1996, requires the licensee: (1) to operate the subject hydropower project in a modified run-of-river mode whereby flows downstream of the project tailrace approximate inflows to the project reservoir; and (2) to maintain the elevation of the project's 16-acre impoundment between 482.3 and 482.9 feet mean sea level (msl). Therefore, the reservoir elevation is currently authorized to fluctuate up to 0.6-foot per day.

Further, license Article 402 requires the licensee to release from the Station 2 dam into the project's bypass reach: (1) a continuous flow of at least 300 cubic feet per second (cfs) between 11:00 a.m. and 11 p.m. daily; and (2) a continuous flow of at least 25 cfs between 11:00 p.m. and 11:00 a.m. daily, or inflow, whichever is less. The 300 cfs releases provide a veil flow over the 90-foot-high Upper Falls, an important local aesthetic resource located immediately downstream of the project dam.

The subject filing indicates that the license-mandated reservoir elevation range has made it difficult to generate hydropower efficiently while at the same time providing the required veil flow. These operating difficulties have resulted in significant excess spillage and, consequently, generation loss of 1 to 2 megawatts per hour for 40 percent of the year. For example, with river flows between 1,500 cfs and 3,000 cfs, and the maximum allowable reservoir elevation set at 482.9 feet msl, the licensee can only provide the required 300 cfs veil flow by opening the dam gates, which results in generation loss.

To remedy this situation, the licensee proposes to provide the required veil flow by usually maintaining a minimum reservoir elevation of 483.3 feet msl, which would result in the spillage of 300 cfs over the dam gates. Infrequently, the licensee would provide the veil flow by raising one or more gates. When this method is used, the elevation of the impoundment would be maintained at not less than 482.3 feet msl. Lastly, between 11:00 p.m. and 11:00 a.m., when bypass flow may consist only of dam leakage of 25 cfs, the licensee would maintain the reservoir elevation at not less than 482.3 feet msl. Thus, under the proposed operating regime, the reservoir elevation could fluctuate by one foot per day, from 482.3 to 483.3 feet msl.

l. *Locations of application:* Copies of the application are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application also may be viewed on the Web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. Copies of the application also are available for inspection and reproduction at the addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list for the proposed amendment of license should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS''. ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–4321 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

February 17, 2000.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of intent to file an application for new license.

b. *Project No.:* 2630.

c. *Date filed:* January 12, 2000.

d. *Submitted By:* PacifiCorp, current licensee.

e. *Name of Project:* Prospect Nos. 1, 2, and 4.

f. *Location:* On the Rogue River and tributaries in Jackson County, Oregon.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. *Pursuant to Section* 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the licensee at Suite 1500, 825 N.E. Multnomah, Portland, OR 97232. Contact Todd Olson on (503) 813–6657.

i. *FERC Contact:* Hector M. Perez, (202) 219–2843, *hector.perez@ferc.fed.us.*

j. *Effective Date of Current License:* May 1, 1965.

k. *Expiration Date of Current License:* July 1, 2005.

l. The project consists of three concrete diversion dams, a water conveyance system with approximately 9.25 miles of waterways, and three powerhouses with a total installed capacity of 20.76 megawatts.

m. The licensee states its unequivocal intent to file an application for a new license for this project. Pursuant to 18 CFR 16.9(b)(1), all applications for a new license must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 20, 2003.

n. A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The notice may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

David P. Boergers,

Secretary.

[FR Doc. 00–4323 Filed 2–23–00; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 15, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 24, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0758.

Title: Amendment of Part 5 of the Commission's Rules to Revise the Experimental Radio Service Regulations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, Not-for-profit institutions; Business or other for-profit; and State, Local or Tribal Government.

Number of Respondents: 428.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 681 hours.

Total Estimated Cost: None.

Needs and Uses: The collection of information contained in Part 5 are made necessary by Sections 5.75, 5.85(d), 5.85(e), and 5.93(b) of the Commission's Rules governing the Experimental Radio Service. They are as follows: (1) Pursuant to Section 5.75, if a blanket license is granted, licensees are required to notify the Commission of the specific details of each individual experiment, including location, number of base and mobile units, power, emission designator, and any other pertinent technical information not specified by the blanket license; (2) pursuant to Section 5.85(d), when applicants are using public safety frequencies to perform experiments of a public safety nature, the license may be conditioned to require coordination between the experimental licensee and appropriate frequency coordinator and/or all public safety licensees in its area of operation; (3) pursuant to Section 5.85(e), the Commission may, at its discretion, condition any experimental license or special temporary authority (STA) on the requirement that before commencing operation, the new licensee coordinate its proposed facility with other licensees that may receive interference as a result of the new licensee's operations; and (4) pursuant to Section 5.93(b), unless otherwise stated in the instrument of authorization, licenses granted for the purpose of limited market studies requires the licensee to inform anyone participating in the experiment that the service or device is granted under an experimental authorization and is strictly temporary. In all cases, it is the responsibility of the licensee to coordinate with other users.

OMB Approval Number: 3060–0397.

Title: Special Temporary Authority—Section 15.7(a).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 6.

Frequency of Response: One time reporting requirement.

Estimated Hours Per Response: 2 hours.

Total Annual Burden: 12 hours.

Total Annual Cost: $150.

Needs and Uses: In exceptional situations, a special temporary authorization to operate a radio frequency device not conforming to the subject rules will be issued. An applicant must show that the proposed operation is in the public interest, but cannot be feasibly conducted under the applicable rules.

OMB Approval Number: 3060–xxxx.

Title: Maritime Mobile Service Indentity (MMSI).

Form Number: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit, individuals, or households.

Number of Respondents: 2,000.

Estimated Time Per Response: .5 hours.

Total Annual Burden: 1,000 hours.

Total Annual Cost: No annual cost burden on respondents from either capital or start-up costs.

Needs and Uses: The information collection requirement is needed to collect, search and rescue information about each vessel issued an MMSI. An MMSI is a unique nine-digit number that functions similar to a ''phone number'' for contacting a specific vessel. Upon receiving a distress alert containing an MMSI, authorities such as the U.S. Coast Guard may use the MMSI to find out background information

about the vessel (*e.g.,* owner's name, intended route, and other radio equipment on board) and to help determine whether the alert is false. Thus, an accurate MMSI database can help to protect lives and property at sea by reducing the time it takes to locate vessels in distress.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–4280 Filed 2–23–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Requirement Submitted to OMB for Emergency Review and Approval

February 16, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 27, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all comments to Virginia Huth, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–6929 or via internet at vhuth@omb.eop.gov, and Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: *The Commission has requested emergency OMB review of this collection with an approval by February 24, 2000.*

OMB Control Number: 3060–XXXX.

Type of Review: New Collection.

Title: Survey to Provide Information for the Agency's Sub-study of the Estimation of Utilization Rates/Probabilities of Obtaining Broadcast and Wireless Licenses Through Secondary Market Transactions.

Form No.: N/A.

Respondents: Individuals or households; business or other for-profit.

Number of Respondents: 4,948.

Estimated Time Per Response: 20 minutes (.33 hours).

Frequency of Response: One time reporting requirement.

Total Annual Burden: 369 hours.

Total Annual Cost: N/A.

Needs and Uses: The Commission requests emergency OMB review and approval by February 24, 2000 for a survey that will provide a basis for the FCC's investigation that seeks to provide an estimation of the likelihood of firms owned by minorities, women, non-minorities, and small firms obtaining broadcast and wireless licenses from private firms selling licenses in the secondary market.

The secondary market study is a sub-study or the second part of a two-part study regarding broadcast and wireless license acquisition, which is part of a comprehensive examination commenced by the FCC to identify and evaluate market entry barriers and other impediments to participation and attainment of broadcast and wireless licenses by small, women and minority-owned businesses.

Data collected in the survey may provide the foundation for FCC policies to promote competition and opportunities for small, minority and women-owned businesses. This information may be used by the FCC in considering future auction rules, broadcast license rules, the biennial review of broadcast rules, the allocation of low power radio licenses, and whether the FCC should implement a tax certificate and/or distress sales program.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–4281 Filed 2–23–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–219 and DA 00–273]

Wireless Telecommunications Bureau Seeks Comment on Qualcomm Inc.'s Petition for Declaratory Ruling Seeking 700 MHz Band License Pursuant to Ruling of U.S. Circuit Court of Appeals

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document the Wireless Telecommunications Bureau (Bureau) seeks comment on Qualcomm Inc.'s Petition for Declaratory Ruling. The filing deadline is extended to provide interested parties with an adequate opportunity to prepare and file meaningful comments in this proceeding.

DATES: Comments are due February 18, 2000 and reply comments are due February 25, 2000.

ADDRESSES: Comments should be filed with the Office of the Secretary, Federal Communications Commission, Room TW–B204, 445 12th Street, SW, Washington, DC, 20554. Comments also should be provided to Nicole Oden, Auctions and Industry Analysis Division, Room 4–B551, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC, 20554. All comments should reference DA 00–219.

FOR FURTHER INFORMATION CONTACT: Nicole Oden of the Auctions and Industry Analysis Division at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of two Public Notices, DA 00–219 released February 4, 2000, and DA 00–273 released February 11, 2000. The complete text of the public notices, including all attachments, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. It is also available on the Commission's website at http://www.fcc.gov.

1. QUALCOMM Incorporated (''QUALCOMM'') has filed a Petition for

Declaratory Ruling pursuant to § 1.2 of the Rules and Regulations of the Federal Communications Commission (Commission). QUALCOMM seeks to withdraw its pending pioneer's preference request for the A Block broadband PCS license in the Southern Florida Major Trading Area and substitute for it the 700 MHz band D Block license (752–762 MHz and 782–792 MHz) in the Southeast Economic Area Grouping 3 (''EAG 3''). (*See 700 MHz First Report and Order*), 65 FR 3139 (January 20, 2000).

2. QUALCOMM contends that the 700 MHz band D Block license is the only immediately available license that will satisfy the mandate of the Court of Appeals for the District of Columbia Circuit. (*See* QUALCOMM Inc. v. FCC, 181 F.3rd 1370 (D.C. Cir. 1999)) QUALCOMM submits estimates of spectrum value to support its contention.

3. In a *Public Notice* (DA 00–219) released on February 4, 2000, the Wireless Telecommunications Bureau (Bureau) sought comment on QUALCOMM's Petition for Declaratory. Specifically, the *Public Notice* requested that comments addressing any issues raised by QUALCOMM are filed on or before February 14, 2000 and reply comments were due on or before February 21, 2000. All comments should reference DA 00–219.

4. Both Bell Atlantic Mobile, Inc. (''BAM'') and U S WEST Wireless LLC (''U S WEST'') requested an extension of the deadline for filing comments to QUALCOMM's Petition for Declaratory Ruling. These parties contend that an extension of the deadline is warranted because of the important issues raised and the nature of the analysis required for parties to adequately respond.

5. It is the policy of the Commission that extensions of time shall not be routinely granted. (*See* 47 CFR 1.46) Upon review, however, we agree that an extension will afford parties the time to file comments that will facilitate the compilation of a more complete record in this proceeding, without causing undue delay to the Commission's consideration of the issues.

6. Accordingly, we extend the filing deadline for comments to the petition filed by QUALCOMM. Comments addressing any issues raised by QUALCOMM must be filed by February 18, 2000, and reply comments are due by February 25, 2000. Adoption of these deadlines should provide interested parties with an adequate opportunity to prepare and file meaningful comments in this proceeding.

7. In all other respects, the terms and filing instructions set forth in the *Public Notice* released on February 4, 2000 (DA 00–219) apply. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. (*See* 47 CFR 1.1200(a), 1.1206) Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

8. QUALCOMM's petition is available for public inspection and copying in the Reference Center, Room CY A257, 445 12th St., SW, Washington, DC 20554. Copies of the petition are also available from ITS at 1231 20th St., NW, Washington, DC 20036, or by calling (202) 857–3800.

Federal Communications Commission.

Louis J. Sigalos,

Deputy Chief, Auctions & Industry Analysis Division.

[FR Doc. 00–4279 Filed 2–23–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Notice

February 16, 2000.

Deletion of Agenda Item From February 17th Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the February 17, 2000, Open Meeting and previously listed in the Commission's Notice of February 10, 2000.

ITEM NO. 3.

BUREAU: Wireless telecommunications.

SUBJECT: *Title:* Calling Party Pays Service Offering in the Commercial Mobile Radio Services (WT Docket No. 97–207).

Summary: The Commission will consider a Memorandum Opinion and Order on Reconsideration and Report and Order concerning rules for facilitating calling party pays.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–4528 Filed 2–22–00; 3:54 pm]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 9:00 a.m. on Thursday, February 24, 2000, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of title 5, United States Code, to consider matters relating to the Corporation's resolution, supervisory, and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: February 22, 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–4527 Filed 2–22–00; 3:54 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

Previously announced date & time: Thursday, February 17, 2000, 10 a.m., meeting open to the public.

The following item was added to the agenda: February Status Report to Congress on PricewaterhouseCoopers Recommendations.

DATE AND TIME: Tuesday, February 29, 2000 at 10 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Wednesday, March 1, 2000 at 10 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This hearing will be open to the public.

MATTER BEFORE THE COMMISSION: Oral Hearing: Buchanan for President, Inc.

DATE AND TIME: Thursday, March 2, 2000 at 10 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 1999–40: National Rual Electric Cooperative Association by counsel, Jan Witold Baran.

Advisory Opinion 2000–01: Angel Taveras, Congressional candidate.

Advisory Opinion 2000–03: American Society of Anesthesiologists by counsel, Michael Scott.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 00–4526 Filed 2–22–00; 3:20 pm]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 232–010786–010.

Title: Contship Med/Gulf Line Ltd. and Italia di Navigazione SPA Space Charter and Sailing Agreement.

Parties: Contship Med/Gulf Line Ltd. and Italia di Navigazione S.p.A.

Synopsis: The proposed amendment reflects a change in the structure of the relationship of the parties. Upon the amendment's effectiveness, the parties will no longer charter space to one another, rather Contship will charter space to Italia and the maximum number of vessels which may be operated under the Agreement will increase from three to six. The amendment also deletes France, Portugal, and the Balearic and Canary Islands from the Agreement's foreign geographic scope while expanding its U.S. scope to include all U.S. Atlantic ports south of and including Charleston, SC.

Agreement No.: 202–011576–004.

Title: South America Independent Lines Association.

Parties: Interocean Lines, Inc. and Trinity Shipping Line, S.A.

Synopsis: The proposed modification expands the geographic scope of the agreement to include Colombia.

Agreement No.: 217–011689.

Title: Zim/CSCL Slot Charter Agreement.

Parties: Zim Israel Navigation Company Ltd. and China Shipping Container Lines Co. Ltd.

Synopsis: Under the proposed agreement, the parties agree to charter space to each other in the trade between U.S. Pacific Coast ports and ports in the Peoples' Republic of China (including Hong Kong), South Korea, and Japan. The agreement will have a term of three years.

Agreement No.: 232–011690.

Title: COSCO/KL/YMUK Asia/U.S. East and Gulf Coast Vessel Sharing Agreement.

Parties: COSCO Container Lines, Kawasaki Kisen Kaisha, Ltd. and YangMing (U.K.) Ltd.

Synopsis: Under the proposed agreement, the parties agree to coordinate vessel and terminal operations and cross-charter space in their services between U.S. East and Gulf ports and ports in the Peoples' Republic of China and Japan.

Agreement No.: 232–011691.

Title: COSCO/KL/YMUK Mediterranean/U.S. East and Gulf Coast Vessel Sharing Agreement.

Parties: COSCO Container Lines, Kawasaki Kisen Kaisha, Ltd. and Yangming (U.K.) Ltd.

Synopsis: Under the proposed agreement, the parties agree to coordinate vessel and terminal operations and cross-charter space in their services between U.S. East and Gulf ports and ports on the Mediterranean within the Gibraltar/Port Said range.

Agreement No.: 203–011692.

Title: SCI/Contship and CMA CGM Space Charter and Sailing Agreement.

Parties: The Shipping Corporation of India, Ltd., Contship Containerlines Limited and CMA CGM S.A.

Synopsis: The proposed Agreement permits the parties to share space, exchange slots, discuss and agree upon rates on a voluntary basis, adopt voluntary guidelines relating to their respective individual service contracts, and engage in other limited cooperative activities in the trades between the U.S. Atlantic Coast and India, Sri Lanka, South East Asia (Bangladesh to Philippines range), Portugal, ports on the Mediterranean and Red Sea, and in the United Arab Emirates.

Dated: February 18, 2000.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–4362 Filed 2–23–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediaries pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

Global Caribbean,Inc., 12000 Biscayne Blvd, Suite 106, Miami, FL 33181. Officers: Sandra Rivera, Secretary, (Qualifying Individual), Jose Luis Rivera, President

Phoenix International Transport Inc., 208 Hylan Blvd., Staten Island, NY 10305. Officers: Liberio Romano, President (Qualifying Individual), Maria F.S. Romano, Secretary

Port Jersey Shipping International Inc., 268 Seaview Avenue, Jersey City, NJ 07305. Officers: Jose Salvador C. Ungco, Vice President (Qualifying Individual), Rosario Castro Ungco, President

American National Lines, Inc., One World Trade Centre, Suite 4667, New York, NY 10048. Officers: Sunitha Nair, President (Qualifying Individual), Punarjeeva Karunanayake, Vice President

Embassy Cargo, Inc., One Cross Island Plaza, Suite LL3, Rosedale, NY 11422. Officers: Margherita Valluzzi, Secretary (Qualifying Individual), Alessio Mealli, President

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants:

S & R Forwarding, Inc., 1191 East 51st Street, Brooklyn, NY 11234. Officer:

Sumintra Mangru, President (Qualifying Individual)

Lee Ann Tyus Maritime Services, 113 Jeffrey Drive, Brandon, FL 33511, Lee Ann Tyus, Sole Proprietor

Sangar International Corp., 9900 N.W. 25 Street, Suite 210, Miami, FL 33172. Officers: Carlos M. Santana, President (Qualifying Individual), Ambar D. Santana, Vice President

Dated: February 18, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–4363 Filed 2–23–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 2000.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Border Bancshares, Inc., Greenbush, Minnesota; to acquire 95 percent of the voting shares of Border State Bank of International Falls, International Falls, Minnesota, a de novo bank.

Board of Governors of the Federal Reserve System, February 17, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–4320 Filed 2–23–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 11:00 a.m., Monday, February 28, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 18, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–4416 Filed 2–18–00; 4:52 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities; Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Report Clearance Officer on (202) 690–6207.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) The accuracy of the agency's estimate of the burden of the proposed collection of information; (c) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project 1. Analysis of Guidelines for the Conduct of Research Adopted by Medical Schools or their Components—NEW—The Office of Research Integrity (ORI) is responsible for ensuring the integrity of the research supported by the Public Health Service. Section 493 of the Public Health Act, provides that the Secretary by regulation shall require that each entity which applies for a grant, contract or cooperative agreement which involves the conduct of biomedical or behavioral research shall establish policies and procedures to review, investigate and report allegations of research misconduct in connection with the research conducted at or sponsored by the applicant institute with PHS supported funds. ORI plans on requesting copies of the guidelines for the conduct of research adopted by accredited medical schools in the United States. ORI will use the information to develop technical assistance materials and an instructional workshop which will assist medical schools in formulating guidelines. *Respondents:* State and Local governments; Businesses or other for-profit; non-profit institutions—*Burden Information for Solicitation—Number of Respondents:* 125; *Burden per Response:* .25 hours; *Total Burden for Solicitation:* 31 hours; *Burden Information for Check List—Number of Respondents:* 125; *Burden per Response:* 1 hour; *Total Burden for Check List:* 125 hours; *Burden Information for Telephone Calls—Number of Respondents:* 13; *Burden per Response:* .625 hours; *Total Burden for telephone calls:* 16 hours; *Total Burden:* 172 hours.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200

Independence Avenue SW., Washington DC, 20201. Written comments should be received within 60 days of this notice

Dated: February 10, 2000.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 00–4278 Filed 2–23–00; 8:45 am]

BILLING CODE 4150–4–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–18–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Exposure to Volatile Organic Compounds and Childhood Leukemia Incidence at MCB Camp Lejeune, North Carolina—Extension—Agency for Toxic Substances and Disease Registry (ATSDR). There is limited evidence that in utero exposure to volatile organic compounds (VOCs) such as trichloroethylene and tetrachloroethylene (PCE) in drinking water may be strongly associated with childhood leukemia (CL). In 1982, VOC contamination was identified in certain groundwater supply wells which supplied drinking water to housing units at U.S. Marine Corps Base Camp Lejeune in Jacksonville, North Carolina. In a previous health study of approximately 6,000 infants exposed in utero to this contaminated water and 6,000 unexposed births, it was shown that gestational PCE exposure was related to lower birth weights for certain subgroups. The purpose of the proposed nested case-control study is to investigate the potential relationship between exposure to VOCs in drinking water and incidence of CL at Camp Lejeune. A secondary objective of the proposed study is to investigate the potential relationship between VOCs in drinking water and birth defects in this population.

During this phase of the proposed study, an attempt will be made to locate as many of the children born to base residents between 1968 and 1985 as well as offspring from pregnancies that occurred during this time period but were not delivered at Camp Lejeune. A brief screening questionnaire will be interviewer-administered to identify potential cancer and birth defect cases. Some of the data to be collected by the questionnaire includes: confirmation of the name(s) of children and date(s) of birth; dates and location of residence on base during the pregnancy and/or at the time of delivery; current vital status of each child; the determination of diagnosis with cancer or birth defects before age 20. As a result of delays in obtaining data necessary to trace potential respondents, a renewal for this project has been requested.

It is necessary to identify each respondent in order to assess place of residence at Camp Lejeune as a measure of possible VOC exposure as well as to determine possible case status, *i.e.* reported diagnosis of childhood cancer or birth defect. This information will be used during the next study phase to identify potential cases and controls for the proposed nested case-control study.

With help from the U. S. Navy and U. S. Marine Corps sources, we will obtain current address information and attempt to contact respondents directly. For respondents with unknown current addresses, tracing efforts will include advertising in the general media as well as in publications directed toward Marine Corps and Navy personnel. Once the respondent is located, the questionnaire will be administered by trained interviewers over the telephone.

Respondents will be one of the following: (1) A parent who gave birth or was pregnant while residing at MCB Camp Lejeune between 1968 and 1985; (2) a parent who was pregnant while residing at MCB Camp Lejeune between 1968 and 1985 but gave birth elsewhere; or (3) an offspring of said parents. The number of births that occurred at MCB Camp Lejeune during this period is approximately 12,000. It has been estimated that approximately one-third of women who seek prenatal care while residing at Camp Lejeune are relocated before delivery. Therefore, attempts will be made to contact and interview up to an additional 4,000 respondents. Of the 16,000 total possible respondents, a conservative estimate of the number that will be located and subsequently interviewed is 13,000 (about 80%).

The hourly burden has been modified since the first submittal. This was a result of pretesting of the data collection instrument. It was found that the average completion time per survey was closer to 15 minutes as opposed to the original estimate of 9 minutes. The total annual burden hours are 1,083.

Type of respondents	Number of respondents	Number of responses/ respondent	Avg. burden of response (in hrs.)
Parent/Child born at Camp Lejeune; 1968-1985	9,650	1	0.25
Pregnancy at Camp Lejeune, delivery else-where; 1968-1985	3,350	1	0.25

Dated: February 14, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4197 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–19–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written

comments should be received within 30 days of this notice.

Proposed Project

Follow-Up Study of Children With Developmental Disabilities (0920–0436)—Revision—National Center for Environmental Health (NCEH). In the mid-1980s, a number of 10-year-old children were identified as having one or more of five developmental disabilities: mental retardation, cerebral palsy, epilepsy, hearing impairment, or vision impairment. These children were identified (mainly from special education records in the public schools) in the metro-Atlanta area as part of a study to develop surveillance methods for these conditions in school-age children. A follow-up study was initiated to trace, locate and interview these children, who are now in their early twenties, to assess their status with regard to educational attainment, employment, living arrangements, services received, functional limitations, adaptive behavior, social participation, health, and quality of life.

This study proposes to continue with the one-time, in-person interview and includes a contemporaneous comparison group of persons who, at age 10 years, were in regular education classes in the same schools as were the persons with developmental disabilities. The data generated from this study will continue to be used to estimate the burden of secondary health conditions, limited social participation, and economic disadvantage among young adults with long-standing, developmental impairments. This request is for a one-year renewal of the currently-approved study. The total annual burden hours are 1,093.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden of response (in hrs.)
Contacting	1,056	1	10/60
Interview	898	1	60/60
Call backs	90	1	10/60

Dated: February 14, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4200 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–16–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Studies of Adverse Reproductive Outcomes in Female Occupational Groups (0920–0367)—EXTENSION—National Institute for Occupational Safety and Health (NIOSH). An estimated 50,000 to 60,000 chemicals are in common use throughout society today and hundreds of new chemicals are introduced each year. Yet the list of environmental chemicals and agents that have been investigated to determine whether they have adverse effects on reproductive health is still limited. With the growing number of women in the work force, it is becoming increasingly important to evaluate the potential female reproductive health effects of occupational and physical agents.

This study will examine reproductive disorders among female flight attendants. Approximately 66,000 flight attendants are currently employed by U.S. commercial airlines and are potentially exposed to ionizing radiation and disruption of circadian rhythms, two exposures that may adversely affect reproductive function. Teachers will be enrolled as an external comparison group for this study.

Data from company personnel records containing demographic and work history information will be used to estimate workplace exposures. Each woman will be asked to complete a telephone questionnaire on reproductive history and other factors (such as cigarette smoking) that may influence reproductive function. Each questionnaire will take approximately 60 minutes to complete. Medical records will be requested to confirm adverse reproductive outcomes reported by the participants. The risk of adverse reproductive outcomes between the two groups of women will then be compared. The total annual burden hours are 6200.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response
Workers	6,200	1	1.0
Medical providers	1,200	1	0.5

Dated: February 14, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4201 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–17–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

National Program of Cancer Registries—Cancer Surveillance System—NEW—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP). The American Cancer Society estimates that 8.2 million Americans have a history of cancer and that in 1999, about 1.2 million new cases will be diagnosed. At the national level, cancer incidence data are available for only 14% of the population of the United States. While this is appropriate for analyses of major cancers in large population subgroups, it is not always adequate for minority populations and rare cancer analyses. Further, to plan and evaluate state and national cancer control and prevention efforts, national data are needed. Therefore, the Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Control, Division of Cancer Prevention and Control, proposes to aggregate existing cancer incidence data from states funded by the National Program of Cancer Registries into a national surveillance system.

These data are already collected and aggregated at the state level. Thus the additional burden on the states would be small. Program implementation would require funded states to report data to the Centers for Disease Control on an annual basis twelve months after the close of a diagnosis year and again at twenty-four months to obtain more complete incidence data and vital status from mortality data. The total annual burden hours are 126.

Respondents	Number of respondents	Number of responses/ respondent	Average burden/ response (in hrs.)
State, territorial, and District of Columbia cancer registries	63	1	2

Dated: February 14, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4202 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Elimination of Endemic Measles From the United States: Meeting

The Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Elimination of Endemic Measles from the United States.

Times and Dates: 8:30 a.m.–6 p.m., March 16, 2000 and 8 a.m.–12 p.m., March 17, 2000.

Place: Hyatt Regency Atlanta, 265 Peachtree Street, Atlanta, Georgia 30303.

Status: Open to the public, limited only by the space available.

Purpose: To evaluate progress toward the national goal of elimination of measles as an endemic disease in the United States. The Centers for Disease Control and Prevention is convening a meeting of a panel of measles and public health experts serving as simultaneous individual consultants. The experts will review the information pertaining to the epidemiology and surveillance of measles in the United States and give their opinions as to whether the Healthy People 2000 objective of elimination of endemic measles from the United States has been met.

Matters to be Discussed: The agenda will include a working definition of measles elimination for the United States; simple mathematical concepts related to measles elimination; using basic surveillance data to evaluate measles elimination; measles epidemiology in the United States 1997–1999; measles virologic surveillance; adequacy of measles surveillance; lack of evidence for transmission of measles virus from people with inapparent measles infection; measles vaccination coverage levels and population immunity to measles in the United States and global perspective of measles elimination. Other matters of relevance to the panel's objectives may be discussed.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ed Yacovone, Deputy Branch Chief, Child Vaccine Preventable Diseases Branch, Epidemiology and Surveillance Division, National Immunization Program, CDC,1600 Clifton Road, NE, m/s E61, Atlanta, Georgia 30333. Telephone 404/639–8855.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 17, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4334 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Study Team for the Los Alamos Historical Document Retrieval and Assessment Project

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Public Meeting of the Study Team for the Los Alamos Historical Document Retrieval and Assessment Project.

Time and Date: 5 p.m.–7 p.m., Wednesday, March 8, 2000.

Place: Taos Convention Center, El Taoseno Room, 120 Civic Plaza Drive, Taos, New Mexico, telephone 505/758–5792.

Status: Open to the public, limited only by space available. The meeting room accommodates approximately 100 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with Department of Energy (DOE) and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, an MOU was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The

MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This Study Team is charged with locating, evaluating, cataloging, and copying documents that contain information about historical chemical or radionuclide releases from facilities at the Los Alamos National Laboratory (LANL) since its inception. The purpose of this meeting is to review the goals, methods, and schedule of the project; discuss the key role of interviews with current and former LANL employees; provide a forum for community interaction; and serve as a vehicle for members of the public to express concerns to CDC.

Matters to Be Discussed: Agenda items include a presentation from the National Center for Environmental Health (NCEH), CDC, and/or its contractor, regarding the information-gathering project that recently began, and plans and methods for conducting interviews with active and retired employees. There will be time for public input, questions, and comments.

Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Paul G. Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone 404/639–2550, fax 404/639–2575.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: February 17, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–4335 Filed 2–23–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/HS FY 2000–02]

Fiscal Year 2000 Discretionary Announcement for University-Head Start Partnerships and Graduate Student Head Start Research Grants: Availability of Funds and Request for Proposals

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Notice.

Statutory Authority: The Head Start Act, as amended 42 U.S.C. 9801 *et. seq.* CFDA: 13.600

SUMMARY: The Administration for Children and Families, Administration on Children, Youth and Families, Head Start Bureau announces the availability of funds for two Priority Areas; University-Head Start Partnerships (1.01) and Graduate Student Head Start Research Grants (1.02). These priority areas will support research activities in the areas of infant and toddler development within the cultural context, school readiness, mental health and field-initiated research which will increase our knowledge of low-income children's development for the purpose of improving services or have significant policy implications.

DATES: The closing date for receipt of applications is 5 P.M. EDT April 24, 2000.

Note: Applications should be submitted to the ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, Virginia 22209. However, prior to preparing and submitting an application, in order to satisfactorily compete under this announcement it will be necessary for potential applicants to read the full announcement which is available through the addresses listed below.

ADDRESSES: applications, including all necessary forms can be downloaded from the Head Start web site at *www.acf.dhhs.gov/programs/hsb.* The web site also contains a listing of all Head Start and Early Start programs. Hard copies of the application may be obtained by writing or calling the Operations Center or sending an email or *hsr@lcgnet.com*

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, Virginia 22209 or (1–800) 351–2293.

SUPPLEMENTARY INFORMATION:

Priority Areas

Priority Area 1.01 University-Head Start Partnerships

Eligible Applicants: Universities and four-year colleges on behalf of a faculty member who holds a doctorate or equivalent in their respective field.

Project Duration: The announcement for Priority Area 1.01 is soliciting applications for project periods of three years, with the first year as a planning grant. Awards, on a competitive basis, will be for the first one-year planning budget period. Applications for continuation funds under these awards beyond the first-year budget period, but within the established project period, will be entertained in subsequent years on a non-competitive basis, subject to availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interests of the Government.

Federal Share of Project Costs: The maximum Federal share is $75,000 for the first-year budget period. The Federal share for the subsequent years is approximately $150,000 for each year of the project period. The Federal Share in inclusive of indirect costs.

Matching Requirements: There are no matching requirements.

Anticipated Number of Projects to be Funded: It is anticipated that 4–6 projects will be funded.

Priority Area 1.02 Master's-Level and Doctoral Head Start Research Grants

Eligible Applicants: Institutions of higher education on behalf of graduate students at both the Master's and Doctorate levels. Doctoral students must have completed their Master's degree or equivalent in that field prior to applying for this grant or by the time grants are awarded, and have sent formal notification of having been granted the degree to ACYF. To be eligible to administer the grant on behalf of the student, the institution must be fully accredited by one of the regional accrediting commissions recognized by the Department of Education and the Council on Post-Secondary Accreditation. In addition, the specific graduate student on whose behalf the application is made must be identified.

Project Duration: The announcement for Priority Area 1.02 is soliciting applications for project periods up to two years. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for two years. It should be noted, that if the graduate student, on whose behalf the university is applying, expects to receive a degree by the end of the first

year budget period, the applicant should request a one-year project period only. A second year budget will not be granted if the student has graduated by the end of the first year. Applications for continuation grants will be entertained in the subsequent year on a non-competitive basis, subject to availability of funds, satisfactory progress of the grantee and a determination that continued funding would be in the best interest of the Government.

Federal Share of Project Costs: The maximum Federal share shall range between $10,000–$20,000 for the first-year budget period or a maximum of $40,000 for a two-year project period.

Matching Requirements: There are no matching requirements.

Anticipated Number of Projects to be Funded: It is anticipated that between 5 and 10 projects will be funded with an unspecified mixture of master's-level and doctoral level applicants. No university will be funded for more than one candidate, unless there are no other approved applications. Applications from the master's-level students will be evaluated separately from the applications form doctoral-level students.

Criteria for Priority Areas 1.01 and 1.02

Reviewers will consider the following factors when assigning points.

1. Results or Benefits Expected—25 points

- The research questions are clearly stated.
- The extent to which the questions are of importance and relevance for low-income children's development and welfare.
- The extent to which the research study makes a significant contribution to the knowledge base.
- The extent to which the literature review is current and comprehensive and supports the need for the study, the questions to be addressed or the hypotheses to be tested.
- The extent to which the questions that will be addressed or the hypotheses that will be tested are sufficient for meeting the stated objectives.

2. Approach—40 points

- The extent to which the research design is appropriate and sufficient for addressing the questions of the study.
- The extent to which child outcomes are the major focus of the study.
- The extent to which the planned research specifies the measures to be used and the analyses to be conducted.
- The extent to which the planned measures are appropriate and sufficient for the questions of the study.
- The extent to which the planned measures and analyses both reflect knowledge and use of state-of-the-art measures and analytic techniques and advance the state-of-the-art.
- The extent to which the analytic techniques are appropriate for the question under consideration.
- The extent to which the proposed sample size is sufficient for the study.
- The scope of the project is reasonable for the funds available for these grants.
- The extent to which the planned approach reflects sufficient input from and partnership with the Head Start or Early Head Start program.

3. Staff and Position Data—35 points

- The extent to which the principal investigator (or for 1.02, the graduate student) and other key research staff possess the research expertise necessary to conduct the study as demonstrated in the application and information contained in their vitae.
- For Priority Area 1.01 the principal investigator(s) has earned a doctorate or equivalent in the relevant field and has first or second author publications in major research journals.
- The extent to which the proposed staff reflect an understanding of and sensitivity to the issues of working in a community setting and in partnership with Head Start/Early Head Start program staff and parents.
- The adequacy of the time devoted to this project by the principal investigator and other key staff in order to ensure a high level of professional input and attention. For graduate students, the adequacy of the supervision provided by the graduate student's mentor.

Required Notification of the Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodate or explain rule.

When comments are submitted directly to ACF, they should be addressed to: William Wilson, Head Start Bureau, 330 C Street, S.W., Washington, D.C. 20447, Attn: Head Start University Partnerships or Graduate Student Head Start Research. A list of the Single Points of Contact for each State and Territory can be found on the web site *http://www.dhhs.gov/progorg/grantsnet/laws-reg/spoq0695.htm.*

Dated: February 16, 2000.

Patricia Montoya,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 00–4277 Filed 2–23–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Publication of OIG Special Fraud Alert on Rental of Space in Physician Offices by Persons or Entities to Which Physicians Refer

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: This **Federal Register** notice sets forth a recently issued OIG Special Fraud Alert concerning rental of space in physicians' offices by persons or entities that provide health care items or services to patients that are referred, either directly or indirectly, by the physician-landlord. For the most part, OIG Special Fraud Alerts address national trends in health care fraud, including potential violations of the anti-kickback statute for Federal health care programs. This Special Fraud Alert specifically highlights questionable or suspect rental arrangements for space in physicians' and other practitioners' offices, and how the space rental safe harbor can protect legitimate arrangements.

FOR FURTHER INFORMATION CONTACT: Julie Kass, Office of Counsel to the Inspector General, (202) 619–0335.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Inspector General (OIG) issues Special Fraud Alerts based on information it obtains concerning particular fraudulent or abusive practices within the health care industry. Special Fraud Alerts are intended for widespread dissemination to the health care provider community, as well as those charged with administering the Medicare and Medicaid programs. To date, the OIG has published in the **Federal Register** the texts of ten previously-issued Special Fraud Alerts. [1] It is the OIG's intention to publish future Special Fraud Alerts in this same manner as a regular part of our dissemination of such information. [2]

In an effort to promote voluntary compliance in the health care industry and assist providers in their compliance efforts, the OIG has developed a Special Fraud Alert, set forth below, that addresses potential problem areas with regard to the rental of space in physicians' offices by persons or entities to which physicians refer patients. Among other things, this Special Fraud Alert addresses suspect rental arrangements for space in physicians' offices with regard to: (1) the appropriateness of rental agreements; (2) the rental amounts; and (3) time and space considerations. A reprint of this Special Fraud Alert follows.

[1] See December 19, 1994 (59 FR 65372); August 10, 1995 (60 FR 40847); June 17, 1996 (61 FR 30623); April 24, 1998 (63 FR 20415); and January 12, 1999 (64 FR 1813).

[2] All OIG Special Fraud Alerts are also available on the internet at the OIG web site at http://www.dhhs.gov/progorg/oig/frdalrt/index.htm.

II. Special Fraud Alert: Rental of Space in Physician Offices by Persons or Entities to Which Physicians Refer (February 2000)

The Office of Inspector General (OIG) was established at the Department of Health and Human Services by Congress in 1976 to identify and eliminate fraud, abuse and waste in the Department's programs and to promote efficiency and economy in departmental operations. The OIG carries out this mission through a nationwide program of audits, investigations and inspections.

To reduce fraud and abuse in the Federal health care programs, including Medicare and Medicaid, the OIG actively investigates fraudulent schemes that are used to obtain money from these programs and, when appropriate, issues Special Fraud Alerts that identify practices in the health care industry that are particularly vulnerable to abuse.

This Special Fraud Alert focuses on the rental of space in physicians' offices by persons or entities that provide health care items or services (suppliers) [3] to patients that are referred either directly or indirectly by their physician-landlords. In this Special Fraud Alert, we describe some of the potentially illegal practices the OIG has identified in such rental relationships.

Questionable Rental Arrangements for Space in Physician Offices

A number of suppliers that provide health care items or services rent space in the offices of physicians or other practitioners. Typically, most of the items or services provided in the rented space are for patients, referred or sent, either directly or indirectly, to the supplier by the physician-landlord. In particular, we are aware of rental arrangements between physician-landlords and:

- Comprehensive outpatient rehabilitation facilities (CORFs) that provide physical and occupational therapy and speech-language pathology services in physicians' and other practitioners' offices;
- Mobile diagnostic equipment suppliers that perform diagnostic related tests in physicians' offices; and
- Suppliers of durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) that set up ''consignment closets'' for their supplies in physicians' offices.

The OIG is concerned that in such arrangements, the rental payments may be disguised kickbacks to the physician-landlords to induce referrals. We have received numerous credible reports that in many cases, suppliers, whose businesses depend on physicians' referrals, offer and pay ''rents''—either voluntarily or in response to physicians'' requests—that are either unnecessary or in excess of the fair market value for the space to access the physicians' potential referrals.

[3] Persons or entities may be either suppliers or providers. For purposes of this Special Fraud Alert, we will refer to such persons as suppliers.

The Anti-Kickback Law Prohibits Any Payments To Induce Referrals

Kickbacks can distort medical decision-making, cause overutilization, increase costs and result in unfair competition by freezing out competitors who are unwilling to pay kickbacks. Kickbacks can also adversely affect the quality of patient care by encouraging physicians to order services or recommend supplies based on profit rather than the patients' best medical interests.

Section 1128B(b) of the Social Security Act (the Act) prohibits knowingly and willfully soliciting, receiving, offering or paying anything of value to induce referrals of items or services payable by a Federal health care program. Both parties to an impermissible kickback transaction are liable. Violation of the statute constitutes a felony punishable by a maximum fine of $25,000, imprisonment up to five years, or both. The OIG may also initiate administrative proceedings to exclude persons from Federal health care programs or to impose civil money penalties for fraud, kickbacks and other prohibited activities under sections 1128(b)(7) and 1128A(a)(7) of the Act.[4]

Suspect Rental Arrangements for Space in Physician Offices

The questionable features of suspect rental arrangements for space in physicians' offices may be reflected in three areas:

- The appropriateness of rental agreements;
- The rental amounts; and
- Time and space considerations.

Below, we examine these suspect areas, which separately or together may result in an arrangement that violates the anti-kickback statute, in order to help identify questionable rental arrangements between physicians and the suppliers to which they refer patients. This list is not exhaustive, but

[4] Some of the arrangements identified as suspect in this Special Fraud Alert may also implicate the Ethics in Patient Referrals Act, also known as the Stark law (section 1877 of the Act). The interpretation of the Stark law is under the jurisdiction of the Health Care Financing Administration (HCFA).

rather gives examples of indicators of potentially unlawful activity.

Appropriateness of Rental Agreements

The threshold inquiry when examining rental payments is whether payment for rent is appropriate at all. Payments of ''rent'' for space that traditionally has been provided for free or for a nominal charge as an accommodation between the parties for the benefit of the physicians' patients, such as consignment closets for DMEPOS, may be disguised kickbacks. In general, payments for rent of consignment closets in physicians' offices are suspect.[5]

Rental Amounts

Rental amounts should be at fair market value, be fixed in advance and not take into account, directly or indirectly, the volume or value of referrals or other business generated between the parties. Fair market value rental payments should not exceed the amount paid for comparable property. Moreover, where a physician rents space, the rate paid by the supplier should not exceed the rate paid by the physicians in the primary lease for their office space, except in rare circumstances. Examples of suspect arrangements include:

- Rental amounts in excess of amounts paid for comparable property rented in arms-length transactions between persons not in a position to refer business;
- Rental amounts for subleases that exceed the rental amounts per square foot in the primary lease;
- Rental amounts that are subject to modification more often than annually;
- Rental amounts that vary with the number of patients or referrals;
- Rental arrangements that set a fixed rental fee per hour, but do not fix the number of hours or the schedule of usage in advance (i.e., ''as needed'' arrangements);
- Rental amounts that are only paid if there are a certain number of Federal health care program beneficiaries referred each month; and
- Rental amounts that are conditioned upon the supplier's receipt of payments from a Federal health care program.

Time and Space Considerations

Suppliers should only rent premises of a size and for a time that is reasonable and necessary for a commercially reasonable business purpose of the supplier. Rental of space that is in excess of suppliers' needs creates a presumption that the payments may be a pretext for giving money to physicians for their referrals. Examples of suspect arrangements include:

- Rental amounts for space that is unnecessary or not used. For instance, a CORF requires one examination room and rents physician office space one afternoon a week when the physician is not in the office. The CORF calculates its rental payment on the square footage for the entire office, since it is the only occupant during that time, even though the CORF only needs one examination room;
- Rental amounts for time when the rented space is not in use by the supplier. For example, an ultrasound supplier has enough business to support the use of one examination room for four hours each week, but rents the space for an amount equivalent to eight hours per week;
- Non-exclusive occupancy of the rented portion of space. For example, a physical therapist does not rent space in a physician's office, but rather moves from examination room to examination room treating patients after they have been seen by the physician. Since no particular space is rented, we will closely scrutinize the proration of time and space used to calculate the therapist's ''rent.''.

In addition, rental amount calculations should prorate rent based on the amount of space and duration of time the premises are used. The basis for any proration should be documented and updated as necessary. Depending on the circumstances, the supplier's rent can consist of three components: (1) Exclusive office space; (2) interior office common space; and (3) building common space.

1. *Apportionment of exclusive office space.*—The supplier's rent should be calculated based on the ratio of the time the space is in use by the supplier to the total amount of time the physician's office is in use. In addition, the rent should be calculated based on the ratio of the amount of space that is used exclusively by the supplier to the total amount of space in the physician's office. For example, where a supplier rents an examination room for four hours one afternoon per week in a physician's office that has four examination rooms of equal size and is open eight hours a day, five days per week, the supplier's prorated annual rent would be calculated as follows:

Physician office rent per day		Percent of physician office space rented by supplier		Percent of each day rented by supplier		No. of days rented by supplier per year		
Annual rent of primary lease ÷ no. of work days per year.	×	Sq. ft. exclusively occupied by supplier ÷ total office sq. ft.	×	4 hours ÷ 8 hours	×	52 days (i.e., ÷ 1 day per week).	=	Supplier's annual rent for exclusive space

2. *Apportionment of interior office common space.*—When permitted by applicable regulations, rental payments may also cover the interior office common space in physicians' offices that are shared by the physicians and any subtenants, such as waiting rooms. If suppliers use such common areas for their patients, it may be appropriate for the suppliers to pay a prorated portion of the charge for such space. The charge for the common space must be apportioned among *all* physicians and subtenants that use the interior office common space based on the amount of non-common space they occupy and the duration of such occupation. Payment for the use of office common space should not exceed the supplier's pro rata share of the charge for such space based upon the ratio of the space used exclusively by the supplier to the total amount of space (other than common space) occupied by all persons using such common space.

3. *Apportionment of building common space.*—Where the physician pays a separate charge for areas of a building that are shared by all tenants, such as building lobbies, it may be appropriate for the supplier to pay a prorated portion of such charge. As with interior office common space, the cost of the building common space must be apportioned among *all* physicians and subtenants based on the amount of non-

[5] This Special Fraud Alert does not address the appropriateness of consignment closet arrangements under HCFA's DMEPOS supplier standards. The interpretation of the DMEPOS supplier standards is a matter under HCFA's jurisdiction.

common space they occupy and the duration of such occupation. For instance, in the example in number one above, the supplier's share of the additional levy for building common space could not be split 50/50.

The Space Rental Safe Harbor Can Protect Legitimate Arrangements

We strongly recommend that parties to rental agreements between physicians and suppliers to whom the physicians refer or for which physicians otherwise generate business make every effort to comply with the space rental safe harbor to the anti-kickback statute. (See 42 CFR 1001.952(b), as amended by 64 FR 63518 (November 19, 1999)). When an arrangement meets all of the criteria of a safe harbor, the arrangement is immune from prosecution under the anti-kickback statute. The following are the safe harbor criteria, all of which must be met:

- The agreement is set out in writing and signed by the parties.
- The agreement covers all of the premises rented by the parties for the term of the agreement and specifies the premises covered by the agreement.
- If the agreement is intended to provide the lessee with access to the premises for periodic intervals of time rather than on a full-time basis for the term of the rental agreement, the rental agreement specifies exactly the schedule of such intervals, their precise length, and the exact rent for such intervals.
- The term of the rental agreement is for not less than one year.
- The aggregate rental charge is set in advance, is consistent with fair market value in arms-length transactions, and is not determined in a manner that takes into account the volume or value of any referrals or business otherwise generated between the parties for which payment may be made in whole or in part under Medicare or a State health care program.
- The aggregate space rented does not exceed that which is reasonably necessary to accomplish the commercially reasonable business purpose of the rental.

Arrangements for office equipment or personal services of physicians' office staff can also be structured to comply with the equipment rental safe harbor and personal services and management contracts safe harbor. (See 42 CFR 1001.952(c) and (d), as amended by 64 FR 63518 (November 19, 1999)). Specific equipment used should be identified and documented and payment limited to the prorated portion of its use. Similarly, any services provided should be documented and payment should be limited to the time actually spent performing such services.

What To Do If You Have Information About Fraud and Abuse Against Medicare or Medicaid Programs

If you have information about physicians, DMEPOS suppliers, CORFs or other suppliers engaging in any of the activities described above, contact any of the regional offices of the Office of Investigations of the Office of Inspector General, U.S. Department of Health and Human Services, at the following locations:

Field offices	States served	Telephone
Boston	MA, VT, NH, ME, RI, CT	617–565–2664
New York	NY, NJ, PR, VI	212–264–1691
Philadelphia	PA, MD, DE, WV, VA, DC	215–861–4586
Atlanta	GA, KY, NC, SC, FL, TN, AL, MS	404–562–7603
Chicago	IL, MN, WI, MI, IN, OH, IA	312–353–2740
Dallas	TX, NM, OK, AR, LA, CO, UT, WY, MT, ND, SD, NE, KS, MO	214–767–8406
Los Angeles	AZ, NV, So. CA	714–246–8302
San Francisco	No. CA, AK, HI, OR, ID, WA	415–437–7961

Dated: February 16, 2000.

June Gibbs Brown,

Inspector General.

[FR Doc. 00–4212 Filed 2–22–00; 8:45 am]

BILLING CODE 4150–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Intervention and Surveillance Modeling Network (CISNET).

Date: March 30–31, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Lalita D. Palekar, PhD. Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8066, Bethesda, MD 20892–7405, 301/496–7575.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4299 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Training Grants.

Date: March 22, 2000.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Ave, NW, Washington, DC 20007.

Contact Person: David E. Maslow, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard—Room 8054, Bethesda, MD 20892–7405, 301/496–2330.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4300 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, SBIR Topic 178—Chemical Diversity-Based Methods Identifying New Tumor Markers or Probes.

Date: March 13, 2000.

Time: 1 p.m. to 5 pm.

Agenda: To review and evaluate contract proposals.

Place: 6116 Executive Boulevard, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: C.M. Kerwin, PhD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of health, 6116 Executive Boulevard, Room 8086, Rockville, MD 20892–7405, 301/496–7421.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4301 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, SBIR Topic 179—Encoding Surgical Pathology Data into Standard Nomenclature within XML.

Date: March 10, 2000.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6116 Executive Boulevard, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: C.M. Kerwin, PhD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8086, Rockville, MD 20892–7405, 301/496–7421.

This notice is being published less than 15 days prior to the meeting due to the limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4302 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Neuropsychological Testing for Children and Adult with Chronic Medical Illness.

Date: March 9, 2000.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, National Cancer Institute, 6130 Executive Blvd—Conference Room E, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Joyce C. Pegues, PhD, Scientific Review Administrator, Special Review, Referral, and Resources Branch, Division of Extramural Activities, National

Cancer Institute, 6116 Executive Boulevard, Room 8084, Bethesda, MD 20892, 301/594–1286.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4303 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, SBIR Topic 175—In Vitro Toxicity Evaluation of Anti Cancer Agents.

Date: February 22, 2000.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6116 Executive Boulevard, 8th Floor, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: C.M. Kerwin, PhD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8086, Rockville, MD 20892–7405, 301/496–7421.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4304 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Center for Research Resources, Special Emphasis Panel, Comparative Medicine.

Date: February 29, 2000.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Office of Review, National Center for Research Resources, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Drive, Room 6108, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892–7965, 301–435–0815, kingc@ncrr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: February 14, 2000.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4294 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Mentored Clinical Scientist Development Award.

Date: February 25, 2000.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6701 Rockledge Drive, Room 5110, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eric H. Brown, PhD, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7204, Bethesda, MD 20892–7924, (301) 435–0299, browne@gwgate.nhlbi.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 15, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4308 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, CHD in Polycystic Ovary Syndrome (SCHIPS).

Date: March 6, 2000.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Valerie L. Prenger, PhD, Health Science Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892-7924, (301) 435–0297.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 15, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4309 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Science; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MARC Review Subcommittee A.

Date: February 22–23, 2000.

Time: February 22, 2000, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Conference Room D, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19C, Bethesda, MD 20892–6200, (301) 594–2894.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 14, 2000.

Anna P. Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4293 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 14, 2000.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 14, 2000.

LaVerne Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4295 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: March 7, 2000.

Time: 8 a.m. to 5 pm

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contract Person: John R. Lymangrover, PhD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS).

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4297 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel MPRC B Special Emphasis Panel.

Date: March 17, 2000.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Bethesda 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rebecca H. Hackett, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS19J, Bethesda, MD 20892, (301) 594–2771, hackettr@nigms.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4298 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Metal lon Homeostasis in Environmental Health (Program Project Grants).

Date: February 16–18, 2000.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select at University Center, 100 Lytton Avenue, Pittsburgh, PA 15213.

Contact Person: Ethel B. Jackson, DDS, Chief, Scientific Review Branch, Nat'l Institute of Environmental Health Sciences, PO Box 12233 MD EC–24, Research Triangle Park, NC 27709, (919) 541–7826.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 15, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4306 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Environment and GLI Genes in Normal Development and Disease.

Date: March 7–9, 2000.

Time: March 7, 2000, 7 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Belden-Stratford Hotel, 2300 Lincoln Park West, Chicago, IL 60614.

Time: March 8, 2000, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Belden-Stratford Hotel, 2300 Lincoln Park West, Chicago, IL 60614.

Time: March 9, 2000, 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Belden-Stratford Hotel, 2300 Lincoln Park West, Chicago, IL 60614.

Contact Person: J. Patrick Mastin, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233 MD EC–24, Research Triangle Park, NC 27709, (919) 541–1446.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel RFA ES00–003 The Role of the Environment in Parkinson's Disease: Career Development Programs.

Date: March 30, 2000.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS–East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, NIEHS, PO Box 12233 EC–24, Research Triangle Park, NC 27709, (919) 541–1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4307 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Microbial Physiology and Genetics Subcommittee 1, February 23, 2000, 8:30 a.m. to February 24, 2000, 6:00 p.m., One Washington Circle Hotel, Conference Center, One Washington Circle, Washington, DC, 20037 which was published in the **Federal Register** on February 9, 2000, 65 FR 6384.

The meeting will be held on February 24–25, 2000. The time and place remain the same. The meeting is closed to the public.

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4296 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Immunological Sciences Initial Review Group, Immunological Sciences Study Section.

Date: March 1–2, 2000.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Mission Bay/Sea World Area, 3737 Sports Arena Blvd., San Diego, CA 92110.

Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1–2, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Suites, 285 North Palm Canyon Drive, Palm Springs, CA 92262.

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1167, srinivar@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1–2, 2000.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Palm Springs, CA 92262.

Contact Person: Sami A. Mayyasi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, mayyasis@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2000.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, Kaleidoscope Room, 2101 Wisconsin Avenue, Washington, DC 20007.

Contact Person: Bruce Maurer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5102, MSC 7852, Bethesda, MD 20892, (301) 435–1187.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1, 2000.

Time: 3 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anita Miller Sostek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rocklege Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 1–3, 2000.

Time: 8 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Argonne Guest House, Argonne National Laboratory, 9700 South Cass Avenue—Bldg 460, Argonne, IL 60439.

Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, (301) 435–1728.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIRS.

Date: March 2–3, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Grand Hotel, 2350 M Street, NW, Washington, DC 20037.

Contact Person: Marjam G. Behar, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4178, MSC 7806, (301) 435–1180.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2–3, 2000.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW. Washington, DC 20037.

Contact Person: Gloria B. Levin, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, leving@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, 17th & Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Nancy Pearson, PhD, Chief, Genetic Sciences Integrated Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2112, MSC 7890, Bethesda, MD 20892, (301) 435–1047, pearsonn@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2–3, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave NW, Washington, D.C., DC 20007.

Contact Person: Karen Sirocco, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–0676.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2, 2000.

Time: 5 p.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 2–3, 2000

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Clarion Hampshire Hotel, 1310 New Hampshire Ave, NW, Washington, DC 20036.

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435–1184.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 3, 2000.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: March 3, 2000.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: George Washington University Inn, 824 New Hampshire Ave, NW, Washington, DC 20037.

Contact Person: Carl D. Banner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (301) 435–1251, banner@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group, Oral Biology and Medicine Subcommittee 2.

Date: March 4–5, 2000.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Don Fernando de Taos, 1005 Paseo del Pueblo Sur, Taos, NM 87571.

Contact Person: Priscilla Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 16, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–4305 Filed 2–23–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4565–N–06]

Notice of Proposed Information Collection: Comment Request; Single Family Acquired Asset Management System (SAMS)

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: April 24, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Plaza Building, Room 8202, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Joseph McCloskey, Director, Single Family Asset Management, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone (202) 70–1672 (this is not a toll free number) for copies of the proposal forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Single Family Acquired Asset Management System (SAMS).

OMB Control Number, if applicable: 2502–0486.

Description of the need for the information and proposed use: These information collections are an integral part to HUD's ability to create and maintain sound financial management practices and to maintain effective internal controls over the property disposition program. Without these forms, the program's accounting and financial data integrity would be severely compromised.

Agency Form Numbers, if applicable: SAMs–1100, 1101, 1103, 1106, 1106–C, 1108, 1110, 1111, 1111–A and SAMS–1117.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: An estimation of the total number of annual hours needed to prepare the information collection is 65,950; the number of respondents is 272,950; the frequency response is on occasion, and the estimated time per response is 12 minutes to 30 minutes.

Status of the proposed information collection: Reinstatement with change of a previously approved information collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 10, 2000.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commission.

[FR Doc. 00–4316 Filed 2–23–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4565–N–07]

Notice of Proposed Information Collection: Comment Request; Rent Schedule—Low Rent Housing

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments Due Date: April 24, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, L'Enfant Building, Room 8202, Washington, D.C. 20410, telephone (202) 708–5221 (this is not a toll-free number) for copies of the proposed forms and other available information.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Multifamily Housing, Office of Business Products, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, telephone number (202) 708–2866 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Rent Schedule Low Rent Housing.

OMB Control Number, if applicable: 2502–0012.

Description of the need for the information and proposed use: Certain Federal statutes and regulations require the Department to review rents and/or charges for all projects either insured or held by HUD, except for specified unsubsidized projects. These regulations also require the Department's approval of all principals in HUD insured and financed projects. Form HUD–92458 serves both of these purposes by documenting rents and charges that the Department approves and by requiring owners to provide a current listing of their projects' principals.

Agency form numbers, if applicable: HUD–92458.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are 16,000, the frequency of responses is one, the estimated hours per response is .33 hours per response, and the estimated annual hour burden is 5,280.

Status of the proposed information collection: Reinstatement without change.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: February 14, 2000.

William C. Apgar,

Assistant Secretary for Housing, Federal-Housing Commissioner.

[FR Doc. 00–4317 Filed 2–23–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–03]

HOPE VI Revitalization Application Forms

AGENCY: Officer of Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 1, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB approval number (2577–0208) should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20410 (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, an information collection with respect to a Notice of Funding Availability for HOPE VI Revitalization grants. This information collection package submission to OMB for review is required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected, and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35):

The Department has requested emergency clearance of the collection of information, as described below, with approval being sought by February 29, 2000.

Title of Proposal: HOPE VI Revitalization Application Forms.

Description of the need for the information and proposed use: The HOPE VI Application Data Forms collect information in connection with the FY 2000 Notice of Funding Availability (NOFA) for the HOPE VI Revitalization Program. The NOFA announces funds available to public housing agencies (PHAs) to revitalize severely distressed public housing. funds were appropriated by the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act 2000, (Pub. L. 107–74), approved October 20, 1999. The Application Data Forms are required elements of a HOPE VI Revitalization Application. They collected key data on numbers and kinds of units, costs, programs, and other information critical to the description of the proposed program. Use of these forms standardizes information that had been previously presented in narrative form, and assists the applicant in proving information that is consistent and correct.

The Department will use the information in the forms to rate and rank HOPE VI Revitalization applications, in accordance with the procedures outlined in the NOFA. HUD will award grants to applicants whose applications earn the most points, as described in the NOFA.

Applicants may complete the HOPE VI Data Forms in two ways. They may either type or print the information on a hard copy of the forms, taken from either the NOFA or the HOPE VI Application Kit, or they may download Microsoft Excel from the HOPE VI Home Page and fill out the forms electronically. In either case they must submit hard copies of the forms in their applications. If the latter method is used, the software makes certain calculations for the applicant.

Members of affected public: Approximately 80 PHAs are expected apply under the NOFA.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The Department expects that approximately 80 PHAs will each submit one application in response to the FY 2000 NOFA. Completion of the subject forms, including the gathering of information, is estimated at 190 hours per application, for a total annual burden hour estimate of 15,200. This is in addition to the burden hours required to complete the rest of the application.

Status of the proposed information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 16, 2000.

Wayne Eddins,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–4314 Filed 2–22–00; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–04]

Application and Re-certification Packages for Approval of Nonprofit Organizations in FHA Activities

AGENCY: Officer of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 1, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB approval number should be sent to: Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20410 (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410; e-mail Wayne __Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, an information collection package with respect to a application and re-certification packages for nonprofit organizations to participate in FHA activities. This emergency processing is essential to the Department's mission to expand homeownership opportunities and strengthen neighborhoods and communities by standardizing throughout the country, the information nonprofit organizations must submit to be considered acceptable to participate as a mortgagor in HUD's single family housing programs. Nonprofit organizations are viewed as a significant partner in rehabilitating and reselling residential housing to low and moderate income families, particularly in the nation's urban centers. The participation of nonprofit housing providers is critical to the success of the Cities 2000 Agenda which was announced by Secretary Cuomo on June 12, 1999 to boost homeownership in America's cities. HUD is requesting that OMB approve this information collection by February 21, 2000.

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to (1) Evaluation whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected, and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection, techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposed: Application and Re-certification Packages for Approval of Nonprofit Organizations for FHA Activities; Notice.

OMB Control Number, if applicable: 2502–XXXX.

Agency Form Number, if applicable: None.

Members of affected public: Nonprofit organizations wishing to participate in FHA activities.

Description of the Need for the Information and its Proposed use: The National Housing Act permits nonprofit organizations to act as mortgagors, to use FHA insured mortgages to finance the purchase and rehabilitation of housing for subsequent resale. Approved nonprofits may also purchase HUD's Real Estate Owned Properties at a discount, and provide downpayment assistance to homebuyers in the form of secondary financing. It is vital that the Department periodically and uniformly assess the management and financial ability of participating nonprofit agencies to ensure they are not overextending their capabilities and increasing HUD's risk of loss as a mortgage insurance provider.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents are estimated to be 2,500, an average of 81,000 annual burden hours are estimated, and the frequency of responses is estimated to be once every two years.

Status of the proposed information collection: Pending OMB approval.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 17, 2000.

Wayne Eddins,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–4315 Filed 2–23–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

List of Programs Eligible for Inclusion in Fiscal Year 2001 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in Fiscal Year 2001 annual funding agreements with self-governance tribes and lists programmatic targets for each of the non-BIA bureaus, pursuant to section 405(c)(4) of the Tribal Self-Governance Act.

DATES: This notice expires on September 30, 2001.

ADDRESSES: Inquiries or comments regarding this notice may be directed to the Office of Self-Governance (MS–2542, MIB), 1849 C Street NW, Washington, DC 20240–0001. Telephone (202) 219–0240 or to the bureau points of contact listed below.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination and Education Assistance Act Amendments of 1994 (Pub. L. 103–413, the ''Self-Governance Act'' or the ''Act'') instituted a permanent tribal self-governance program at the Department of the Interior (DOI). Under the self-governance program certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribal government.

Under section 405(c) of the Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by Interior that is ''otherwise available to Indian tribes or Indians,'' can be administered by a tribal government through a self-governance agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracting under Title I of the Indian Self-Determination and Education Assistance Act (P.L. 93–638). Section 403(b)(2) also specifies that ''nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions and activities, or portions thereof, unless such preference is otherwise provided for by law.''

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities, or portions thereof, that are of ''special geographic, historical, or cultural significance'' to a self-governance tribe.

Under section 403(k) of the Self-Governance Act, annual agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, we will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

Response to Comments

The Department received one letter from a self-governance tribe on the proposed list which commented as follows:

(1) Add to Section I-Background the fact that the program is administered by the Office of Self-Governance. This suggestion has not been adopted. Although the Office of Self-Governance administers the BIA portion of the program, it does not administer the non-BIA portion, which is the subject of this notice.

(2) Retain the reference to the Secretary's January 1995 Report to Congress in Section III, because it provides an expanded list of possible programs which may help tribes to see further options. Although it was inserted in last year's list, the Department has decided not to continue referencing the 1995 report, because it is out of date. Section 405(c) of the Act required this report to present an initial list of non-BIA programs eligible for inclusion in Self-Governance annual

funding agreements and programmatic targets for the non-BIA bureaus. Section 405(c) also requires that, thereafter, the lists and targets be reviewed and revised annually. Thus, this notice revises and supersedes earlier lists including those in the original 1995 Report.

(3) Add, in Section III.A-BLM, additional language stating that BLM in cooperation with land users, may negotiate with tribes to carry out its land management activities through contracts, cooperative agreements, or Self-Governance agreements. This suggestion has been adopted in modified form.

(4) Commented that the BLM needed to be educated that some of its language in Section III.A reflected procurement thinking rather than the intent of self-governance. The comment went on to acknowledge that subsequent language was better aligned to self-governance. We believe the language is appropriate as written, and no changes have been made.

(5) Add, in Section III.A, information that briefly describes how BLM has structured responsibilities for self-governance negotiations and operations within its local, State, and headquarters offices. This suggestion has not been adopted. This notice is not intended to provide the internal organizations and responsibilities of each of Interior's bureaus. An initial point of contact has been provided, and the section clearly indicates that more specific information will then be provided by the respective State Office.

(6) Add, in Section III.A-BLM Other Activities, further items as examples of range, wildlife and fisheries habitat, and wild horse management activities. A number of these suggestions have been adopted.

(7) Add, at the end of the last sentence of the next to the last paragraph of Section III.A-BLM: ''in relation to negotiating specific self-governance agreements.'' This suggestion has been adopted.

(8) Commented that the FWS needed to be educated that some of its language in Section III.F reflected procurement thinking rather than the intent of self-governance. The language in the first sentence of the second paragraph has been changed.

(9) Commented that it was glad to see in Section IV a target for each non-BIA bureau that goes beyond what it is currently doing. Although there has been some editorial change to this Section, the underlying concept has not been changed.

There were also several minor editorial, technical and geographic changes provided by Interior's bureaus. We draw your attention to two:

(1) The Department interprets the ''otherwise available to Indians'' clause in section 403(b)(2) of the Act to limit this subsection to those programs eligible for contracting under Title I of the Act. Accordingly, the language in Section I has been modified.

(2) The approach to identifying the annual funding agreements with non-BIA bureaus has been changed as the number has increased. Rather than a narrative description of each in Section II, a list has been provided.

II. Annual Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior

A. Bureau of Land Management (none)

B. Bureau of Reclamation (3)

Gila River Indian Community (since FY1996)

Chippewa Cree-Rocky Boy Reservation (since FY1999)

Karuk Tribe of California (since FY1999)

C. Minerals Management Service (none)

D. National Park Service (1)

Grand Portage Band of Lake Superior Chippewa Indians (since FY1999)

E. Office of Surface Mining and Reclamation Enforcement (none)

F. U.S. Fish and Wildlife Service (none)

G. U.S. Geological Survey (none)

III. Eligible Programs of the Department of the Interior non-BIA Bureaus

Below is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance annual funding agreements because they are either ''otherwise available to Indians'' under Title I and not precluded by any other law, or may have ''special geographic, historical, or cultural significance'' to a participating tribe. The lists represent the most current information on programs potentially available to Tribes under a Self-Governance agreement.

The Department will also consider for inclusion in annual funding agreements other programs or activities not included below, but which, upon request of a self-governance tribe, the Department determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin discussions with the appropriate non-BIA bureau.

A. Eligible Programs of the Bureau of Land Management (BLM)

BLM management responsibilities cover a wide range of areas, such as recreational activities, timber, range and minerals management, wildlife habitat management and watershed restoration. In addition, BLM is responsible for the survey of certain Federal and tribal lands. Two programs provide tribal services: (1) Tribal and allottee minerals management; and (2) Survey of tribal and allottee lands.

BLM carries out some its activities in the management of public lands through contracts and cooperative agreements. These and other activities, dependent upon availability of funds, the need for specific services, and the Self-Governance tribe demonstrating a special geographic, cultural, or historical connection, may also be available for inclusion in self-governance agreements. Once a tribe has made initial contact with BLM, more specific information will be provided by the respective BLM State office.

Tribal Services

1. *Cadastral Survey.* Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

2. *Minerals Management.* Inspection and enforcement of Indian oil and gas operations, and inspection, enforcement and production verification of Indian coal and sand and gravel operations are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

Other Activities

1. *Cultural Heritage.* Cultural heritage activities, such as research and inventory, may be available in specific States.

2. *Forestry Management.* Activities, such as environmental studies, tree planting, thinning and similar work, may be available in specific States.

3. *Range Management.* Activities, such as re-vegetation, noxious weed control, fencing, construction and maintenance of range improvements, grazing management experiments, range monitoring, and similar activities, may be available in specific States.

4. *Riparian Management.* Activities, such as facilities construction, erosion control, rehabilitation, and similar activities, may be available in specific States.

5. *Recreation Management.* Activities, such as facilities construction and

maintenance, interpretive design and construction, and similar activities, may be available in specific States.

6. *Wildlife and Fisheries Habitat Management.* Activities, such as construction and maintenance, interpretive design and construction, habitat protection and improvement projects, and similar activities, may be available in specific States.

7. *Wild Horse Management.* Activities such as wild horse round ups, removal, and disposition, including operation and maintenance of wild horse facilities may be available in specific States.

The above programs under ''Other Activities'' are available in many states for competitive contracting. However, if they are of special geographic, historical or cultural significance to a participating Self-Governance tribe, they may be available for annual funding agreements. Tribes may also discuss additional BLM-funded activities with the relevant State office in relation to negotiating specific self-governance agreements.

For questions regarding Indian Self-Governance, contact Dr. Marilyn Nickels or Sara Pena, Bureau of Land Mangement, 1849 C Street NW, Washington, DC 20240–0001, telephone: (202) 452–5040, fax: (202) 452–7701. General information on all contracts available in a given year through the BLM can be obtained from the BLM National Business Center, P.O. Box 25047, Bldg 50, Denver Federal Center, Denver, CO 80225–0047.

B. Eligible Programs of the Bureau of Reclamation

Reclamation operates a wide range of water resource management projects for irrigation, hydroelectric power generation, municipal and industrial water supplies, flood control, outdoor recreation, enhancement of fish and wildlife habitats, and research. Most of Reclamation's activities involve construction, operations and maintenance, and management of water resources projects and associated facilities. Components of the following FY2000 water resource management and construction projects may be eligible for self-governance agreements.

1. Yakima River Basin Water Enhancement Program, WA.
2. Klamath Project—CA, OR.
3. Trinity River Restoration Program—CA.
4. Central Valley Project (Trinity Division)—CA.
5. Newlands Project—NV, CA.
6. Washoe Project—NV, CA.
7. Colorado River Front Work/Levee System—AZ, CA, NV.
8. Lower Colorado Indian Water Management Study—AZ, CA, NV.
9. Yuma Area Projects—AZ, CA.
10. Central Arizona Project—AZ, NM.
11. Middle Rio Grande Project—NM.
12. Indian Water Rights Settlement Projects—as Congressionally authorized.

For questions regarding self-governance contact Barbara White, Reclamation Self-Governance Coordinator, Native American Affairs Office, Bureau of Reclamation (W–6100), 1849 C Street NW, Washington, DC 20240–0001, telephone: (202) 208–4733, fax: (202) 208–6688.

C. Eligible Programs of the Minerals Management Service (MMS)

MMS provides stewardship of America's offshore resources and collects revenues generated from mineral leases on Federal and Indian lands. MMS is responsible for the management of the Federal Outer Continental Shelf, which are submerged lands off the coasts that have significant energy and mineral resources. Within the offshore minerals management program, environmental impact assessments and statements, and environmental studies, may be available if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

MMS also offers mineral-owning tribes other opportunities to become involved in MMS's Royalty Management Program functions. These programs address the intent of Indian self-governance but are available regardless of self-governance intentions or status and are a good prerequisite for assuming other technical functions. Generally, royalty management programs are available to tribes because of their status as Indians. Royalty management programs that may be available to self-governance tribes are as follows:

1. *Audit of tribal royalty payments.* Audit activities for tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For tribes already participating in MMS delegated audits, this program is offered as an optional alternative.)

2. *Verification of tribal royalty payments.* Financial compliance verification and monitoring activities, production verification, and appeals research and analysis.

3. *Tribal royalty reporting, accounting and data management.* Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.

4. *Tribal royalty valuation.* Preliminary analysis and recommendations for valuation and allowance determinations and approvals.

5. *Royalty Management of Allottee Leases.* Royalty management of allottee leases.

6. *Online monitoring of royalties and accounts.* Online computer access to reports, payments, and royalty information contained in MMS accounts. MMS will install equipment at tribal locations, train tribal staff, and assist tribe in researching and monitoring all payments, reports, accounts, and historical information regarding their leases.

7. *Royalty Internship Program.* A new orientation and training program for auditors and accountants from mineral producing tribes to acquaint tribal staff with royalty laws, procedures, and techniques. This program is recommended for tribes that are considering a self-governance agreement but have not yet acquired mineral revenue expertise via a FOGRMA section 202 contract.

For questions regarding self-governance contact Joan Killgore, Royalty Liaison Office, Minerals Management Service (MS–4241), 1849 C Street NW, Washington, DC 20240–0001, telephone: (202) 208–3512, fax: (202) 208–3982.

D. Eligible Programs of the National Park Service (NPS)

The National Park Service administers the National Park System made up of national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. NPS maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resources.

Some elements of these programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the geographic proximity to, and/or traditional association of a self-governance tribe with, units of the National Park system, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement. This listing is not all inclusive, but is representative of the types of programs which may be eligible for tribal participation through annual funding agreements.

1. *Ongoing Programs and Activities.* Components of the following programs are potentially eligible for inclusion in a self-governance annual funding agreement.

a. Archeological surveys
b. Comprehensive management planning
c. Cultural resource management projects
d. Ethnographic studies
e. Erosion control
f. Fire protection
g. Hazardous fuel reduction
h. Housing construction and rehabilitation
I. Gathering baseline subsistence data—AK
j. Janitorial services
k. Maintenance
l. Natural resource management projects
m. Range assessment—AK n. Reindeer grazing—AK
o. Road repair
p. Solid waste collection and disposal
q. Trail rehabilitation

2. *Special Programs.* Aspects of these programs may be available if a self-governance tribe demonstrates a geographical, cultural, or historical connection.

a. Beringia Research
b. Elwha River Restoration

3. *Locations of National Park System Units in Close Proximity to Self-Governance Tribes.* Aspects of ongoing programs and activities may be available at park units with known geographic, cultural, or historical connections with a self-governance tribe.

a. Lake Clark National Park and Preserve—AK
b. Katmai National Park and Preserve—AK
c. Glacier Bay National Park and Preserve—AK
d. Sitka National Historical Park—AK
e. Kenai Fjords National Park—AK
f. Wrangell-St. Elias National Park & Preserve—AK
g. Bering Land Bridge National Park—AK
h. Northwest Alaska Areas—AK
i. Gates of the Arctic National Park & Preserve—AK
j. Yukon Charlie Rivers National Preserve—AK
k. Casa Grande Ruins National Monument—AZ
l. Joshua Tree National Park—CA
m. Redwoods National Park—CA
n. Whiskeytown National Recreation Area—CA
o. Hagerman Fossil Beds National Monument—ID
p. Sleeping Bear Dunes National Lakeshore—MI
q. Voyageurs National Park—MI
r. Grand Portage National Monument—MN
s. Bear Paw Battlefield, Nez Perce National Historical Park—MT
t. Glacier National Park—MT
u. Great Basin National Park—NV
v. Bandelier National Monument—NM
w. Hopewell Culture National Historical Park—OK
x. Chickasaw National Recreation Area—OK
y. Effigy Mounds National Monument—IA
z. Olympic National Park—WA
a–1. San Juan Islands National Historic Park—WA
b–1. Mt. Rainier National Park—WA
c–1. Ebey's Landing National Historical Reserve—WA

For questions regarding self-governance contact Dr. Patricia Parker, Chief, American Indian Liaison Office, National Park Service (MS–3410), 1849 C Street NW, Washington, DC 20240–0001; telephone: (202) 208–5475, fax: (202) 273–0870.

E. Eligible Programs of the Office of Surface Mining and Reclamation Enforcement (OSM)

OSM regulates surface coal mining and reclamation operations, and reclaims abandoned coal mines, in cooperation with States and Indian tribes.

1. *Abandoned Mine Land Reclamation Program.* This program which restores eligible lands mined and abandoned or left inadequately restored is available to Indian tribes.

2. *Control of the Environmental Impacts of Surface Coal Mining.* This program includes analyses, NEPA documentation, technical reviews, and studies. Where surface coal mining exists on Indian land, certain regulatory activities that are not inherently Federal, including, for example, designation of areas unsuitable for mining, are available to Indian tribes.

For questions regarding self-governance contact Maria Mitchell, Office of Surface Mining Reclamation and Enforcement (MS–210–SIB), 1951 Constitution Ave. NW, Washington, DC 20240, telephone: (202) 208–2865, fax: (202) 291–3111.

F. Eligible Programs of the U.S. Fish and Wildlife Service (FWS)

The mission of FWS is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. FWS also has a continuing cooperative relationship with a number of Indian tribes throughout the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance tribe may contact a National Wildlife Refuge or National Fish Hatchery directly concerning participation in Service programs under the Self-Governance Act.

Some elements of the following programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the proximity of an identified self-governance tribe to a National Wildlife Refuge or National Fish Hatchery, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement. This listing is not all-inclusive but is representative of the types of programs which may be eligible for tribal participation through an annual funding agreement.

1. Subsistence Programs Within Alaska

2. Fish & Wildlife Technical Assistance, Restoration & Conservation

a. Fish & wildlife population surveys
b. Habitat surveys
c. Sport fish restoration
d. Capture of depredating migratory birds
e. Fish & wildlife program planning
f. Habitat restoration activities

3. Endangered Species Program

a. Cooperative management of conservation programs
b. Development and implementation of recovery plans
c. Conducting status surveys for high priority candidate species
d. Participation in the development of habitat conservation plans, as appropriate

4. Education Programs

a. Interpretation
b. Outdoor classrooms
c. Visitor center operations
d. Volunteer coordination efforts on-and off-refuge

5. Environmental Contaminants Program

a. Analytical devices
b. Removal of underground storage tanks
c. Specific cleanup activities
d. Natural resource economic analysis
e. Specific field data gathering efforts

6. Hatchery Operations

a. Egg taking
b. Rearing/feeding
c. Disease treatment
d. Tagging

e. Clerical/facility maintenance

7. Wetland & Habitat Conservation and Restoration

a. Construction
b. Planning activities
c. Habitat monitoring and management

8. Conservation Law Enforcement

a. All law enforcement efforts under cross-deputization

9. National Wildlife Refuge Operations & Maintenance

a. Construction
b. Farming
c. Concessions
d. Maintenance
e. Comprehensive management planning
f. Biological program efforts
g. Habitat management
h. Fire Management

Locations of Refuges and Hatcheries with close proximity to Indian Tribes

1. Alaska National Wildlife Refuges—AK
2. Alchesay National Fish Hatchery—AZ
3. Humboldt Bay National Wildlife Refuge—CA
4. Kootenai National Wildlife Refuge—ID
5. Agassiz National Wildlife Refuge—MN
6. Mille Lacs National Wildlife Refuge—MN
7. Rice Lake National Wildlife Refuge—MN
8. National Bison Range—MT
9. Ninepipe National Wildlife Refuge—MT
10. Pablo National Wildlife Refuge—MT
11. Mescalero National Fish Hatchery—NM
12. Sequoyah National Wildlife Refuge—OK
13. Tishomingo National Wildlife Refuge—OK
14. Bandon Marsh National Wildlife Refuge—OR
15. Dungeness National Wildlife Refuge—WA
16. Makah National Fish Hatchery—WA
17. Nisqually National Wildlife Refuge—WA
18. Quinault National Fish Hatchery—WA
19. San Juan Islands National Wildlife Refuge—WA

For questions regarding self-governance contact Michael Smith, Deputy Assistant Director—External Affairs, Fish and Wildlife Service (MS3012), 1849 C Street NW, Washington, DC 20240–0001, telephone: (202) 208–4131, fax: (202) 208–7407.

G. Eligible Programs of the U.S. Geological Survey (USGS)

The mission of the U.S. Geological Survey is to provide information on biology, geology, hydrology, and cartography that contributes to the wise management of the nation's natural resources and to the health, safety, and well-being of the American people. Information includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure and dynamic processes of the earth. Information on these scientific issues is developed through extensive research, field studies, and comprehensive data collection to: Evaluate natural hazards such as earthquakes, volcanoes, landslides, floods, droughts, subsidence and other ground failures; assess energy, mineral, and water resources in terms of their quality, quantity, and availability; evaluate the habitats of animals and plants; and produce geographic, cartographic, and remotely-sensed information in digital and non-digital formats. No USGS programs are specifically available to American Indians or Alaska Natives. Components of programs may have a special geographic, cultural, or historical connection with a self-governance tribe.

1. *Mineral, Environmental, and Energy Assessments*. Components of this program that involve geologic research, data acquisition, and predictive modeling may be available for inclusion in an annual funding agreement.

2. *USGS Earthquake Hazards Reduction Program*. Components of this program that involves research, data acquisition, and modeling related to earthquakes and seismically active areas may be available for inclusion in an annual funding agreement.

3. *Water Resources Data Collection and Investigations*. Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

4. *Biological Resources Inventory, Monitoring, Research and Information Transfer Activities*. Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural or historical connection.

For questions regarding self-governance contact Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey, 107 National Center, Reston, VA 20192, telephone: (703) 648–4437, fax: (703) 648–5470.

IV. Programmatic Targets

During Fiscal Year 2001, upon request of a self-governance tribe each non-BIA bureau will negotiate annual funding agreements for its eligible programs beyond those already negotiated.

Dated: February 17, 2000.

William A. Sinclair,

Director, Office of Self-Governance.

[FR Doc. 00–4326 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Plan for Crab Orchard National Wildlife Refuge in Williamson, Jackson and Union Counties, IL

ACTION: Notice of intent.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a comprehensive conservation plan and an environmental assessment for the Crab Orchard National Wildlife Refuge in Williamson, Jackson and Union counties, Illinois. The Service is furnishing this notice in compliance with Service comprehensive conservation plan policy and the National Environmental Policy Act, and implementing regulations to achieve the following:

(1) Advise other agencies and the public of our intentions, and

(2) Obtain suggestions and information on the scope of issues, opportunities, and concerns for inclusion in the environmental documents.

DATES: The Service will hold public scoping meetings in Spring 2000, and additional public meetings will be held to review the draft comprehensive conservation plan. It is anticipated that the draft plan will be available for public review by November 2000. An announcement of availability of the draft plan will appear in the **Federal Register** and on the Crab Orchard Refuge Comprehensive Conservation Plan web page (www.fws.gov/r3pao/planning/cotop.htm).

ADDRESSES: Address comments and requests for more information to: Refuge Manager, Crab Orchard National Wildlife Refuge, 8588 Route 148, Marion, Illinois 62959; or E-mail: conwr-ccp@fws.gov

SUPPLEMENTARY INFORMATION: It is the policy of the Service to have all lands

within the National Wildlife Refuge System managed in accordance with an approved comprehensive conservation plan. The plan guides management decisions and identifies refuge goals, objectives and strategies for achieving refuge purposes. Public input into this planning process is encouraged. The plan will provide other agencies and the public with a clear understanding of the desired conditions of the refuge and how the Service will implement management strategies. Some of the issues to be addressed in the plan include the including:

(a) Habitat management;

(b) Public use management;

(c) Wildlife population management;

(d) Wilderness management;

(e) Industrial facilities management; and

(f) Cultural resource identification and protection.

The environmental assessment will include several alternatives that address the issues and management strategies with these topics.

Crab Orchard National Wildlife Refuge was established on August 5, 1947, by Public Law 80–361. This Act of Congress transferred certain Federal lands acquired in connection with the Crab Orchard Creek project and the Illinois Ordnance Plant to the Secretary of the Interior. This legislation mandated these lands be administered by the Secretary through the Service ''for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes specified in this Act.''

The 43,890-acre refuge contains three large manmade lakes totaling 8,700 acres; 21,000 acres of forestland, 5,000 acres of cropland, and 2,000 acres of grassland. The refuge supports an extensive variety of plant and animal species, hosts 1.2 million recreational visitors per year, provides facilities for industrial tenants who generate $100 million in annual revenue, and sponsors cooperative farmers and permittee graziers. The 4,050-Crab Orchard Wilderness, the first wilderness area designed in the State of Illinois, is within the refuge.

Dated: February 15, 2000.

William F. Hartwig,

Regional Director.

[FR Doc. 00–4330 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Comprehensive Conservation Plan for Ouray National Wildlife Refuge. Vernal, UT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the Ouray National Wildlife Refuge Draft Comprehensive Conservation Plan. This Plan describes how the FWS intends to manage the Ouray NWR for the next 10–15 years.

ADDRESSES: A copy of the Plan may be obtained by writing to U.S. Fish and Wildlife Service, 266 West 100 North, Suite 2, Vernal, UT 84078; or download from http://www.r6.fws.gov/larp/.

FOR FURTHER INFORMATION CONTACT: Allison Banks, U.S. Fish and Wildlife Service, P.O. Box 25486 DFC, Denver, CO 80225, 303/236-8145 extension 626; fax

SUPPLEMENTARY INFORMATION: Ouray NWR is located in northeast Utah. Implementation of the Plan will focus on adaptive resource management of wetland, grassland, and semidesert shrubland habitats. restoration and improved management of riparian bottomlands, recovery of endangered fish species of the Upper Colorado River Ecosystem, and opportunities for compatible wildlife-dependent recreation. Habitat monitoring and evaluation will be emphasized as the Plan is implemented. Opportunities for compatible wildlife-dependent recreation will continue to be provided.

Dated: February 16, 2000.

Terry T. Terell,

Deputy Regional Director, Denver, Colorado.

[FR Doc. 00–4332 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

PERMIT NO. TE—797466

Applicant: Champion International Corporation, Huntsville, Texas.

Applicant requests authorization to conduct endangered species activities for the red-cockaded woodpecker (*Picoides borealis*) and the Houston toad (*Bufo houstonensis*) in Texas.

PERMIT NO. TE—22749

Applicant: SWCA, Phoenix, Arizona.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*), cactus ferruginous pygmy-owl (*Glaucidium basilianum cactorum*), and Yuma clapper rail (*Rallus longirostris yumanensis*) in Maricopa, Pima, and Pinal Counties, Arizona.

PERMIT NO. TE—837751

Applicant: Bureau of Reclamation, Phoenix Area Office, Phoenix, Arizona.

Applicant requests authorization for recovery purposes to conduct activities for the Pima pineapple cactus (*Coryphantha scheeri var. robustispina*) in the San Javier District of the Tohono O'Odham Reservation and the Tucson metropolitan area of Arizona.

PERMIT NO. TE—814841

Applicant: Desert Botanical Garden, Phoenix, Arizona.

Applicant requests authorization for research and recovery purposes to collect seeds and voucher specimens from the Pima pineapple cactus (*Coryphantha scheeri var. robustispina*) in El Paso, Texas.

PERMIT NO. TE—23152

Applicant: Michael Baker Jr., Inc., Midvale, Utah.

Applicant requests authorization to conduct presence/absence surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) in Pima and Maricopa Counties, Arizona.

PERMIT NO. TE—23159

Applicant: Southwestern Ornithological Research and Adventures, Albuquerque, New Mexico.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

PERMIT NO. TE 822998

Applicant: Coronado National Forest, Tucson, Arizona.

Applicant requests authorization to conduct presence/absence surveys for the Yaqui chub (*Gila purpurea*) within lands of the Coronado National Forest.

PERMIT NO. TE 004401

Applicant: Robert Schmalzel, Tucson, Arizona.

Applicant requests authorization for scientific research and recovery purposes to conduct activities with the Pima pineapple cactus (*Coryphantha scheeri var. robustispina*) at the Arizona-Sonora Desert Museum in Arizona.

DATES: Written comments on these permit applications must be on or before March 27, 2000.

All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: The U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when requesting copies of documents. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Susan MacMullin,

Programmatic Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–4370 Filed 2–23–00; 8:45 am]

BILLING CODE 4510–01–P

DEPARTMENT OF THE INTERIOR

Geological Survey

A Conversation With Customers on Future Science Directions

AGENCY: U.S. Geological Survey, DOI.

ACTION: Notice of Customer Meeting.

SUMMARY: The USGS is sponsoring two days of listening sessions to help share its science directions for the year 2002 and beyond. The USGS is sponsoring these sessions as an opportunity for users of earth and life science data and research to share their views on future science directions of the USGS. The sessions will be organized around broad science topics and customers who have registered in advance will have an opportunity to give a brief presentation of their science needs and issues. Attendees are welcome to listen to any or all of the sessions. The purposes of this meeting are: (1) to give stakeholders, customers, and others who have interest in the earth and life sciences an opportunity to provide input, from their perspectives and needs, on future science directions; (2) to engage in a dialog with stakeholders on their specific interests within broad science categories; and (3) to discuss opportunities for on-going stakeholder involvement in the development of science initiatives within USGS. The meeting is open to all interested stakeholders. Pre-registration, however, is requested, as meeting space is limited. Registration information is provided below.

DATES: March 22 and 23, 2000.

ADDRESSES: USGS National Center Headquarters, 12201 Sunrise Valley Drive, Reston, VA 20192.

FOR FURTHER INFORMATION CONTACT: Gail Wendt, USGS Office of External Affairs, 703–648–5604 or 703–648–4599 (gwendt@usgs.gov).

SUPPLEMENTARY INFORMATION:

1. Background

As the nation's science agency for natural resources and the environment, the USGS is committed to meeting the health, safety and knowledge needs of the changing world around us. In order to ensure that the science directions and program development of the USGS is in concert with the needs of the public that it serves, the USGS is creating opportunities to have conversations with it customers and to seek their input. The March 22 and 23, 2000, meeting is the first such ''Conversation with Customers'' to be sponsored by the USGS.

2. Registration Information

Registration information can be obtained by sending an email message to conversation@usgs.gov. You may also call the USGS Office of External Affairs, 703–648–4599. Registered parties will receive a follow-up packet of information that provides an agenda and topics of the listening sessions for each day and the format for participation. Customers who have registered in advance will give a brief presentation (5–10 minutes) and will then engage in a roundtable discussion with USGS leaders. For anyone who wishes to provide input, but who cannot attend, please submit ideas to the same email address: *conversation@usgs.gov*.

Registration deadline is March 13, 2000.

Amy L. Holley,

Senior Advisor to the Director.

[FR Doc. 00–4275 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Grant availability to Federally Recognized Indian Tribes for Projects Implementing Traffic Safety on Indian Reservations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) intends to make funds available to federally-recognized Indian tribes on an annual basis for the purpose of implementing traffic safety projects, which are designed to reduce the number of traffic crashes within Indian Country. Due to the limited funding available for this program, all projects will be reviewed and selected on a competitive basis. This notice informs Indian tribes that grant funds are available and that the information packets are forthcoming. Information packets will be distributed by the end of January of each program year to all tribal leaders on the latest Tribal Leaders List.

DATES: Requests for funds must be received by June 1 of each program year. Requests not received in the Office of the Indian Highway Safety Program by close of business on June 1 will not be considered.

ADDRESSES: Each tribe must submit their request to the Bureau of Indian Affairs, Division of Safety Management, Attention: Indian Highway Safety Program Coordinator, 505 Marquette Avenue, NW, Suite 1705, Albuquerque, NM 87102.

FOR FURTHER INFORMATION CONTACT: Tribes should direct questions concerning the grant program to Larry Archambeau, Indian Highway Safety Program Coordinator or to Charles L. Jaynes, Program Administrator, Telephone: (505) 248–5053.

SUPPLEMENTARY INFORMATION:

Background

The Federal-Aid Highway Act of 1973 (Pub. L. 93–87) provides for U.S. Department of Transportation (DOT) funding to assist Indian tribes in implementing Highway Safety projects. The projects are designed to reduce the number of traffic crashes and their resulting fatalities, injuries, and property damage within Indian reservations. All federally-recognized Indian tribes on Indian reservations are eligible to receive this assistance. All tribes receiving awards of program funds are reimbursed for costs incurred

under the terms of 23 U.S.C. 402 and subsequent amendments.

Responsibilities

For purposes of application of the Act, Indian reservations are collectively considered a ''State'' and the Secretary of the Interior is considered the ''Governor of a State.'' The Secretary of the Interior delegated the authority to administer the programs throughout all the reservations in the United States to the Assistant Secretary—Indian Affairs. The Assistant Secretary—Indian Affairs further delegated the responsibility for primary administration of the Indian Highway Safety Program to the Division of Safety Management located in Albuquerque, New Mexico. The Chief, Division of Safety Management as program administrator of the Indian Highway Safety Program, has three full-time staff members to assist in program matters and provide technical assistance to the Indian tribes. It is at this level that contacts with the DOT are made with respect to program approval, funding of projects and technical assistance. The DOT, through the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA), is responsible for ensuring that the Indian Highway Safety Program is carried out in accordance with 23 U.S.C. 402 and other applicable Federal statutes and regulations.

The NHTSA is responsible for the apportionment of funds to the Secretary of the Interior, review and approval of the Indian Highway Safety Plan involving NHTSA highway safety program areas and technical guidance and assistance to the BIA.

Program Areas

The Surface Transportation and Uniform Relocation Assistance Act of 1987, 23 U.S.C. 402(j), required DOT to conduct a rulemaking process to determine those programs most effective in reducing traffic crashes, injuries, and fatalities. Those program areas were determined to be national priority program areas, and include the following:

(1) NHTSA Program Areas: (a) Alcohol and Other Drug Countermeasures; (b) Police Traffic Services; (c) Occupant Protection; (d) Traffic records; (e) Emergency Medical Services; and (f) Safe Communities.

(2) FHWA Program Area: Roadway Safety.

(3) NHTSA and FHWA Program Area: Pedestrian and Bicycle Safety.

Funding Criteria

The Bureau of Indian Affairs will reimburse for eligible costs associated with the following:

(1) *Alcohol and Other Drug Countermeasures.* Salary and overtime (DWI enforcement officer), enforcement/education, NHTSA-approved training, approved breath-testing equipment (must be included on most recent Consumer Products List published by NHTSA), community/school alcohol traffic safety education, DWI offender education, prosecution, adjudication, and vehicle expenses.

(2) *Police Traffic Services.* Salary and overtime (traffic enforcement/education), traffic law enforcement/radar training, speed enforcement equipment (must be on Consumer Products List published by NHTSA), community/school education, and vehicle expenses.

(3) *Motorcycle, Pedestrian, Bicycle initiatives.*

(4) *Occupant Protection:*

(a) Child passenger safety—child car seat loaner program, car seat transportation/storage, and public information/education.

(b) Community seat belt program—salary, education/promotional materials, office expense, and NHTSA-approved Occupant Protection Usage and Enforcement (OPUE) training.

(5) *Traffic Records.* Salary, ADP equipment, and training.

(6) *Emergency Medical Services.* Training and public information/education.

(7) *Roadway Safety.* Traffic signs (warning, regulatory, work zone), hardware and sign posts, and Construction Zone Safety and Flagger Training.

(8) *Safe Community Projects.* Salary, project management, public information, law enforcement, prosecution, judicature, and data management.

Project Guidelines

The BIA will send information packets to the tribes by January of each program year. Upon receipt of the information packet, each tribe should prepare a proposed project based on the following guidelines:

(1) *Program Planning.* Program planning shall be based upon the highway safety problems identified and countermeasures selected by the tribe, using a Safe Community concept for the purpose of reducing traffic crash factors.

(2) *Problem Identification.* Highway traffic safety problems shall be identified from the best data available. This data may be found in tribal enforcement records on traffic crashes. Other sources of data include ambulance records, court and police arrest records. The problem identification process may be aided by using professional opinions of personnel in law enforcement, Indian Health Service, driver education, road engineers, education specialists, and judicial personnel. This data should accompany the funding request. Impact problems should be indicated during the identification process. An impact problem is a highway safety problem that contributes to car crashes, fatalities and/or injuries, and one that may be corrected by the application of countermeasures. Impact problems can be identified from analysis of statewide and/or tribal traffic records. The analyses should consider as a minimum: pedestrian, motorcycle, bicycle, passenger car, school bus, and truck crashes; records on problem drivers, roadside and roadway hazards, alcohol involvement, youth involvement, defective vehicle involvement, suspended or revoked driver involvement, speed involvement, child safety seat and seat belt usage. Data should accompany the funding request.

(3) *Countermeasures Selection.* When tribal traffic safety problems are identified, the tribe's Safe Community coalition must develop appropriate countermeasures to solve or reduce the problems. The tribe should take into account the overall cost of the countermeasures versus their possible effect on the problem.

(4) *Objectives/Performance Indicators.* After countermeasures selection, the objectives of the project must be expressed in clearly defined, time-framed and measurable terms.

(5) *Budget Format.* The activities to be funded shall be outlined in detail according to the following object groups: personnel services, travel, transportation, rent/communications, printing and reproduction, other services, equipment and training. Each object group shall be quantified; i.e., personnel activities should show number to be employed, hours to be employed, hourly rate of pay, etc. Each object group shall have sufficient detail to show what is to be procured, unit cost, quarter in which the procurement is to be made and the total cost, including any tribal contribution to the project.

(6) *Evaluation Plan.* Evaluation is the process of determining whether a highway safety activity should be undertaken, if it is being properly conducted, and if it has accomplished its objectives. The tribe must include in the funding request a plan explaining

how the evaluation will be accomplished and identifying the criteria to be used in measuring performance.

(7) *Technical Assistance.* The Indian Highway Safety Program staff will be available to tribes for technical assistance in the development of tribal projects.

(8) *Section 402 Project Length.* Section 402 funds may not be used to fund the same project at one location or jurisdiction for more than 3 years.

(9) *Certification Regarding Drug-free Workplace Requirement.* Indian tribes receiving highway safety grants through the Indian Highway Safety Program must certify that they will maintain a drug-free workplace. An individual authorized to sign for the tribe or reservation must sign the certification. The Department of Transportation must receive the certification before it will release grant funds for that tribe or reservation. The certification must be submitted with the tribal Highway Safety Project proposal.

Submission Deadline

Each tribe must submit its funding request to the BIA Indian Highway Safety Program, Albuquerque, New Mexico. The request must be received by the Indian Highway Safety Program by close of business June 1 of each program year. Requests for extension to this deadline will not be granted. Modifications of the funding request received after the close of the funding period will not be considered in the review and selection processes.

Selection Criteria

Each funding request will be reviewed and evaluated by the Indian Highway Safety Program staff, Law Enforcement staff, Department of Education staff, Office of Alcohol and Substance Abuse staff, and BIA Division of Transportation staff. Each staff member will rank the projects by assigning points to four areas of consideration. The areas of consideration are: (1) Magnitude of the problem, 50 points; (2) countermeasure selection, 40 points; (3) tribal leadership and community support, 10 points; and (4) past performance, 10 points.

Notification of Selection

The tribes selected to participate will be notified by letter. Each tribe selected must include in its proposal a certification regarding drug-free workplace requirements and a duly authorized tribal resolution. The certification and resolution must be on file before grant funds for the tribe or reservation can be released.

Notification of Non-Selection

The Program Administrator will notify each tribe of non-selection. The tribe will be provided the reason for non-selection.

Uniform Administrative Requirements for Grant-in-Aid

Uniform grant administration procedures have been established on a national basis for all grant-in-aid programs by DOT/NHTSA under 49 CFR part 18, ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.'' NHTSA and FHWA have codified uniform procedures for State Highway Safety Programs in 23 CFR parts 1200, 1204 and 1205. OMB Circular A–87 and NHTSA Order 462–13A have established cost principles applicable to grants and contracts with State and local government. It is the responsibility of the Indian Highway Safety Program to establish operating procedures consistent with the applicable provisions of these rules.

Standards for Financial Management System

Tribal financial management systems must provide:

(1) Accurate, current, and complete disclosure of financial results of the Highway Safety project.

(2) Adequate record keeping.

(3) Control over and accountability for all funds and assets.

(4) Comparison of actual expenditures with budgeted amounts.

(5) Documentation of accounting records.

(6) Appropriate auditing. Highway Safety Projects will be included in the Tribal A–128 single audit requirement.

Tribes will provide a quarterly financial and program status report to the BIA Indian Highway Safety Program Coordinator, 505 Marquette, NW, Suite 1705, Albuquerque, New Mexico 87102. These reports will be submitted no later than 7 days beyond the reporting month.

Project Monitoring

During the program year, it is the responsibility of the BIA Indian Highway Safety Program to maintain a degree of project oversight, provide technical assistance as needed to assist the project in fulfilling its objectives, and assure that grant provisions are complied.

Project Evaluation

The BIA will conduct a performance evaluation for each Highway Safety project. The evaluation will measure the actual accomplishments to the planned activity. The BIA will evaluate the project on-site at the discretion of the Indian Highway Safety Program Administrator.

Dated: February 17, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–4357 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–957–00–1420–BJ: GPO–0093]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from this date of this publication.

Willamette Meridian

Oregon

T. 36 S., R. 5 W., accepted December 29, 1999
T. 23 S., R. 5 W., accepted January 5, 2000
T. 25 S., R. 7 W., accepted January 5, 2000
T. 19 S., R. 2 W., accepted January 10, 2000
T. 14 S., R. 29 E., accepted January 12, 2000
T. 37 S., R. 6 W., accepted January 19, 2000
T. 11 S., R. 2 E., accepted January 19, 2000

Washington

T. 28 N., R. 13 W., accepted December 29, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of

reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue) P.O. Box 2965, Portland, Oregon 97208.

Dated: January 28, 2000.

Robert D. DeViney, Jr.,

Branch of Realty and Records Services.

[FR Doc. 00–4310 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–33–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 12, 2000. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St., NW, NC400, Washington, DC 20240. Written comments should be submitted by March 10, 2000.

Carol D. Shull,

Keeper of the National Register.

GEORGIA

Bryan County

Bryan Neck Presbyterian Church, Belfast Keller Rd., Keller, 00000193

Oconee County

Durham Homeplace, 1561 Watson Springs Rd., Watkinsville, 00000194

INDIANA

Clay County

Aqueduct Bridge, Towpath Rd. over Birch Creek, Clay City, 00000209
Feeder Dam Bridge, Towpath Rd. over Eel R., Clay City, 00000215
Indiana State Highway Bridge 42–11–3101, IN 42 over Eel R, Poland, 00000210
Indiana State Highway Bridge 46–11–1316, IN 46 over Eel R, Bowling Green, 00000211
Jeffers Bridge, CR 200S over Birch Creek, Clay City, 00000213
Shakamak State Park Historic District, (New Deal Resources on Indiana State Lands MPS) 6265 W. IN 48, Jasonville, 00000199

Hendricks County

Twin Bridges, Cty Rd. 150 E over White Lick Creek, Danville, 00000200

Huntington County

Old Plat Historic District, Roughly Bounded by Warren, John, Wilkerson, Lincoln, Washington, Second and Court Sts., Huntington, 00000196

Jay County

Haines, James, Farm, Cty Rd. 869E 200S, Portland, 00000202

Johnson County

Heck—Hasler House, 6612 N 575 E, Franklin, 00000204

Marion County

Shortridge—Meridian Street Apartments Historic District, Roughly bet. 34th and 38th Sts., along N. Meridian and N. Pennsylvania Sts., Indianapolis, 00000195

Monroe County

Coca-Cola Bottling Company Plant, 318 S. Washington St., Bloomington, 00000206
Home Laundry Company, 300 E 3rd St., Bloomington, 00000208

Morgan County

Neely House, 739 W. Washington St., Martinsville, 00000203

Rush County

Wood, John, Farmstead, 5255 W Cty Rd. 900 S, Milroy, 00000201

St. Joseph County

Service, Jeremiah H., House, 302 E. Michigan St., New Carlisle, 00000216

Sullivan County

Sullivan County Poor Home, 1447 Cty Rd. 75 N, Sullivan, 00000207

Vanderburgh County

Evansville Downtown Historic District, Roughly Main St. bet. 2nd St. and Martin Luther King Jr. Blvd., 4th St., vet. Sycamore and Chestnut St., Evansville, 00000197
General Cigar Company, 223 NW 2nd St., Evansville, 00000212

Vermillion County

Clinton Downtown Historic District, Roughly bet. S. Water and S. Third Sts.; Elm St. to the CRX RR R.O.W., Clinton, 00000205

MICHIGAN

Clinton County

Gibbs, Giles J., Building—Sugar Bowl, 12 N. Clinton Ave., St. Johns, 00000223

Eaton County

Michigan Central Railroad Charlotte Depot, 430 N Cochran Ave., Charlotte, 00000218

Keweenaw County

Church of the Assumption, US 41, E of M 26, Houghton Township, 00000220
Houghton County Traction Company Ahmeek Streetcar Station, US 41/M 26 and Hubbell St., Allouez, 00000221

Leelanau County

Morgan—Copp—Mervau Building, 101 N. Mill St., Northport, 00000219

Macomb County

General Motors Technical Center, Bounded by 12 Mile, Mound and Chicago Rds, and Van Dyke Ave., Warren, 00000224

Saginaw County

Gugel Bridge, Beyer Rd. at the Cass R, Frankenmuth Township, 00000217

Van Buren County

Houppert Winery Complex, 646 N Nursery, Lawton, 00000222

NEW HAMPSHIRE

Belknap County

District No. 9 Schoolhouse, 358 Hoyt Rd., Gilford, 00000198

NORTH CAROLINA

Franklin County

Massenburg Plantation (Boundary Increase), 821 NC 561, Louisburg, 00000225

Haywood County

Colonial Theater, 55–57 Park St., Canton, 00000226

OREGON

Deschutes County

Hamilton, Benjamin, House, (Craftman Bungalows in Deschutes County MPS), 552 NW State St., Bend, 00000228
Jones, Simpson E., House, (Craftman Bungalows in Deschutes County MPS), 1535 NW Awbrey Rd., Bend, 00000227

TENNESSEE

Sumner County

Maple Cottage, 1335 Long Hollow Pike, Cottontown, 00000229

Williamson County

Adams Street Historic District, (Williamson MPS), 1112–1400 Adams, 1251–1327 Adams St., and 304–308 Stewart St., Franklin, 00000233
Franklin Historic District (Boundary Increase), (Williamson MPS), 300 block of 4th Ave. S, Franklin, 00000232
Sparkman—Skelley Farm, (Williamson MPS), 5540 Leiper's Creek Rd., Boston, 00000234

Wilson County

Bailey, Harry, House, 423 Trousdale Ferry Rd., Lebanon, 00000230

WASHINGTON

Pierce County

1843 Fort Nisqually, Address Restricted, DuPont, 00000236

[FR Doc. 00–4319 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Information Collection Activities Under OMB Review

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Data Collection Submission.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 27, 2000.

ADDRESSES: Comments on this information collection should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior, 725 17th Street, NW., Washington, D.C. 20503. A copy of your comments should also be directed to the Bureau of Reclamation, Attention Ms. Mollie Buckey, Office of Policy, 1849 C Street, NW, Washington, DC 20240.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the proposed collection of information, contact Ms. Mollie Buckey at (202) 208–5204.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of Reclamation, including whether the information shall have practical use; (b) the accuracy of Reclamation's estimated burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Title: Recreation Use Data Report.

OMB No.: Reinstatement of OMB No. 1006–0002.

Summary: Reclamation will collect recreation and concession information in support of existing public laws, financial reporting requirements, and Reclamation's mission. The information will further Reclamation's ability to evaluate program and management effectiveness of existing recreation and concessionaire resources and facilities. It will ensure the accuracy and completeness of information about recreation opportunities on Reclamation project lands in the 17 Western States and validate public use of managed recreation resources.

Description of respondents: The information collection primarily affects other Federal agencies, State, local, or tribal governments or agencies who manage Reclamation's recreation resources and facilities; and for-profit concessionaires, subconcessionaires, and nonprofit organizations located on Reclamation lands with associated recreation services.

Frequency: Annually.

Form No. 7–2534, Managing Partners

Estimated completion time: 2 hours.
Annual responses: 310.
Annual burden hours: 620.

Form No. 7–2535, Concessionaires

Estimated completion time: 2 hours.
Annual responses: 225.
Annual burden hours: 450.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Reclamation will display a valid OMB control number on the forms. The Federal Register notice with a 60-day comment period soliciting comments on this collection of information was published on December 1, 1997 (62 FR 63557). Reclamation did not receive any comments on this collection of information during the comment period.

OMB has up to 60 days to approve or disapprove this information collection, but may respond after 30 days; therefore, public comment should be submitted to OMB within 30 days; therefore, public comment should be submitted to OMB within 30 days in order to assure maximum consideration.

Murlin Coffey,

Manager, Property and Office Services.

[FR Doc. 00–4333 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Adaptive Management Work Group (AMWG) and Glen Canyon Technical Work Group (TWG)

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meetings.

SUMMARY: As required by the Federal Advisory Committee Act of October 6, 1972, the Bureau of Reclamation is publishing notice of three public meetings. The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement and to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP provides an organization and process to ensure the use of scientific information in decision making concerning Glen Canyon Dam operations and protection of the affected resources consistent with the Grand Canyon Protection Act. The AMP has been organized and includes a Federal advisory committee called the ''Glen Canyon Dam Adaptive Management Work Group,'' a technical work group, a monitoring and research center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and information for the AMWG to act upon.

DATES: To allow full consideration of information by the TWG and AMWG members, comments should be submitted to the address below at least 5 days prior to the meeting.

The Glen Canyon Technical Work Group (TWG) will conduct one public meeting as follows:

- March 2–3, 2000, Phoenix, Arizona—The meeting will be held 9:30 a.m. to 4:00 p.m. on the first day and 8:00 a.m. to 12:00 noon on the second day. The meeting will be held at the Arizona Department of Water Resources, Conference Room B (3rd Floor), 500 North 3rd Street, Phoenix, Arizona.

The Glen Canyon Adaptive Management Work Group (AMWG) will conduct two public meetings as follows:

- April 4–5, 2000, Phoenix, Arizona—The meeting will be held 9:30 a.m. to 4:00 p.m. on the first day and 8:00 a.m. to 12:00 noon on the second day. The meeting will be held in the Turquoise Room at the Embassy Suites Hotel located at 1515 N. 44th Street in Phoenix, Arizona.
- July 6–7, 2000, Phoenix, Arizona—The meeting will be held 9:30 a.m. to

4:00 p.m. on the first day and 8:00 a.m. to 12:00 noon on the second day. The meeting will be held at the Bureau of Indian Affairs, Phoenix Area Office, 2 Arizona Center, Conference Rooms A and B (12th Floor), 400 North 5th Street, Phoenix, Arizona.

ADDRESSES: Written comments should be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102; faxogram (801) 524–3858; E-mail at *rpeterson@uc.usbr.gov.* Any written comments received will be provided to the TWG and AMWG members at the meetings.

Statement for Non-Rulemaking Public Comment Collection Regarding Disclosure of Commenter Names and Home Addresses

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: Randall Peterson, telephone (801) 524–3758.

SUPPLEMENTARY INFORMATION:

Agendas

- March 2–3, 2000—The meeting will address administrative issues, review management objectives and information needs, basin hydrology and expected releases, and the AMWG agenda for the meeting on April 4–5, 2000.
- April 4–5, 2000—The meeting will address administrative issues, AMP goals and management objectives, and hydrologic and other scientific studies.
- July 6–7, 2000—The meeting will be held to discuss environmental compliance issues, basin hydrology, FY 2002 budget, and the development of the AMP Strategic Plan. Agenda items may be revised prior to any of the meetings. Final agendas will be posted 15 days in advance of each meeting and can be found on the Internet at *http://www.uc.usbr.gov/amp.* Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings.

Dated: February 16, 2000.

Bruce C. Moore,

Manager, Technical Services & Dams Division.

[FR Doc. 00–4205 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement, Interior

Watershed Cooperative Agreement Program: Arts and Appalachian Clean Streams Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of funds for the Watershed Cooperative Agreement Program: Arts and Appalachian Clean Stream Program.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior is announcing its intent to solicit applications from eligible, not-for-profit candidates for funding under the OSM/National Endowment for the Arts Cooperative Agreement Program to undertake preliminary design projects engaging significant artists with local watershed groups.

DATES: Applications for the cooperative agreements should be submitted to the appropriate individual listed under **ADDRESSES AND FURTHER INFORMATION** starting February 24, 2000. Applications will be accepted until March 10, 2000, or until all available funds have been awarded, whichever is sooner.

ADDRESSES AND FURTHER INFORMATION: Requests for an application package, which includes further information on the program, the application forms and evaluation criteria, should be directed to the appropriate Appalachian Clean Streams Coordinator: *Alabama:* Jeannie O'Dell, Birmingham Field Office, 135 Gemini Circle, Suite 215, Homewood, AL 35209, Telephone 205–290–7282, ext 21; *Illinois:* Ken Foit, Indianapolis Field Office, Minton-Capehart Federal Building, 575 N. Pennsylvania Street, Room 392, Indianapolis, IN 46204, Telephone 317–226–6166 ext 230; *Indiana:* Michael Kalagian, Indianapolis Field Office, Minton-Capehart Federal Building, 575 N. Pennsylvania Street, Room 392, Indianapolis, IN 46204, Telephone 317–226–6166 ext 234; *Iowa:* Stephen Preston, Mid-Continent Regional Coordinating Center, Alton Federal Center, 501 Belle Street, Room 216, Alton, IL 62002, Telephone 618–463–6463 ext 120; *Kentucky:* Dave Beam, Lexington Field Office, 2675 Regency Road, Lexington, KY 40503, Telephone 606–233–2896; *Maryland:* Peter Hartman, Appalachian Regional Coordinating Center, 3 Parkway Center, Pittsburg, PA 15220, Telephone 412–937–2905; *Missouri:* Jeff Gillespie, Mid-Continent Regional Coordinating Center, Alton Federal Center, 501 Belle Street, Room 216, Alton, IL 62002, Telephone 618–463–6463 ext 128; *Ohio:* Max Luehrs, Columbus Area Office, 4480 Refugee Road, Suite 201, Columbus, OH 43232, Telephone 614–866–0578 ext 110; *Oklahoma:* Daniel Trout, Tulsa Field Office, 5100 East Skelly Drive S–550, Tulsa, OK 74135, Telephone 918–581–6430 ext 25; *Pennsylvania:* David Hamilton, Harrisburg Field Office, 415 Market Street, Suite 3, Harrisburg, PA 17101, Telephone 717–782–2285; *Tennessee:* Danny Ellis, Knoxville Field Office, 530 Gay Street, Suite 500, Knoxville, TX 37902, Telephone 423–545–4193 ext 147; *Virginia:* Ronnie Vicars, Big Stone Gap Field Office, 1941 Neeley Road, Suite 201, Compartment 116, Big Stone Gap, VA 24219, Telephone 540–523–0024; *West Virginia:* Rick Buckley, Charleston Field Office, 1027 Virginia Street East, Charleston, WV 25301, Telephone 304–347–7162 ext 3024.

SUPPLEMENTARY INFORMATION: For Fiscal Year 2000, OSM expects to award up to $75,000 to eligible not-for-profit groups to undertake preliminary design projects for specific acid mine drainge sites. The cooperative agreements will be in the $20,000–25,000 range in order to assist as many groups as possible. The cooperative agreements will have a performance period of two years.

Eligible applicants are not-for-profit, established organizations with IRS 501(c)(3) status. Applicants must have other partners, contributing either funding or in-kind services; the partners must provide a substantial portion of the total resources needed to complete the project.

Projects in the following States are eligible: Alabama, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia and West Virginia. Projects must meet eligibility criteria for coal projects outlined in Section 404 of the Surface Mining Control and Reclamation Act of 1997:

> Lands and water eligible for reclamation or drainage abatement expenditures under this title are those which were mined for coal or which were affected by such mining, wastebanks, coal processing, or other coal mining processes * * * and abandoned or

left in an inadequate reclamation status prior to the date of enactment of this Act [August 3, 1977], and for which there is no continuing reclamation responsibility under State or other Federal laws.

There must be demonstrated public support for the project. The project should propose to use proven or innovative technology that has a high probability of success. The project design must propose tangible results, *e.g.,* fishery restored, stream miles improved, educational and community benefits, pollutants removed from the streams. The funds must be used for the preliminary design phase of a project; reimbursement of administrative costs will be carefully scrutinized.

One copy of a complete application should be submitted to the appropriate Appalachian Clean Streams Coordinator identified under **ADDRESSES AND FURTHER INFORMATION** or directly to the Arts and Appalachian Clean Streams Program, Office of Surface Mining, 1951 Constitution Avenue NW., Room 120, Washington, DC 20240. Awards are subject to the availability of funds. Applications will receive technical and financial management reviews.

Dated: February 15, 2000.

Kathy Karpan,

Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 00–4328 Filed 2–23–00; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–459 (Review)]

Polyethylene Terephthalate (PET) Film From Korea

Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission determines,[2] pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on PET film from Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on July 1, 1999 (64 FR 35685) and determined on October 1, 1999, that it would conduct an expedited review (64 FR 55958, October 15, 1999). The Commission transmitted its determination in this review to the Secretary of Commerce on February 16, 2000. The views of the Commission are contained in USITC Publication 3278 (February 2000), entitled Polyethylene Terephthalate (PET) Film from Korea: Investigation No. 731–TA–459 (Review).

Issued: February 16, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–4361 Filed 2–23–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Thelma J. Askey dissenting.

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–466, 465, and 468 (Review)]

Sodium Thiosulfate From China, Germany, and the United Kingdom

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty orders on sodium thiosulfate from China, Germany, and the United Kingdom would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on July 1, 1999 (64 FR 35687, July 1, 1999) and determined on October 1, 1999 that it would conduct expedited reviews (64 FR 55959, October 15, 1999). The Commission transmitted its determinations in these reviews to the Secretary of Commerce on February 17, 2000. The views of the Commission are contained in USITC Publication 3279 (February 2000), entitled Sodium Thiosulfate from China, Germany, and the United Kingdom: Investigations Nos. 731–TA–465, 466, and 468 (Review).

Issued: February 15, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–4359 Filed 2–23–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–376, 563, and 564 (Review)]

Stainless Steel Butt-Weld Pipe Fittings From Japan, Korea, and Taiwan

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty orders on stainless steel butt-weld pipe fittings from Japan, Korea, and Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Background

The Commission instituted these reviews on July 1, 1999 (64 FR 35691, July 1, 1999) and determined on October 1, 1999 that it would conduct expedited reviews (64 FR 55960, October 15, 1999). The Commission transmitted its determinations in these reviews to the Secretary of Commerce on February 22, 2000. The views of the Commission are contained in USITC Publication 3280 (February 2000), entitled Stainless Steel Butt-Weld Pipe Fittings from Japan, Korea, and Taiwan: Investigations Nos. 731–TA–376, 563, and 564 (Review).

Issued: February 15, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–4358 Filed 2–23–00; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA–864–867 (Preliminary)]

Certain Stainless Steel Butt-Weld Pipe Fittings From Germany, Italy, Malaysia, and the Philippines

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 733(a)

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Askey dissenting with respect to stainless steel butt-weld pipe fittings from Korea.

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Germany, Italy, Malaysia, and the Philippines of certain stainless steel butt-weld pipe fittings, provided for in subheading 7307.23.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigations is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On December 29, 1999, a petition was filed with the Commission and the Department of Commerce on behalf of Alloy Piping Products, Inc., Shreveport, LA; Flowline Division of Markovitz Enterprises, Inc., New Castle, PA; Gerlin, Inc., Carol Stream, IL; and Taylor Forge Stainless, Inc., North Branch, NJ, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of certain stainless steel butt-weld pipe fittings from Germany, Italy, Malaysia, and the Philippines. Accordingly, effective December 29, 1999, the Commission instituted antidumping duty investigations Nos. 731–TA–864–867 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 7, 2000 (65 FR 1174). The conference was held in Washington, DC, on January 19, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 14, 2000. The views of the Commission are contained in USITC Publication 3281 (February 2000), entitled Certain Stainless Steel Butt-Weld Pipe Fittings from Germany, Italy, Malaysia, and the Philippines: Investigations Nos. 731–TA–864–867 (Preliminary).

Issued: February 16, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–4360 Filed 2–23–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; U.S. National Administrative Office; North American Agreement on Labor Cooperation; Hearing on Submission #9901

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of hearing.

SUMMARY: The purpose of this notice is to announce a hearing, open to the public, on Submission #9901.

Submission #9901, was filed with the U.S. National Administrative Office (NAO) on November 10, 1999, by the Association of Flight Attendants (AFA) and the Association of Flight Attendants of Mexico (ASSA). The submission was accepted for review by the NAO on January 7, 2000, and a notice of acceptance for review was published in the **Federal Register** on January 13, 2000.

Article 16 (3) of the North American Agreement on Labor Cooperation (NAALC) provides for the review of labor law matters in Canada and Mexico by the NAO in accordance with U.S. domestic procedures. Revised procedural guidelines pertaining to the submission, review, and reporting process utilized by the office were published in the **Federal Register** on April 7, 1994 (59 F.R. 16660). The guidelines provide for a discretionary hearing as part of the review.

DATES: The hearing will be held on March 23, 2000, commencing at 9:00 a.m. Persons desiring to present oral testimony at the hearing must submit a request in writing, along with a written statement or brief describing the information to be presented or position to be taken.

ADDRESSES: The hearing will be held at the Department of Labor, 200 Constitution Avenue, NW, Room N–5437 in Washington, DC. Written statements or briefs and requests to present oral testimony may be mailed or hand delivered to the U.S. National Administrative Office (NAO), Department of Labor, 200 Constitution Avenue, NW, Room C–4327, Washington, DC 20210. Requests to present oral testimony and written statements or briefs must be received by the NAO no later than close of business March 13, 2000.

FOR FURTHER INFORMATION CONTACT: Lewis Karesh, Acting Secretary, U.S. National Administrative Office, Department of Labor, 200 Constitution Avenue, NW, Room C–4327, Washington, DC 20210. Telephone: (202) 501–6653 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Nature and Conduct of Hearing

As set out in the notice published in the **Federal Register** on January 13, 2000, the objective of the review will be to gather information to assist the NAO to better understand and publicly report on the freedom of association, the right to organize, and occupational safety and health issues raised in the submission, including the Government of Mexico's compliance with the obligations agreed to under Articles 2, 3, 4 and 5 of the NAALC.

The hearing will be conducted by the Acting Secretary of the NAO or the Acting Secretary's designee. It will be open to the public. All proceedings will be conducted in English, with simultaneous translation in English and Spanish provided. The public files for the submission, including written statements, briefs, and requests to present oral testimony, will be made a part of the appropriate hearing record. The public files will also be available for inspection at the NAO prior to the hearing.

The hearing will be transcribed. A transcript of the proceeding will be made available for inspection, as provided for in Section E of the

procedural guidelines, or may be purchased from the reporting company.

Disabled persons should contact the Acting Secretary of the NAO no later than March 17, 2000 if special accommodations are needed.

II. Written Statements or Brief and Requests To Present Oral Testimony

Written statements or briefs shall provide a description of the information to be presented or position taken and shall be legibly typed or printed. Requests to present oral testimony shall include the name, address, and telephone number of the witness, the organization represented, if any, and any other information pertinent to the request. Five copies of a statement or brief and a single copy of a request to present oral testimony shall be submitted to the NAO at the time of filing.

No request to present oral testimony will be considered unless accompanied by a written statement or brief. A request to present oral testimony may be denied if the written statement or brief suggests that the information sought to be provided is unrelated to the review of the submission or for other appropriate reasons. The NAO will notify each requester of the disposition of the request to present oral testimony.

In presenting testimony, the witness should summarize the written statement or brief, may supplement the written statement or brief with relevant information, and should be prepared to answer questions from the Secretary of the NAO or the Secretary's designee. Oral testimony will ordinarily be limited to a ten minute presentation, not including the time for questions. Persons desiring more than ten minutes for their presentation should so state in the request, setting out reasons why additional time is necessary.

The requirements relating to the submission of written statements or briefs and requests to present oral testimony may be waived by the Secretary of the NAO for reasons of equity and public interest.

Signed at Washington, DC on February 11, 2000.

Lewis Karesh,

Acting Secretary, U.S. National Administrative Office.

[FR Doc. 00–4340 Filed 2–23–00; 8:45 am]

BILLING CODE 4510–28–P

NATIONAL INDIAN GAMING COMMISSION

Fee Rates

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminarily annual fee rates of 0.00% for tier 1 and 0.09% (.0009) for tier 2 for calendar year 2000. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission.

FOR FURTHER INFORMATION CONTACT: Bobby Gordon, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington, DC 20005; telephone 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the preliminary annual rate being adopted today are effective for calendar year 2000. Therefore, all gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees that are due to the Commission by March 31, 2000.

Barry Brandon,

Chief of Staff, National Indian gaming Commission.

[FR Doc. 00–4364 Filed 2–23–00; 8:45 am]

BILLING CODE 7565–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–201]

Decommissioning Criteria for the West Valley Demonstration Project (M–32), and the West Valley Site Revised Comment Period on Draft Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of revised comment period.

SUMMARY: On December 3, 1999, the U.S. Nuclear Regulatory Commission (NRC) published in the **Federal Register** a draft Policy Statement on the criteria to be used for decommissioning the West Valley Demonstration Project and West Valley Site. The NRC requested that comments on the draft Policy Statement be submitted by February 1, 2000. A public meeting to discuss the draft policy statement for the decommissioning criteria for West Valley with interested members of the public was held in West Valley, New York, on January 5, 2000. As a result of comments from the public the NRC is reopening the comment period until April 1, 2000. Comments received after this date will be considered if it is practical to do so, but NRC will only be able to assure consideration of comments received on or before this date.

FOR FURTHER INFORMATION CONTACT: Questions with respect to this action should be referred to Jack D. Parrott, Project Scientist, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, Mail Stop T–8F37, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: (301) 415–6700; e-mail: jdp1@nrc.gov.

Dated at Rockville, Maryland, this 14th day of February 2000.

For the U.S. Nuclear Regulatory Commission.

Larry W. Camper,

Chief, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–4354 Filed 2–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison; San Onofre Nuclear Generating Station, Unit Nos. 2 and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating Licenses Nos. NPF–10 and NPF–15, issued to Southern California Edison Company (the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Units Nos. 2 and 3, located in San Diego County, California.

Environmental Assessment

Identification of the Proposed Action

SONGS Units 2 and 3 are currently licensed to operate 40 years commencing with the issuance of their construction permits on October 18, 1973. At present, the operating licenses (OLs) for both units expire on October 18, 2013. The licensee seeks an extension of the license term for SONGS Units 2 and 3 to allow them to operate until 40 years from the issuance of their respective OLs. SONGS Units 2 and 3 OLs were issued on February 16, 1982, and November 15, 1982, respectively. The proposed change would extend the license terms for SONGS Unit 2, to February 16, 2022, and for SONGS Unit 3, to November 15, 2022. This action would extend the period of operation to the full 40 years provided by the Atomic Energy Act and the Code of Federal Regulations.

The proposed action is in accordance with the licensee's application for license amendments dated December 13, 1999.

The Need for the Proposed Action

The proposed action would allow the licensee to operate SONGS Units 2 and 3 for 40 years from the date of issuance of their operating licenses. This extension would permit the units to operate for the full 40-year design-basis lifetime, consistent with the Commission policy stated in Memorandum dated August 16, 1982, from William Dircks, Executive Director for Operations, to the Commissioners, and as evidenced by the issuance of over 50 such extensions to other licensees.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the extension of SONGS' Units 2 and 3 Operating Licenses Nos. NPF–10 and NPF–15 would not create any new or unreviewed environmental impacts. This change does not involve any physical modifications to the facilities, and there are no new or unreviewed environmental impacts that were not considered as part of the Final Environmental Statement (FES) dated March 1973 relating to operation of SONGS Units 2 and 3. Evaluations for the FES considered a 40-year operating life. The considerations involved in the NRC staff's determination are discussed below.

Radiological Impacts of the Hypothetical Design-Basis Accidents

The offsite exposure from releases during postulated accidents were evaluated and found acceptable during the operating license stage and subsequent license amendments. This type of evaluation involves four issues: (1) Type and probability of postulated accidents, (2) the radioactivity releases calculated for each accident, (3) the assumed meteorological conditions, and (4) population size and distribution in the vicinity of the facility. The staff has concluded that neither the type and probability of postulated accidents nor the radioactivity releases calculated for each accident would change through the proposed extended operation. Also, the meteorological conditions are not expected to change during the proposed extended operation and, therefore, any further consideration is not warranted. Thus the population size and distribution in the vicinity of the facility are the only time-dependent parameters that require consideration. The consequences of design-basis accidents are determined in terms of the resulting exposure to the general public. The population data listed in the SONGS Updated Final Safety Analysis Report (UFSAR) were taken from the 1980 U. S. Census. The licensee compared the projected population data in the UFSAR within a 10-mile radius with the 1990 Federal census data and concluded that the census data is bounded by the UFSAR projection data for that same year. Based on this comparison, the licensee expects this trend to continue and concludes that the population for the period of 2013 through 2022 should be lower than originally projected. Therefore, cumulative exposure to the general public due to a design-basis accident would not be adversely affected. Further, there are no changes to the current exclusion area, low population zone, and nearest population center distance, and the licensee will continue to meet the requirements of 10 CFR 100.11(a) for the proposed license term extension. Also, there is no expected change in land usage during the license terms that would affect offsite dose calculations. Accordingly, the staff concludes that the proposed action will not significantly change previous conclusions regarding the potential environmental effects of offsite releases from postulated accident conditions.

Radiological Impacts of Annual Releases

Onsite Doses

In accordance with the plant Technical Specifications (TSs), the licensee has established several radiation monitoring programs including a program to maintain radiation doses ''As Low As Reasonably Achievable (ALARA)'' guidelines (10 CFR Part 50, Appendix I guidelines). On an annual basis, the licensee submits an Occupational Radiation Exposure Report to the NRC. The SONGS Units 2 and 3 occupational radiation exposure per unit for the last 4 years has been:

1995 227 person-rem
1996 64 person-rem
1997 170 person-rem
1998 98 person-rem

The data indicate declining trend in the collective occupational exposure at SONGS. The 5-year annual average collective occupational exposure per reactor has dropped from about 250 person-rem/year in 1990 to about 125 person-rem/year in 1998. Through continued implementation of ALARA and other programs, the licensee expects to maintain its collective occupational exposure per units for SONGS Units 2 and 3 for the period of 2013 to 2022 to an average of 125 person-rem per year. Based on its review of historical radiation exposure data at SONGS and the licensee's continued implementation of ALARA, the staff concludes that the projected occupational exposures through the proposed extended period will continue to remain significantly below the UFSAR estimate (411 person-rem per unit).

Offsite Doses

Appendix I guidelines on ALARA discussed above as they relate to onsite doses also apply to releases that could cause offsite doses. The Appendix I guidelines establish radioactive design/dose objectives for liquid and gaseous offsite releases including iodine particulate radionuclides. In addition, routine releases to the environment are governed by 10 CFR Part 20, which states that such releases should be

ALARA. Each year, the licensee submits an ''Annual Radioactive Effluent Release Report'' that provides an annual assessment of the radiation dose as a result of effluents released from the facility. These reports show that release of radioactive liquids and gases have historically been lower than those estimated in the FES. As a result of the continued implementation of the ALARA program, occupational exposures can be expected to remain lower than the FES estimates.

In accordance with plant TSs, the licensee has an established Radiological Environmental Monitoring Program by which the licensee monitors the effect of operation of its facilities on the environment. This is accomplished by continuously measuring radiation levels and airborne radioactivity levels and periodically measuring amounts of radioactivity in samples at various locations surrounding the plants. Continued environmental monitoring and surveillance under the program ensures early detection of any increase in exposures over the proposed license term extension.

Accordingly, the staff concludes that the radiological impact on the public due to the proposed license term extension would not increase over that previously evaluated in the FES and the occupational exposures will be consistent with the industry average and in accordance with 10 CFR Part 20.

The curie content of radioactive solid waste shipped from SONGS has historically been less than the FES estimates and is expected to remain so.

Based on the conservative population estimate in the FES and low radiological exposure from plant releases during normal operation and postulated accidents, and the environmental monitoring program, the staff concludes that the radiological impact on the public due to the proposed action would be insignificant and the conclusions of the FES remain valid.

Environmental Impact of the Uranium Fuel Cycle

At present, SONGS Units 2 and 3 are licensed to store fuel with enrichments up to 4.8 weight percent uranium-235 (U–235). As part of its safety evaluation associated with this 4.8 weight percent U–235 fuel enrichment, the staff previously evaluated the environmental impacts of transportation of effects resulting from the use of higher enrichment and extended radiation. In its Environmental Assessment dated September 26, 1996 (61 FR 50513), the staff concluded that the environmental impact of extended fuel irradiation up to 60,000 megawatt-days per metric ton uranium (MWD/MTU) and increased enrichment up to 5 weight percent are bounded by the impacts reported in Table S–4 of 10 CFR 51.52.

The total projected number of fuel cycles before the current OL expiration date (October 18, 2013) is 17 for Units 2 and 3. Based on current cycle lengths, the proposed extended operating license term will increase the number of complete fuel cycles by approximately 4 in each unit to a total of 21. At present, the licensed capacity of the spent fuel pool (SFP) for each unit is 1542 fuel assemblies. The licensee-projected total number of spent fuel assemblies including a full core discharge for Units 2 and 3 for a 40-year operating life will be between 2217 and 2317 which is higher than the licensed SFP capacity. To store the additional fuel assemblies, the licensee is evaluating the use of dry storage and fuel rod consolidation as alternative storage methods for SONGS Units 2 and 3 spent fuel and will seek necessary regulatory approval.

Based on the above, the staff concludes that there are no significant changes in the environmental impact related to the uranium fuel cycle due to the proposed extended operation of SONGS Units 2 and 3.

Nonradiological Impacts

The major nonradiological impact of the plant on the environment is the operation of the plant's cooling water system and discharge to the Pacific Ocean. The California Regional Water Quality Control Board (the Board) has reviewed and considered the environmental impacts of the SONGS units' water discharge into the Pacific Ocean in its issuance of the National Pollution Discharge Elimination System (NPDES) permit and renewals. The NPDES permit is conditional upon the discharges complying with provisions of the Board and of the Clean Water Act (as amended or as supplemented by implementing guidelines and regulations). On April 11, 1999, the Board adopted and renewed NPDES permits to SONGS Units 2 and 3 until August 11, 2004. The Board found that discharges from SONGS Units 2 and 3 are consistent with its policy with respect to maintaining high quality waters in California. The licensee will continue to abide by the NPDES permits and, accordingly, expects the Board to renew and issue NPDES permits every 5 years. Also, the proposed action does not involve any historic sites. Therefore, the NRC concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no action'' alternative). Denial of the application would result in no change in current environmental impacts. Continued operation of SONGS Units 2 and 3 would avert potential nonradiological environmental effects of greenhouse gases and other airborne effluents from non-nuclear plants that would be required to operate in order to replace the power supplied by the SONGS units.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the FES for the SONGS Units 2 and 3.

Agencies and Persons Consulted

In accordance with its stated policy, on February 8, 2000, the staff consulted with the California State official, Mr. Steven Hsu, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

The NRC stated in its proposed no significant hazards consideration determination dated December 29, 1999 (64 FR 73098), that the licensee's proposed extension to the operating license term is consistent with the current NRC policy and the originally engineered design life of the plant, i.e., 40 years of operation. Due to design conservatism, maintenance, and surveillance programs and the plant TSs, the proposed additional years of operation would have no significant impact on safety. That is, regardless of the age of the facility, the above-mentioned programs and TSs would ensure that systems, structures, and components will be refurbished or replaced to maintain their required safety function over the 40 years of operation. On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 13, 1999, which is available for public inspection at the

Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publically available records will be accessible electronically from the ADAMS Public Library Component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 17th day of February 2000.

For The Nuclear Regulatory Commission.

L. Raghavan,

Senior Project Manager, Section 2, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–4356 Filed 2–23–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336, and 50–423]

Northeast Nuclear Energy Company, et al., Millstone Nuclear Power Station, Units 1, 2, and 3; Issuance of Final Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission (NRC), has issued a Final Director's Decision with regard to a Petition, dated November 25, 1996, as amended on December 23, 1996, filed by Ms. Deborah Katz and Mr. Paul Gunter on behalf of the Citizens Awareness Network and the Nuclear Information and Resource Service, respectively, hereafter referred to as ''Petitioners.'' The Petition pertains to the Millstone Nuclear Power Station, Units 1, 2, and 3.

The Petitioners requested that the NRC take the following actions: (1) Immediate suspension or revocation of Northeast Utilities' (NU's or the licensee's) licenses to operate its nuclear facilities in Connecticut; (2) investigation of possible NU material misrepresentations to the NRC; (3) [a] revoke the operating licenses for NU's nuclear facilities if an investigation determines that NU deliberately provided insufficient and/or misleading information to the NRC and, [b] if NRC chose not to revoke NU's licenses, continued shutdown of NU facilities until the Department of Justice completes its investigation and the results are reviewed by the NRC; (4) continued listing of the NU facilities on the NRC's Watch List should any facility resume operation; (5) continued shutdown of the NU facilities until the NRC evaluates and approves NU's remedial actions; (6) prohibition of any predecommissioning or decommissioning activities at any NU nuclear facility in Connecticut until NU and the NRC take certain identified steps to assure that such activities can be safely conducted; (7) initiation of an investigation into how the NRC allowed the asserted illegal situation at NU's nuclear facilities in Connecticut to exist and continue for more than a decade; and (8) an immediate investigation of the need for enforcement action for alleged violation of 10 CFR Part 50, Appendix B.

The bases for the Petitioners' assertions were NU and NRC inspection findings and NU documents referred to in the Petition and a VHS videotape, Exhibit A, which accompanied the Petition. Specifically, the Petitioners identified areas that included inadequate surveillance testing, operation outside the design basis, inadequate radiological controls, failed corrective action processes, and degraded material conditions.

The NRC issued a Partial Director's Decision (DD–97–21) dated September 12, 1997, which addressed all of the Petitioners' requests, with one exception. Specifically, with respect to Request 3a of the petitioners' request, the NRC deferred a decision on the request that the NU operating licenses for the Millstone units be revoked if an investigation determined that NU deliberately provided insufficient and/or false or misleading information to the NRC. The decision on that request was deferred at the time the Partial Director's Decision was issued because several NRC investigations were underway. The investigations of NU have been completed and for the reasons given in the Final Director's Decision, DD–00–01, dated February 15, 2000, the NRC was not able to grant Request 3a of the Petition. Request 3b of the Petition, regarding the continued shutdown of NU facilities until the Department of Justice completed its investigation and the results are reviewed by the NRC, was denied in the Partial Director's Decision. Notwithstanding the NRC's 1997 denial of Request 3b, the NRC concludes that, through the actions the NRC required the Millstone facilities to complete prior to restart, the intent of request 3b was met.

Additional information is contained in the ''Final Director's Decision Pursuant to 10 CFR 2.206'' (DD–00–01), the complete text of which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Library component on the NRC Web site, *<http://www.nrc.gov>* (the electronic reading room).

As provided in 10 CFR 2.206(c), a copy of this Final Director's Decision will be filed with the Secretary of the Commission for the Commission's review. This Final Director's Decision will constitute the final action of the Commission (for Petitioners' Request 3a) 25 days after its issuance, unless the Commission, on its own motion, institutes review of the Decision within that time.

Dated at Rockville, Maryland, this 15th day of February 2000.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 00–4355 Filed 2–23–00; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF STATE

[Public Notice No. 3222]

Advisory Committee on International Economic Policy Open Meeting Notice

The Advisory Committee on International Economic Policy (ACIEP) will meet from 9:00 a.m. to 1:00 p.m. on Thursday, March 16, 2000, in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC 20520. The meeting will be hosted by Committee Chairman R. Michael Gadbaw and by Under Secretary of State for Economic, Business, and Agricultural Affairs Alan P. Larson.

The ACIEP serves the U.S. Government in a solely advisory capacity concerning issues and problems in international economic policy. The objective of the ACIEP is to provide expertise and insight on these issues that are not available within the U.S. Government.

Topics for the March 16 meeting will be:

- Initiatives for the Global Information Economy
- US-Indian Economic Relations
- Biotechnology/Precautionary Principle
- Short Topics

—China—Prospects for WTO Accession
—OECD Anti-Bribery Convention and Anti-Corruption
—OECD Guidelines
—G–8 Summit—Issues and Impact
—Sanctions
—Foreign Affairs Resources

The public may attend these meetings as seating capacity allows. The media is welcome but discussions are off the record. Admittance to the Department of State building is by means of a pre-arranged clearance list. In order to be placed on this list, please provide your name, title, company or other affiliation if appropriate, social security number, date of birth, and citizenship to the ACIEP Executive Secretariat by phone at (202) 647–5968 or fax (202) 647–5713 (Attention: Arlene Nelson) by Tuesday, March 14, 2000. On the date of the meeting, persons who have registered should come to the 23rd Street entrance. One of the following valid means of identification will be required for admittance: a U.S. driver's license with photo, a passport, or a U.S. Government ID.

For further information, contact Arlene Nelson, ACIEP Secretariat, U.S. Department of State, Bureau of Economic and Business Affairs, Room 6828, Main State, Washington, DC 20520.

Dated: February 17, 2000.

William J. McGlynn,

Executive Secretary, Advisory Committee on International Economic Policy, U.S. Department of State.

[FR Doc. 00–4368 Filed 2–23–00; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending February 11, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–6872.
Date Filed: February 7, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0571 dated 4 February 2000; Mail Vote 061—Resolution 010u; Special Passenger Amending Resolution from Viet Nam; Intended effective date 1 April 2000.

Docket Number: OST–2000–6879.
Date Filed: February 8, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR-SASC 0059 dated 28 January 2000; TC23 Europe-South Asian Subcontinent Expedited Resolution 002jj; Intended effective date: 15 March 2000.

Docket Number: OST–2000–6891.
Date Filed: February 9, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC12 MEX–EUR 0029 dated 8 February 2000; TC12 Mexico-Europe Expedited Resolutions r1–r3; Intended effective date: 15 March 2000.

Docket Number: OST–2000–6893.
Date Filed: February 9, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0578 dated 11 February 2000; Mail Vote 062—Resolution 005aa (New); Special Implementation Provisions; Standard Foreign Fare Level (SFFL); USA/US Territories; Intended effective date: 1 March 2000.

Docket Number: OST–2000–6929.
Date Filed: February 11, 2000.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR-SASC 0061 dated 4 February 2000; Europe-South Asian Subcontinent Resolutions r1–r18; Minutes—PTC23 EUR-SASC 0060 dated 4 February 2000; Tables—PTC23 EUR-SASC FARES 0018 dated 8 February 2000; Intended effective date 1 April 2000.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 00–4343 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

DOT Partnership Council Meeting

AGENCY: Office of the Secretary, DOT

ACTION: Notice of meeting.

SUMMARY: The Department of Transportation announces a meeting of the DOT Partnership Council (the Council). Notice of this meeting is required under the Federal Advisory Committee Act.

TIME AND PLACE: The Council will meet on Wednesday, March 9, 2000, at 1:00 pm., at the Department of Transportation, Nassif Building, room 10214, 400 Seventh Street, SW., Washington, DC 20590. The room is located on the 10th floor.

TYPE OF MEETING: These meetings will be open to the public. Seating will be available on a first-come, first-served basis. Handicapped individuals wishing to attend should contact DOT to obtain appropriate accommodations.

POINT OF CONTACT: Jean B. Lenderking, Corporate Human Resource Leadership Division, M–13, Department of Transportation, Nassif Building, 400 Seventh Street, SW., room 7411, Washington, DC 20590, (202) 366–8085.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to present an approach for DOT labor-management strategic plan; provide an update on Phase II of the DOT labor-management climate study; brief on the FY 2001 budget; and report on initiatives/options for enhancing partnership efforts throughout DOT.

PUBLIC PARTICIPATION: We invite interested persons and organizations to submit comments. Mail or deliver your comments or recommendations to Ms. Jean Lenderking at the address shown above. Comments should be received by March 1, 2000 in order to be considered at the March 9th meeting.

Issued in Washington, DC, on February 16, 2000.

For the Department of Transportation.

John E. Budnik,

Acting Director, Departmental Office of Human Resource Management.

[FR Doc. 00–4342 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airport Privatization Pilot Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Acceptance for Review: Preliminary Application for Rafael Hernandez Airport, Aguadilla, Puerto Rico.

SUMMARY: The Federal Aviation Administration (FAA) has completed its review of the Rafael Hernandez Airport (BQN) preliminary application for participation in the airport privatization pilot program. The preliminary application is accepted for review, with a filing date of December 20, 1999. The Puerto Rico Ports Authority, the airport sponsor, may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption under the pilot program.

49 U.S.C. Section 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to five airport privatization projects. The application procedures require the FAA to publish a notice in the **Federal Register** after review of the preliminary application in the Federal Register for public review and comment for a sixty-day period. The BQN preliminary application is

available for public review in the Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC–200), 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis (202–267–8741) Airport Compliance Division, AAS–400, Federal Aviation Administration, 800 Independence Ave. SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Introduction and Background

Section 149 of the Federal Aviation Administration Authorization Act of 1996, Pub. L. 104–264 (October 9, 1996) (1996 Reauthorization Act), adds a new Section 47134 to Title 49 of the U.S. Code Section 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues to airport-related purposes, to pay back a portion of Federal grants upon the sale of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 19997, the Federal Aviation Administration issued a notice of procedures to be use din applications for exemption under Airport Privatization Pilot Program (62 FR 48693). A request for participation in the Pilot Program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

The Puerto Rico Ports Authority issued its RFP on November 22, 1999, for Rafael Hernandez Airport, Aguadilla, Puerto Rico and has not selected a private operator. The filing date of this preliminary application is December 20, 1999. This is the fourth preliminary application accepted under the pilot program. The Authority may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

If FAA accepts the final application for review, the application will be published in the **Federal Register** for public review and comment for a sixty-day period.

Issued in Washington, DC on February 1, 2000.

Paul L. Galis,

Deputy Associate Administrator for Airports.

[FR Doc. 00–3823 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Utah and Wasatch Counties, Utah

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a second supplement to a final environmental impact statement will be prepared for a proposed highway project in Utah and Wasatch Counties, Utah.

FOR FURTHER INFORMATION CONTACT: William Gedris, Environmental Coordinator, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Telephone: (801) 963–0078 ext, 243; or Dan Nelson, Utah Department of Transportation, Region 3, 825 North 900 West, Orem, Utah 84057, Telephone: (801) 222–3406.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Utah Department of Transportation (UDOT), will prepare a second supplement to the final environmental impact statement (EIS) with route termini at the existing interchange of Interstate 15 with Utah Route 52 (800 North) in Orem on the west and the intersection of U.S. Highway 189 with U.S. Highway 40 approximately 0.8 km (½ mile) south of Heber City on the east. An 8 km (5 mile) section of the 5/40.2 km (25 mile) route, from the western terminus to Murdock Diversion in Provo Canyon, has been improved to a four-land facility. This original project proposed to widen and realign approximately 35.4 km (22 miles) of U.S. Highway 189 between its junctions with Utah Route 52 at Olmstead and U.S. Highway 40 near Heber City in Utah and Wasatch Counties, Utah, including 3.2 km (2 miles) of improved roadway between Olmstead and Murdock Diversion. The original EIS for the improvements (FHWA–UT–EIS–76–02–F) was approved in 1978, and a Supplemental EIS (SEIS) (FHAW–UT–EIS– 76–02–FS) was prepared and approved on November 9, 1989. The purpose of the project is to improve the safety and traffic carrying capacity of the highway by correcting substandard geometrics and other unsafe conditions. The proposed improvements will provide four lanes divided by a median with minimum pavement and clear zone widths.

Under the first SEIS, four project segments were defined. The lower segment of the project from Murdock Diversion to Vivian Park (9.3 km [5.8] miles]) has been completed, and the second segment from Vivian Park to Wildwood (1.9 km [1.2 miles]) is under construction and nearly complete. Preliminary design for the third segment from Wildwood to Deer Creek State Park (5.3 miles) has been completed and an environmental re-evaluation was completed and approved July 15, 1995. The fourth segment from Deer Creek State Park to Herber City (16.4 km [10.2 miles]) remains at the conceptual design level provided in the 1989 SEIS. Since some changes in design and construction, as well as traffic use, may have occurred since the 1989 SEIS, the project will be restudied to insure that the design parameters and environmental considerations are appropriate. The Preferred Alternative developed as a part of the first SEIS and partially modified in the 1995 Wildwood to Deer Creek State Park Re-evaluation will be the focus for this study.

Comments are being solicited from appropriate Federal, State, and local agencies and from private organizations and citizens who have previously expressed or are known to have interest in this proposal. Several public scoping and information meetings and a public hearing will be held during the course of the analysis. Public notice will be given of the time and place of the meetings and hearing. The draft SEIS will be available for public and agency review prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and/or questions concerning this proposed action and the EIS should be directed to the FHWA or UDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: Issued on: February 17, 2000.

Michael G. Ritchie,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 00–4372 Filed 2–23–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33772]

Maryland and Delaware Railroad Company—Acquisition Exemption—Snow Hill Shippers Association, Inc.

Maryland and Delaware Railroad Company, a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire ownership rights in approximately 26.7 miles of rail line from the Snow Hill Shippers Association, Inc. (SHSA) between approximately milepost 39, in Frankford, Sussex County, DE, and approximately milepost 65.7, in Snow Hill, Worcester County, MD (Frankford-Snow Hill Branch).[1]

The transaction is expected to be consummated on or soon after February 21, 2000, the effective date of the exemption.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33772, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Kevin M. Sheys, Esq., Oppenheimer Wolff Donnelly & Bayh LLP, 1350 Eye Street, N.W., Suite 200, Washington, DC 20005–3324.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Dated: Decided: February 16, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–4365 Filed 2–23–00; 8:45 am]

BILLING CODE 4915–00–P

[1] SHSA is a non-profit, non-stock Maryland membership corporation comprised of on-line shippers who own the Frankford-Snow Hill Branch.

TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Notice of public information hearing

AGENCY: Twenty-first Century Workforce Commission.

ACTION: Notice of public information hearing.

SUMMARY: This notice is to announce a public information hearing on Thursday, February 24, 2000. Members of the public are invited to attend the hearing. Several witnesses have been invited by the Commissioners to testify and to address the questions identified by the agenda set forth below.

The purpose of the hearing is for Commissioners to learn how Texas companies, educational institutions, community organizations, and governments are working together so more Texans gain the skills and knowledge necessary to be part of the Information Technology (IT) workforce.

DATES: The Public Information Hearing will be held on Thursday, February 24, 2000, from 9:00 am to approximately 3:00 p.m. Registration is from 9:00 am to 10:00 am. The dates, locations and times for subsequent meetings will be announced in advance in the **Federal Register**.

ADDRESSES: The InfoMart Technology Center in Dallas, Texas is located at Infomart, 1950 Stemmons Freeway. For more information, please visit the Center's website at *www.infomartusa.com* or call 214–800–8200. All interested parties are invited to attend this Information Hearing. Seating may be limited and will be available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Mr. Hans Meeder, Executive Director, Twenty-First Century Workforce Commission, 1201 New York Avenue, NW, Suite 700, Washington, DC 20005. (Telephone (202) 289–2939. TTY (202) 289–2977) These are not toll-free numbers. Email: *Workforce21@nab.com.*

SUPPLEMENTARY INFORMATION: Establishment of the Twenty-First Century Workforce Commission was mandated by Subtitle C of Title III of the Workforce Investment Act, Sec. 331 of Pub. L. 105–220, 112 Stat. 1087–109, (29 U.S.C. 2701 note), signed into law on August 7, 1998. The 15 voting member Twenty-First Century Workforce Commission is charged with studying all aspects of the information technology workforce in the United States. Notice is hereby given of the second Public Information Hearing of the Twenty-First Century Workforce Commission.

The Workforce Investment Act (Pub. L. No. 105–220), signed into law on August 7, 1998, established the Twenty-First Century Workforce Commission. The Commission is charged with carrying out a study of the information technology workforce in the U.S., including the examination of the following issues:

1. What skills are currently required to enter the information technology workforce? What technical skills will be demanded in the near future?

2. How can the United States expand its number of skilled information technology workers?

3. How do information technology education programs in the United States compare with other countries in effectively training information technology workers? [The Commission study should place particular emphasis upon contrasting secondary, non- and-post-baccalaureate degree education programs available within the U.S. and foreign countries.]

The Workforce Investment Act directs the Commission to issue recommendations to the President and Congress within six months. The Commission first met on November 16, 1999, and will issue its recommendations by May 16, 2000.

Agenda: At the Dallas, Texas hearing, the Commission working group conducting the hearing will emphasize the following issues: (1) How will information technology advances continue to change Texas' economy in coming years, and what skills will individuals need to participate in the IT workforce? (2) How are Texas companies, educational institutions, community organizations, state and local governments partnering to provide educational and training opportunities for individuals who want to enter the IT workforce? (3) What particular barriers face Texas in building and strengthening the IT workforce, and how are under-represented populations being reached for participation in the IT workforce?

Commission Membership: The Workforce Investment Act mandates that 15 voting members be appointed by the President, Majority Leader of the Senate, and Speaker of the House (5 members each), including 3 educators, 3 state and local government representatives, 8 business representatives and 1 labor representative. The Act also mandates that the President appoint 2 ex-officio members, one each from the Departments of Labor and Education.

The Commissioners are: Chairman Lawrence Perlman, Ceridian Corporation, Minneapolis, MN; Vice Chair, Katherine K. Clark, Landmark Systems Corporation, Reston, VA; Susan Auld, Capitol Strategies, Ltd., Montpelier, VT; Morton Bahr, Communication Workers of America, Washington, DC; Patricia Gallup, PC Communications, Inc., Merrimack, NH; Dr. Bobby Garvin, Mississippi Delta Community College, Moorhead, MS; Susan M. Green (ex officio), U.S. Department of Labor, Washington, DC; Randel Johnson, U.S. Chamber of Commerce, Washington, DC; Roger Knutsen, National Council for Higher Education, Auburn, WA; Patricia McNeil (ex officio), U.S. Department of Education, Washington, DC; The Honorable Mark Morial, Mayor, City of New Orleans, LA; Thomas Murrin, Ph.D., Duquesne University, Pittsburgh, PA; Leo Reynolds, Electronic Systems, Inc., Sioux Falls, SD; The Honorable Frank Riggs, National Homebuilders Institute, Washington, DC; The Honorable Frank Roberts, Mayor, City of Lancaster, California; Kenneth Saxe, Stambaugh-Ness, York, PA; David L. Steward, World Wide Technology, Inc., St. Louis, MO; Hans K. Meeder, Executive Director, Washington, DC.

Public Participation: Members of the public are invited to attend this hearing. Several witnesses have been invited to testify by the Commissioners to address the questions identified on the Agenda. In addition, members of the public wishing to present oral statements to the Twenty-First Century Workforce Commission should forward their requests to Mr. Hans Meeder, Executive Director, as soon as possible and at least four days before the meeting. Requests should be made by e-mail, fax machine, or telephone, as shown above.

Time permitting, the Commissioners will attempt to accommodate requests for oral presentations. Each member of the public who is selected to testify will be allotted a three minute period to present their oral remarks. Members of the public must limit oral statements to three minutes, but extended written statements may be submitted for the record. Members of the public may also submit written statements for distribution to the Commissioners and inclusion in the public record without presenting oral statements. Such written statements should be sent to Mr. Hans Meeder, as shown above, or may be submitted at the hearing site.

The Commission has established a web site, *www.workforce21.org.* Any written comments regarding documents published on this web site should be directed to Mr. Hans Meeder, as shown above.

Special Accommodations: Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact Mr. Hans Meeder, as shown above. Requests for accommodations must be made four days in advance of the hearing.

Due to difficulties of scheduling the members we are unable to provide a full 15-day advance notice of this meeting.

Signed at Washington, DC this 17th day of February, 2000.

Hans K. Meeder,

Executive Director, Twenty-First Century Workforce Commission.

[FR Doc. 00–4341 Filed 2–23–00; 8:45 am]

BILLING CODE 4510–23–P

Corrections

Federal Register

Vol. 65, No. 37

Thursday, February 24, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. OR98-1-000, OR96-2-000, and OR96-10-000]

ARCO Products Company, a Division of Atlantic Richfield Company, Equilon Enterprises L.L.C., Mobil Oil Corporation, and Texaco Refining and Marketing, Inc., Complainants v. SFPP, L.P., Respondent; Notice of Second Amended Complaint, and Third Original Complaint Against SFPP, L.P.

Correction

In notice document 00–2368 beginning on page 5331 in the issue of Thursday, February 3, 2000, the docket number should read as set forth above.

[FR Doc. C0–2368 Filed 2–23–00; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circulars (AC) 25.981-1X, Fuel Tank Ignition Source Prevention Guidelines; and AC 25.981-2X, Fuel Tank Flammability Minimization

Correction

In notice document 00–2262, beginning on page 5012, in the issue of Wednesday, February 2, 2000, make the following corrections:

1. On page 5012, in the second column, under the heading **ADDRESSES:**, in the 11th line, ''mike.doster@faa.gov'' should read ''mike.dostert@faa.gov''.

2. On page 5012, in the third column, under the heading **Discussion**, in 18th line, ''re'' should read ''are''.

[FR Doc. C0–2262 Filed 2-23-00; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Thursday,
February, 24, 2000

Part II

Federal Communications Commission

Auction of Licenses For Fixed Point-to-Point Microwave Services in the 38.6 to 40.0 GHz (39 GHz) Band; Auction Notice and Filing Requirements for 2,450 Licenses in the 39 GHz Band; Auction Scheduled for April 12, 2000; Minimum Opening Bids and Other Procedural Issues; Notice

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–99–30–B (Auction No. 30); DA 00–112]

Auction of Licenses for fixed Point-to-Point Microwave Services in the 38.6 to 40.0 GHz (39 GHz) Band; Auction Notice and Filing Requirements for 2,450 Licenses in the 39 GHz Band; Auction Scheduled for April 12, 2000; Minimum Opening Bids and Other Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction and procedures governing the auction of licenses for fixed point-to-point microwave services in the 38.6 to 40.0 GHz band (''Auction No. 30''), scheduled to commence on April 12, 2000. As discussed in greater detail herein, Auction No. 30 will be composed of 2,450 licenses in the 38.6–40.0 GHz bands (''39 GHz band''). Fourteen 100 megahertz licenses (paired 50 megahertz channel blocks) will be offered in each of 172 Economic Areas (EAs) and 3 EA-like areas, covering the United States, the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands and Puerto Rico.

DATES: Auction No. 30 is Scheduled for April 12, 2000.

FOR FURTHER INFORMATION CONTACT: Kenneth Burnley, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released January 21, 2000 (''*Auction Public Notice*''). The complete text, including all attachments, of the *Auction Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's website at *http://www.fcc.gov/wtb/auctions.*

I. General Information

A. Introduction

1. The *Auction Public Notice* announces the procedures and minimum opening bids for the upcoming auction of licenses for fixed point-to-point microwave services in the 38.6 to 40.0 GHz band (''Auction No. 30''). On November 23, 1999, the Wireless Telecommunications Bureau (''Bureau'') released a Public Notice, seeking comment on the establishment of reserve prices or minimum opening bids for Auction No. 30, in accordance with the Balanced Budget Act of 1997. *See* ''Auction of Licenses for Fixed Point-to-Point Microwave Services in the 38.6 to 40.0 GHz (''39 GHz) Band Scheduled for April 11, 2000; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures,'' *Public Notice,* 64 FR 70708 (December 17, 1999) (''*39 GHz Comment Public Notice*''). *See also* Section 3002(a), Balanced Budget Act of 1997, Public Law 105–33, 111 Stat. 251 (1997) (''Budget Act''); 47 U.S.C. 309(j)(4)(F). In addition, the Bureau sought comment on a number of procedures to be used in Auction No. 30. *See 39 GHz Comment Public Notice* at 2–3. The Bureau received seven comments and four reply comments in response to the *39 GHz Comment Public Notice.*

i. Background of Proceeding

2. In March 1997, the Federal Communications Commission (''Commission'') released a *Memorandum Opinion and Order* that modified the interim rules for fixed point-to-point microwave services in the 39 GHz band. *See* Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands, ET Docket No. 95–183, *Memorandum Opinion and Order,* 62 FR 14015 (March 25, 1997) (''*Memorandum Opinion and Order*''). On November 3, 1997, the Commission released a *Report and Order and Second Notice of Proposed Rule Making* that revised the licensing and technical rules for the fixed point-to-point microwave service in the 39 GHz band, and dismissed certain 39 GHz applications and amendments thereto that had been held in abeyance. *See* Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands, ET Docket No. 95–183, *Report and Order and Second Notice of Proposed Rule Making,* 63 FR 6079 (February 6, 1998) (''*Report and Order and Second NPRM*''). On July 29, 1999, the Commission released a *Second Memorandum Opinion and Order* that addressed pleadings filed concerning these two Commission orders. *See* Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands, ET Docket No. 95–183, *Memorandum Opinion and Order,* 64 FR 59663 (November 3, 1999) (''*Second Memorandum Opinion and Order*''). In the *Second Memorandum Opinion and Order,* the Commission revisits the 39 GHz band service areas, channelization plan, performance requirements, licensing rules and disposition of pending applications, and affirms application of the standard method for calculating unjust enrichment payments on a pro rata basis.

ii. Scheduling

3. Parties responding to the *39 GHz Comment Public Notice* raise several reasons for delaying the auction. Commenters contend that Auction No. 30 is scheduled to begin too close in time to the anticipated start date of the auction in the 746–764 MHz and 776–794 MHz bands (''700 MHz bands''). They argue that companies interested in acquiring both 39 GHz and 700 MHz band spectrum will be forced to prepare for two auctions simultaneously, effectively prohibiting small and rural telecommunications companies from participating in one of the auctions. Commenters therefore contend that Auction No. 30 should be postponed. We disagree. We believe that the proposed schedule provides sufficient time for potential bidders interested in acquiring both 39 GHz and 700 MHz band spectrum to analyze availability and due diligence issues. We therefore adopt, with a slight modification, our proposed auction schedule. Specifically, we will move the auction start date from April 11, 2000 to April 12, 2000.

iii. Licenses To Be Auctioned

4. The licenses available in this auction consist of fourteen 100 megahertz licenses (paired 50 megahertz channel blocks) in each of 172 Economic Areas (EAs) and 3 EA-like areas, covering the United States, the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands and Puerto Rico.

B. Rules and Disclaimers

i. Relevant Authority

5. Prospective bidders must familiarize themselves thoroughly with the Commission's Rules relating to the 39 GHz band, contained in Title 47, part 101 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in Title 47, part 1 of the Code of Federal Regulations.

6. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, ''Terms'') contained in the *Memorandum Opinion and Order* in ET Docket No. 95–183, 62 FR 14015 (March 25, 1997); the *Report and Order and Second Notice of Proposed Rule Making*

in ET Docket No. 95–183, 63 FR 6079 (February 6, 1998); the *Memorandum Opinion and Order* in ET Docket No. 95–183, 64 FR 59663 (November 3, 1999).

7. The terms contained in the Commission's Rules, relevant orders and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission Rules and with all public notices pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp @ftp.fcc.gov or the FCC Auctions World Wide Web site at *http://www.fcc.gov/wtb/auctions.* Additionally, documents may be obtained for a fee by calling the Commission's copy contractor, International Transcription Service, Inc. (ITS), at (202) 314–3070.

ii. Prohibition of Collusion

8. To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins with the filing of short-form applications, and ends on the down payment due date. Bidders competing for the same license(s) are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he/she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.,* law firm or consulting firm), a violation could similarly occur. At a minimum, in such a case, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.

9. The Bureau, however, cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred nor will it preclude the initiation of an investigation when warranted. In Auction No. 30, for example, the rule would apply to any applicants bidding for the same EA. Therefore, applicants that apply to bid for ''all markets'' would be precluded from communicating with all other applicants after filing the FCC Form 175. However, applicants may enter into bidding agreements *before* filing their FCC Form 175 short-form applications, as long as they disclose the existence of the agreement(s) in their Form 175 short-form applications. By signing their FCC Form 175 short form applications, applicants are certifying their compliance with 47 CFR 1.2105(c). In addition, 47 CFR 1.65 requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. *See* 47 CFR 1.65. Thus, 47 CFR 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules upon learning of such violation. Bidders are therefore required to make such notification to the Commission immediately upon discovery.

iii. Due Diligence

10. Potential bidders should also be aware that certain applications (including those for modification), waiver requests, petitions to deny, petitions for reconsideration, and applications for review are pending before the Commission that relate to particular applicants or incumbent licensees. In addition, certain decisions reached in this proceeding are subject to judicial appeal and may be the subject of additional reconsideration or appeal. We note that resolution of these matters could have an impact on the availability of spectrum for EA licensees in the 39 GHz band. In addition, while the Commission will continue to act on pending applications, requests and petitions, some of these matters may not be resolved by the time of the auction.

11. Potential bidders are solely responsible for investigating and evaluating the degree to which such pending matters may affect spectrum availability in areas where they seek EA licenses. To aid potential bidders, Attachment B to the *Auction Public Notice* lists matters pending before the Commission that relate to licenses or applications in the 39 GHz band. The Commission makes no representations or guarantees that the listed matters are the only pending matters that could affect spectrum availability in the 39 GHz band.

12. Copies of pleadings from pending cases relating to the 39 GHz band identified in Attachment B to the *Auction Public Notice* are available for public inspection and copying during normal reference room hours at: Office of Media Relations (OMR), Reference Operations Division, 445 Twelfth Street, SW, Room CY–C314, Washington, DC 20554.

13. In addition, potential bidders may research the Bureau's licensing databases on the World Wide Web in order to determine which frequencies are already licensed to incumbent licensees. Licensing records for the 39 GHz band are contained in the Bureau's Universal Licensing System and may be researched on the Internet at *http://www.fcc.gov/wtb/uls* by selecting the ''License Search'' button in the left frame. Potential bidders may query the database online and download a copy of their search results if desired. The Bureau recommends that potential bidders select the ''Frequency'' option under License Search, specify the desired frequency, and use the ''GeoSearch'' button at the bottom of the screen to limit their searches to a particular geographic area. Detailed instructions on using License Search (including frequency searches and the GeoSearch capability) and downloading query results are available online by selecting the ''?'' button at the bottom right-hand corner of the License Search screen.

14. The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into the database. Potential bidders are strongly encouraged to physically inspect any sites located in or near the geographic area for which they plan to bid.

15. We remind potential bidders that the National Telecommunications and Information Administration (NTIA) has reviewed the *Memorandum Opinion and Order* addressing the 39 GHz band and provides related comments. *See GHz Comment Public Notice,* Attachment B.

16. The Federal Communications Commission and the Department of Industry of Canada have signed an interim arrangement (''Arrangement'') regarding sharing between broadband wireless systems in the 39 GHz band along the U.S. and Canadian border. This Arrangement applies to both new facilities and facilities in existence prior to the date of the arrangement. The full text of the Arrangement has been placed on file at the International Bureau Reference Room CY–-A257, located on

the Court Yard level of 445 12th Street, S.W. Copies are also available from the International Transcription Service at (202) 857–3800 and can be downloaded from the Commission's International Bureau Internet site at *http://www.fcc.gov/ib/pnd/agree.*

17. Potential bidders should direct questions regarding the search capabilities described above to the FCC Technical Support Hotline at (202) 414–1250 (voice) or (202) 414–1255 (TTY), or via email at ulscomm@fcc.gov. The hotline is available Monday through Friday, from 8:00 AM to 6:00 PM Eastern Time. In order to provide better service to the public, all calls to the hotline are recorded.

iv. Incumbent Licensees

18. Potential bidders are reminded that there are incumbent licensees operating on frequencies that are subject to the upcoming auction. Incumbent licensees retain the exclusive right to use those channels within their self-defined rectangular service areas. The holder of an EA authorization thus will be required to implement its facilities to protect incumbents from harmful interference. Specifically, an EA authorization holder will be required to coordinate with the incumbent licensees by using the interference protection criteria in 47 CFR 101.103. However, operational agreements are encouraged between the parties. Should an incumbent lose its license, the incumbent's service area(s) will convey to the relevant EA authorization holder and it will be then entitled to operate within the forfeited rectangular service area(s) located within its EA, without being subject to further competitive bidding.

v. Bidder Alerts

19. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

20. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

21. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 30 to deceive and defraud unsuspecting investors. Common warning signals of fraud include the following: (1) The first contact is a ''cold call'' from a telemarketer, or is made in response to an inquiry prompted by a radio or television infomercial; (2) the offering materials used to invest in the venture appear to be targeted at IRA funds, for example by including all documents and papers needed for the transfer of funds maintained in IRA accounts; (3) the amount of the minimum investment is less than $25,000; and (4) the sales representative makes verbal representations that: (i) the Internal Revenue Service (''IRS''), Federal Trade Commission (''FTC''), Securities and Exchange Commission (''SEC''), FCC, or other government agency has approved the investment; (ii) the investment is not subject to state or federal securities laws; or (iii) the investment will yield unrealistically high short-term profits. In addition, the offering materials often include copies of actual FCC releases, or quotes from FCC personnel, giving the appearance of FCC knowledge or approval of the solicitation.

22. Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326–2222 and from the SEC at (202) 942–7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876–7060. Consumers who have concerns about specific 39 GHz proposals may also call the FCC National Call Center at (888) CALL–FCC ((888) 225–5322).

vi. National Environmental Policy Act (NEPA) Requirements

23. The permittee must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). The construction of a 39 GHz facility is a federal action and the permittee must comply with the Commission's NEPA rules for each such facility. *See* 47 CFR 1.1305–1.1319. The Commission's NEPA rules require that, among other things, the permittee consult with expert agencies having NEPA responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corp of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). The permittee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. The permittee must also prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

C. Auction Specifics

i. Auction Date

24. The auction will begin on Wednesday, April 12, 2000. The initial schedule for bidding will be announced by Public Notice at least one week before the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

ii. Auction Title and Bidding Methodology

25. The title of the upcoming auction of licenses for fixed point-to-point microwave services in the 38.6 to 40.0 GHz band is: Auction No. 30. The bidding methodology for Auction No. 30 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

iii. Pre-Auction Dates and Deadlines

26. The following are important events and deadlines related to Auction No. 30:

- Auction Seminar: March 2, 2000.
- Short-Form Application Deadline: March 13, 2000; 5:30 p.m. ET.
- Upfront Payments (via wire transfer): March 27, 2000; 6:00 p.m. ET.
- Orders for Remote Bidding Software: March 28, 2000; 5:30 p.m. ET.
- Mock Auction: April 7, 2000.

iv. Auction Public Notice Attachments

27. The following is the list of attachments contained in the *Auction Public Notice:*

Attachment A 39 GHz Licenses to be Auctioned, Upfront Payments, Minimum Opening Bids

Attachment B Pending Cases in the 39 GHz Proceeding

Attachment C Auction Seminar Registration Form
Attachment D Electronic Filing and Review of FCC Form 175
Attachment E Guidelines for Completing the FCC 175 and 159
Attachment F FCC Remote Bidding Software Order Form
Attachment G Exponential Smoothing Formula and Example
Attachment H Accessing the FCC Network Using Windows 95/98
Attachment I How to Monitor FCC Auctions Online
Attachment J Listing of Documents Addressing Application of the Anti-Collusion Rules

v. Participation

28. Those wishing to participate in the auction must:

• Submit a short form application (FCC Form 175) electronically by 5:30 pm ET, March 13, 2000.

• Submit a sufficient upfront payment and a FCC Remittance Advice Form (FCC Form 159) by 6:00 pm ET, March 27, 2000.

• Comply with all provisions outlined in this Public Notice.

vi. General Contact Information

29. The following is general contact information relating to Auction No. 30:

• Seminar Registration and Orders for Remote Bidding Software: (888) CALL–FCC [888–225–5322] or direct (717) 338–2888. Hours of service: 8 a.m.—5:30 p.m. ET.

• Auction Legal Information: Auctions and Industry Analysis Division, Legal Branch, (202) 418–0660.

• Licensing Information: Public Safety and Private Wireless Division, (202) 418–0680.

• Electronic Filing Assistance: FCC Auctions Technical Support Hotline: (202) 414–1250 (Voice), Software Downloading (202) 414–1255 (TTY). Hours of service: 8 a.m.–6:00 p.m. ET.

• Wire transfers and refunds: FCC Auctions Accounting Branch: (202) 418–1995, (202) 418–2843 (Fax).

• FCC copy contractor for additional copies of Commission documents: International Transcription Services, Inc., 445 12th Street, SW Room CY–B400, Washington, DC 20554 (202) 314–3070.

• World Wide Web Sites: http://www.fcc.gov/formpage; http://www.fcc.gov/wtb/auctions; http://www.fcc.gov; ftp://ftp.fcc.gov.

II. Short-Form (FCC Form 175) Application Requirements

30. Guidelines for completion of the short-form (FCC Form 175) are set forth on Attachment E to this Public Notice. The short-form application seeks the applicant's name and address, legal classification, status, bidding credit eligibility, identification of the construction permit sought, the authorized bidders and contact persons.

A. Ownership Disclosure Requirements (Form 175 Exhibit A)

31. All applicants must comply with the uniform Part 1 ownership disclosure standards and provide information required by 47 CFR 1.2105 and 47 CFR 1.2112. Specifically, in completing Form 175, applicants will be required to file an Exhibit A providing a full and complete statement of the ownership of the bidding entity. The ownership disclosure standards for the short-form are set forth in 47 CFR 1.2112.

B. Consortia and Joint Bidding Arrangements (Form 175 Exhibit B)

32. Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. *See* 47 CFR 1.2105(a)(2)(viii); 1.2105(c)(1). Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the licenses permits on which they will or will not bid. *See* 47 CFR 1.2105(a)(2)(ix). In cases where applicants have entered into consortia or joint bidding arrangements, applicants must submit an Exhibit B to the FCC Form 175.

33. A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same market provided that (i) the attributable interest holder certify that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. *See* 47 CFR 1.2105(c)(4)(i) and (ii). While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could broach on impermissible subject matters because they may convey pricing information and bidding strategies.

C. Small Business Bidding Credits (Form 175 Exhibit C)

i. Eligibility

34. Bidding credits are available to small businesses and very small businesses as defined in 47 CFR 101.1209(b). *See also* 47 CFR 101.1208, 101.1209. For purposes of determining which entities qualify as very small businesses or small businesses, the Commission will consider the gross revenues of the applicant, its controlling interests, and the affiliates of the applicant and its controlling interests. The Commission does not impose specific equity requirements on controlling interests. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the applicant and their affiliates will be counted in determining small business eligibility. The term ''control'' includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity's voting stock evidences de jure control. De facto* control is determined on a case-by-case basis. The following are some common indicia of control: (1) The entity constitutes or appoints more than 50 percent of the board of directors or management committee; (2) the entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or (3) the entity plays an integral role in management decisions. A consortium of small businesses, or very small businesses is a conglomerate organization formed as a joint venture between or among mutually independent business firms, each of which *individually* satisfies the definition of small or very small business in 47 CFR 101.1209. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests' affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

ii. Application Showing

35. Applicants should note that they will be required to file supporting documentation as Exhibit C to their FCC Form 175 short form applications to establish that they satisfy the eligibility requirements to qualify as a small business or very small business (or consortia of small or very small businesses) for this auction. *See* 47 CFR 101.1209 and 1.2105. Specifically, for Auction No. 30, applicants applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate,* the gross revenues for the preceding three years of each of the following: (1) The applicant; (2) the applicant's affiliates; (3) the applicant's controlling interests; and (4) the affiliates of the applicant's controlling interests. Certification that the average gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, and its controlling interests, a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

iii. Bidding Credits

36. Applicants that qualify under the definitions of small business, and very small business (or consortia of small or very small businesses) as are set forth in 47 CFR 101.1209, are eligible for a bidding credit that represents the amount by which a bidder's winning bids are discounted. *See* 47 CFR 101.1208(a). The size of a 39 GHz band bidding credit depends on the average gross revenues for the preceding three years of the bidder and its controlling interests and affiliates: A bidder with average gross revenues of not more than $40 million for the preceding three years receives a 25 percent discount on its winning bids for 39 GHz band licenses (''small business''). *See* 47 CFR 01.1209(b)(1)(i). A bidder with average gross revenues of not more than $15 million for the preceding three years receives a 35 percent discount on its winning bids for 39 GHz band licenses (''very small business''). *See* 47 CFR 101.1209(b)(1)(ii). Bidding credits are not cumulative: qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both.

37. 39 GHz band bidders should note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit. *See* 47 CFR 101.1208(b). Finally, bidders should also note that there are no installment payment plans in Auction No. 30.

D. Other Information (Form 175 Exhibits D and E)

38. Applicants owned by minorities or women, as defined in 47 CFR 1.2110(b)(2), may attach an exhibit (Exhibit D) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of ''designated entities'' in its auctions. Applicants wishing to submit additional information may do so in Exhibit E—Miscellaneous Information—to the FCC Form 175.

E. Minor Modifications to Short-Form Applications (FCC Form 175)

39. After the short-form filing deadline (March 13, 2000), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their construction permit selections or proposed service areas, change the certifying official or change control of the applicant or change bidding credits). *See* 47 CFR 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4–A760 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley of the Auctions and Industry Analysis Division at (202) 418–0660.

F. Maintaining Current Information in Short-Form Applications

40. Applicants have an obligation under 47 CFR 1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form175 applications, as defined by 47 CFR 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application. 47 CFR 1.65 amendments to pending long-form applications, however, should be filed after the auction and only by the winning bidder. The time for the filing of such amendments to the auction winners' long form applications will be announced by subsequent Public Notice.

III. Pre-Auction Procedures

A. Auction Seminar

41. On March 2, 2000, the FCC will sponsor a free seminar for Auction No. 30 at the Federal Communications Commission, located at 445 12th Street, SW, Washington, DC. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the 39 GHz band service and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff. To register, complete the registration form included in the *Auction Public Notice* and submit it by Tuesday, February 29, 2000. Registrations are accepted on a first-come, first-served basis.

B. Short-Form Application (FCC Form 175)—Due March 13, 2000

42. In order to be eligible to bid in this auction, applicants must first submit an FCC Form 175 application. This application must be submitted electronically and received at the Commission by 5:30 p.m. ET on March 13, 2000. Late applications will not be accepted. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment.

i. Electronic Filing

43. All short-form applications must be filed electronically. *See* 47 CFR 1.2105(a). Applications may generally be filed at any time from March 2, 2000 until 5:30 p.m. ET on March 13, 2000. Applicants are strongly encouraged to file early, and applicants are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times until the filing deadline on March 13, 2000.

44. Applicants must press the ''Submit Form 175'' button on the ''Submit'' page of the electronic form to successfully submit their FCC Forms 175. Any form that is not submitted will not be reviewed by the FCC. Information about accessing the FCC Form 175 is included in Attachment D. Technical

support is available at (202) 414–1250 (voice) or (202) 414–1255 (text telephone (TTY)); the hours of service are 8 a.m. to 6 p.m. ET, Monday through Friday.

ii. Completion of the FCC Form 175

45. Applicants should carefully review 47 CFR 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment E of the *Auction Public Notice.* Applicants are encouraged to begin preparing the required attachments for FCC Form 175 prior to submitting the form. Attachments D and E of the *Auction Public Notice* provide information on the required attachments and appropriate formats.

iii. Electronic Review of FCC Form 175

46. The FCC Form 175 review software may be used to review and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any Exhibits to their FCC Form 175 applications. There is no fee for accessing this system.

C. Application Processing and Minor Corrections

47. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (i) Those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (ii) those applications rejected; and (iii) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications.

D. Upfront Payments—Due March 27, 2000

48. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159. All upfront payments must be received at Mellon Bank in Pittsburgh, PA, by 6:00 p.m. ET on March 27, 2000. Please note that all payments must be made in U.S. dollars and all payments must be made by wire transfer. Upfront payments for Auction No. 30 go to a lockbox number different from the ones used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments. Failure to deliver the upfront payment by the March 27, 2000 deadline will result in dismissal of the application and disqualification from participation in the auction.

i. Making Auction Payments by Wire Transfer

49. Wire transfer payments must be received by 6:00 p.m. ET on March 27, 2000. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

- ABA Routing Number: 043000261
- Receiving Bank: Mellon Pittsburgh
- BNF: FCC/AC 910–0180
- OBI Field: (Skip one space between each information item)
- ''AUCTIONPAY''
- TAXPAYER IDENTIFICATION NO.: (same as FCC Form 159, block 26)
- PAYMENT TYPE CODE (enter ''A30U'')
- FCC CODE 1 (same as FCC Form 159, block 23A: ''30'')
- PAYER NAME (same as FCC Form 159, block 2)
- LOCKBOX NO. #358420

Note: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

50. Applicants must fax a completed FCC Form 159 to Mellon Bank at (412) 236–5702 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write ''Wire Transfer—Auction Payment for Auction Event No. 30.'' *Bidders should confirm receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.*

ii. FCC Form 159

51. A completed FCC Remittance Advice Form (FCC Form 159) must accompany each upfront payment. Proper completion of FCC Form 159 is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment E to the *Auction Public Notice.*

iii. Amount of Upfront Payment

52. In the *Part 1 Order, Memorandum Opinion and Order, and Notice of Proposed Rule Making,* the Commission delegated to the Bureau the authority and discretion to determine an appropriate upfront payment for each license being auctioned. *See* Amendment of Part 1 of the Commission's Rules—Competitive Bidding Proceeding, WT Docket No. 97–82, *Order, Memorandum Opinion and Order and Notice of Proposed Rule Making,* 63 FR 770 (January 7, 1998). In the *Auction Public Notice,* the Bureau adopted upfront payments for Auction No. 30. Specifically, the Bureau revised the proposed calculation of upfront payments on a license-by-license basis, using the following formula:

For licenses with populations less than or equal to 1,000,000 pops the upfront calculation is:

License population * $0.02 (the result rounded to the nearest hundred dollars for results of less than $10,000 and rounded to the nearest thousand dollars for results greater than $10,000.00) with a minimum of no less than $2,500.00

For licenses with populations with greater than 1,000,000 pops, the upfront calculation is: $0.02 per pop for each of the first million pops and $0.04 per pop for the remaining pops (the result rounded to the nearest thousand dollars).

53. Please note that upfront payments are not attributed to specific licenses, but instead will be translated to bidding units to define a bidder's maximum bidding eligibility. For Auction No. 30, the amount of the upfront payment will be translated into bidding units on a one-to-one basis, *e.g.,* a $25,000 upfront payment provides the bidder with 25,000 bidding units. The total upfront payment defines the maximum amount of bidding units on which the applicant will be permitted to bid (including standing high bids) in any single round of bidding. Thus, an applicant does not have to make an upfront payment to cover all licenses for which the applicant has selected on FCC Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold high bids at any given time.

54. In order to be able to place a bid on a license, in addition to having specified that license on the FCC Form 175, a bidder must have an eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses applied for on the FCC Form 175, or else the applicant will not be eligible to participate in the auction. Additional information regarding

upfront payments can be found in Part III.D of the *Auction Public Notice.*

E. Auction Registration

55. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and that have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

56. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing part of the confidential identification codes required to place bids. These mailings will be sent only to the contact person at the contact address listed in the FCC Form 175.

57. Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Friday, April 7, 2000, should contact the Auctions Hotline at 1–888–225–5322 (option #2) or 717–338–2888. Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

58. Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing *in person* at the FCC Auction Headquarters located at 445 12th St., Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes. Qualified bidders requiring replacement codes must call technical support prior to arriving at the FCC to arrange preparation of new codes.

F. Remote Electronic Bidding Software

59. Qualified bidders are allowed to bid electronically or telephonically. Each bidder choosing to bid electronically must purchase remote electronic bidding software for $175.00 by Tuesday, March 28, 2000. Auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 30. A software order form is included in the Auction Public Notice.

G. Mock Auction

60. All applicants whose FCC Form 175 has been accepted for filing will be eligible to participate in a mock auction on April 7, 2000.

IV. Auction Event

61. The first round of the auction will begin on April 12, 2000. The initial round schedule will be announced in a public notice listing the qualified bidders, to be released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

62. In the *39 GHz Comment Public Notice,* we proposed to award the 2,450 licenses in the 39 GHz band in a single, simultaneous multiple round auction. We received no comment on this issue. We conclude that it is operationally feasible and appropriate to auction all 2,450 of the 39 GHz band licenses through a single, simultaneous multiple round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction.

ii. Maximum Eligibility and Activity Rules

63. In the *39 GHz Comment Public Notice,* we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder. We received no comments on this issue. For Auction No. 30 we will adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder.

64. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

65. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder will be considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round. The minimum required activity level will be expressed as a percentage of the bidder's maximum bidding eligibility, and increases by stage as the auction progresses.

iii. Activity Rule Waivers and Reducing Eligibility

66. Each bidder will be provided five activity rule waivers that may be used in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license.

67. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an ''automatic waiver'') at the end of any round where a bidder's activity level is below the minimum required unless: (1) There are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

68. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the round by using the reduce eligibility function in the software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described in ''Auction Stages'' (*see* Part IV.A.4 of the Auction Public Notice). Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

69. Finally, a bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a round in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

iv. Auction Stages

70. The auction will be composed of three stages, which are each defined by an increasing activity rule. The following are the activity levels for each stage of the auction. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

71. **Stage One:** During the first stage of the auction, a bidder desiring to maintain its current eligibility will be required to be active on licenses that represent at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by five-fourths (5/4).

72. **Stage Two:** During the second stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage Two, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by ten-ninths (10/9).

73. **Stage Three:** During the third stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). In this stage, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by fifty-fortyninths (50/49).

v. Stage Transitions

74. In Auction No. 30, the auction would generally advance to the next stage (*i.e.,* from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is below 10 percent for three consecutive rounds of bidding in each Stage. However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue.

vi. Auction Stopping Rules

75. Bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. After the first such round, bidding closes simultaneously on all licenses. In addition, the Bureau retains the discretion to close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this stopping rule procedure. We will notify bidders in advance of implementing any change to our simultaneous stopping rule.

76. The Bureau also retains the discretion to keep the auction open even if no new acceptable bids or proactive waivers are submitted, and no previous high bids are withdrawn in a round. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

77. Further, in its discretion, the Bureau reserves the right to invoke the ''special stopping rule.'' If the FCC invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. Before exercising this option, the FCC is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders would be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or adjusting the amount of the minimum bid increments for the licenses.

vi. Auction Delay, Suspension, or Cancellation

78. For Auction No. 30, via public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

i. Round Structure

79. The initial bidding schedule will be announced by public notice at least one week before the start of the auction, and will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be run in a given day.

80. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

ii. Reserve Price or Minimum Opening Bid

81. We will adopt minimum opening bids for the licenses in Auction No. 30, which are reducible at the discretion of the Bureau. Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids or reserve prices are in the public interest.

82. The commenters' arguments regarding incumbency on the 39 GHz band have convinced us that some proposed minimum opening bid values may not adequately have taken into account the level of incumbency in the 39 GHz band and thus the Bureau has established minimum opening bids that more accurately reflect the level of incumbency. Accordingly, upon re-examination of the proposed formula, we will modify it as follows:

For licenses with populations less than or equal to 1,000,000 pops the minimum opening bid calculation is:

License population * $0.02 (the result rounded to the nearest hundred dollars for results of less than $10,000 and rounded to the nearest thousand dollars for results greater than $10,000.00) with a minimum of no less than $2,500.00.

For licenses with populations with greater than 1,000,000 pops, the minimum opening calculation is: $0.02 per pop for each of the first million pops and $0.04 per pop for the remaining pops (the result rounded to the nearest thousand dollars).

83. As a final safeguard against unduly high pricing, minimum opening bids are reducible at the discretion of the Bureau. This will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.,* before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

iii. Bid Increments and Minimum Accepted Bids

84. In Auction No. 30, we will use a smoothing methodology to calculate minimum bid increments. We will further retain the discretion to change the minimum bid increment if circumstances so dictate. The formula used to calculate this increment is included as Attachment G to the *Auction Public Notice*.

85. We adopt our proposal of initial values for the maximum of 0.2 or 20 percent of the license value, and a minimum of 0.1 or 10 percent of the license value. The Bureau retains the discretion to change the minimum bid increment if it determines that circumstances so dictate, such as raising the minimum increment toward the end of the auction to enable bids to reach their final values more quickly. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau may also use its discretion to adjust the minimum bid increment without prior notice if circumstances warrant. As an alternative approach, the Bureau may, in its discretion, adjust the minimum bid increment gradually over a number of rounds as opposed to single large changes in the minimum bid increment (*e.g.*, by raising the increment floor by one percent every round over the course of ten rounds). The Bureau also retains the discretion to use alternate methodologies, such as a flat percentage increment for all licenses, for Auction No. 30 if circumstances warrant.

iv. High Bids

86. Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tie bids, the Commission will identify the high bidder on the basis of the order in which the Commission receives bids.

v. Bidding

87. During a bidding round, a bidder may submit bids for as many licenses as it wishes, subject to its eligibility, as well as withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflects the latest time the bid was submitted.

88. A bidder's ability to bid on specific licenses in the first round of the auction is determined by two factors: (1) The licenses applied for on FCC Form 175; and (2) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses. The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in the registration materials. Bidders are strongly encouraged to download and print bid confirmations *after* they submit their bids. More information on bidding is included in the *Auction Public Notice*. *See* Part IV.B.5 of the *Auction Public Notice*.

vi. Bid Removal and Bid Withdrawal

89. The Bureau will limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will still be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The Commission will serve as a ''place holder'' on the license until a new acceptable bid is submitted on that license.

90. Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the ''remove bid'' function in the software, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. For information on withdrawal procedures and the calculation of withdrawal payments is included in the *Auction Public Notice*. *See* Part IV.B.6 of the *Auction Public Notice*.

vii. Round Results

91. Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Commission will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access.

viii. Auction Announcements

92. The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as the Internet.

ix. Maintaining the Accuracy of FCC Form 175 Information

93. After the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. Filers must make these changes on-line, and submit a letter to Amy Zoslov, Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554 (and mail a separate copy to Kenneth Burnley, Auctions and Industry Analysis Division), briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley, Auctions and Industry Analysis Division at (202) 418–0660.

V. Post-Auction Procedures

A. Down Payments and Withdrawn Bid Payments

94. After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

95. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its

upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable bidding credits). *See* 47 CFR 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 CFR 1.2104(g), as discussed in Part IV.B.6. of the *Auction Public Notice*. Upfront payments are applied first to satisfy any withdrawn bid liability, before being applied toward down payments.

B. Long-Form Application

96. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application and required exhibits for each 39 GHz band license won through the auction. Winning bidders that are small businesses or very small businesses must include an exhibit demonstrating their eligibility for bidding credits. *See* 47 CFR 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

C. Default and Disqualification

97. Any high bidder that defaults or is disqualified after the close of the auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at their final bid. *See* 47 CFR 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 CFR 1.2109(d).

D. Refund of Remaining Upfront Payment Balance

98. All applicants that submitted upfront payments but were not winning bidders for a 39 GHz license may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

99. Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction. However, bidders that reduce their eligibility and remain in the auction are not eligible for partial refunds of upfront payments until the close of the auction. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request which includes wire transfer instructions, a Taxpayer Identification Number (''TIN''), and a copy of their bidding eligibility screen print, to: Federal Communications Commission, Financial Operations Center, Auctions Accounting Group, Attention: Shirley Hanberry, 445 12th Street, SW, Room 1–A824, Washington, DC 20554.

100. Bidders are encouraged to file their refund information as a confidential attachment to their short-form application when submitting the FCC Form 175. Bidders can also fax their request to the Auctions Accounting Group at (202) 418–2843. Once the request has been approved, a refund will be sent to the address provided on the FCC Form 159.

Note: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Michelle Bennett or Gail Glasser at (202) 418–1995.

Federal Communications Commission.

Louis Sigalos,

Deputy Chief, Auctions and Industry Analysis Division.

[FR Doc. 00–4349 Filed 2–18–00; 3:03 pm]

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Federal Register

Thursday,
February 24, 2000

Part III

Department of Housing and Urban Development

Super Notice of Funding Availability (SuperNOFA) for Housing, Community Development and Empowerment Programs and Section 8 Housing Voucher Assistance for FY 2000; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4560–N–01]

Super Notice of Funding Availability (SuperNOFA) for HUD's Housing, Community Development and Empowerment Programs and Section 8 Housing Voucher Assistance for Fiscal Year 2000

AGENCY: Office of the Secretary, HUD.

ACTION: Super Notice of Funding Availability (SuperNOFA) for HUD Grant Programs.

SUMMARY: This Fiscal Year 2000 Super Notice of Funding Availability (SuperNOFA) announces the availability of approximately **$2.424** billion in HUD program funds covering 39 grant categories within programs operated and administered by HUD offices and Section 8 housing voucher assistance.

The **General Section** of this SuperNOFA provides the application procedures and requirements that are applicable to all the programs in this SuperNOFA. The **Programs Section** of this SuperNOFA provides a description of the specific programs for which funding is made available and describes any additional procedures and requirements that are applicable to a specific program. Please be sure you read both the **General Section** and the **Program Section** of this SuperNOFA to ensure you respond to all the requirements for funding.

APPLICATION DUE DATES

The information in this ''APPLICATION DUE DATES'' section applies to all programs that are part of this SuperNOFA. You, the applicant, must submit a completed application to HUD no later than the application due date established for the program for which you are seeking funding. HUD will not accept for review and evaluation any applications sent by facsimile (fax).

ADDRESSES AND APPLICATION SUBMISSION PROCEDURES

Addresses. You, the applicant, must submit a complete application to the location identified in the **Programs Section** of this SuperNOFA. When submitting your application, please refer to the **name of the program** for which you are seeking funding.

For Applications to HUD Headquarters. If your application is due to HUD Headquarters, you must send the application to the following address: Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410 (see the Program Chart or **Programs Section** for Room location and additional information regarding the addresses for application submission). Please make sure that you note the room number. The correct room number is very important to ensure that your application is not misdirected.

For Applications to HUD Field Offices. If your application is required to be submitted to a HUD Field Office, please see the **Programs Section** for the exact office location for submission of your application.

Applications Submission Procedures. Mailed Applications. Your application will be considered timely filed if your application is postmarked on or before 12:00 midnight on the application due date and received by the designated HUD Office on or within ten (10) days of the application due date.

Applications Sent by Overnight/Express Mail Delivery. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date.

Hand Carried Applications. Hand-carried to HUD Headquarters. If your application is required to be submitted to HUD Headquarters, and you arrange for the application to be hand carried, hand carried applications delivered before and on the application due date must be brought to the specified location at HUD Headquarters and room number between the hours of 8:45 am to 5:15 pm, Eastern time. Applications hand carried on the application due date will be accepted in the South Lobby of the HUD Headquarters Building at the above address from 5:15 pm until 12:00 midnight, Eastern time. This deadline date is firm. Please make appropriate arrangements to arrive at the HUD Headquarters Building before 12:00 midnight, Eastern time, on the application due date.

Hand-carried to HUD Field Office. If your application is required to be submitted to a HUD Field Office, your application must be delivered to the appropriate HUD Field Office in accordance with the instructions specified in the Programs Section of the SuperNOFA. A hand carried application will be accepted at the specified HUD Field Office during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 pm, local time. (Appendix A–1 to this General Section of the SuperNOFA lists the HUD Field Offices and the hours of operation.) Please be sure to arrive at the HUD Field Office with adequate time to submit the application before the 6:00 pm deadline on the application due date.

Copies of Applications to HUD Offices. The **Programs Section** of this SuperNOFA may specify that to facilitate the processing and review of your application, a copy of the application also must be sent to an additional HUD location (for example, a copy to the HUD Field Office if the original application is to be submitted to HUD Headquarters, or a copy to HUD Headquarters, if the original application is to be submitted to a HUD Field Office). Please follow the directions of the **Programs Section** to ensure that you submit your application to the proper location. For some programs, HUD requests additional copies in order to expeditiously review your application, and to ensure that all reviewers receive complete applications to review. HUD appreciates your assistance in providing the copies. Please note that for those applications for which copies are to be submitted to the Field Offices and HUD Headquarters, timeliness of submission will be based on the time your application is received at HUD Headquarters.

FOR APPLICATION KITS, FURTHER INFORMATION AND TECHNICAL ASSISTANCE

The information in this section is applicable to all programs that are part of this SuperNOFA. This section describes how you may obtain application kits, further information about the SuperNOFA and technical assistance. A guidebook to HUD programs, titled ''Connecting with Communities: A User's Guide to the HUD Programs and the 2000 SuperNOFA Process.'' This guidebook provides a brief description of all of HUD's programs, a description of the SuperNOFA programs, and eligible applicants for these programs, and examples of how programs can work in combination to serve local community needs. The main sources for obtaining this information are:

The **SuperNOFA Information Center,** which you may reach by calling **1–800–HUD–8929** or the **Center's TTY number at 1–800–HUD–2209;** and

HUD's web site on the Internet at **http://www.hud.gov.**

For Application Kits and SuperNOFA User Guide. HUD is pleased to provide you with the FY 2000 application kits and/or a guidebook to all HUD programs that are part of this SuperNOFA. For some announcements of funding

availability in this SuperNOFA, the process for applying for funds is so simple no application kit is required. Where this is the case, the program section for that funding will note that there is no application kit. The application kits are designed to guide you through the application process and ensure that your application addresses all requirements for the program funding you are seeking. *Please note that if there is a discrepancy between information provided in the application kit and the information provided in the published SuperNOFA, the information in the published SuperNOFA prevails.* Therefore, please be sure to review your application submission against the requirements in the SuperNOFA.

You may request general information and application kits from the SuperNOFA Information Center. When requesting an application kit from the SuperNOFA Information Center, please refer to the name of the program of the application kit you are interested in receiving. Please be sure to provide your name, address (including zip code), and telephone number (including area code). To ensure sufficient time to prepare your application, requests for application kits can be made immediately following publication of the SuperNOFA. The SuperNOFA Information Center opens for business simultaneously with the publication of the SuperNOFA.

The SuperNOFA Information Center (1–800–HUD–8929) can provide you with assistance, application kits, and guidance in determining which HUD Office(s) should receive a copy of your application. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. Additionally, you can obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD web site on the Internet at http://www.hud.gov.

Consolidated Application Submissions. If you, the applicant, would like to apply for funding under more than one program in this SuperNOFA, you need only submit one originally signed SF–424 and one set of original signatures for the other standard assurances and certifications, accompanied by the matrix that is provided in each application kit. As long as you submit one originally signed set of these documents with an application, you need only submit copies of these documents with any additional application you submit. Your application should identify the program for which you have submitted the original signatures for the standard assurances and certifications. Additionally, the **Programs Section** may specify additional forms, certifications, assurances, or other information that may be required for a particular program in this SuperNOFA.

For Further Information. For answers to your questions about this SuperNOFA, you have several options. You may call, during business hours, the SuperNOFA Information Center at 1–800–HUD–8929, or you may contact the HUD Office or Processing Center serving your area at the telephone number listed in the application kit for the program in which you are interested. If you are a person with a hearing or speech impairment you may call the Center's TTY number at 1–800–HUD–2209. You may also obtain information on this SuperNOFA and application kits for this SuperNOFA through the HUD web site on the Internet at http://www.hud.gov.

For Technical Assistance. Before the application due date, HUD staff will be available to provide you with general guidance and technical assistance about this SuperNOFA. HUD staff, however, are not permitted to assist in preparing your application. Following selection of applicants, but before awards are made, HUD staff are available to assist in clarifying or confirming information that is a prerequisite to the offer of an award or Annual Contributions Contract (ACC) by HUD.

Satellite Broadcasts. HUD will hold information broadcasts via satellite for potential applicants to learn more about the programs in this SuperNOFA and preparation of the applications. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

INTRODUCTION TO THE FY 2000 SUPERNOFA

HUD'S FY 2000 SUPERNOFA PROCESS

Background

This year marks the third year that HUD is issuing a SuperNOFA for almost all of its competitive grant programs, and the first year, as further discussed below, that HUD has added to the SuperNOFA its announcements of funding availability for Section 8 housing voucher assistance for certain initiatives. The SuperNOFA approach, in which the great majority of HUD's competitive funds are announced in one document, is designed to simplify the application process, bring consistency and uniformity to the application and selection process, and accelerate the availability of funding. Equally important, the SuperNOFA approach is designed to increase the ability of applicants to consider and apply for funding under a wide variety of HUD programs. The SuperNOFA provides a ''menu'' of HUD competitive programs. From this menu, communities will be made aware of funding available for their jurisdictions. Nonprofits, public housing agencies, local and State governments, tribal governments and tribally designated housing entities, veterans service organizations, faith-based organizations and others will be able to identify the programs for which they are eligible for funding.

The most creative and novel element of the SuperNOFA is that it places heavy emphasis on the coordination of activities assisted by HUD funds to provide (1) greater flexibility and responsiveness by potential grantees in meeting local housing and community development needs, and (2) greater flexibility for eligible applicants to determine what HUD program resources best fit the community's needs. The SuperNOFA's promotion of coordination and comprehensive planning of HUD assistance reduces duplication in the delivery of services by organizations and communities, and allows for delivery of a wider more integrated array of services, thereby resulting in more efficient use of HUD funds to more effectively serve a greater number of those most in need of HUD assistance.

Changes Made in the SuperNOFA Process for FY 2000

Addition of Section 8 Housing Voucher Assistance for Certain Initiatives. In the FY 2000 SuperNOFA, HUD adds three NOFAs that provide Section 8 housing voucher funding for persons with disabilities under the following initiatives: (1) Mainstream housing opportunities for persons with disabilities (Mainstream Housing); (2) rental assistance for non-elderly persons with disabilities related to certain types of Section 8 project-based developments and Section 202, 221(d)(3) and Section 236 developments (Certain Developments); and (3) rental assistance for non-elderly persons with disabilities in support of designated housing plans (Designated Housing). Although in prior years, these NOFAs were published independently of the SuperNOFA, HUD believes that the inclusion in this SuperNOFA of funding for Mainstream Housing Opportunities for Persons with Disabilities is especially helpful for nonprofit organizations coordinating housing assistance proposals for persons with disabilities under the Section 811 Program of Supportive Housing for Persons with Disabilities. (Please note

that the notices of funding availability for Section 8 Family Self-Sufficiency Program Coordinators, and Section 8 voucher assistance for Fair Share Allocation of Incremental Voucher Funding are not part of the SuperNOFA but will be published in the near future.)

Encouraging Participation in Certain Policy Initiatives. In addition to the policy initiatives for which HUD encouraged applicant participation in the FY 1999 SuperNOFA, HUD adds two additional initiatives to this year's SuperNOFA. They are:

(1) *Partnership for Advancing Technology in Housing.* President Clinton officially launched the Partnership for Advancing Technology in Housing (PATH) on May 4, 1998, in Los Angeles, California, during ground-breaking ceremonies for 186 energy-efficient, moderately priced homes. HUD's FY 2000 SuperNOFA encourages this partnership. PATH is discussed in more detail in Section VI of the General Section of this SuperNOFA.

(2) *Bridging the Digital Divide.* Bridging the Digital Divide is an initiative whose objective is to provide access to computers to low- and moderate-income families and children who do not have access and therefore may be disadvantaged with respect to education, work and training opportunities. The Bridging the Digital Divide Initiative is discussed in more detail in Section VI of the General Section of this SuperNOFA.

Civil Rights/Fair Housing Compliance Certification. Applicants familiar with the HUD SuperNOFA may note that the certification that the applicant will comply with the requirements of the Fair Housing Act and civil rights and nondiscrimination statutes has been removed from the list of required forms, certifications and assurances. Although HUD has removed the independent certification for compliance with fair housing and civil/rights nondiscrimination requirements, the certification requirement remains. The certification is part of the Standard Form for Assurances. For Non-Construction Programs that form is SF–424B; for Construction Programs, the form is SF–424D.

Program Changes. The main difference between the FY 2000 SuperNOFA and the FY 1999 SuperNOFA are the programs that comprise the SuperNOFA. As noted earlier, the SuperNOFA adds three new funding availability announcements that provide Section 8 voucher funding for specified persons.

Programs that are no longer included in the SuperNOFA are HUD's Comprehensive Improvement Assistance Program (CIAP) and Public Housing Drug Elimination Program (PHDEP), which now distribute funds through formula. (CIAP funds will eventually become part of HUD's new Capital Fund Program, which also will be distributed by formula.) HUD's Multifamily Drug Elimination Program and the New Approach Anti-Drug Program remain part of the SuperNOFA. Additionally, this FY 2000 SuperNOFA includes Public Housing Drug Elimination Technical Assistance for Safety and Security.

HUD's Tenant Opportunities Program (TOP) and Economic Development Supportive Services Program (EDSS) have been replaced by a new program—the Resident Opportunities and Self-Sufficiency (ROSS) Program.

In this FY 2000 SuperNOFA, in addition to the Hispanic Serving Institutions Assisting Communities Program, there is also funding for the Alaska Native/Native Hawaiian Institutions Assisting Communities Program.

HUD's Healthy Homes Initiative that was published as a separate NOFA in FY 1999, is part of the FY 2000 SuperNOFA.

Inclusion of Application Forms. HUD is including with this publication of the SuperNOFA the application forms you will need to fully complete your application. Application kits have been prepared and will also be available after publication of this SuperNOFA, but the inclusion of application forms in this publication minimizes the possibility of any delay in timely completion and submission of applications.

Organization of the SuperNOFA

The SuperNOFA is divided into two major sections. The **General Section** of the SuperNOFA describes the procedures and requirements applicable to all applications. The **Programs Section** of the SuperNOFA describes each program that is part of this SuperNOFA. For each program, the **Programs Section** describes the eligible applicants, eligible activities, factors for award, and any additional requirements or limitations that apply to the program.

Please read carefully both the **General Section** and the **Programs Section** of the SuperNOFA for the program(s) for which you are applying. Your careful reading will ensure that you apply for program funding for which your organization is eligible to receive funds and that you fulfill all the requirements for that program(s).

As part of the simplification of this funding process, and to avoid duplication of effort, the SuperNOFA provides for consolidated applications for several of the programs that are part of this SuperNOFA. HUD programs that provide assistance for, or complement, similar activities (for example, the Continuum of Care programs and CPD Technical Assistance programs) have a consolidated application that reduces the administrative and paperwork burden applicants would otherwise encounter in submitting a separate application for each program. The Program Chart in this introductory section of the SuperNOFA identifies the programs that have been consolidated and for which a consolidated application is made available to eligible applicants.

As noted earlier in this Introduction to the FY 2000 SuperNOFA, HUD is providing copies of the application forms in this publication. The standard forms, certifications and assurances applicable to all programs, or the great majority of programs, in the SuperNOFA follow the **General Section** as **Appendix B**. The forms and any additional certifications and assurances that are unique to the individual program will follow that program section of the SuperNOFA.

The specific statutory and regulatory requirements of the programs that are part of this SuperNOFA continue to apply to each program. The SuperNOFA will identify, where necessary, the statutory requirements and differences applicable to the specific programs. *Please pay careful attention to the individual program requirements that are identified for each program. Note that not all applicants are eligible to receive assistance under all programs identified in this SuperNOFA.*

The Programs of This SuperNOFA and the Amount of Funds Allocated

The programs that are part of this SuperNOFA are identified in the chart below. The approximate available funds for each program are based on appropriated funds, and for some programs, the available funding include funds already recaptured. In the event: (1) HUD recaptures funds (either for programs for which funding already reflects recaptured funds or other programs for which funding does not reflect recaptured funds), or (2) other funds become available for any program, HUD reserves the right to increase the available funding amount for a program by the additional amounts that become available.

The chart also includes the application due date for each program, the OMB approval number for the information collection requirements contained in the specific program, and the Catalog of Federal Domestic Assistance (CFDA) number.

BILLING CODE 4210–32–P

HUD FY 2000 SUPERNOFA FUNDING

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
HOUSING AND COMMUNITY DEVELOPMENT			
Community Development Technical Assistance (TA)	**Up to $22.74 million**		
Community Housing Development Organization (CHDO) TA CFDA No. 14.239 OMB Approval No.:2506-0166	Up to $8 million	May 19, 2000	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
HOME TA CFDA No. 14.239 OMB Approval No.:2506-0166	Up to $9 million	May 19, 2000	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
McKinney Act Homeless Assistance Programs TA CFDA No. 14.235 OMB Approval No.:2506-0166	Up to $4 million	May 19, 2000	HUD Headquarters Room 7251, and one copy to appropriate local HUD Field Offices
HOPWA TA CFDA No. 14.241 OMB Approval No.:2506-0133	Up to $1.74 million	May 19, 2000	HUD Headquarters Room 7251

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
UNIVERSITY AND COLLEGE PARTNERSHIPS			
University and College Programs	**$26.5 million**		
Community Outreach Partnership Centers (COPC) CFDA No: 14511 OMB Approval No.:2528-0180	$8 million	May 10, 2000	HUD Headquarters Room 7251
Historically Black Colleges and Universities (HBCUs) Program CFDA No.: 14.237 OMB Approval No.: 2506-0122	$10 million	May 10, 2000	HUD Headquarters Room 7251 and one copy to local HUD Field Office
Hispanic-Serving Institutions Assisting Communities (HSIAC) Program CFDA No.: 14.514 OMB Approval No.:2528-0198	$6.5 million	May 10, 2000	HUD Headquarters Room 7251
Alaska Native/Native Hawaiian Institutions Assisting Communities Program (AN/NHIAC) CFDA No.: 14.515 OMB Approval No.:2528-0206	$2 million	May 10, 2000	HUD Headquarters Room 7251

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
FAIR HOUSING OUTREACH, ENFORCEMENT AND HOUSING COUNSELING			
Fair Housing and Housing Counseling Programs	**$31.1 million**		
Fair Housing -- Private Enforcement Initiative (PEI) CFDA No.: 14.410 OMB Approval No.: 2529-0033	$9.7 million	May 16, 2000	HUD Headquarters Room 5224
Fair Housing -- Education and Outreach Initiative (EOI) CFDA No.: 14.409 OMB Approval No.: 2529-0033	$6.5 million	May 16, 2000	HUD Headquarters Room 5224
Fair Housing Organizations Initiative (FHOI) CFDA No.: 14.413 OMB Approval No.: 2529-0033	$1.8 million	May 16, 2000	HUD Headquarters Room 5224
Housing Counseling -- Local Housing Counseling Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	$5.6 million	May 16, 2000	Appropriate HUD Homeownership Center (HOC)
Housing Counseling -- National, Regional, and Multi-State Intermediaries CFDA No.: 14.169 OMB Approval No.: 2502-0261	$6.5 million	May 16, 2000	HUD Headquarters Room 9166
Housing Counseling -- State Housing Finance Agencies CFDA No.: 14.169 OMB Approval No.: 2502-0261	$1 million	May 16, 2000	Appropriate HUD Homeownership Center (HOC)

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
LEAD HAZARD CONTROL			
Lead-Based Paint Hazard Control Programs	**$67.0 million**		
Lead-Based Paint Hazard Control Program CFDA No.: 14.900 OMB Approval No.: 2539-0015	$59 million	May 17, 2000	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206
Research to Improve Evaluation and Control of Residential Lead-Based Paint Hazards CFDA No.: 14.900 OMB Approval No.: 2539-0010	$1.5 million	May 17, 2000	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206
Healthy Homes Initiative CFDA No.: 14.900 OMB Approval No.:2539-0015	$6.5 million	May 17, 2000	Postal Service: HUD Headquarters, Office of Lead Hazard Control, Room P3206
PUBLIC AND INDIAN HOUSING REVITALIZATION AND DEMOLITION			
Revitalization and Demolition Programs	**$563.8 million**		
HOPE VI Revitalization Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	$513.8 million	May 18, 2000	HUD Headquarters Room 4130 and one copy to appropriate local HUD Field Office
HOPE VI Demolition Grants CFDA No.: 14.866 OMB Approval No.: 2577-0208	$50 million	June 14, 2000	HUD Headquarters Room 4130 and one copy to appropriate local HUD Field Office

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
DRUG ELIMINATION IN PUBLIC AND ASSISTED HOUSING			
Drug Elimination Programs	**$44.890 million**		
Public Housing Drug Elimination - Technical Assistance (DETAP) CFDA No.: 14.854 OMB Control No.: 2577-0124	$ .5 million	June 9, 2000	HUD Headquarters Room 4206 and one copy to appropriate local HUD Field Office
Public Housing Drug Elimination Technical Assistance for Safety and Security (DETASS) CFDA No.: 14.854 OMB Control No.: 2577-0124	$1.140 million	June 2, 2000	HUD Headquarters Room 4206
Drug Elimination New Approach Anti-Drug Program (Formerly Safe Neighborhood Grant) CFDA No.: 14.854 OMB Control No.: 2577-0124	$27 million	June 7, 2000	Appropriate local HUD Field Office or Area Office of Native American Programs
Drug Elimination Grants for Multifamily Low Income Housing CFDA No.: 14.193 OMB Approval No.: 2502-0476	$16.25 million	May 25, 2000	Appropriate local HUD Field Office or Area Office of Native American Programs

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic and Empowerment Programs	**$195.3 million****		
Resident Opportunity and Self-Sufficiency (ROSS) Program	$55 million		
ROSS for Resident Management and Business Development CFDA No.: 14.870 OMB Approval No.: 2577-0211	$6 million	June 15, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Capacity Building and Conflict Resolution CFDA No.: 14.870 OMB Approval No.: 2577-0211	$5.5 million	May 9, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Resident Service Delivery Models CFDA No.: 14.870 OMB Approval No.: 2577-0211	$24 million	May 9, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
ROSS for Service Coordinators CFDA No.: 14.870 OMB Approval No.: 2577-0211	$20 Million	Until funds are awarded	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC
Outreach and Assistance Training Grants (OTAG)	$6 million		
OTAG Technical Assistance for Tenants or Tenant Groups in Properties with Project-Based Rental Assistance Above or Below Comparable Market Rent Levels CFDA No.: 14.197 OMB Approval No.: 2502-0519	$6 million	April 26, 2000	Postal Service: HUD Headquarters, Portals Building Suite 4000 1280 Maryland Ave Washington DC

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
ECONOMIC DEVELOPMENT AND EMPOWERMENT			
Economic Development Initiative (EDI) CFDA No.: 14.246 OMB Approval No.: 2506-0153	$24.1 million	May 24, 2000	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Office
Brownfields Economic Development Initiative (BEDI) CFDA No.: 14.246 OMB Approval No.: 2506-0153	$25 million	June 13, 2000	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Office
Self-Help Homeownership Opportunity Program (SHOP) CFDA No.: 14.247 OMB Approval No.: N/A	$20 million	April 25, 2000	HUD Headquarters Room 7251
Youthbuild CFDA No.: 14.243 OMB Approval No.: 2506-0142	$40 million	June 6, 2000	HUD Headquarters Room 7251 and one copy to appropriate local HUD Field Office
Rural Housing and Economic Development Program ** CFDA No.: 14.250 OMB Approval No.:Pending **** Because of the statutory deadline for award of funds, this NOFA was published in the Federal Register on February 16, 2000.**	$24.7 million	April 7, 2000	HUD Headquarters Room 7255

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
TARGETED HOUSING, HOMELESS AND SECTION 8 VOUCHER ASSISTANCE			
Targeted Housing and Homeless Assistance Programs	**$1,498.25 million**		
Continuum of Care Homeless Assistance - Supportive Housing CFDA No.: 14.235 - Shelter Plus Care CFDA No.: 14.238 - Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) CFDA No.: 14.249 OMB Approval No.: 2506-0112	$850 million	May 31, 2000	HUD Headquarters Room 7270 and two copies to appropriate local HUD Field Offices
Housing Opportunities for Persons with AIDS CFDA No.: 14.241 OMB Approval No.: 2506-0133	$23 million	May 23, 2000	HUD Headquarters Room 7251 and two copies to appropriate local HUD Field Office
Section 202 Supportive Housing for the Elderly CFDA No.: 14.157 OMB Approval No.: 2502-0267	$426 million	May 18, 2000	Appropriate local HUD Multifamily Hub or Multifamily Program Center
Section 811 Supportive Housing for Persons with Disabilities CFDA No.: 14.181 OMB Approval No.: 2502-0462	$109 million	May 18, 2000	Appropriate local HUD Multifamily Hub or Multifamily Program Center

Program Name	Funding Available (funding is approximate)	Due Date	Submission Location and Room
TARGETED HOUSING, HOMELESS AND SECTION 8 VOUCHER ASSISTANCE			
Section 8 Housing Vouchers for Persons with Disabilities	$90.25 million		
Mainstream Housing Opportunities for Persons with Disabilities CFDA No.: 14.857 OMB Approval No.: 2577-0169	$50.25 million	July 18, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC and one copy to appropriate local HUD Field Office
Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Sections 202, 221(d) and 236 Developments CFDA No.: 14.857 OMB Approval No.: 2506-0169	$20 million	June 20, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC and one copy to appropriate local HUD Field Office
Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans CFDA No.: 14.857 OMB Approval No.:2577-0169	$20 million	June 20, 2000	Grants Mgmt Ctr, Suite 800 501 School Street Washington, DC and one copy to Special Applications Center, Room 2401, 77 West Jackson Boulevard, Chicago, IL, and one copy to the appropriate local HUD Field Office

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Paperwork Reduction Act Statement. The information collection requirements in this SuperNOFA have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The chart shown above provides the OMB approval number for each program that is part of this SuperNOFA. Where the chart notes that an OMB number is pending, this means that HUD has submitted the information to OMB to obtain an approval number and HUD's request for the number is pending. As soon as HUD receives the approval number, the number will be published in the **Federal Register** and provided to the SuperNOFA Information Center. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

General Section of the SuperNOFA

I. Authority; Purposes of the FY 2000 SuperNOFA; Funding Available; Eligible Applicants and Eligible Activities

(A) *Authority.* HUD's authority for making funding under this SuperNOFA is the Fiscal Year 2000 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2000 (Pub.L. 106–74, 113 Stat. 1047, approved October 20, 1999) (FY 2000 HUD Appropriations Act). Generally, the authority is not repeated in the individual program sections of this SuperNOFA. The authority provision of the program sections identify additional laws and regulations that authorize the requirements listed for the funding competitions that make up this SuperNOFA.

(B) *Purposes.* The purposes of this SuperNOFA are to:

(1) *Make funding available to empower communities and residents.* The funding made available by this SuperNOFA will assist community leaders and residents, particularly low- and moderate-income residents, in using HUD funds to develop viable communities and provide decent housing for all citizens, without discrimination.

(2) *Simplify the application process for funding under HUD programs.* This year's SuperNOFA continues to provide a single, uniform set of rating factors and submission requirements. This year's SuperNOFA also allows, as did last year's, for you, the applicant, to apply for more than one program with a single application.

(3) *Promote comprehensive approaches to housing and community development.* Through the SuperNOFA process, HUD encourages you, the applicant, to focus on the interrelationships that exist in a community and in HUD's funding programs, and to build community-wide efforts that coordinate the resources of multiple applicants and programs. To successfully address community needs and solve community problems, and to take advantage of existing resources, HUD encourages members of a community to join together and pool all available resources in a common, coordinated effort. By making all of HUD's competitive funding available in one document, HUD allows you, the applicant, to be able to relate the activities proposed for funding under this SuperNOFA to the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice.

(C) *Funding Available.* As noted in the Introduction Section to the SuperNOFA, the HUD programs that are part of this SuperNOFA are allocated amounts based on appropriated funds. If HUD recaptures funds in any program, HUD reserves the right to increase the available funding amounts by the amount of funds recaptured.

(D) *Eligible Applicants and Eligible Activities.* The **Programs Section** of the SuperNOFA describes the eligible applicants and eligible activities for each program.

II. Requirements and Procedures Applicable to All Programs

Except as may be modified in the **Programs Section** of this SuperNOFA, or as noted within the specific provisions of this Section II, the requirements, procedures and principles listed below apply to all programs that are part of this SuperNOFA. Please be sure to read the **Programs Section** of the SuperNOFA for additional requirements or information.

(A) *Statutory Requirements.* To be eligible for funding under this SuperNOFA, you, the applicant, must meet all statutory and regulatory requirements applicable to the program or programs for which you are seeking funding. If you need copies of the program regulations, they are available from the SuperNOFA Information Center or through the Internet at the HUD web site located at http://www.hud.gov. Among the reasons that HUD may find an application ineligible to receive further funding consideration is if the activities or projects proposed in the application are not eligible activities and projects. In addition (with the exception of the Section 202 and Section 811 programs) HUD may eliminate the ineligible activities from funding consideration and reduce the grant amount accordingly.

(B) *Threshold Requirements.* (1) *Compliance with Fair Housing and Civil Rights Laws.* With the exception of Federally recognized Indian tribes, all applicants and their subrecipients must comply with all Fair Housing and civil rights laws, statutes, regulations and executive orders as enumerated in 24 CFR 5.105(a). If you are a Federally recognized Indian tribe, you must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12.

If you, the applicant—

(a) Have been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination;

(b) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or

(c) Have received a letter of noncompliance findings under Title VI, Section 504, or Section 109—

HUD will not rate and rank your application under this SuperNOFA if the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department before the application deadline stated in the individual program NOFA. HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Other Threshold Requirements.* The program section for the funding for which you are applying may specify other threshold requirements. Additional threshold requirements may be identified in the discussion of ''eligibility'' requirements in the program section.

(C) *Additional Nondiscrimination Requirements.* You, the applicant and your subrecipients, must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*), and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq*).

(D) *Affirmatively Furthering Fair Housing.* Unless otherwise specified in the **Programs Section** of this SuperNOFA, if you are a successful applicant, you will have a duty to affirmatively further fair housing. Again, except as may be provided otherwise in the **Programs Section** of this

SuperNOFA, you, the applicant, should include in your application or work plan the specific steps that you will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the SuperNOFA rating factors that address affirmatively furthering fair housing. Please see the **Programs Section** of this SuperNOFA for further information.

(E) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Certain programs in this SuperNOFA require recipients of assistance to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons in Connection with assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements subpart E of this part. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed to (1) low and very low income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low-and very low-income persons. As noted in the **Programs Section** of this SuperNOFA, Section 3 is applicable to the following programs:

- Historically Black Colleges and Universities (HBCU);
- Hispanic-Serving Institutions Assisting Communities (HSIAC);
- Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC)
- Lead-Based Paint Hazard Control;
- Healthy Homes Initiative;
- HOPE VI Public Housing Revitalization and Demolition;
- Public Housing Drug Elimination Technical Assistance for Safety and Security;
- New Approach Anti-Drug Program;
- Multifamily Housing Drug Elimination Program;
- Resident Opportunity and Self-Sufficiency Program;
- Economic Development Initiative (EDI);
- Brownfields Economic Development Initiative (BEDI);
- Self-Help Homeownership Opportunity Program (SHOP);
- Youthbuild Program;
- Rural Housing and Economic Development Program;
- Continuum of Care Homeless Assistance Programs;
- Housing Opportunities for Persons with AIDS (HOPWA);
- Section 202 Supportive Housing for the Elderly Program;
- Section 811 Supportive Housing for Persons with Disabilities Program;

More information is available on Section 3 at the following website—**www.hud.gov/fhe/sec3over.html.**

(F) *Relocation.* Any person (including individuals, partnerships, corporations or associations) who moves from real property or moves personal property from real property directly (1) because of a written notice to acquire real property in whole or in part, or (2) because of the acquisition of the real property, in whole or in part, for a HUD-assisted activity is covered by Federal relocation statute and regulations. Specifically, this type of move is covered by the acquisition policies and procedures and the relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and the implementing governmentwide regulation at 49 CFR part 24. The relocation requirements of the URA and the governmentwide regulations cover any person who moves permanently from real property or moves personal property from real property directly because of rehabilitation or demolition for an activity undertaken with HUD assistance.

(G) *Forms, Certifications and Assurances.* You, the applicant, are required to submit signed copies of the standard forms, certifications, and assurances listed in this section, unless the requirements in the **Programs Section** specify otherwise. Also, the **Programs Section** may specify additional forms, certifications, assurances or other information that may be required for a particular program in this SuperNOFA.

As part of HUD's continuing efforts to improve the SuperNOFA process, several of the required standard forms have been simplified this year. The standard forms, certifications, and assurances are as follows:

- Standard Form for Application for Federal Assistance (SF–424) (which includes civil rights/fair housing certification);
- Federal Assistance Funding Matrix, HUD–424M;
- Standard Form for Budget Information—Non-Construction Programs (SF–424A) or
- Standard Form for Budget Information-Construction Programs (SF–424C), as applicable;
- Standard Form for Assurances—Non-Construction Programs (SF–424B) or
- Standard Form for Assurances—Construction Programs (SF–424D), as applicable; Drug-Free Workplace Certification (HUD–50070);
- Certification of Payments to Influence Federal Transaction (HUD–50071) and if engaged in lobbying, the Disclosure Form Regarding Lobbying (SF–LLL); (Tribes and tribally designated housing entities (TDHEs) established by an Indian tribe as a result of the exercise of the tribe's sovereign power are not required to submit this certification. Tribes and TDHEs established under State law are required to submit this certification.)
- Applicant/Recipient Disclosure/Update Report (HUD–2880);
- Certification Regarding Debarment and Suspension (HUD–2992). This is the certification required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.)
- Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990) (if applicable);
- Certification of Consistency with the Consolidated Plan (HUD–2991) (if applicable).

Copies of these standard forms follow this **General Section** of the SuperNOFA. Copies of forms that are particular to an individual program, follow the funding information for that program.

Also included in the Appendix B to this **General Section** is the Funding Application for the Section 8 Housing Choice Voucher Program (HUD–52515) and the Acknowledge of Application Receipt (HUD 2993).

These forms are available at the HUD website at www.hudclips.org.

(H) *OMB Circulars and Governmentwide Regulations Applicable to Grant Programs.* Certain OMB circulars also apply to programs in this SuperNOFA. The policies, guidance, and requirements of: OMB Circular No. A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments); OMB Circular A–21 (Cost Principles for Education Institutions) OMB Circular No. A–122 (Cost Principles for Nonprofit

Organizations); OMB Circular A–133 (Audits of States, Local Governments, and Non-Profit Organizations); and the regulations in 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally recognized Indian tribal governments) — may apply to the award, acceptance and use of assistance under the programs of this SuperNOFA, and to the remedies for noncompliance, except when inconsistent with the provisions of the FY 2000 HUD Appropriations Act, other Federal statutes or the provisions of this SuperNOFA. Compliance with additional OMB Circulars or governmentwide regulations may be specified for a particular program in the **Programs Section** of the SuperNOFA. Copies of the OMB Circulars may be obtained from EOP Publications, Room 2200, New Executive Office Building, Washington, DC 10503, telephone (202) 395–7332 (this is not a toll free number) or from the website at **http://www.whitehouse.gov/omb/grants/index.html#circulars.**

(I) *Environmental Requirements.* If you become a grantee under one of the programs in this SuperNOFA that assist physical development activities or property acquisition, you are generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) HUD has completed an environmental review in accordance with 24 CFR part 50; or (2) For programs subject to 24 CFR part 58, HUD has approved a grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review.

You, the applicant, should consult the **Programs Section** of the SuperNOFA for the applicable program to determine the procedures for, timing of, and any exclusions from environmental review under a particular program. For applicants applying for funding under the Sections 202 or 811 Programs, please note the environmental review requirements for these programs.

(J) *Conflicts of Interest.* If you are a consultant or expert who is assisting HUD in rating and ranking applicants for funding under this SuperNOFA, you are subject to 18 U.S.C. 208, the Federal criminal conflict of interest statute, and the Standards of Ethical Conduct for Employees of the Executive Branch regulation published at 5 CFR part 2635. As a result, if you have assisted or plan to assist applicants with preparing applications for this SuperNOFA, you may not serve on a selection panel and you may not serve as a technical advisor to HUD for this SuperNOFA. All individuals involved in rating and ranking this SuperNOFA, including experts and consultants, must avoid conflicts of interest or the appearance of conflicts. Individuals involved in the rating and ranking of applications must disclose to HUD's General Counsel or HUD's Ethics Law Division the following information if applicable: how the selection or non-selection of any applicant under this SuperNOFA will affect the individual's financial interests, as provided in 18 U.S.C. 208; or how the application process involves a party with whom the individual has a covered relationship under 5 CFR 2635.502. The individual must disclose this information prior to participating in any matter regarding this SuperNOFA. If you have questions regarding these provisions or if you have questions concerning a conflict of interest, you may call the Office of General Counsel, Ethics Law Division, at 202–708–3815 and ask to speak to one of HUD's attorneys in this division.

III. Application Selection Process

(A) *Rating Panels.* To review and rate your applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(1) *Rating.* HUD will evaluate and rate all applications for funding that meet the threshold requirements and rating factors for award described in this SuperNOFA. The rating of you, as the ''applicant,'' or of your organization, ''the applicant's organization and staff,'' for technical merit or threshold compliance will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

(2) *Ranking.* HUD will rank applicants within each program (or, for Continuum of Care applicants, across the three programs identified in the Continuum of Care section of this SuperNOFA). HUD will rank applicants only against other applicants that applied for the same program funding. Where there are set-asides within a program competition, you, the applicant, will compete against only those applicants in the same set-aside competition.

(B) *Threshold Requirements.* HUD will review your application to determine whether it meets all of the threshold requirements described in Section II(B), above. Only if your application meets all of the threshold requirements will it be eligible to be rated and ranked.

(C) *Factors for Award Used to Evaluate* and Rate Applications. For each program that is part of this SuperNOFA, the points awarded for the rating factors total 100. Depending upon the program for which you the applicant seek funding, the program may provide for up to four bonus points as provided in paragraphs (1) and (2) of this Section III(C).

(1) *Bonus Points.* The SuperNOFA provides for the award of up to two bonus points for eligible activities/projects that the applicant proposes to be located in federally designated Empowerment Zones (EZs), Enterprise Communities (ECs), Urban Enhanced Enterprise Communities (EECs), or Strategic Planning Communities and serve the residents of these federally designated areas, and are certified to be consistent with the strategic plan of these federally designated references. (For ease of reference in the SuperNOFA, these federally designated areas are collectively referred to as ''EZs/ECs'' and residents of these federally designated areas as EZ/EC residents.)[1] The application kit contains a certification which must be completed for the applicant to be considered for EZ/EC bonus points. A list of the EZs, ECs, EECs and Strategic Planning Communities is available from the SuperNOFA Information Center, through the HUD web site at **http://www.hud.gov,** and is attached to this **General Section** of the SuperNOFA as Appendix A–2.

In the BEDI competition, two bonus points are available for federally designated Brownfields Show Case Communities. (Please see BEDI section of this SuperNOFA for additional information). A listing of the federally designated EZs, ECs, and Enhanced ECs and Brownfields Showcase Communities is available from the SuperNOFA Information Center, or

[1] On December 21, 1994, President Clinton and Vice President Gore designated 72 urban areas and 33 rural communities as Empowerment Zones or Enterprise Communities. These designated areas receive more than $1.5 billion in performance grants and more than $2.5 billion in tax incentives. On August 5, 1997, President Clinton signed the Taxpayers Relief Act of 1997 which established a second round of designations for 15 new Empowerment Zones. Round II designees were announced in December 1998. Strategic Planning Communities are HUD designations that ranked competitively in the Round II competition but were not selected for EZ designation.

through the HUD web site on the Internet at http://www.hud.gov.

(2) *Court-Ordered Consideration.* For any application submitted by the City of Dallas, Texas, for funds under this SuperNOFA for which the City of Dallas is eligible to apply, HUD will consider the extent to which the strategies or plans in the city's application or applications will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's low income housing programs. The City of Dallas should address the effect, if any, that vestiges of racial segregation in Dallas Housing Authority's low income housing programs have on potential participants in the programs covered by this NOFA, and identify proposed actions for remedying those vestiges. HUD may add up to 2 points to the score based on this consideration. This special consideration results from an order of the U.S. District Court for the Northern District of Texas, Dallas, Division. (This Section III(C)(2) is limited to applications submitted by the City of Dallas.)

(3) *The Five Standard Rating Factors.* Additional details about the five rating factors listed below, and the maximum points for each factor, are provided in the **Programs Section** of the SuperNOFA. You, the applicant, should carefully read the factors for award as described in the **Programs Section** of the SuperNOFA. HUD has established these five factors as the basic factors for award in every program that is part of this SuperNOFA. For a specific HUD program, however, HUD may have modified these factors to take into account specific program needs, or statutory or regulatory limitations imposed on a program. The standard factors for award, except as modified in the program area section are:

Factor 1: Capacity of the Applicant and Relevant Organizational Staff
Factor 2: Need/Extent of the Problem
Factor 3: Soundness of Approach
Factor 4: Leveraging Resources
Factor 5: Comprehensiveness and Coordination

The Continuum of Care Homeless Assistance Programs have only two factors that receive points: Need and Continuum of Care.

(D) *Negotiation.* After HUD has rated and ranked all applications and has made selections, HUD may require, depending upon the program, that all winners participate in negotiations to determine the specific terms of the grant agreement and budget. In cases where HUD cannot successfully conclude negotiations with a selected applicant or a selected applicant fails to provide HUD with requested information, an award will not be made to that applicant. In this instance, HUD may offer an award to the next highest ranking applicant, and proceed with negotiations with the next highest ranking applicant.

(E) *Adjustments to Funding.* (1) HUD reserves the right to fund less than the full amount requested in your application to ensure the fair distribution of the funds and to ensure that the purposes of a specific program are met. (2) HUD will not fund any portion of your application that is not eligible for funding under specific program statutory or regulatory requirements; which does not meet the requirements of this SuperNOFA or which may be duplicative of other funded programs or activities from previous years' awards or other selected applicants. Only the eligible portions of your application (including non-duplicative portions) may be funded.

(3) If funds remain after funding the highest ranking applications, HUD may fund part of the next highest ranking application in a given program. If you, the applicant, turn down the award offer, HUD will make the same determination for the next highest ranking application. If funds remain after all selections have been made, remaining funds may be available for other competitions for each program where there is a balance of funds.

(4) In the event HUD commits an error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round of this SuperNOFA, HUD may select that applicant when sufficient funds become available.

(F) *Performance and Compliance Actions of Grantees.* HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective programs.

IV. Application Submission Requirements

The application submission requirements are specified in the **Programs Section** of this SuperNOFA. As discussed in the Introduction Section of this SuperNOFA, part of the simplification of this SuperNOFA funding process is to reduce the duplication of effort that has been required of applicants in the past. As the Program Chart above shows, the FY 2000 SuperNOFA provides, as did the previous SuperNOFAs, for consolidated applications for several of the programs for which funding is available under this SuperNOFA.

V. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may, however, contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding. (Note that the Sections 202 and 811 Programs provide for appeal of rejection of an application on technical deficiency. Please see the Programs Sections for these programs for additional information and instructions.)

VI. Promoting Comprehensive Approaches to Housing and Community Development

(A) *General.* HUD believes the best approach for addressing community problems is through a community-based process that provides a comprehensive response to identified needs. This Section VI of the General Section of the SuperNOFA describes important initiatives that applicants should be aware of.

(B) *Linking Program Activities with AmeriCorps.* You are encouraged to link your proposed activities with AmeriCorps, a national service program engaging thousands of Americans on a

full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps, call the Corporation for National Service at (202) 606–5000, or visit the AmeriCorps website at **www.cns.gov/americorps**.

(C) *Linking Program Activities with USDA.* In this year's SuperNOFA, HUD is working with the Department of Agriculture (USDA) to provide technical assistance to public housing authorities to develop a natural resource stewardship program to enhance the natural environment through activities such as tree planting, creating green spaces in areas devoid of vegetation and protecting areas from erosion and storm water runoff. Further information about this initiative can be found on the U.S. Forest Service website at **www.fs.fed/us/research/rvur/urban/urbanforestry/urbanforest.htm.**

(D) *Encouraging Visitability in New Construction and Substantial Rehabilitation Activities.* In addition to applicable accessible design and construction requirements, you are encouraged to incorporate visitability standards where feasible in new construction and substantial rehabilitation projects. Visitability standards allow a person with mobility impairments access into the home, but do not require that all features be made accessible. Visitability means at least one entrance at grade (no steps), approached by an accessible route such as a sidewalk; the entrance door and all interior passage doors are at least 2 feet 10 inches wide, allowing 32 inches of clear passage space. A visitable home also serves persons without disabilities, such as a mother pushing a stroller, or a person delivering a large appliance. Copies of the Uniform Federal Accessibility Standards (UFAS) are available from the SuperNOFA Information Center (1–800–HUD–8929 or 1–800–HUD–2209 (TTY)) and also from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 755–5404 or the TTY telephone number, 1–800–877 8399 (Federal Information Relay Service).

(E) *Developing Healthy Homes.* HUD's Healthy Homes Initiative is one of the initiatives developed by the White House Task Force on Environmental Health Risks and Safety Risks to Children that was established under Executive Order 13045 (''Protection of Children from Environmental Health Risks and Safety Risks''). HUD encourages the funding of activities (to the extent eligible under specific programs) that promote healthy homes, or that promote education on what is a healthy home. These activities may include, but are not limited to, the following: educating homeowners or renters about the need to protect children in their home from dangers that can arise from items such as curtain cords, electrical outlets, hot water, poisons, fire, and sharp table edges, among others; incorporating child safety measures in the construction, rehabilitation or maintenance of housing, which include but are not limited to: child safety latches on cabinets, hot water protection devices, proper ventilation and moisture control to protect from mold, window guards to protect children from falling, proper pest management to prevent cockroaches which can trigger asthma, and activities directed to control of lead-based paint hazards. The National Lead Information Hotline is 1–800–424–5323, and information is also available at the following website—**www.hud.gov/hhchild.html**.

(F) *Participation in PATH.* If you are applying for funds that may be utilized for construction or rehabilitation, HUD encourages participation in the President Clinton's Partnership for Advancing Technology in Housing (PATH). PATH's goal is to achieve dramatic approvement in the quality of American housing by the year 2010. PATH promotes leaders from the home building, product manufacturing, insurance and financial industries and representatives from federal agencies dealing with housing issues to work together to spur housing design and construction innovations. PATH has a FY 2000 budget of $10 million. PATH will provide technical support in design and cost analysis of advance technologies to be incorporated in project construction.

Applicants should see **www.pathnet.org/about/about.html** on the Internet for more information, the list of technologies, latest PATH Newsletter, results from field demonstrations and PATH projects. Applicants are encouraged to employ PATH technologies to exceed prevailing national building practices by: reducing costs; improving durability; increasing energy efficiency; improving disaster resistance; improving energy; and reducing environmental impact.

HUD's objective is to select projects funded under this SuperNOFA which demonstrate high potential opportunities for application of PATH technologies. HUD will provide technical assistance in the form of architectural, engineering and financial analysis to incorporate the specific technologies appropriate to the type of construction and climate. More information about PATH is available at the following website—**www.pathnet.org/about/about.html.**

(G) *Bridging the Digital Divide.* Bridging the Digital Divide is an initiative whose objective is to provide access to computers to low and moderate income families and children who do not have access and therefore may be disadvantaged with respect to education, work and training opportunities. HUD encourages applicants to incorporate education and job training opportunities through initiatives such as HUD's Neighborhood Networks and Twenty/20 Education communities in their programs.

(1) *Neighborhood Networks.* The Neighborhood Networks Initiative enhances the self-sufficiency, employability and economic self-reliance of low-income families and the elderly living in HUD insured and HUD assisted properties by providing them with on-site access to computer and training resources. More information about Neighborhood Networks is available at the following website—**www.hud.gov/nnw/nnwindex.html.**

(2) *The Twenty/20 Education Communities Initiative.* This initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

VII. Findings and Certifications

(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 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Regulations Division, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500.

(B) *Executive Order 13132, Federalism.* Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the

relevant requirements of section 6 of the Executive Order are met. This SuperNOFA does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(C) *Prohibition Against Lobbying Activities.* You, the applicant, are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment), which prohibits 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. You are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form LLL, ''Disclosure of Lobbying Activities,'' any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts. Tribes and tribally designated housing entities (TDHEs) 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 tribes and TDHEs established under State law are not excluded from the statute's coverage.)

(D) *Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this SuperNOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this SuperNOFA 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 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15.

(2) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this SuperNOFA. Update reports (update information also reported on Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—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 5.

(3) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** on at least a quarterly basis to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(E) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, subpart B, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) 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 or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

VIII. The FY 2000 SuperNOFA Process and Future HUD Funding Processes

Each year, HUD strives to improve its SuperNOFA. The FY 2000 SuperNOFA was revised based on comments received during the FY 1999 funding process. HUD continues to welcome comments and feedback from applicants and other members of the public on how HUD may further improve its competitive funding process.

The description of programs for which funding is available under this SuperNOFA follows.

Dated: February 11, 2000.

Saul N. Ramirez, Jr.,

Deputy Secretary.

BILLING CODE 4210–32–P

APPENDIX A-1 - LIST OF HUD FIELD OFFICES

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
NEW ENGLAND	Boston, MA	Massachusetts State Office O'Neil Federal Building 10 Causeway Street, Rm.375 Boston, MA 02222-1092 OFC PHONE (617) 565-5236 Office Hours 8:30 AM - 5:00 PM
	Hartford, CT	Connecticut State Office One Corporate Center Hartford, CT 06103-3220 OFC PHONE (860) 240-4844 Office Hours 8:00 AM - 4:30 PM
	Manchester, NH	New Hampshire State Office Norris Cotton Federal Bldg. 275 Chestnut Street Manchester, NH 03103-2487 OFC PHONE (603) 666-7682 Office Hours 8:00 AM - 4:40 PM
	Providence, RI	Rhode Island State Office 10 Weybosset Street Sixth Floor Providence, RI 02903-2808 OFC PHONE (401) 528-5352 Office Hours 8:00 AM - 4:30 PM
	Bangor, ME	Maine State Office 202 Harlow Street - Chase Bldg. Suite 101 PO Box 1384 Bangor, ME 04402-1384 OFC PHONE (207) 945-0468 Office Hours 8:00 AM - 4:30 PM
	Burlington, VT	Vermont State Office Room 237 - Federal Building 11 Elmwood Avenue, PO Box 879 Burlington, VT 05401-0879 OFC PHONE (802) 951-6290 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
NY/NEW JERSEY	New York, NY	New York State Office 26 Federal Plaza - Suite 3541 New York, NY 10278-0068 OFC PHONE (212) 264-1161 Office Hours 8:00 AM - 4:30 PM
	Buffalo, NY	Buffalo Area Office Lafayette Court, 5th Floor 465 Main Street Buffalo, NY 14203-1780 OFC PHONE (716) 551-5733 Office Hours 8:00 AM - 4:30 PM
	Camden, NJ	Camden Area Office 2nd Floor - Hudson Bldg. 800 Hudson Square Camden, NJ 08102-1156 OFC PHONE (609) 757-5081 Office Hours 8:00 AM - 4:30 PM
	Newark, NJ	New Jersey State Office 13th Floor One Newark Center Newark, NJ 07102-5260 OFC PHONE (973) 622-7619 Office Hours 8:00 AM - 4:30 PM
	Albany, NY	Albany Area Office 52 Corporate Circle Albany, NY 12203-5121 OFC PHONE (518) 464-4200 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
MID-ATLANTIC	Philadelphia, PA	Pennsylvania State Office The Wanamaker Building 100 Penn Square, East Philadelphia, PA 19107-3380 OFC PHONE (215) 656-0600 Office Hours 8:00 AM - 4:30 PM
	Baltimore, MD	Maryland State Office 5th Floor 10 South Howard Street Baltimore, MD 21201-2505 OFC PHONE (410) 962-2520 Office Hours 8:00 AM - 4:30 PM
	Pittsburgh, PA	Pittsburgh Area Office 339 Sixth Avenue - Sixth Floor Pittsburgh, PA 15222-2515 OFC PHONE (412) 644-5945 Office Hours 8:00 AM - 4:30 PM
	Washington, DC	District of Columbia Office Suite 300 820 First Street, N.E. Washington, DC 20002-4205 OFC PHONE (202) 275-9200 Office Hours 8:00 AM - 4:30 PM
	Richmond, VA	Virginia State Office 3600 West Broad Street Richmond, VA 23230-4920 OFC PHONE (804) 278-4500 Office Hours 8:00 AM - 4:30 PM
	Charleston, WV	West Virginia State Office 405 Capitol Street, Suite 708 Charleston, WV 25301-1795 OFC PHONE (304) 347-7036 Office Hours 8:00 AM - 4:30 PM
	Wilmington, DE	Delaware State Office One Rodney Square 920 King Street, Suite 404 Wilmington, DE 19801 OFC PHONE (302) 573-6300 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
SOUTHEAST/CARIBBEAN	Atlanta, GA	Georgia State Office 40 Marietta Street - Five Points Plaza Atlanta, GA 30303-2806 OFC PHONE (404) 331-4111 Office Hours 8:00 AM - 4:30 PM
	Birmingham, AL	Alabama State Office 600 Beacon Parkway West, Rm. 300 Birmingham, AL 35209-3144 OFC PHONE (205) 290-7617 Office Hours 8:00 AM - 4:30 PM
	Louisville, KY	Kentucky State Office 601 West Broadway, PO Box 1044 Louisville, KY 40201-1044 OFC PHONE (502) 582-5251 Office Hours 8:00 AM - 4:45 PM
	Jackson, MS	Mississippi State Office McCoy Federal Building 100 W. Capitol Street, Room 910 Jackson, MS 39269-1096 OFC PHONE (601) 965-4700 Office Hours 8:00 AM - 4:45 PM
	Memphis, TN	Memphis Area Office 200 Jefferson Avenue, Suite 1200 Memphis, TN 38103-2335 OFC PHONE (901) 544-3403 Office Hours 8:00 AM - 4:30 PM
	Nashville, TN	Tennessee State Office 251 Cumberland Bend Drive Suite 200 Nashville, TN 37228-1803 OFC PHONE (615) 736-5213 Office Hours 8:00 AM - 4:30 PM
	Jacksonville, FL	Jacksonville Area Office 301 West Bay Street, Suite 2200 Jacksonville, FL 32202-5121 OFC PHONE (904) 232-2627 Office Hours 8:00 AM - 4:30 PM
	Miami, FL	Florida State Office 909 SE First Avenue Miami, FL 33131 OFC PHONE (305) 536-5676 Office Hours 8:30 AM - 5:00 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
SOUTHEAST/CARIBBEAN (continued)	Greensboro, NC	North Carolina State Office Koger Building 2306 West Meadowview Road Greensboro, NC 27401-3707 OFC PHONE (336) 547-4001,4002, 4003 Office Hours 8:00 AM - 4:45 PM
	San Juan, PR	Caribbean Office 171 Carlos E. Chardon Avenue San Juan, PR 00918-0903 OFC PHONE (787) 766-5201 Office Hours 8:00 AM - 4:30 PM
	Columbia, SC	South Carolina State Office 1835 Assembly Street Columbia, SC 29201-2480 OFC PHONE (803) 765-5592 Office Hours 8:00 AM - 4:45 PM
	Knoxville, TN	Knoxville Area Office 710 Locust Street, SW Knoxville, TN 37902-2526 OFC PHONE (423) 545-4384 Office Hours 7:30 AM - 4:15 PM
	Orlando, FL	Orlando Area Office 3751 Maguire Boulevard, Room 270 Orlando, FL 32803-3032 OFC PHONE (407) 648-6441 Office Hours 8:00 AM - 4:30 PM
	Tampa, FL	Tampa Area Office 501 East Polk Street, Room 700 Tampa, FL 33602-3945 OFC PHONE (813) 228-2504 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
MIDWEST	Chicago, IL	Illinois State Office Ralph Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507 OFC PHONE (312) 353-5680 Office Hours 8:15 AM - 4:45 PM
	Detroit, MI	Michigan State Office 477 Michigan Avenue Detroit, MI 48226-2592 OFC PHONE (313) 226-7900 Office Hours 8:00 AM - 4:30 PM
	Indianapolis, IN	Indiana State Office 151 North Delaware Street, Suite 1200 Indianapolis, IN 46204-2526 OFC PHONE (317) 226-7034 Office Hours 8:00 AM - 4:45 PM
	Grand Rapids, MI	Grand Rapids Area Office Trade Center Building 50 Louis Street, N.W. Grand Rapids, MI 49503-2648 OFC PHONE (616) 456-2125 Office Hours 8:00 AM - 4:30 PM
	Minneapolis, MN	Minnesota State Office 220 Second Street, South Minneapolis, MN 55401-2195 OFC PHONE (612) 370-3000 Office Hours 8:00 AM - 4:30 PM
	Cincinnati, OH	Cincinnati Area Office 525 Vine Street, Suite 700 Cincinnati, OH 45202-3188 OFC PHONE (513) 684-2967 Office Hours 8:00 AM - 4:45 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
MIDWEST (Continued)	Cleveland, OH	Cleveland Area Office 1350 Euclid Avenue, Suite 500 Cleveland, OH 44115-1815 OFC PHONE (216) 522-4058 Office Hours 8:00 AM - 4:40 PM
	Columbus, OH	Ohio State Office 200 North High Street Columbus, OH 43215-2499 OFC PHONE (614) 469-2540 Office Hours 8:00 AM - 4:45 PM
	Milwaukee, WI	Wisconsin State Office 310 West Wisconsin Avenue Room 1380 Milwaukee, WI 53203-2289 OFC PHONE (414) 297-3214 Office Hours 8:00 AM - 4:30 PM
	Flint, MI	Flint Area Office 605 North Saginaw Street, Room 200 Flint, MI 48502-1953 OFC PHONE (810) 766-5112 Office Hours 8:00 AM - 4:30 PM
	Springfield, IL	Springfield Field Office 320 West Washington 7th Floor Springfield, IL 62707 OFC PHONE (217) 492-4120 Office Hours 8:15 AM - 4:45 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
SOUTHWEST	Fort Worth, TX	Texas State Office 801 Cherry Street, PO Box 2905 Ft. Worth, TX 76113-2905 OFC PHONE (817) 978-5965 Office Hours 8:00 AM - 4:30 PM
	Dallas, TX	Dallas Area Office 525 Griffin Street, Room 860 Dallas, TX 75202-5007 OFC PHONE (214) 767-8300 Office Hours 8:00 AM - 4:30 PM
	Albuquerque, NM	New Mexico State Office 625 Silver Avenue SW, Suite 100 Albuquerque, NM 87102-3185 OFC PHONE (505) 346-6463 Office Hours 8:00 AM - 5:00 PM
	Houston, TX	Houston Area Office 2211 Norfolk, #200 Houston, TX 77098-4096 OFC PHONE (713) 313-2274 Office Hours 7:45 AM - 4:30 PM
	Lubbock, TX	Lubbock Area Office 1205 Texas Avenue, Rm. 511 Lubbock, TX 79401-4093 OFC PHONE (806) 472-7265 Office Hours 8:00 AM - 4:45 PM
	San Antonio, TX	San Antonio Area Office 800 Dolorosa San Antonio, TX 78207-4563 OFC PHONE (210) 475-6806 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
SOUTHWEST (continued)	Little Rock, AR	Arkansas State Office 425 West Capitol Avenue #900 Little Rock, AR 72201-3488 OFC PHONE (501) 324-5401 Office Hours 8:00 AM - 4:30 PM
	New Orleans, LA	Louisiana State Office Hale Boggs Bldg. - 501 Magazine Street, 9th Floor New Orleans, LA 70130-3099 OFC PHONE (504) 589-7201 Office Hours 8:00 AM - 4:30 PM
	Shreveport, LA	Shreveport Area Office 401 Edwards Street, Rm. 1510 Shreveport, LA 71101-3289 OFC PHONE (318) 676-3440 Office Hours 7:45 AM - 4:30 PM
	Oklahoma City, OK	Oklahoma State Office 500 W. Main Street, Suite 400 Oklahoma City, OK 73102-2233 OFC PHONE (405) 553-7500 Office Hours 8:00 AM - 4:30 PM
	Tulsa, OK	Tulsa Area Office 50 East 15th Street Tulsa, OK 74119-4030 OFC PHONE (918) 581-7496 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
GREAT PLAINS	Kansas City, KS	Kansas/Missouri State Office 400 State Avenue, Room 200 Kansas City, KS 66101-2406 OFC PHONE (913) 551-5462 Office Hours 8:00 AM - 4:30 PM
	Omaha, NE	Nebraska State Office 10909 Mill Valley Road, Suite 100 Omaha, NE 68154-3955 OFC PHONE (402) 492-3103 Office Hours 8:00 AM - 4:30 PM
	St. Louis, MO	St. Louis Area Office 1222 Spruce Street #3207 St. Louis, MO 63103-2836 OFC PHONE (314) 539-6560 Office Hours 8:00 AM - 4:30 PM
	Des Moines, IA	Iowa State Office 210 Walnut Street, Room 239 Des Moines, IA 50309-2155 OFC PHONE (515) 284-4573 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
ROCKY MOUNTAINS	Denver, CO	Colorado State Office 633 17th Street, 14th Floor Denver, CO 80202-3607 OFC PHONE (303) 672-5440 Office Hours 8:00 AM - 4:30 PM
	Salt Lake City, UT	Utah State Office 257 East, 200 South, Rm. 550 Salt Lake City, UT 84111-2048 OFC PHONE (801) 524-6071 Office Hours 8:00 AM - 4:30 PM
	Helena, MT	Montana State Office 7 West Sixth Avenue Power Block Building Helena, MT 59601 OFC PHONE (406) 449-5048 Office Hours 8:00 AM - 4:30 PM
	Sioux Falls, SD	South Dakota State Office 2400 West 49th Street, Rm. I-201 Sioux Falls, SD 57105-6558 OFC PHONE (605) 330-4223 Office Hours 8:00 AM - 4:30 PM
	Fargo, ND	North Dakota State Office 657 2nd Avenue North, Room 366 Fargo, ND 58108 OFC PHONE (701) 239-5040 Office Hours 8:00 AM - 4:30 PM
	Casper, WY	Wyoming State Office 100 East B Street, Room 4229 Casper, WY 82601-1969 OFC PHONE (307) 261-6250 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
PACIFIC/HAWAII	San Francisco, CA	California State Office 450 Golden Gate Avenue, Box 36003 San Francisco, CA 94102-3448 OFC PHONE (415) 436-6532 Office Hours 8:15 AM - 4:45 PM
	Honolulu, HI	Hawaii State Office 7 Waterfront Plaza 500 Ala Moana Blvd. #500 Honolulu, HI 96813-4918 OFC PHONE (808) 522-8175 Office Hours 8:00 AM - 4:00 PM
	Los Angeles, CA	Los Angeles Area Office 611 W. Sixth Street, Suite 800 Los Angeles, CA 90017 OFC PHONE (213) 894-8007 Office Hours 8:00 AM - 4:30 PM
	Sacramento, CA	Sacramento Area Office 925 L Street Sacramento, CA 95814 OFC PHONE (916) 498-5220 Office Hours 8:00 AM - 4:30 PM
	Reno, NV	Reno Area Office 3702 S. Virginia Street, Suite G-2 Reno, NV 89502-6581 OFC PHONE (775) 784-5383 Office Hours 8:00 AM - 4:30 PM
	San Diego, CA	San Diego Area Office 2365 Northside Drive, Room 300 San Diego, CA 92108-2712 OFC PHONE (619) 557-5310 Office Hours 8:00 AM - 4:30 PM
	Las Vegas, NV	Nevada State Office 333 N. Rancho Drive - Atrium Bldg. Suite 700 Las Vegas, NV 89106-3714 OFC PHONE (702) 388-6208/6500 Office Hours 8:00 AM - 4:30 PM
	Phoenix, AZ	Arizona State Office 400 North Fifth Street, Suite 1600 Phoenix, AZ 85004-2361 OFC PHONE (602) 379-4434 Office Hours 8:00 AM - 4:30 PM

JURISDICTION	OFFICE	ADDRESS AND PHONE NUMBERS
PACIFIC/HAWAII (continued)	Santa Ana, CA	Santa Ana Area Office 1600 N. Broadway, Suite 100 Santa Ana, CA 92706-3927 OFC PHONE (714) 796-5577 Office Hours 8:00 AM - 4:30 PM
	Tucson, AZ	Tucson Area Office 33 North Stone Avenue #700 Tucson, AZ 85701-1467 OFC PHONE (520) 670-6000 Office Hours 8:00 AM - 4:30 PM
	Fresno, CA	Fresno Area Office 2135 Fresno Street, Suite 100 Fresno, CA 93721-1718 OFC PHONE (559) 487-5032 Office Hours 8:00 AM - 4:30 PM
JURISDICTION	**OFFICE**	**ADDRESS AND PHONE NUMBERS**
NORTHWEST/ALASKA	Seattle, WA	Washington State Office 909 First Avenue, Suite 200 Seattle, WA 98104-1000 OFC PHONE (206) 220-5101 Office Hours 8:00 AM - 4:30 PM
	Portland, OR	Oregon State Office 400 SW 6th Avenue #700 Portland, OR 97204-1632 OFC PHONE (503) 326-2561 Office Hours 8:00 AM - 4:30 PM
	Anchorage, AK	Alaska State Office 949 East 36th Avenue, Suite 401 Anchorage, AK 99508-4399 OFC PHONE (907) 271-4170 Office Hours 8:00 AM - 4:30 PM
	Boise, ID	Idaho State Office Suite 220, Plaza IV 800 Park Boulevard Boise, Idaho 83712-7743 OFC PHONE (208) 334-1990 Office Hours 8:00 AM - 4:30 PM
	Spokane, WA	Spokane Area Office US Courthouse Bldg. 920 W. Riverside, Suite 588 Spokane, WA 99201-1010 OFC PHONE (509) 353-0674 Office Hours 8:00 AM - 4:30 PM

BILLING CODE 4210–32–C

APPENDIX A–2—LIST OF EZs, ECs, URBAN ENHANCED ENTERPRISE COMMUNITIES, STRATEGIC PLANNING COMMUNITIES

URBAN EMPOWERMENT ZONES (23)

CA, Los Angeles (EZ)
David Eder, EZ/EC Program Coordinator, City of Los Angeles EZ/EC Programs, Los Angeles Community Development Department, 215 West 6th Street, Third Floor, Los Angeles, CA 90014, 213–485–2956 (Phone), 213–847–0890 (Fax)

CA, Santa Ana (EZ)
Aldo Schindler, EZ Manager, Community Development Agency, PO Box 1988, Santa Ana, CA 92702, 714–647–6507 (Phone), 714–647–6549 (Fax)

CT, New Haven (EZ–EC)
Sherri Killins, President/CEO, Empower New Haven, Inc., 59 Elm St., 4th Floor, Suite 410, New Haven, CT 06510, 203–776–2777 (Phone), 203–776–0537 (Fax)

FL, Miami/Dade County (EZ–EC)
Andre Wallace, Miami-Dade Empowerment Trust, Inc., 140 West Flagler Street, Suite 1107, Miami, FL 33130, 305–372–7620 (Phone), 305–372–7629 (Fax)

GA, Atlanta (EZ)
Joseph Reid, Executive Director, Atlanta EZ Corporation, City Hall East, 675 Ponce de Leon Avenue, Second Floor, Atlanta, GA 30308, 404–853–7610 (Phone), 404–853–7372 (Fax)

IL, Chicago (EZ)
Ronald Carter, Jr., Special Assistant/Director, City of Chicago, 20 North Clark Street, 28th Floor, Chicago, IL 60602, 312–744–9623 (Phone), 312–744–9696 (Fax)

IN, Gary, E. Chicago, Hammond (EZ)

IN, Gary
Taghi Arshami, Office of Planning & Community Development, 475 Broadway, Suite 318, Gary, IN 46402, 219–881–5075 (Phone), 219–881–5085 (Fax)

IN, E. Chicago
John Artis, Executive Director, City of East Chicago, Dept. of Redevelopment and Housing Authority, 4920 Larkspur Drive, East Chicago, IN 46312, 219–397–9974 (Phone), 219–397–4249 (Fax)

IN, Hammond
Allen Kress, City Planner, Hammond City Planning, 649 Conkey Street, Hammond, IN 46324, 219–853–6398 (Phone), 219–853–6334 (Fax)

MA, Boston (EZ–EEC)
Reginald Nunnally, Executive Director of Enhanced EC/Interim Director of EZ, Boston Empowerment Center, 20 Hampdon St., Roxbury, MA 02119, 617–445–3413 (Phone), 617–445–5675 (Fax)

MD, Baltimore (EZ)
Diane Bell, President & CEO, Empower Baltimore Management Corporation, 34 Market Pl., Suite 800, Baltimore, MD 21202, 410–783–4400 (Phone), 410–783–0526 (Fax)

MI, Detroit (EZ)
Denise Gray, Executive Director, Empowerment Zone Development Corporation, 1 Ford Place, Suite 1F, Detroit, MI 48202, 313–872–8050, 313–872–8002 (Fax)

MN, Minneapolis (EZ–EC)
Kim W. Havey, Director, Minneapolis Empowerment Zone, 350 South Fifth Street, Minneapolis, MN 55415, 612–673–5415 (Phone), 612–673–3724 (Fax)

MO, St. Louis/E. St. Louis, IL (EZ–EC)
Alicia Smith, St. Louis Development Corporation, 1200 Market St., Mayor's Office, Room 200, St. Louis, MO 63103, 314–622–3201 (Phone), 314–436–7983 (Fax)

NJ, Cumberland County (EZ)
Gerry Valasquez, Executive Director, Department of Planning and Development, Cumberland County, 800 E. Commerce Street, Bridgeton, NJ 08302, 856–453–2177 (Phone), 856–453–9138 (Fax),

NY, New York (EZ) (Main Contact)
Marion Phillips, III, Chief Administrative Officer, New York Empowerment Zone Corporation, 633 3rd Avenue, New York, NY 10017, 212–803–3239 (Phone), 212–803–3294 (Fax)

NY, New York (Bronx)
Maria Canales, Director, Bronx Empowerment Zone, Bronx Overall Economic Development Corporation, 198 East 161st Street, Suite 201, Bronx, NY 10451, 718–590–6034 (Phone), 718–590–6249 (Fax)

NY, New York (Upper Manhattan)
Jeannine L. Melly, Director of Grants Management, Upper Manhattan Empowerment Zone, Development Corporation, 290 Lenox Avenue, 3rd Floor, New York, NY 10027, 212–410–0030 (Phone), 212–410–9616 (Fax)

OH, Cincinnati (EZ)
Susan Paddock, Special Assistant to the City Manager, City of Cincinnati, 801 Plum Street, Room 104, Cincinnati, OH 45202, 513–352–4648 (Phone), 513–352–2458 (Fax)

OH, Cleveland (EZ)
Valarie McCall, Director, Cleveland Empowerment Zone, 601 Lakeside Avenue, City Hall, Room 335, Cleveland, OH 44114, 216–664–2804 (Phone), 216–420–8522 (Fax), 216–664–3083 (Direct)

OH, Columbus (EZ–EC)
Jon Beard, Columbus Compact Corporation, 1000 East Main St., Columbus, OH 43205, 614–251–0926 (Phone), 614–251–2243 (Fax)

PA, Philadelphia/NJ, Camden (EZ)
Eva Gladstein, Executive Director, City of Philadelphia, 1515 Arch Street, l Parkway, 9th Fl., Philadelphia, PA 19103, 215–683–0462 (Phone), 215–683–0493 (Fax)
Bryan K. Finnie, Managing Director, Camden Empowerment Zone Corporation, Hudson Square Complex, 817 Carpenter Street, Camden, NJ 08102, 856–365–0300 (Phone), 856–365–1058 (Fax)

SC, Sumter/Columbia (EZ)
Leona Plaugh, Assistant City Manager, City of Columbia, Dept. of Community Service, 1225 Laurel Street, Columbia, SC 29201, 803–733–8313 (Phone), 803–733–8312 (Fax)

TN, Knoxville (EZ)
Jeanette Kelleher, Community Development Administrator, City of Knoxville, Department of Development, P.O. Box 1631, Knoxville, TN 37901, 865–215–2116 (Phone), 865–215–2962 (Fax)

TX, El Paso (EZ–EC)
Deborah G. Hamlyn, Director, Community and Human Development, City of El Paso, #2 Civic Center Plaza, 9th Floor, El Paso, TX 79901–1196, 915–541–4242 (Phone), 915–541–4370 (Fax)

VA, Norfolk/Portsmouth (EZ–EC)
David Ollison, Empowerment 2010, 201 Granby Street, Ste. 100A, Norfolk, VA 23510, 757–624–8650 (Phone), 757–622–4623 (Fax)

WV, Huntington/Ironton, OH (EZ–EC)
Cathy Burns, Executive Director, Huntington WV-Ironton OH Empowerment Zone, Inc., P.O. Box 1659, Huntington, WV 25717, 304–696–5533 (Phone), 304–696–4465 (Fax)

URBAN ENHANCED ENTERPRISE COMMUNITIES (4)

CA, Oakland (EEC)
Mahlon Harmon, EEC Coordinator, Community and Economic Development Agency (CEDA), 250 Frank Ogawa Plaza, 3rd Floor, Oakland, CA 94612, 510–238–6204 (Phone), 510–238–2226 (Fax)

KS, Kansas City and MO, Kansas City (EEC)
Marlene Nagel, MARC, 600 Broadway, 300 Rivergate Center, Kansas City, MO 64105, 816–474–4240 (Phone), 816–421–7758 (Fax)

MA, BOSTON (EEC) (SEE EZ)

TX, Houston (EEC)
Judith Butler, Mayor's Office, 901 Bagby Street, City Hall, 4th Floor, Houston, TX 77002, 713–247–2666 (Phone), 713–247–3985 (Fax)

URBAN ENTERPRISE COMMUNITIES

AL, Birmingham,
Keith Strother, City of Birmingham, 710 N. 20th Street, City Hall, 3rd Floor, Birmingham, AL 35203, 205–254–2870 (Phone), 205–254–7741 (Fax)

AR, Pulaski County
Henry McHenry, Pulaski County Enterprise Community Alliance, Inc., 400 W. Markham, Suite 705, Little Rock, AR 72201–2424, 501–340–5675 (Phone), 501–340–5680 (Fax)

AZ, Phoenix
Jennifer Harper, Neighborhood Services Department, City of Phoenix, 200 West Washington Street, 4th Floor, Phoenix, AZ 85003–1611, 602–262–4730 (Phone), 602–534–1555 (Fax)

CA, Los Angeles—Huntington Park
David Eder, EZ/EC Program Coordinator, City of Los Angeles EZ/EC Programs, Los Angeles Community Development, Department 215 West 6th Street, Third Floor, Los Angeles, CA 90014, 213–485–2956 (Phone), 213–847–0890 (Fax)

CA, San Diego
Bonnie Contreras, Enterprise Community Coordinator, City of San Diego, 202 C Street, Third Floor, Mail Station 3A, San Diego, CA 92101, 619–236–6846 (Phone), 619–236–6512 (Fax)

CA, San Francisco
Anna Yee, City of San Francisco, San Francisco Enterprise Community

Program, 25 Van Ness Avenue, Suite 700, San Francisco, CA 94102, 415–252–3130 (Phone), 415–252–3110 (Fax)
CO, Denver
Ernest Hughes, Denver Enterprise Community Coordinator, Denver Community Development Agency, 216 16th Street, Suite 1400, Denver, CO 80202, 303–640–5726 (Phone), 303–640–7120 (Fax)
CT, Bridgeport
Janice Willis, Director, City of Bridgeport Central Grants Office, 999 Broad St., Bridgeport, CT 06604, 203–332–5662 (Phone), 203–332–5657 (Fax)
DE, Wilmington
James Walker Wilmington Enterprise Community, Louis L. Redding City/County Building, 800 French Street, 9th Floor, Wilmington, DE 19801, 302–571–4472 (Phone), 302–571–4326 (Fax)
District of Columbia
Kimmarie Jamison, DCECP Coordinator, 801 N. Capitol St., 6th Floor, Washington, DC 20002, 202–442–7203 (Phone), 202–442–7089 (Fax)
FL, Tampa
Jeanette LaRussa Fenton, Manager, Ybor Service Center, 2105 N. Nebraska Avenue, Tampa, FL 33602–2529, 813–274–7959 (Phone), 813–274–7927 (Fax)
GA, Albany
Julie Duke, City Manager's Office, P.O. Box 447, Albany, GA 31702, 912–431–3234 (Phone), 912–431–3223 (Fax)
IA, Des Moines
Carol Gathright, City of Des Moines 602 East First Street, Des Moines, IA 50309, 515–283–4151 (Phone), 515–237–1713 (Fax)
IL, East St. Louis
Diane Bonner, Executive Director, CDBG Operations Corporation, 301 River Park Drive, East St. Louis, IL 62201, 618–482–6635 ext. 15 (Phone), 618–271–8194 (Fax)
IL, Springfield
Jan Sorenson Interim Director, Office of Economic Development, 231 South Sixth St., Springfield, IL 62701, 217–789–2377 (Phone), 217–789–2380 (Fax)
IN, Indianapolis
Renia Colbert, Project Manager, Div. of Comm. Development & Financial Services, 200 East Washington, Suite 1841, Indianapolis, IN 46204, 317–327–5869 (Phone), 317–327–5908 (Fax)
KY, Louisville
Carolyn Gatz, Louisville Empowerment Zone, NIA Center, 2900 West Broadway, Louisville, KY 40211, 502–458–6813 (Phone), 502–456–9780 (Fax)
LA, New Orleans
Thelma H. French, Executive Assistant to Mayor, Office of Federal and State Programs, 1300 Perdido Street, Room 2E04, New Orleans, LA 70112, 504–565–6445 (Phone), 504–565–6423 (Fax)
LA, Ouachita Parish
Eric Loewe, Executive Director, Ouachita Enterprise Community, P.O. Box 4268, Monroe, LA 71211, 318–329–4031 (Phone), 318–329–4034 (Fax)
MA, Lowell
Susanne Beaton, EC Program Manager, Department of Planning and Development, City Hall-JFK Civic Center, 50 Arcand Drive, Lowell, MA 01852, 978–446–7239 (Phone), 978–970–4262 (Fax)
MA, Springfield
Miguel Rivas, Director of Neighborhood Programs, Community Development Department, 36 Court Street, Springfield, MA 01103, 413–750–2240 (Phone), 413–787–6027 (Fax)
MI, Flint
Nancy Jurkiewicz, Corporate Resident Agent, Flint Area Enterprise Community, 805 Welch Blvd., Flint, Michigan 48504, 810–766–7436 ext. 3014 (Phone), 810–766–7351 (Fax)
MI, Muskegon/Muskegon Heights (EC)
Cathy Brubaker-Clarke, Director, Department of Community and Economic Development, P.O. Box 536, 933 Terrace St., Muskegon, MI 49443–0536, 231–724–6702 (Phone), 231–724–6790 (Fax)
MN, St. Paul
Harriet Horwath,
Senior Employment Training Planner,
City of St. Paul, Planning and Economic Development
25 West Fourth Street,
St. Paul, Minnesota 55102,
651–266–6591 (Phone),
651–228–3314 (Fax)
MS, Jackson
Roosevelt T. Sanders,
Executive Director,
Jackson Urban Enterprise Community Council, Inc.,
P.O. Box 10353,
Jackson, MS 39289
601–949–7879 (Phone),
601–981–2407 (Fax)
NC, Charlotte
Deborah Hazzard,
Neighborhood Development Department, 600 East Trade Street,
Charlotte, NC 28202,
704–336–2106 (Phone),
704–336–2527 (Fax)
NE, Omaha
Herb Patten,
Enterprise Zone Coordinator,
Omaha Enterprise Community/Enterprise Zone,
Blue Lion Centre,
2421 North 24th St.,
Omaha, NE 68110–2282,
402–444–3514 (Phone),
402–444–3755 (Fax)
NH, Manchester
Amanda Parenteau,
Administrator,
Enterprise Community Program,
One City Hall Plaza, Room 110,
Manchester, NH 03101,
603–624–6505 (Phone),
603–624–6308 (Fax)
NJ, Newark
Angela Corbo,
EC Coordinator,
Department of Administration,
City Hall, Room B–16,
920 Broad Street,
Newark, NJ 07102,
973–733–4331 (Phone),
973–733–3769 (Fax)
NM, Albuquerque
Sylvia Fettes,
Department of Family & Community Services,
P.O. Box 1293,
Albuquerque, NM 87103,
505–768–2932 (Phone),
505–768–3204 (Fax)
NV, Las Vegas
Douglas R. Bell,
Director,
Community Resources Management,
500 South Grand Central Parkway,
P.O. Box 551601,
Las Vegas, NV 89155–1212,
702–455–5025 (Phone),
702–383–6041 (Fax)
NY, Albany/Troy/Schenectady
Anthony Tozzi,
Enterprise Community Director,
Center for Economic Growth,
One Key Corp Plaza,
Suite 600,
Albany, NY 12207,
518–382–5054 (Phone),
518–382–5275 (Fax)
NY, Buffalo
Paula Alcala Rosner,
Executive Director,
Federal Enterprise Community of Buffalo, Inc.,
911 City Hall,
Buffalo, NY 14202,
716–851–5032 (Phone),
716–851–4388 (Fax)
NY, Newburgh/Kingston
Sharon Hyder,
The Kingston-Newburgh Enterprise Corp.,
62 Grand Street,
Newburgh, NY 12550,
914–569–1680 ext. 102 (Phone),
914–569–1630 (Fax)
NY, Rochester
Valerie Wheatley,
Staff Assistant to the Deputy Mayor,
City of Rochester,
Room 205A, City Hall,
30, Church Street,
Rochester, NY 14614,
716–428–7207 (Phone),
716–428–7901 (Fax)
OH, Akron
Jerry Egan,
Department of Planning & Urban Development,
166 South High Street,
Akron, OH 44308–1628,
330–375–2090 (Phone),
330–375–2387 (Fax)
OK, Oklahoma City,
Carl Friend,
Oklahoma City Planning Department,
420 West Main Street, Suite 920,
Oklahoma City, OK 73102,
405–297–2574 (Phone),
405–297–3796 (Fax)
OR, Portland
Regena S. Warren,
Multnomah County,
421 SW Sixth Avenue, Suite 200,
Portland, OR 97204,
503–248–3691 (Phone),
503–248–3379 (Fax)
PA, Harrisburg
Terri Martini,
Director,
Department of Building and Housing Development,

City of Harrisburg, Suite 206,
10 North Second Street,
Harrisburg, PA 17101,
717–255–6408 (Phone),
717–255–6421 (Fax)

PA, Pittsburgh
Joan Blaustein,
Manager, Special Projects,
City Planning Dept.,
City of Pittsburgh,
200 Ross Street, 4th Floor,
Pittsburgh, PA 15219,
412–255–2206 (Phone),
412–255–2838 (Fax)

RI, Providence
Kim Rose,
Enterprise Community Project Director,
The Providence Plan,
56 Pine Street, Suite 3B,
Providence, RI 02903,
401–455–8880 (Phone),
401–331–6840 (Fax)

SC, Charleston/N. Charleston
Geona Shaw Johnson,
Coordinator,
Enterprise Community Program,
Department of Housing and Community Development,
City of Charleston,
75 Calhoun Street, 3rd Floor,
Charleston, SC 29401,
843–973–7285 (Phone),
843–720–3836 (Fax)

TN, Memphis
Joseph C. Gibbs, Economic Development Coordinator,
Memphis Technical Assistance & Resource Center (MTARC),
555 Beale Street,
Memphis, TN 38103–3297,
901–526–9300 ext.109 (Phone),
901–525–2357 (Fax)

TN, Nashville
Paul Johnson,
Metropolitan Development and Housing Agency,
701 South Sixth Street,
Nashville, TN 37206,
615–252–8543 (Phone),
615–252–8559 (Fax)

TX, Dallas
Mark Obeso, Fund Development Manager, City of Dallas, 1500 Marilla, 2B North, Dallas, TX 75201, 214–670–4897 (Phone), 214–670–5798 (Fax)

TX, San Antonio
Curley Spears, San Antonio EZ/EC Coordinator, 419 South Main St., Suite 200, San Antonio, TX 78204, 210–207–6605 (Phone), 210–886–0006 (Fax)

TX, Waco
George Johnson, Jr., Assistant City Manager, City of Waco, Office of Economic Development, 300 Austin Avenue, Waco, TX 76701–2570, 254–750–5640 (Phone), 254–750–5880 (Direct), 254–750–5880 (Fax)

UT, Ogden
Karen Thurber, Ogden City Neighborhood Development, 2484 Washington Boulevard, Suite 211, Ogden, UT 84401, 801–629–8943 (Phone), 801–629–8902 (Fax)

VT, Burlington
Maria Vaivao, EC Coordinator, Office of Community & Economic Development, City Hall, Room 32, Burlington, VT 05401, 802–865–7182 (Phone), 802–865–7024 (Fax)

WA, Seattle
Ben Wolters, Senior Community Development Specialist, City of Seattle, Office of Economic Development, Seattle Municipal Building, Room 205, Seattle, WA 98104–1826, 206–684–8591 (Phone), 206–684–0379 (Fax)

WA, Tacoma
Dr. Shirl E. Gilbert II, Executive Director, Tacoma Empowerment Consortium, 1101 Pacific Avenue, Tacoma, WA 98402, 253–274–1288 (Phone), 253–274–1289 (Fax)

WI, Milwaukee
Glen Mattison, Enterprise Community Program Officer, City of Milwaukee, Community Block Grant Administration, 200 East Wells Street, City Hall, Room 606, Milwaukee, WI 53202, 414–286–3760 (Phone), 414–286–5003 (Fax)

URBAN STRATEGIC PLANNING COMMUNITIES (15)

AK, Anchorage
Karen Mathis, Director of Community Planning & Development, Municipality of Anchorage, P.O. Box 196650, Anchorage, AK 99519–6650, 907–343–4303 (Phone), 907–343–4220 (Fax)

NY, Brooklyn
George Glatter, Executive Director, City of New York, Department of Business Services, 110 William Street, 3rd Floor, New York, NY 10038, 212–513–6442 (Phone), 212–618–8987 (Fax)

AL, Birmingham (See EC)
AR, Little Rock/N. Little Rock (See EC)
KS/MO, Kansas City, KS/Kansas City, MO (see EEC)
KY, Louisville (See EC)
LA, New Orleans (See EC)
MS, Jackson (See EC)
NV, Las Vegas/N. Las Vegas (see EC)
NJ, Newark/Elizabeth (See EC)
RI, Providence (See EC)
SC, Charleston/N. Charleston (See EC)
TX, San Antonio (See EC)
VT, Burlington/Plattsburgh, NY (see EC)
WA, Tacoma/Lakewood (See EC)

BILLING CODE 4210–32–P

Appendix B

This appendix to the General Section of the SuperNOFA contains the standard forms, certifications and assurances used by the majority if not all of the programs that are part of the SuperNOFA. Also included in this appendix is Form HUD–52515, Funding Application, required for the Section 8 voucher assistance funding announcement. These forms are found on the following pages.

Application for Federal Assistance

OMB Approval No. 0348-0043

	2. Date Submitted (mm/dd/yyyy)	Applicant Identifier
1. **Type of Submission** **Application** ☐ Construction ☐ Non-Construction **Pre-application** ☐ Construction ☐ Non-Construction	3. Date Received by State (mm/dd/yyyy)	State Application Identifier
	4. Date Received by Federal Agency (mm/dd/yyyy)	Federal Identifier

5. Applicant Information

Legal Name	Organizational Unit
Address (give city, county, State, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. Employer Identification Number (EIN) (xx-yyyyyyy)

☐ — ☐

7. Type of Applicant (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Inter-municipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N Nonprofit
O Public Housing Agency
P. Other (Specify)

8. Type of Application:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. Name of Federal Agency

10. Catalog of Federal Domestic Assistance Number (xx-yyy)

☐ — ☐

Title:

11. Descriptive Title of Applicant's Project

12. Areas Affected by Project (cities, counties, States, etc.)

13. Proposed Project		**14. Congressional Districts of**	
Start Date (mm/dd/yyyy)	Ending Date (mm/dd/yyyy)	a. Applicant	b. Project

15. Estimated Funding

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. **Total**	$	.00

Complete form HUD-424-M, Funding Matrix

16. Is Application Subject to Review by State Executive Order 12372 Process?

a. **Yes** This pre-application/application was made available to the State Executive Order 12372 Process for review on:

Date (mm/dd/yyyy)_____

b. **No** ☐ Program is not covered by E.O. 12372

or ☐ Program has not been selected by State for review.

17. Is the Applicant Delinquent on Any Federal Debt?

☐ Yes If "Yes," attach an explanation ☐ No

18. To the best of my knowledge and belief, all data in this application/pre-application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative	b. Title	c. Telephone Number (Include Area Code)
d. Signature of Authorized Representative		e. Date Signed (mm/dd/yyyy)

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form **SF-424** (7/97)
Prescribed by OMB Circular A-102

Instructions for the SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043, Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency .

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For pre-applications, use a separate sheet to provide a summary description of this project.

Item Entry

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. **Use form HUD-4243-M.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

OMB Approval (pending)

Federal Assistance Funding Matrix

The applicant must provide the funding matrix shown below, listing each program for which Federal funding is being requested, and complete the certifications.

Program*	Applicant Share	Federal Share	State Share	Local	Other	Program Income	Total
Grand Totals							

* For FHIPs, show both initiative and component

Instructions for the HUD-424-M

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This form is to be used by applicants requesting funding from the Department of Housing and Urban Development for application submissions for Federal assistance.

Enter the following information:

Program: The HUD funding program you are applying under.

Applicant Share: Enter the amount of funds or cash equivalent of in-kind contributions you are contributing to your project or program of activities.

Federal Share: Enter the amount of HUD funds you are requesting with your application.

State Share: Enter the amount of funds or cash equivalent of in-kind services the State is contributing to your project or program of activities.

Local Share: Enter the amount of funds or cash equivalent of in-kind services your local government is contributing to your project or program of activities.

Other: Enter the amount of other sources of private, non-profit, or other funds or cash equivalent of in-kind services being contributed to your project or program of activities.

Program Income: Enter the amount of program income you expect to generate and contribute to this program over the life of your award.

Total: Please total all columns and fill in the amounts.

Budget Information — Non-Construction Programs

OMB Approval No. 0348-0044

Section A - Budget Summary

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

Section B - Budget Categories

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					
j. Indirect Charges					
k. **Totals** (sum of 6i and 6j)					
7. Program Income	$	$	$	$	$

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Page 1 of 4

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SF-424A (Rev. 4-92)
Prescribed by OMB Circular A-102

Section C - Non-Federal Resources

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) **Totals**
8.	$	$	$	$
9.				
10.				
11.				
12. **Total** (sum of lines 8 - 11)	$	$	$	$

Section D - Forcasted Cash Needs

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. **Total** (sum of lines 13 and 14)	$	$	$	$	$

Section E - Budget Estimates of Federal Funds Needed for Balance of the Project

	Future Funding Periods (Years)			
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. **Total** (sum of lines 16-19)	$	$	$	$

Section F - Other Budget Information

21. Direct Charges	22. Indirect Charges

23. Remarks

Instructions for the SF-424A

Public Reporting Burden for this collection of information is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the later case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a **single** Federal grant program (Federal Domestic Assistance Catalog number) and **not requiring** a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a **single** program **requiring** budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in **Column** (a) and the respective catalog number on each line in Column (b).

For applications pertaining to **multiple** programs where one or more programs **require** a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (a) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f) Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

OMB Approval No. 0348-0041

Budget Information—Construction Programs

Note: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	$ .00	$ .00	$ .00
2. Land, structures, rights-of-way, appraisals, etc.	$ .00	$ .00	$ .00
3. Relocation expenses and payments	$ .00	$ .00	$ .00
4. Architectural and engineering fees	$ .00	$ .00	$ .00
5. Other architectural and engineering fees	$ .00	$ .00	$ .00
6. Project inspection fees	$ .00	$ .00	$ .00
7. Site work	$ .00	$ .00	$ .00
8. Demolition and removal	$ .00	$ .00	$ .00
9. Construction	$ .00	$ .00	$ .00
10. Equipment	$ .00	$ .00	$ .00
11. Miscellaneous	$ .00	$ .00	$ .00
12. **Subtotal**	$ .00	$ .00	$ .00
13. Contingencies (sum of lines 1-11)	$ .00	$ .00	$ .00
14. **Subtotal**	$ .00	$ .00	$ .00
15. Project (program) income	$ .00	$ .00	$ .00
16. **Total Project Costs** (subtract #15 from #14)	$ .00	$ .00	$ .00
Federal Funding			
17. Federal assistance requested, calculate as follows: Enter eligible costs from line 16c _____ Multiply x _____ % (Consult Federal agency for Federal percentage share). Enter the resulting Federal share.			$ .00

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SF-424C (Rev. 4/92)
Prescribed by OMB Circular A-102

Instructions for HUD-424C

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, D.C. 20503. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded[assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions please contact the Federal agency.

Column a.—If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "**Cost Classifications**."

If this application entails a change to an existing award, enter the eligible amounts **approved under the previous award** for the items under "**Cost Classification**."

Column b.—If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is **not** allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (–)] to the previously approved costs (from column a.) reflected in this application.

Column c.—This is the net of lines 1 through 16 in columns "a." and "b.".

Line 1—Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchase of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2—Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3—Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4—Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5—Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6—Enter estimated engineering inspection costs.

Line 7—Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9—Enter estimated cost of the construction contract.

Line 10—Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11—Enter estimated miscellaneous costs.

Line 12—Total of items 1 through 11.

Line 13—Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14—Enter the total of lines 12 and 13.

Line 15—Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16—Subtract line 15 from line 14.

Item 17—This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 36701 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (e) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of

project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the national Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Assurances — Construction Programs

OMB Approval No. 0348-0042

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

10. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination Statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a and 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date Submitted

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature X	Date

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Applicant Name

Program/Activity Receiving Federal Grant Funding

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title

Signature	Date
X	

Previous edition is obsolete

form HUD 50071 (3/98)
ref. Handboooks 7417.1, 7475.13, 7485.1, & 7485.3

Disclosure of Lobbying Activities

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse side for Instructions and Public Reporting burden statement)

1. Type of Federal Action
- ☐ a. contract
- ☐ b. grant
- c. cooperative agreement
- d. loan
- e. loan guarantee
- f. loan insurance

2. Status of Federal Action
- ☐ a. bid/offer/application
- ☐ b. initial award
- c. post-award

3. Report Type
- ☐ a. initial filing
- ☐ b. material change

For Material Change Only
year (yyyy) _____ quarter _____
date of last report (mm/dd/yyyy) _____

4. Name and Address of Reporting Entity
☐ Prime ☐ Subawardee Tier _____ , if known:

Congressional District, if known

5. If Reporting Entity in No. 4 is Subawardee, enter Name and Address of Prime

Congressional District, if known

6. Federal Department/Agency

7. Federal Program Name/Description

CFDA Number, if applicable _____

8. Federal Action Number, if known

9. Award Amount, if known
$

10a. Name and Address of Lobbying Registrant
(if individual, last name, first name, MI)

b. Individuals Performing Services (including address if different from No. 10a.)
(last name, first name, MI)

(attach continuation sheet(s) if necessary)

11. Amount of Payment (check all that apply)
$ _____ ☐ actual ☐ planned

12. Form of Payment (check all that apply)
- ☐ a. cash
- ☐ b. in-kind; specify: nature _____
  value _____

13. Type of Payment (check all that apply)
- ☐ a. retainer
- ☐ b. one-time fee
- ☐ c. commission
- ☐ d. contingent fee
- ☐ e. deferred
- ☐ f. other (specify) _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11

(attach continuation sheet(s) if necessary)

15. Continuation sheets attached ☐ **Yes** ☐ **No**

16. Information requested through this form is authorized by Sec.319, Pub. L. 101-121, 103 Stat. 750, as amended by sec. 10; Pub. L. 104-65, Stat. 700 (31 U.S.C. 1352). This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature _____

Print Name _____

Title _____

Telephone No. _____

Date (mm/dd/yyyy) _____

Federal Use Only:

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Standard Form-LLL (7/97)

Instructions for Completion of SF-LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient, Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
14. Provide specific and detailed description of the services that the lobbist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just the time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) are attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public Reporting Burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please do not return your completed form to the Office of Management and Budget; send it to the address provided by the sponsoring agency .

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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Standard Form-LLL (7/97)

DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

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Standard Form - LLL-A

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 1/31/2001)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☐ or an Update Report ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): ( ) -	2. Social Security Number or Employer ID Number: - -
3. HUD Program Name	4. Amount of HUD Assistance Requested/Received

5. State the name and location (street address, City and State) of the project or activity:

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).

☐ Yes ☐ No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9

☐ Yes ☐ No.

If you answered "**No**" to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form. ***However***, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(**Note**: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)

(**Note**: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.

I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collection displays a valid OMB control number.

Privacy Act Statement. Except for Social Security Numbers (SSNs) and Employer Identification Numbers (EINs), the Department of Housing and Urban Development (HUD) is authorized to collect all the information required by this form under section 102 of the Department of Housing and Urban Development Reform Act of 1989, 42 U.S.C. 3531. Disclosure of SSNs and EINs is optional. The SSN or EIN is used as a unique identifier. The information you provide will enable HUD to carry out its responsibilities under Sections 102(b), (c), and (d) of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101-235, approved December 15, 1989. These provisions will help ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. They will also help ensure that HUD assistance for a specific housing project under Section 102(d) is not more than is necessary to make the project feasible after taking account of other government assistance. HUD will make available to the public all applicant disclosure reports for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be made available along with the disclosure reports, but in no case for a period generally less than three years. All reports, both initial reports and update reports, 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. HUD will use the information in evaluating individual assistance applications and in performing internal administrative analyses to assist in the management of specific HUD programs. The information will also be used in making the determination under Section 102(d) whether HUD assistance for a specific housing project is more than is necessary to make the project feasible after taking account of other government assistance. You must provide all the required information. Failure to provide any required information may delay the processing of your application, and may result in sanctions and penalties, including imposition of the administrative and civil money penalties specified under 24 CFR §4.38.

Note: This form only covers assistance made available by the Department. States and units of general local government that carry out responsibilities under Sections 102(b) and (c) of the Reform Act must develop their own procedures for complying with the Act.

Instructions

Overview.

A. Coverage. You must complete this report if:
   (1) You are applying for assistance from HUD for a specific project or activity **and** you have received, or expect to receive, assistance from HUD in excess of $200,000 during the during the fiscal year;
   (2) You are updating a prior report as discussed below; or
   (3) You are submitting an application for assistance to an entity other than HUD, a State or local government if the application is required by statute or regulation to be submitted to HUD for approval or for any other purpose.

B. **Update reports (filed by "Recipients" of HUD Assistance): General**. All recipients of covered assistance must submit update reports to the Department to reflect substantial changes to the initial applicant disclosure reports.

Line-by-Line Instructions.

Applicant/Recipient Information.
All applicants for HUD competitive assistance, must complete the information required in blocks 1-5 of form HUD-2880:

1. Enter the full name, address, city, State, zip code, and telephone number (including area code) of the applicant/recipient. Where the applicant/recipient is an individual, the last name, first name, and middle initial must be entered.
2. Entry of the applicant/recipient's SSN or EIN, as appropriate, is optional.
3. Applicants enter the HUD program name under which the assistance is being requested.
4. Applicants enter the amount of HUD assistance that is being requested. Recipients enter the amount of HUD assistance that has been provided and to which the update report relates. The amounts are those stated in the application or award documentation. NOTE: In the case of assistance that is provided pursuant to contract over a period of time (such as project-based assistance under section 8 of the United States Housing Act of 1937), the amount of assistance to be reported includes all amounts that are to be provided over the term of the contract, irrespective of when they are to be received.
5. Applicants enter the name and full address of the project or activity for which the HUD assistance is sought. Recipients enter the name and full address of the HUD-assisted project or activity to which the update report relates. The most appropriate government identifying number must be used (e.g., RFP No.; IFB No.; grant announcement No.; or contract, grant, or loan No.) Include prefixes.

Part I. Threshold Determinations - Applicants Only

Part I contains information to help the applicant determine whether the remainder of the form must be completed. **Recipients filing Update Reports should not complete this Part.**

If the answer to ***either*** questions 1 or 2 is No, the applicant need not complete Parts II and III of the report, but must sign the certification at the end of the form.

Part II. Other Government Assistance and Expected Sources and Uses of Funds.

A. Other Government Assistance. This Part is to be completed by both applicants and recipients for assistance and recipients filing update reports. Applicants and recipients must report any other government assistance involved in the project or activity for which assistance is sought. Applicants and recipients must report any other government assistance involved in the project or activity. Other government assistance is defined in note 4 on the last page. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

   Both applicant and recipient disclosures must include all other government assistance involved with the HUD assistance, as well as any other government assistance that was made available before the request, but that has continuing vitality at the time of the request. Examples of this latter category include tax credits that provide for a number of years of tax benefits, and grant assistance that continues to benefit the project at the time of the assistance request.

   The following information must be provided:

   1. Enter the name and address, city, State, and zip code of the government agency making the assistance available.
   2. State the type of other government assistance (e.g., loan, grant, loan insurance).
   3. Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project or activities for which the HUD assistance is sought (applicants) or has been provided (recipients).
   4. Uses of funds. Each reportable use of funds must clearly identify the purpose to which they are to be put. Reasonable aggregations may be used, such as "total structure" to include a number of structural costs, such as roof, elevators, exterior masonry, etc.

B. Non-Government Assistance. Note that the applicant and recipient disclosure report must specify all expected sources and uses of funds - both from HUD ***and any other source*** - that have been or are to be, made available for the project or activity. Non-government sources of

funds typically include (but are not limited to) foundations and private contributors.

Part III. Interested Parties.

This Part is to be completed by both applicants and recipients filing update reports. Applicants must provide information on:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).
   Note: A financial interest means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.

The information required below must be provided.

1. Enter the full names and addresses. If the person is an entity, the listing must include the full name and address of the entity as well as the CEO. Please list all names alphabetically.
2. Entry of the Social Security Number (SSN) or Employee Identification Number (EIN), as appropriate, for each person listed is optional.
3. Enter the type of participation in the project or activity for each person listed: i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
4. Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of the HUD assistance involved.

Note that if any of the source/use information required by this report has been provided elsewhere in this application package, the applicant need not repeat the information, but need only refer to the form and location to incorporate it into this report. (It is likely that some of the information required by this report has been provided on SF 424A, and on various budget forms accompanying the application.) If this report requires information beyond that provided elsewhere in the application package, the applicant must include in this report all the additional information required.

Recipients must submit an update report for any change in previously disclosed sources and uses of funds as provided in Section I.D.5., above.

Notes:

1. All citations are to 24 CFR Part 4, which was published in the Federal Register. [April 1, 1996, at 63 Fed. Reg. 14448.]
2. Assistance means any contract, grant, loan, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan or mortgage, that is provided with respect to a specific project or activity under a program administered by the Department. The term does not include contracts, such as procurements contracts, that are subject to the Fed. Acquisition Regulation (FAR) (48 CFR Chapter 1).
3. See 24 CFR §4.9 for detailed guidance on how the threshold is calculated.
4. "Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance from the Federal government (other than that requested from HUD in the application), a State, or a unit of general local government, or any agency or instrumentality thereof, that is, or is expected to be made, available with respect to the project or activities for which the assistance is sought.
5. For the purpose of this form and 24 CFR Part 4, "person" means an individual (including a consultant, lobbyist, or lawyer); corporation; company; association; authority; firm; partnership; society; State, unit of general local government, or other government entity, or agency thereof (including a public housing agency); Indian tribe; and any other organization or group of people.

Certification Regarding Debarment and Suspension

U.S. Department of Housing and Urban Development

Certification A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief that its principals;

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal debarment or agency;

b. Have not within a three-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (A)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was place when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of these regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines this eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph (6) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded**, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies including suspension and/or debarment.

Applicant		Date
Signature of Authorized Certifying Official	Title	

Certification of Consistency with the EZ/EC Strategic Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in this application are consistent with the Strategic Plan of a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), an Urban Enhanced Enterprise Community, or a Strategic Planning Community.

(Type or clearly print the following information)

Applicant Name _____

Name of the Federal Program to which the applicant is applying _____

Name of EZ/EC _____

I further certify that the proposed activities/projects will be located within the EZ/EC/Urban Enhanced EC or Strategic Planning Community and will serve the EZ/EC/Urban Enhanced EC or Strategic Planning Community residents. (2 points)

Name of the Official Authorized to Certify the EZ/EC _____

Title _____

Signature _____

Date (mm/dd/yyyy) _____

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan. (Type or clearly print the following information:)

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Certifying Official of the Jurisdiction Name: _____

Title: _____

Signature: _____

Date: _____

Funding Application

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Govenment. The information requested does not lend itself to congidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	☐	☐		
for Section 8 Vouchers?	☐	☐		

A. Area(s) From Which Families To Be Assisted Will Be Drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units. (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							Total Dwelling Units
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates								
Vouchers								

C. Average Monthly Adjusted Income. Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	$	$	$	$	$	$	$
Vouchers	$	$	$	$	$	$	$

D. Need for Housing Assistance. Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

E. Housing Quality Standards (HQS). (Check applicable box)

☐ HUD's HQS will be used with no modifications ☐ Attached for HUD approval are HQS acceptability criteria variations

F. New HA Information. Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

Financial and Administrative Capability. Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

Qualification as an HA. Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

Note: If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

G. Certifications. The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

Equal Opportunity Certification

The Housing Agency (HA) certifies that:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).

(4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

(7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.

(8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Housing Agency Signature

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

Acknowledgment of Application Receipt

U.S. Department of Housing and Urban Development

Type or clearly print the Applicant's name and full address in the space below.

(fold line)

Type or clearly print the following information:

Name of the Federal Program to which the applicant is applying: _____

To Be Completed by HUD

☐ HUD received your application by the deadline and will consider it for funding. In accordance with Section 103 of the Department of Housing and Urban Development Reform Act of 1989, no information will be released by HUD regarding the relative standing of any applicant until funding announcements are made. However, you may be contacted by HUD after initial screening to permit you to correct certain application deficiencies.

☐ HUD did not receive your application by the deadline; therefore, your application will not receive further consideration. Your application is:

- ☐ Enclosed
- ☐ Being sent under separate cover

Processor's Name _____

Date of Receipt _____

form **HUD-2993** (2/99)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE

Community Housing Development Organization (CHDO) TA

HOME TA

McKinney Act Homeless Assistance Programs TA

HOPWA TA

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE (CD–TA) PROGRAMS—CHDO, HOME, MCKINNEY ACT HOMELESS ASSISTANCE AND HOPWA

Program Overview

Purpose of the Program. The purposes of the technical assistance programs in this SuperNOFA are:

CHDO Technical Assistance. To promote the ability of Community Housing Development Organizations (CHDOs) to maintain, rehabilitate and construct housing for low-income and moderate-income families; facilitate the education of low-income homeowners and tenants; and help women who reside in low- and moderate-income neighborhoods to rehabilitate and construct housing in these neighborhoods.

HOME Technical Assistance. To help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing; facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs and land bank programs; and encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships.

McKinney Act Homeless Assistance Programs Technical Assistance. To provide applicants, potential applicants, grantees, and project sponsors for McKinney Act funded Emergency Shelter Grants, Supportive Housing Program, Section 8 Moderate Rehabilitation Single Room Occupancy and Shelter Plus Care projects with technical assistance to promote the development of housing and supportive services as part of the Continuum of Care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and to enable them to live as independently as possible.

Housing Opportunities for Persons with AIDS (HOPWA). To train HOPWA grantees, project sponsors, and potential recipients of program funds in comprehensive housing strategies and responsive area programs that assist residents who are living with HIV/AIDS; in the sound management of HOPWA programs to support program operations in an efficient and effective manner, including undertaking community consultations, program planning, housing development and operations, program evaluation and reporting on accomplishments; and to build the capacity of nonprofit organizations to carry out activities as HOPWA project sponsors.

Available Funds. Up to $22.74 million is available for the four CD–TA programs.

Eligible Applicants. Specific eligibility requirements for the four CD–TA programs are found below in Section III(C). Forty percent of the CHDO, HOME and McKinney Act Homeless Assistance technical assistance funds is limited to qualified providers who have not previously received a CPD technical assistance award. This limitation is not applicable to HOPWA technical assistance.

Application Deadline. **May 19, 2000**.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (an original and one copy) on or before 12:00 midnight, Eastern time, on May 19, 2000, at the address shown below.

The original application that you submit to Headquarters is considered the official application. Send a copy of your application on or before the application deadline date to the HUD CPD Field Office(s) in which you are seeking to provide services. Only one application per applicant is permitted; however, one application can include as few as one or as many as all four CD–TA programs.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. HUD Headquarters. Your completed application consists of one original application and one copy. Submit your original application to HUD Headquarters, U.S. Department of Housing and Urban Development, CPD Processing and Control Branch, Room 7251, 451 Seventh Street, SW, Washington, DC 20410.

Copy to Field Office. Send a copy of the application to the appropriate CPD Field Office(s) at the address shown on the list of HUD CPD Field Offices included in the application kit.

When submitting your application, please refer to the Community Development Technical Assistance Program. Be sure to include your name, mailing address (including zip code), telephone number (including area code), and fax number (including area code).

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to ''Community Development Technical Assistance Programs or CD–TA.'' Please be sure to provide your name, address (including zip code), telephone number (including area code), and fax number (including area code).

For Further Information and Technical Assistance. You may contact the HUD CPD Office serving your area at the telephone number listed in the list of HUD CPD Field Offices included in the application kit, or you may contact Penny McCormack at 202–708–3176, x4391 in HUD Headquarters. Information on this SuperNOFA also may be obtained through the HUD web site on the Internet at http://www:HUD.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) The amounts allocated for each CD–TA program are as follows:

CHDO TA funds: up to $8,000,000 Total
$3,200,000 Single State
$4,800,000 Multi-State
HOME TA funds: up to $9,000,000
McKinney Act Homeless Assistance Programs TA funds: up to $4,000,000
HOPWA TA funds: up to $1,740,000

(B) Each HUD/CPD Field Office has been allocated a ''fair-share'' of CD–TA funds for purposes of this competition, except for the HOPWA TA funds which will be awarded only through a national competition (see CD–TA Appendix A for the fair share allocations). The amounts are based on allocations of HOME and McKinney Act Homeless Assistance formula funds and competitive programs for which Field Offices have management oversight. These amounts are only for guidance purposes for you to develop your

program budgets by Field Office jurisdiction and are not the exact amounts to be awarded to you in each area.

HUD will determine the total amount to be awarded to any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, and the scope of the technical assistance to be provided. Additionally, HUD may reduce the amount of funds allocated for Field Office jurisdictions to fund national CD–TA providers and other CD–TA providers for activities which cannot be budgeted or estimated by Field Office jurisdiction. HUD may require selected applicants, as a condition of funding, to provide coverage on a geographically broader basis than applied for in order to supplement or strengthen the intermediary network in terms of the location (service area), types and scope of technical assistance proposed.

(C) In order to reach new technical assistance providers in the HOME, CHDO and McKinney Act Homeless Assistance program areas, 40% of the funds in each of these three program areas within a Field Office (or at the national level) will be awarded to applicants who have not previously been funded under a CPD technical assistance competition. Therefore, approximately $3.6 million will be awarded to new providers in HOME; $3.2 million in CHDO; and $1.6 million in McKinney Act Homeless Assistance. With respect to CHDO funds, 40% of the total funds (single state and multi-state combined) are earmarked for new providers. If qualified new applicants are not found in each program area in each Field Office and/or at the national level, the remaining funds will be made available for previously funded providers. The reverse also is true.

(D) To the extent permitted by funding constraints, HUD intends to provide coverage for as full a range as possible, of eligible CD–TA activities of each CD–TA program in each Field Office jurisdiction. To achieve this objective, HUD will fund the highest ranking providers that bring the required expertise in one or more specialized activity areas, and fund portions of providers' proposed programs in which they have the greatest skill and capability for given geographic areas or on a national basis. HUD also may require national, multi-jurisdictional, or other providers to provide coverage to Field Office jurisdictions which cannot otherwise receive cost-effective support from a CD–TA provider. In selecting applicants for funding, in addition to the rating factors, HUD will apply program policy criteria identified in Section V of this CD–TA Program section of SuperNOFA to select a range of providers and activities that would best serve program objectives for each program serviced by the CD–TA funded under this SuperNOFA.

III. Program Description; Program Award Period; Eligible Applicants; Eligible Activities; and Sub-Grants/Pass Through Funds

(A) *Program Description.* Up to $22.74 million in technical assistance (TA) funds is available from four separate technical assistance programs: Community Housing Development Organization (CHDO) TA, HOME TA, McKinney Act Homeless Assistance TA, and HOPWA TA (collectively ''CD–TA'').

The funding of these four CD–TA programs through a single funding availability announcement will not affect the ability of eligible applicants to seek CD–TA funding. Eligible applicants are able to apply for funding under as few as one, and as many as four, separate CD–TA programs, individually or collectively, singularly or in combination. The specific provisions of the four separate CD–TA programs have not been changed. This Community Development Technical Assistance Programs section of the SuperNOFA reflects the statutory requirements and differences in the four different CD–TA programs.

(B) *Program Award Period.* (1) Cooperative Agreements will be for a period of up to 36 months. HUD, however, reserves the right to:

(a) Terminate awards in accordance with provisions contained in OMB Circular A–102, and 24 CFR parts 84 and 85 anytime after 12 months;

(b) Withdraw funds from a specific provider, if HUD determines that the urgency of need for the assistance is greater in other Field Office jurisdictions or the need for assistance is not commensurate with the award for assistance;

(c) Extend the performance period of individual awardees up to a total of 12 additional months.

(2) In cases where an applicant selected for funding under this CD–TA program section of the SuperNOFA currently is providing CD technical assistance under an existing CD–TA grant/cooperative agreement, HUD reserves the right to adjust the start date of funding under this program to coincide with the conclusion of the previous award, or to incorporate the remaining activities from the previous award into the new agreement, adjusting the funding levels as necessary.

(C) *Eligible Applicants.* (1) *General.* The eligible applicants for each of the four CD–TA programs are listed in paragraphs (2), (3), (4) and (5) of this Section (C). This paragraph (1) lists requirements applicable to all applicants.

(a) Many organizations are eligible to apply for more than one CD–TA program and are encouraged to do so to the extent they have the requisite experience, expertise and capability.

(b) All applicant organizations must have demonstrated ability to provide CD–TA in a geographic area larger than a single city or county and must propose to serve an area larger than a single city or county.

(c) An organization may not provide assistance to itself, and any organization funded to assist CHDOs under this CD–TA Program section of the SuperNOFA may not act as a CHDO itself within its service area while under award with HUD.

(d) A consortium of organizations may apply for one or more CD–TA programs, but HUD will require that one organization be designated as the legal applicant, where legally feasible. Where one organization cannot be so designated for all proposed activities, HUD may execute more than one cooperative agreement with the members of a consortium. However, in general HUD will not award more than one cooperative agreement per application unless necessary due to legal requirements.

(e) All applicants must meet minimum statutory eligibility requirements for each CD–TA program for which they are chosen in order to be awarded a cooperative agreement. Copies of the Technical Assistance program regulations will be provided with the application kit.

(f) All eligible CD–TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should make use of technical assistance providers located in the Field Office jurisdiction receiving services. This draws upon local expertise and persons familiar with the opportunities and resources available in the area to be served while reducing travel and other costs associated with delivering the proposed technical assistance services.

(g) All applicants must meet the applicable threshold requirements of

Section II(B) of the **General Section** of the SuperNOFA.

(2) *McKinney Act Homeless Assistance Programs TA Eligible Applicants.*

(a) States, units of general local government, and public housing authorities.

(b) Public and private non-profit or for-profit groups, including educational institutions and area-wide planning organizations, qualified to provide technical assistance on McKinney Act Homeless Assistance projects.

(3) *CHDO TA Eligible Applicants.* Public and private non-profit intermediary organizations that customarily provide services (in more than one community) related to affordable housing or neighborhood revitalization to CHDOs, or similar organizations that engage in community revitalization, including all eligible organizations under section 233 of the Cranston-Gonzalez National Affordable Housing Act, as amended.

HUD will consider an intermediary as a primarily single State technical assistance provider if it can document that more than 50% of its past activities in working with CHDOs or similar nonprofit and other organizations (on the production of affordable housing or revitalization of deteriorating neighborhoods and/or the delivery of technical assistance to these groups) was confined to the geographic limits of a single State.

(4) *HOME TA Eligible Applicants.*

(a) A for-profit or non-profit professional and technical services company or firm that has demonstrated capacity to provide technical assistance services;

(b) A HOME participating jurisdiction (PJ) or agency thereof;

(c) A public purpose organization responsible to the chief elected official of a PJ and established pursuant to State or local legislation;

(d) An agency or authority established by two or more PJs to carry out activities consistent with the purposes of the HOME program;

(e) A national or regional non-profit organization that has membership comprised predominantly of entities or officials of entities of PJs or PJs' agencies or established organizations.

(5) *HOPWA TA Eligible Applicants.*

(a) Non-profit organizations; and

(b) States and units of general local government.

(D) *Eligible Activities.* Eligible activities as appropriate for each of the four CD–TA programs are listed below:

(1) *CHDO Technical Assistance.* CHDO Technical Assistance funds may be used only for the following eligible activities:

(a) Organizational Support—Organizational support assistance may be made available to community housing development organizations to cover operational expenses and to cover expenses for training and technical, legal, engineering and other assistance to the board of directors, staff, and members of the community housing development organization;

(b) Housing Education—Housing education assistance may be made available to community housing development organizations to cover expenses for providing or administering programs for educating, counseling, organizing homeowners and tenants who are eligible to receive assistance under other provisions of the HOME Program;

(c) Program-Wide Support of Nonprofit Development and Management—Technical assistance, training, and continuing support may be made available to eligible community housing development organizations for managing and conserving properties developed under the HOME Program;

(d) Benevolent Loan Funds—Technical assistance may be made available to increase the investment of private capital in housing for very low-income families, particularly by encouraging the establishment of benevolent loan funds through which private financial institutions will accept deposits at below-market interest rates and make those funds available at favorable rates to developers of low-income housing and to low-income homebuyers;

(e) Community Development Banks and Credit Unions—Technical assistance may be made available to establish privately owned, local community development banks and credit unions to finance affordable housing;

(f) Community Land Trusts—Organizational support, technical assistance, education, training and continuing support under this subsection may be made available to community land trusts (as such term is defined in section 233(f) of the Cranston-Gonzalez National Affordable Housing Act) and to community groups for the establishment of community land trusts; and

(g) Facilitating Women in Homebuilding Professions—Technical assistance may be made available to businesses, unions, and organizations involved in construction and rehabilitation of housing in low- and moderate-income areas to assist women residing in the area to obtain jobs involving such activities, which may include facilitating access by helping such women develop nontraditional skills, recruiting women to participate in such programs, providing continuing support for women at job sites, counseling and educating businesses regarding suitable work environments for women, providing information to such women regarding opportunities for establishing small housing construction and rehabilitation businesses, and providing materials and tools for training such women (in an amount not exceeding 10% of any assistance provided under this paragraph). HUD shall give priority under this paragraph to providing technical assistance for organizations rehabilitating single family or multifamily housing owned or controlled by HUD pursuant to title II of the National Housing Act and which have women members in occupations in which women constitute 25% or less of the total number of workers in the occupation (in this section referred to as ''nontraditional occupations'').

(2) *HOME Technical Assistance.* HUD will provide assistance to:

(a) Facilitate the exchange of information that would help participating jurisdictions carry out the purposes of the HOME statute, including information on program design and accessibility, housing finance, land use controls, and building construction techniques;

(b) Improve the ability of States and units of local government to design and implement housing strategies, particularly those States and units of local government that are relatively inexperienced in the development of affordable housing;

(c) Encourage private lenders and for-profit developers of low-income housing to participate in public-private partnerships to achieve the purposes of the HOME statute;

(d) Improve the ability of States and units of local government, community housing development organizations, private lenders, and for-profit developers of low-income housing to incorporate energy efficiency into the planning, design, financing, construction and operation of affordable housing;

(e) Facilitate the establishment and efficient operation of employer-assisted housing programs, through research, technical assistance, and demonstration projects; and

(f) Facilitate the establishment and efficient operation of land bank programs, under which title to vacant and abandoned parcels of real estate located in or causing blighted neighborhoods is cleared for use consistent with the purposes of the HOME statute.

(3) *McKinney Act Homeless Assistance Programs Technical Assistance.* Funds are available to provide technical assistance to McKinney Act funded Homeless Assistance projects. Funds may be used to provide technical assistance to prospective applicants, applicants, recipients or other providers (project sponsors) of McKinney Act funded housing and supportive services for homeless persons. The assistance may include, but is not limited to, written information such as papers, manuals, guides and brochures; person-to-person exchanges; on-site assessments and provision of technical expertise; and training and related costs.

(4) *HOPWA Technical Assistance.* For the purposes of this CD–TA program section of the SuperNOFA, HOPWA technical assistance shall mean the transfer to HOPWA grantees and project sponsors and potential recipients of program funds, the skills and knowledge needed to develop, operate and support HOPWA-eligible projects and activities.

An applicant for HOPWA TA funds must propose activities on a national basis, a regional basis (*e.g.*, serving a multi-state area) or within a State or community. The application should emphasize how activities will advise and train communities and project sponsors in undertaking program planning, community consultations, housing development and operations, coordination with related health-care and other supportive services, and evaluation and reporting on program performance. The Department has established the following national goals for HOPWA TA projects:

- *National Goal—Sound Management of HOPWA Programs and Projects*

HOPWA TA funds can be used to help to strengthen the management, operation, and capacity of grantees, project sponsors, and potential applicants to ensure that organizations use funds in a manner that upholds the public trust in the operation of programs. To achieve this goal, HOPWA TA can be used in the following areas:

(i) Management and operations through such activities as:

(*A*) Advising on management practices to ensure responsive, efficient and cost effective facility and program operations;

(*B*) Advising on fiscal management to ensure accountability in the use of funds; and

(*C*) Assisting projects in using the Department's information technology, financial systems and information management systems.

(ii) State, local, and community planning through such activities as:

(*A*) Advising on the coordination of housing with health-care and other related supportive services for eligible persons;

(*B*) Assisting in developing collaborations with local, State and Federal agencies that administer HIV/AIDS-related programs, including programs funded under the Ryan White CARE Act;

(*C*) Creating or linking to existing needs assessments of the area's housing needs of persons living with HIV/AIDS and their families;

(*D*) Creating or linking to comprehensive multiple-year HIV/AIDS housing plans that are undertaken in collaboration with local, State and federal programs including the Ryan White CARE Act programs; and

(*E*) Creating or linking to existing plans that address specialized needs of clients, including assistance for clients with serious mental illness, chronic alcohol and other drug abuse issues, and homelessness.

(iii) Program evaluation through such activities as:

(*A*) Advising on data collection and program evaluation; and

(*B*) Developing and providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices.

- *National Goal—Targeting Resources to Underserved Populations*

The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, and persons living in rural areas. In an effort to meet this continuing need and diversify the number and type of organizations that have traditionally received HOPWA funding, the Department is encouraging that HOPWA TA funds be used to build collaborations between HOPWA grantees, project sponsors, and/or potential grantees to enhance the provision of housing assistance and related supportive services to better serve underserved populations on a national, regional, or local level.

Collaborations may pair organizations that are experienced in developing or operating housing facilities and housing assistance programs with organizations that provide services or use culturally-sensitive efforts to reach persons in underserved communities, but may have little or no experience in meeting the housing needs of persons living with HIV/AIDS. It is intended that this collaborative approach will meet the HOPWA TA goal of providing for sound management of HOPWA programs, projects, or potential applicants.

HOPWA TA providers seeking funds to work with organizations targeting underserved populations must further the HOPWA TA national goal of Sound Management by addressing the following.

(i) Addressing the management and operation of organizations serving underserved populations by:

(*A*) Helping organizations reach underserved populations in areas that lack housing and health care infrastructure; and

(*B*) Improving organizational capacity to develop, operate, manage, and evaluate housing assistance programs for underserved persons living with HIV/AIDS.

(ii) Addressing State, local, and community planning affecting underserved populations by:

(*A*) Assisting less experienced organizations serving underserved populations to become involved in existing state, local, and community planning addressing the housing and related supportive service needs of persons living with HIV/AIDS; and

(*B*) Addressing community needs—assisting organizations to address the unmet needs of underserved populations in state, local, and community planning processes.

(iii) Addressing program evaluation of projects serving underserved populations by:

(*A*) Advising on data collection and program evaluation serving underserved populations;

(*B*) Disseminating information on data collection outcomes and program evaluations to increase knowledge of model programs serving the housing needs of underserved populations; and

(*C*) Providing program handbooks, guidance materials, audio/visual products, training, and other activities to promote good management practices of organizations targeting underserved populations.

Note: All assistance provided to targeted underserved communities must be in accordance with the requirements of the Fair Housing Act.

For the purposes of the HOPWA TA portion of this NOFA, underserved populations are defined as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, or other underserved groups as determined by your service

area, whose housing and related service needs are not currently being met in your service area. To meet this definition of an underserved population, you must present reliable statistics and data sources (*i.e.*, Census, health department statistics, research, scientific studies, Consolidated Plan, and Continuum of Care documentation), showing the unmet need in the provision of housing and supportive services for the identified underserved population. HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served.

(E) *Sub-Grants/Pass-Through Funds.* Applicants may propose to make sub-grants to achieve the purposes of their proposed CD–TA programs in accordance with program requirements in Section IV of this CD–TA Program section of the SuperNOFA. In the case of CHDO TA, these sub-grants (also called ''pass-through'' funds) may be made for eligible activities and to eligible entities as identified in Section 233(b)(1), (2), and (7) of the Cranston-Gonzalez National Affordable Housing Act. When CHDO TA sub-grants are made to CHDOs, two statutory provisions apply:

(1) The sub-grant amount, when combined with other capacity building and operating support available through the HOME program, cannot exceed the greater of 50% of the CHDO's operating budget for the year in which it receives the funds, or $50,000 annually;

(2) An amount not exceeding 10% of the total funds awarded for the ''Women in the Homebuilding Professions'' eligible activity may be used to provide materials and tools for training such women.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, applicants are subject to the following requirements:

(A) *Program Requirements for CHDO, HOME and McKinney Act Homeless Assistance.*

(1) *Profit/Fee.* No increment above cost, no fee or profit, may be paid to any recipient or subrecipient of an award under this CD–TA Program section of the SuperNOFA.

(2) *Demand/Response Delivery System.*

(a) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of, each HUD Field Office within whose jurisdiction you are operating. When so directed by a Field Office, you will coordinate your activities instead through a lead CD–TA provider or other organization designated by the Field Office.

(b) If selected as the lead CD–TA provider in any Field Office jurisdiction, as an awardee you must coordinate the activities of other CD–TA providers selected under this CD–TA Program section of the SuperNOFA under the direction of the HUD Field Office. Joint activities by CD–TA providers may be required.

(c) Under the demand/response system, CD–TA providers will be required to:

(i) When requested by a Field Office or Government Technical Representative (GTR), market the availability of their services to existing and potential clients to include local jurisdictions in which the assistance will be delivered.

(ii) Respond to requests for assistance from the HUD Field Office(s) with oversight of the geographic service area for which the technical assistance will be delivered, including responding to priorities established by the Field Office in its Grants Management System. CHDOs, HOME PJs, and McKinney Act Homeless Assistance grantees may request assistance from the CD–TA provider directly, but such requests must be approved by the local HUD Field Office.

(iii) When requested by a Field Office or GTR, conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the planned or expected Consolidated Plan submission to HUD and to other technical assistance providers providing service within the locality.

(iv) Obtain approval for the Technical Assistance Delivery Plan (TADP) from the HUD Field Office(s) with oversight for the area in which service will be provided. (See Section 3 below).

(v) Work cooperatively with other CD–TA providers in their geographic areas to ensure that clients are provided with the full range of CD–TA services needed and available. CD–TA providers are expected to be knowledgeable about the range of services available from other providers, make referrals and arrange visits by other CD–TA providers when appropriate, and carry out CD–TA activities concurrently when it is cost-effective and in the interests of the client to do so. HUD Field Offices may direct CD–TA providers to conduct joint activities.

(3) *Technical Assistance Delivery Plan (TADP).*

(a) After selection for funding but prior to award, you must develop a TADP for each Field Office jurisdiction or National Program for which you have been selected, in consultation with the Field office and/or GTR.

(b) In developing the TADP, you must follow the Field Office's Business Operating Plan (BOP) and management strategies/workplans for each community/State in the Field Office's jurisdiction. You must use these BOP/management strategies/workplans in determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(c) The BOP/grantee management strategies/workplans are part of the Field Office's Grants Management Process (GMP) and should indicate the issues to be addressed by CD–TA, the improved performance expected as a result of CD–TA, and methods for measuring the success of the CD–TA.

(d) The TADP must delineate all the tasks and sub-tasks for each CD program the applicant will undertake in each Field Office jurisdiction. The TADP must show the location of the community/State in which the CD–TA activities will occur, the level of CD–TA funding and proposed activities by location, the improved program performance or other results expected from the CD–TA and the methodology to be used for measuring the success of the CD–TA. A time schedule for delivery of the activities, budget summary, budget-by-task and staffing plan must be included in the TADP.

(4) *Negotiation.* After all applications have been rated and ranked and a selection has been made, HUD requires that all winners participate in negotiations to determine the specific terms of the TADP and the budget. HUD will follow the negotiation procedures described in Section III(D) of the **General Section** of the SuperNOFA.

(5) *Forms, Certifications and Assurances.* You must submit with your application the forms, certifications and assurances listed in the **General Section** of this SuperNOFA. After selection for funding but prior to your providing

services to a specific community you must submit the CHDO TA designation letter (where applicable).

(6) *Financial Management and Audit Information.* After selection for funding but prior to award, you must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by 24 CFR part 84 for Institutions of Higher Education and other Non-Profit Institutions, 24 CFR part 85 for States and local governments, or the Federal Acquisition Regulations (for all other applicants). The information should include the name and telephone number of the independent auditor, cognizant Federal auditor, or other audit agency as applicable.

(7) *Designation for CHDO Technical Assistance Providers.* CHDO TA providers will be responsible for securing a technical assistance designation letter from a PJ stating that a CHDO or prospective CHDO to be assisted by the provider is a recipient or intended recipient of HOME funds and indicating, at its option, subject areas of assistance that are most important to the PJ.

(8) *Training Sessions.* When conducting training sessions as part of its CD–TA activities, CD–TA providers are required to:

(a) Design the course materials as ''step-in'' packages (also called ''train-the trainer'' packages) so that a Field Office or other CD–TA provider may separately give the course on its own;

(b) Arrange for joint delivery of the training with Field Office participation when so requested by the Field Office or by the GTR for national grants; and

(c) When requested by a Field Office and/or GTR, provide for professional videotaping of the workshops/courses and ensure their production in a professional and high-quality manner, suitable for viewing by other CD clients (if this requirement is implemented, additional funds may be requested).

(d) When required by HUD, deliver HUD-approved training courses that have been designed and developed by other HUD contractors or HUD cooperating parties on a ''step-in'' basis for CD–TA clients, and send trainers to HUD-approved Train-the Trainer sessions.

(9) *Reports to Field Offices and/or GTRs.* CD–TA providers will be required to report to the HUD Field Office(s) with oversight of the geographic area(s) in which CD–TA services are provided or to Headquarters GTRs in the case of national providers. At a minimum, this reporting will be on a quarterly basis unless otherwise specified in the approved TADP.

(10) *Active Participation.* HUD Field Offices will be active participants in the delivery of all technical assistance by funded providers throughout the term of the cooperative agreement.

(11) *CHDO Pass-Through Funds.* CD–TA providers proposing pass-through grants are required to:

(a) Establish written criteria for selection of CHDOs receiving pass-through funds which includes the following:

(i) Participating jurisdictions (PJs) must designate the organizations as CHDOs.

(ii) Generally, the organizations should not have been in existence more than 3 years.

(b) Enter into an agreement with the CHDO that the agreement and pass-through funding may be terminated at the discretion of the Department if no written legally binding agreement to provide assistance for a specific housing project (for acquisition, rehabilitation, new construction or tenant-based rental assistance) has been made by the PJ with the CHDO within 24 months of receiving the pass-through funding.

(12) *CHDO TA Program Limitations.* (a) Pursuant to section 233(d)(1) and (2) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible nonprofit intermediary organization seeking to provide CHDO TA, whether as an independent or joint applicant, is limited to the lesser of 20% of all funds, or an amount not to exceed 20% of the organization's operating budget for any one year (not including funds sub-awarded or passed through the intermediary to CHDOs).

(b) Pursuant to section 233(e), HUD is making available through this CD–TA program section of the SuperNOFA 40% of the total CHDO TA funds to single state providers within the Field Offices. As discussed in Section III(C)(3), CHDO Eligible Applicants, to be considered a single state provider you must be able to document that 50% of your past activities working with CHDOs or similar nonprofits and other organizations was confined to the geographic limits of a single state. Therefore, you can be designated a single state provider in one Field Office jurisdiction only and you should so indicate on your funding matrix submission. In all other Field Offices in which you are applying for CHDO TA funding, you are a multi-state provider. If there are no single state applicants or the qualified single state applicants utilize less than the 40% set-aside in a given Field Office, that Field Office's single state CHDO set-aside will be redistributed among the qualified multi-state providers in that Field Office. Field Offices also may utilize their multi-state set-aside for single state applicants if the reverse is true.

(13) *HOME TA Program Limitations.* Pursuant to section 243(b) of the Cranston-Gonzalez National Affordable Housing Act, funding to any single eligible HOME TA organization, whether as an independent or joint applicant, is limited to not more than 20% of the operating budget of the recipient organization in any one year and is limited to 20% of the funds available under this CD–TA program section of the SuperNOFA.

(14) *CHDO and HOME National TA Program Guidance.* With the funds designated for a national TA program, HUD intends to fund applications which propose activities to support the following purposes:

(a) *CHDO Technical Assistance.* To promote the ability of Community Housing Development Organizations (CHDOs) to own, develop or sponsor housing for low and very-low income families; to facilitate the education of low-income homebuyers, homeowners and tenants; and/or to help women who reside in low-income neighborhoods to rehabilitate or construct housing in their communities. Proposals should directly address how the capacity of CHDOs may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on basic skills needed to develop, maintain and manage well designed and constructed affordable housing over the long term when using Federal funds.

(b) *HOME Technical Assistance.* To help HOME participating jurisdictions design and implement HOME programs, including: improving their ability to design and implement housing strategies and incorporate energy efficiency into affordable housing, facilitating the exchange of information to help participating jurisdictions carry out their programs; facilitating the establishment and efficient operation of employer-assisted housing programs; and/or encouraging private lenders and for-profit developers of low-income housing to participate in public-private partnerships. Proposals should directly address how the capacity of participating jurisdictions may be improved to ensure that HOME funds are used effectively, efficiently and in compliance with the HOME rules to develop affordable housing. Emphasis should be placed on the basic skills and systems needed to develop, maintain

and manage well designed and constructed affordable housing over the long term when using Federal funds.

(15) *Affirmatively Furthering Fair Housing.* Section II(D) of the General Section of the SuperNOFA does not apply to these technical assistance programs.

(B) *Program Requirements for HOPWA Technical Assistance.*

(1) *General Requirements.* The items listed below specify the requirements that apply to the HOPWA TA applications as follows: in Section (A), Paragraphs: (1) on Profit/Fee; (4) Negotiation, except that the TADP reference will apply to a workplan negotiated between the applicant and the GTR for the HOPWA TA grant in HUD Headquarters; (5) Forms, Certifications and Assurances; (6) Financial Management and Audit Information; (8) Training Sessions; (9) Reports to Field Offices and/or GTRs, except that you must report to the HOPWA Headquarters GTR, at a minimum, on a quarterly basis, unless otherwise specified in an approved HOPWA TA workplan and you will be expected to meet the following performance benchmarks: (i) you are required to begin technical assistance activities within one year of your selection (i.e., one year from the date of the signing of your selection letter by HUD); and (ii) you are requested to provide an initial report to the Field Office and the Headquarters GTR on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(2) *Coordination of HOPWA TA Requests.* Except for national meetings, research, information and other activities that are conducted on a program-wide basis in cooperation with HUD Headquarters, as the grantee of HOPWA TA funds, you must work cooperatively with HUD Field Offices. You must notify the applicable HUD Field Office of the planned activities; must consider the views or recommendations of that office, if any; must follow those recommendations, to the degree practicable; and must report to the applicable Field Office on the accomplishments of this assistance.

V. Application Selection Process

(A) *Rating and Ranking.*

(1) HUD will evaluate applications competitively and rank them against all other applicants that have applied for the same CD–TA program (HOME, McKinney Act Homeless Assistance) within each Field Office or as a National Provider under HOPWA. CHDO applications are similarly evaluated and ranked but are separated into two sub-groups—single State providers and multi-State providers. There will be separate rankings for each CD–TA program, and you will be ranked only against others that have applied for the same CD–TA program.

(2) Once scores are assigned, all applications will be listed in rank order for each CD–TA program for which they applied by Field Office jurisdiction and/or the HOPWA National Program. In each Field Office jurisdiction or National Program area, all applications for the HOME TA program will be listed in rank order on another list, all applications for the McKinney Act Homeless Assistance TA program will be listed in rank order on another list, and all applications for the HOPWA TA national projects will be ranked separately on another list. All applications for the CHDO TA program will be ranked separately on either the single state provider list or the multi-state provider list. Under this system, a single application from one organization for all CD–TA programs could be assigned different scores and different rankings for each program in different Field Offices.

(3) Applications will be funded in rank order for each CD–TA program by Field Office jurisdiction, except for HOPWA TA national providers and others which cannot be ranked by Field Office jurisdiction. National providers and others will be ranked separately and funded in rank order for each CD–TA program. Irrespective of final scores, HUD may apply program policy criteria to select one applicant in each of the three (CHDO, HOME and McKinney Act Homeless Assistance) CD–TA programs in each Field Office or nationally, to ensure diversity of methods, approaches, or kinds of projects. HUD will apply these program policy criteria to provide coverage of CD–TA services for minorities; women, particularly women in the homebuilding professions under section 233(b)(7) of the Cranston-Gonzalez National Affordable Housing Act; persons with disabilities; homeless; persons with special needs; and rural areas.

(4) In addition to the authority in the **General Section** to adjust funding, HUD reserves the right to adjust funding levels for each applicant for each CD–TA program, as follows:

(a) Adjust funding levels for any provider based upon the size and needs of the provider's service area within each Field Office jurisdiction in which the provider is selected to operate, the funds available for that area, the number of other awardees selected in that area, funds available on a national basis for providers that will be operating nationally, or the scope of the technical assistance to be provided;

(b) To negotiate increased grant awards with applicants approved for funding if HUD requests them to offer coverage to geographic areas for which they did not apply or budget, or if HUD receives an insufficient amount of applications.

(5) If funds remain after all selections have been made, remaining funds may be:

(a) Distributed among all HUD Field Offices (in proportion to their fair-share awards) and/or the National Program, or

(b) Made available for other CD–TA program competitions.

(6) If you apply for HOPWA TA funds, you must propose activities that will be carried out on a national, regional, State or community basis. The Department reserves the right to adjust the amount of requested funds that are awarded to correspond with the size of the intended service area in comparison to the planned national scope of activities to ensure the best use of these limited resources.

HUD may also modify the service area of a selected application, if practicable. HUD reserves the right to ensure that at least forty (40) percent of the funds awarded for HOPWA TA grants are awarded to applications that address identified and documented needs in underserved communities.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors and maximum points for each factor are provided below. The maximum number of points to be awarded for a CD–TA application is 100. The minimum score for an applicant to be considered in funding range is 55, with a minimum of 11 points in Factor 1. The CD–TA program is not an eligible program for the EZ/EC bonus points, as described in Section III(C)(1) of the **General Section** of the SuperNOFA.

Rating of the ''applicant'' or the ''applicant's organization and staff'', unless otherwise specified, will include any sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to the project.

When addressing the Factors for Award, you should discuss the specific TA projects, activities, tasks, etc. that you suggest be carried out during the term of the cooperative agreement. See

Sections IV(A)(2) and (3) of this CD–TA program section for a discussion of the extent to which such activities may be revised at or after the time of award. You should also be specific when detailing the communities, populations (HOPWA only) and/or organizations which you propose to serve, especially in response to Factor 3, Subfactor 2 and in detailing the dollar amounts you have leveraged in Factor 4.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points) (Minimum for Funding Eligibility—11 Points)

In rating this factor, HUD will consider the extent to which the application demonstrates in relation to CD–TA program funding that is requested:

(1) (**10 points**) Recent, relevant and successful experience of your organization and staff in providing technical assistance in all eligible activities and to all eligible entities for the CD–TA program(s) applied for, as described in the regulations;

(2) (**5 points**) The relevant experience and competence of your key personnel in managing complex, multi-faceted or multi-disciplinary programs that require coordination with other CD–TA entities or multiple, diverse units in an organization;

(3) (**5 points**) You have sufficient personnel or access to qualified experts or professionals to deliver the proposed level of technical assistance in each proposed service area in a timely and effective fashion.

Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Groups/Localities and Accomplishing Project Objectives for Each CD–TA Program for which Funds Are Requested (20 Points)

In rating this factor, HUD will consider the extent to which your application:

(1) (**10 points**) Identifies high priority needs and issues for the CD program in each community or Field Office jurisdiction for which CD–TA funding is requested, or on a national or regional basis for national HOPWA grants;

(2) (**5 points**) Outlines a clear and cost-effective plan of suggested TA activities for addressing those needs and aiding a broad diversity of eligible grantees and/or beneficiaries, including those which traditionally have been under-served; and (3) (5 points) Identifies creative activities to assist eligible grantees in participating in the development of, and improving, local Consolidated Plans and comprehensive strategies.

Rating Factor 3: Soundness of Approach (40 Points)

In rating this factor, HUD will consider the extent to which your application evidences a sound approach in addressing identified needs and:

(1) (**15 points**) Provides a cost effective plan for designing, organizing, and carrying out the suggested technical assistance activities within the framework of the Demand/Response System or, for HOPWA TA applicants, in addressing the HOPWA TA goal.

(2) (**15 points**) Demonstrates an effective outreach and assistance program to specifically identified disadvantaged communities, populations (HOPWA only) and/or organizations which previously have been underserved and have the potential to participate in CPD programs.

(3) (**5 points**) Provides for full geographic coverage, including urban and rural areas, (directly or through a consortium of providers) of a single State or Field Office jurisdiction or is targeted to address the needs of rural areas, minority groups or other under-served groups or for HOPWA TA applicants, addresses other approaches that respond to identified needs.

(4) (**5 points**) Proposes a feasible, creative plan, which uses state of the art or new promising technology, to transfer models and lessons learned in each of its CD–TA program's activities to grantees and/or program beneficiaries in other CD–TA programs.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) which can be combined with HUD's program resources to achieve program purposes. In evaluating this factor HUD will consider:

The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of the proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with the applicant. You also may partner with other program funding recipients to coordinate the use of resources in the target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, memoranda of understanding, or agreements to participate from those entities identified as partners in the application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process and Continuum of Care homeless assistance strategy, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take specific steps to work with recipients of technical assistance services to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

In addition to the forms, certifications and assurances listed in Section II(G) of

the General Section of the SuperNOFA (collectively referred to as the ''standard forms''), your application must, at a minimum, contain the following items (except that the following paragraphs (C), (D), (E), (F), (G) and (H) do not apply to HOPWA TA applicants). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining forms can be found as Appendix B to this CD–TA program section of the SuperNOFA.

(A) Transmittal Letter which identifies the SuperNOFA, the CD–TA programs for which funds are requested and the dollar amount requested for each program, and the applicant or applicants submitting the application. If your organization has never received a CPD technical assistance award, please include a statement to this effect in the transmittal letter.

(B) Narrative statement addressing the Factors for Award described in Section V(B) of this CD–TA Program section of this SuperNOFA. You should number the narrative response in accordance with each factor for award. This narrative statement will be the basis for evaluating your application. It should include a plan of suggested TA activities as described in Factors 2, 3, and elsewhere. These suggested TA activities may form a starting point for negotiating the TADP described in Section IV(A)(3) of this CD–TA Program section of the SuperNOFA. However, they are used primarily for purposes of rating and evaluation and may be substantially altered and revised during negotiations with the Field Offices on the content of the TADPs (see Section IV(A)(3)) or Headquarters program office for national projects.

(C) Statement that identifies the Field Office jurisdictions in which you propose to offer services. If you will not offer services throughout the full jurisdictional area of the Field Office, your statement should identify the service areas involved (e.g., States, counties, etc.), as well as the communities in which you propose to offer services.

(D) A matrix that summarizes the amount of funds you are requesting for each CD–TA program in each Field Office jurisdiction. (See CD–TA Appendix B for a copy of the matrix to be submitted.)

(E) A statement as to whether you propose to use pass-through funds for CHDOs under the CHDO TA program, and, if so, the amount and proposed uses of such funds.

(F) If applying for the CHDO TA program, a certification as to whether you qualify as a primarily single-State provider under section 233(e) of the Cranston-Gonzalez Affordable Housing Act and as discussed in Section III(C)(3) of this CD–TA Program section of this SuperNOFA.

(G) A statement as to whether you propose to be considered for the role of lead CD–TA provider in one or more specific program areas in a Field Office jurisdiction, and if so, your organization's capabilities and attributes that qualify you for the role.

(H) Budget Summary identifying costs for implementing the plan of suggested TA activities by cost category for each CD–TA program for which funds are requested by Field Office or as a National Provider (in accordance with the following):

(1) Direct Labor by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(2) Fringe Benefits by staff position identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(3) Material Costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material costs;

(4) Transportation Costs, as applicable.

(5) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(6) Consultant Costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(7) Subcontract Costs, if applicable. Indicate each individual subcontract and amount;

(8) Other Direct Costs listed by item, quantity, unit cost, total for each item listed, and total other direct costs for the award;

(9) Indirect Costs should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each CD–TA program area. The grand total of all CD–TA program funds requested should reflect the grand total of all funds for which application is made.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9) and 58.34(a)(9), the assistance provided by these programs relates only to the provision of technical assistance and is categorically excluded from the requirements of the National Environmental Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

IX. Authority

CHDO Technical Assistance. The CHDO Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12773); 24 CFR part 92.

HOME Technical Assistance. The HOME Technical Assistance Program is authorized by the HOME Investment Partnerships Act (42 U.S.C. 12781–12783); 24 CFR part 92.

McKinney Act Homeless Assistance Programs Technical Assistance. The Supportive Housing Program is authorized under 42 U.S.C. 11381 *et seq.*; 24 CFR 583.140. The Emergency Shelter Grant, Section 8 Moderate Rehabilitation Single Room Occupancy Program and Shelter Plus Care Technical Assistance Programs are authorized by the FY 2000 HUD Appropriations Act.

HOPWA Technical Assistance. The HOPWA Technical Assistance program is authorized under the FY 2000 HUD Appropriations Act. The HOPWA program is authorized under the AIDS Housing Opportunities Act (42 U.S.C. 12901) and the HOPWA regulations are found at 24 CFR part 574.

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APPENDIX A to CD-TA Program: "Fair-Share" Amounts Allocated to Each HUD CPD Office

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
Alabama State Office	$48,000	$42,000	$90,000	$40,000	
Alaska State Office	$30,000	$30,000	$50,000	$40,000	
Arkansas State Office	$30,000	$30,000	$54,000	$40,000	
California State Office	$256,000	$224,000	$480,000	$346,000	
Los Angeles Area Office	$224,000	$196,000	$420,000	$364,500	
Caribbean Office	$57,600	$50,400	$108,000	$40,000	
Colorado State Office	$89,600	$78,400	$168,000	$63,200	
Connecticut State Office	$35,200	$30,800	$66,000	$40,000	
District of Columbia Office	$30,000	$30,000	$54,000	$119,000	
Florida State Office	$38,400	$33,600	$72,000	$100,400	
Jacksonville Area Office	$76,800	$67,200	$144,000	$70,700	
Georgia State Office	$73,600	$64,400	$138,000	$44,600	
Hawaii State Office	$30,000	$30,000	$50,000	$40,000	
Illinois State Office	$156,800	$137,200	$294,000	$208,300	

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
Indiana State Office	$57,600	$50,400	$108,000	$55,800	
Kansas/ Missouri State Office	$64,000	$56,000	$120,000	$40,000	
St. Louis Area Office	$30,000	$30,000	$50,000	$52,000	
Kentucky State Office	$48,000	$42,000	$90,000	$52,000	
Louisiana State Office	$64,000	$56,000	$120,000	$63,200	
Maryland State Office	$38,400	$33,600	$72,000	$52,000	
Massachusetts State Office	$131,200	$114,800	$246,000	$260,400	
Michigan State Office	$118,400	$103,600	$222,000	$197,000	
Minnesota State Office	$41,600	$36,400	$78,000	$74,400	
Mississippi State Office	$32,000	$30,000	$60,000	$40,000	
Nebraska State Office	$44,800	$39,200	$84,000	$44,600	
New Jersey State Office	$89,600	$78,400	$168,000	$74,400	
New Mexico State Office	$30,000	$30,000	$50,000	$40,000	
New York State Office	$261,600	$204,400	$500,000	$342,300	
Buffalo Area Office	$44,800	$39,200	$104,000	$81,800	

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
North Carolina State Office	$67,200	$58,800	$126,000	$40,000	
Ohio State Office	$140,800	$123,200	$264,000	$148,700	
Oklahoma State Office	$35,200	$30,800	$66,000	$40,000	
Oregon State Office	$54,400	$47,600	$102,000	$40,000	
Pennsylvania State Office	$124,800	$109,200	$234,000	$152,500	
Pittsburgh Area Office	$54,400	$47,600	$102,000	$81,800	
South Carolina State Office	$35,200	$30,800	$66,000	$40,000	
Tennessee Knoxville Area Office	$57,600	$50,400	$108,000	$48,300	
Texas State Office	$160,000	$140,000	$300,000	$126,400	
San Antonio Area Office	$35,200	$30,800	$66,000	$40,900	
Virginia State Office	$51,200	$44,800	$96,000	$40,000	
Washington State Office	$54,400	$47,600	$102,000	$96,700	
Wisconsin State Office	$57,600	$50,400	$108,000	$78,100	
National		$2,000,000	$3,000,000		$1,740,000
Total	$3,200,000	$4,800,000	$9,000,000	$4,000,000	$1,740,000

APPENDIX B to CD-TA Program - Matrix of Amount of Funds Requested

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
Alabama State Office					
Alaska State Office					
Arkansas State Office					
California State Office					
Los Angeles Area Office					
Caribbean Office					
Colorado State Office					
Connecticut State Office					
District of Columbia Office					
Florida State Office					
Jacksonville Area Office					
Georgia State Office					
Hawaii State Office					
Illinois State Office					
Indiana State Office					
Kansas/ Missouri State Office					

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
St. Louis Area Office					
Kentucky State Office					
Louisiana State Office					
Maryland State Office					
Massachusetts State Office					
Michigan State Office					
Minnesota State Office					
Mississippi State Office					
Nebraska State Office					
New Jersey State Office					
New Mexico State Office					
New York State Office					
Buffalo Area Office					
North Carolina State Office					
Ohio State Office					
Oklahoma State Office					
Oregon State Office					

HUD CPD Field Office	CHDO TA Single State	CHDO TA Multi-State	HOME TA	McKinney Act Homeless Assistance TA	HOPWA TA
Pennsylvania State Office					
Pittsburgh Area Office					
South Carolina State Office					
Tennessee Knoxville Area Office					
Texas State Office					
San Antonio Area Office					
Virginia State Office					
Washington State Office					
Wisconsin State Office					
National					
Total					
Grand Total					

* Grand Total must equal total amount of funds requested

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY OUTREACH PARTNERSHIP CENTERS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE COMMUNITY OUTREACH PARTNERSHIP CENTERS PROGRAM (COPC)

Program Overview

Purpose of the Program. To provide funds to community colleges, four-year colleges, and universities to establish and operate Community Outreach Partnership Centers (COPCs) to address the problems of urban areas.

Available Funds. Approximately $8 million.

Eligible Applicants. Public and private nonprofit institutions of higher education granting two- or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education.

Application Deadline. May 10, 2000.

Match. 50% of the total costs of establishing and operating research activities and 25% of the total costs of establishing and operating outreach activities.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits. Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on May 10, 2000, at HUD Headquarters.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (*e.g.*, mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit your completed application to: Processing and Control Branch, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. When submitting your application, please refer to COPC and include your name, mailing address (including zip code) and telephone number (including area code).

For Application Kits. For an application kit and supplemental material you should call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to COPC and provide your name, address (including zip code), and telephone number (including area code). You may also download the application kit on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at (202) 708–1537, ext. 5918. If you have a speech or hearing impairment, you may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. You may also reach Ms. Karadbil via the Internet at Jane__R.__Karadbil@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

Up to $8 million has been allocated to fund grants under the program. This year, HUD will award two kinds of grants—(A) New Grants to applicants who have never received a COPC grant before to undertake eligible work and (B) New Directions Grants to fund previous COPC recipients (as identified in Section III.(B) below) to undertake new directions in their activities.

Institutionalization Grants will not be funded under this funding announcement for COPC. HUD will use up to $6.8 million to fund approximately 16 New Grants and up to $1.2 million to fund approximately 8 New Directions Grants.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The main purpose of this COPC Program is to assist in establishing or carrying out outreach and applied research activities addressing the problems of urban areas. But HUD also looks to this program to encourage structural change—both within an institution of higher education and in the way it relates to its neighbors. Funding under this program is used to establish and operate local Community Outreach Partnership Centers (COPC).

The five key concepts that your COPC Program should include are:

(1) Outreach, technical assistance, and applied research should be provided to neighborhoods and neighborhood-based organizations based on what the residents decide is needed, rather than what the institution concludes is appropriate for that neighborhood;

(2) Community-based organizations and residents should be empowered by the project and be your partners throughout the life of the project and beyond, from planning to implementation to activities beyond the grant;

(3) Your applied research should be related to the outreach activities and be used to influence your activities within the grant period or shortly after it ends. HUD will not fund research without practical application;

(4) The assistance you provide should be primarily by faculty, students, or to a limited extent, by neighborhood residents or community-based organizations funded by the university; and

(5) Your program should be part of your institution's broader effort to meet its urban mission, and be supported by its senior officials, rather than just the work of a few faculty members. Your proposed activities should not duplicate those of other entities in the community and should be appropriate for an institution of higher education to undertake in light of its teaching, and research, and service missions.

(B) *Eligible Applicants.* Eligible applicants for both New Grants and New Directions Grants are public or private nonprofit institutions of higher education granting two-or four-year degrees and accredited by a national or regional accrediting agency recognized by the U.S. Department of Education. For New Grants, only applicants that have never previously received a New Grant, a New Directions Grant, or an Institutionalization Grant are eligible. For New Directions Grants, applicants must meet the following requirements: you must have received a New Grant in FY 1994, 1995, 1996, or 1997; you must not have received a New Directions Grant; and you must have drawn down (*i.e.*, requests for reimbursement have been submitted), by the application due date, at least 75% of the funds you received from any previous COPC award. Joint Community Development Program grantees are not eligible for either kind of funding, nor are FY 1998 and 1999 COPC Grantees.

Consortia of eligible institutions may apply, as long as one institution is designated the lead applicant. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed staffing, and in order to fund as many eligible applicants as possible, HUD has determined that you may be part of only one consortium or submit only one

application or you will be disqualified. HUD will hold you responsible for ensuring that neither you nor any part of your institution, including specific faculty, participate in more than one application. For New Directions Grants, if you originally received funding as a consortium, you are not required to submit again with all the consortium members. Members of a previously approved consortium may submit on their own or as part of their old consortium. However, as with New Grants, only one application from an institution will be permitted.

Different campuses of the same university system are eligible to apply, even if one campus has already received COPC funding. Such campuses are eligible as separate applicants only if they have administrative and budgeting structures independent of other campuses in the system.

(C) *Eligible Activities.* Your COPC Program must combine research with outreach, work with communities and local governments and address the multidimensional problems that beset urban areas. **To meet the threshold requirements, your New Grant application must be multifaceted and address three or more urban problems and you must propose at least one distinct activity to address each separate urban problem.** Urban problems include issues related to housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, the environment, community organizing, and other areas deemed appropriate by the Secretary. Single purpose applications are not eligible. For example, if you propose to undertake health education for elementary school children, organizing around health issues, and job readiness for the health professions, HUD will deem your application as single purpose, because it really only addresses the problem of health care. Likewise, if you propose to address housing, economic development, and health care problems by developing a Geographic Information System, your application would also be considered single purpose because it does not propose separate and distinct activities for each of the problems you will address. As examples of eligible projects, if you propose a health care project for the elderly, a job training program on construction trades for high school seniors, and an affordable housing fair, you would meet the test of addressing three urban problems, each with a separate activity. Alternatively, if you propose a Geographic Information System to identify economic development potential, an oral history of the neighborhood, and the creation of block watches, you would also meet the test. These are just examples. For more information about the projects have actually been funded under the program, you should look at the Office of University Partnerships' web site at www.oup.org. If you are applying for a New Directions Grant, you will only be required to address two urban problems and undertake at least one activity for each of these problems.

The statute creating COPC is very specific that the program address the problems of urban areas. HUD uses the Census definition of an urban area: a single geographic place (e.g., a city, town, or village, but not a county) with a population of 2,500 or more. You cannot meet this test by aggregating several places smaller than the population threshold in order to meet this requirement.

Funded research must have a clear near-term potential for solving specific, significant urban problems. You must have the capacity to apply your research results and to work with communities and local institutions, including neighborhood groups, local governments, and other appropriate community stakeholders, in applying these results to specific real-life urban problems.

While the list of eligible and ineligible activities is the same for both New Grant applicants and New Directions Grant applicants, New Directions Grant applicants must demonstrate that the proposed activities either implement new eligible projects in the current target neighborhood(s) or implement eligible projects in a new target neighborhood(s).

Eligible activities include:

(1) Research activities that have practical application for solving specific problems in designated communities and neighborhoods, including evaluation of the effectiveness of the outreach activities. In order to ensure that the primary focus of your project is on outreach, research may not total more than one-quarter of the total project costs contained in any grant made under this COPC funding announcement (including the required 50% match).

(2) Outreach, technical assistance and information exchange activities which are designed to address specific urban problems in designated communities and neighborhoods. Such activities must total no less than three-quarters of your total project costs (including the required 25% match). Examples of outreach activities include, but are not limited to:

(a) Job training and other training projects, such as workshops, seminars, and one-on-one and on-the-job training;

(b) Design of community or metropolitan strategies to resolve urban problems of communities and neighborhoods;

(c) Innovative use of funds to provide direct technical expertise and assistance to local community groups, residents, and other appropriate community stakeholders to assist them in resolving local problems such as homelessness, housing discrimination, and impediments to fair housing choice;

(d) Technical assistance in business start-up activities for low-and moderate-income individuals and organizations, including business start-up training and technical expertise and assistance, mentor programs, assistance in developing small loan funds, business incubators, etc;

(e) Technical assistance to local public housing authorities on welfare-to-work initiatives and physical transformations of public or assisted housing, including development of accessible and visitable housing;

(f) Assistance to communities to improve consolidated housing and community development plans and remove impediments to the design and implementation of such plans;

(g) Assistance to communities to design ways to use HUD's Partnership for Advancing Technology in Housing (PATH) technology such as analyzing building codes and building materials or designing new building systems. (Remember that actual physical development activities are not eligible under COPC.) For more information, see the **General Section** of the SuperNOFA or visit the website at www.pathnet.org;

(h) Assistance to communities to improve their fair housing planning process;

(i) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information call 1–800-USA-LEARN or visit the Department of Education's website at www.ed.gov.); and

(j) Regional projects that maximize the interaction of targeted inner city distressed neighborhoods with suburban job opportunities similar to HUD's Bridges-to-Work or Moving to Opportunity programs.

(3) Funds for faculty development including paying for course time or summer support to enable faculty members to work on the COPC.

(4) Funds for stipends or salaries for students (but the program cannot cover tuition and fees) while they are working on the COPC.

(5) Activities to carry out the ''Responsibilities'' listed under Section IV (B) below. These activities may include leases for office space in which to house the Community Outreach Partnership Center, under the following conditions:

(a) The lease must be for existing facilities not requiring rehabilitation or construction;

(b) No repairs or renovations of the property may be undertaken with Federal funds; and

(c) Properties in the Coastal Barrier Resource System designated under the Coastal Barrier Resources Act (16 U.S.C. 3501) cannot be leased with Federal funds.

(6) Components of your program may address metropolitan or regional strategies. You must clearly demonstrate how:

(a) Your strategies are directly related to what the targeted neighborhoods and neighborhood-based organizations have decided is needed; and

(b) Neighborhoods and neighborhood organizations are involved in the development and implementation of the metropolitan or regional strategies.

(D) *Ineligible Activities*. Activities ineligible for funding under this program are as follows:

(1) Research activities that have no clear and immediate practical application for solving urban problems or do not address specific problems in designated communities and neighborhoods.

(2) Any type of construction, rehabilitation, or other physical development costs.

(3) Costs used for routine operations and day-to-day administration of institutions of higher education, local governments or neighborhood groups.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Grant Sizes and Terms*. If you are applying for a New Grant, you may not request less than $250,000 nor more than $400,000. This amount must be spent over a three-year period, and your budget must reflect this period. Since the Statement of Work (in Section VI.(G)) and the Narrative Statement Addressing the Factors for Award (in Section VI.(H)) are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Grant application that is under $250,000 or over $400,000.

If you are applying for a New Directions Grant, you may not request a grant that exceeds $150,000. This amount must be spent over a two-year period. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, HUD will not accept a New Directions application that is over $150,000.

(B) *Responsibilities*. You are required to:

(1) Employ the research and outreach resources of your institution of higher education to solve specific urban problems identified by communities served by your Center;

(2) Establish outreach activities in areas identified in your application as the communities to be served;

(3) Establish a community advisory committee comprised of representatives of local institutions and residents of the communities to be served to assist in identifying local needs and advise on the development and implementation of strategies to address those issues;

(4) Coordinate outreach activities in communities to be served by your Center;

(5) Facilitate public service projects in the communities served by your Center;

(6) Act as a clearinghouse for dissemination of information;

(7) Develop instructional programs, convene conferences, and provide training for local community leaders, when appropriate; and

(8) Exchange information with other Centers.

The clearinghouse function in Section IV(B)(6) above refers to a local or regional clearinghouse for dissemination of information and is separate and distinct from the functions in (8) above, which relate to the provision of information to the University Partnerships Clearinghouse, which is the national clearinghouse for the program.

(C) *Cap on Research Costs*. No more than 25% of your total project costs (Federal share plus match) can be spent on research activities. You are, however, not required to undertake any research as part of your project. You may apply for a project that is totally for outreach activities.

(D) *Match*. The non-Federal share may include cash or the value of non-cash contributions, equipment and other allowable in-kind contributions as detailed in 24 CFR part 84, and in particular § 84.23 entitled ''cost sharing or matching.'' **You may not count as match any costs that would be ineligible for funding under the program (e.g., housing rehabilitation)**.

(1) If you are a New Grant applicant, you must meet the following match requirements:

(a) *Research Activities*. 50% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities*. 25% of the total project costs of establishing and operating outreach activities.

(2) If you are a New Directions Grant applicant, you must meet the following match requirements:

(a) *Research Activities*. 60% of the total project costs of establishing and operating research activities.

(b) *Outreach Activities*. 35% of the total project costs of establishing and operating outreach activities.

In previous competitions, some applicants incorrectly based their match calculations on the Federal grant amount, not the total project costs. An example of how you should calculate the match correctly and a worksheet for the calculation are included in the application kit. The worksheet, which is also included in the program area section of the SuperNOFA, should be included with your application.

(E) *Administrative*. Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations), A–21 (Cost Principles for Education Institutions), and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. You may not spend more than 20% of your grant on planning or administrative costs. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/WH/EOP/OMB/html/circulars.

V. Application Selection Process

There will be two separate competitions—one for New Grants and one for New Directions Grants. For each type of grant, applications will be rated, ranked, and selected separately. Two types of reviews will be conducted: a threshold review to determine your application's eligibility; and a technical review to rate your application based on the rating factors in Section V.(A) below.

(A) *Additional Threshold Requirements For Funding Consideration*. Under the threshold review, your application can only be rated if you are both in compliance with the requirements of the **General Section**

of the SuperNOFA and if the following additional standards are met:

(1) You have met the statutory match requirements, if applying for a New Grant or the higher match levels described above, if applying for a New Directions Grant.

(2) You have proposed a program in which at least 75% of the total project costs will be for outreach activities.

(3) For New Grants, you have requested a Federal grant between $250,000 and $400,000. For New Directions Grants, you have requested a Federal grant that is no more than $150,000.

(4) You have addressed at least three urban problems, such as affordable housing, fair housing, economic development, neighborhood revitalization, infrastructure, health care; job training, education, crime prevention, planning, the environment, and community organizing and have proposed at least one separate and distinct activity for each problem you propose to address.

(5) You and any part of your organization are participating in only one application.

(6) Your project will operate in an urban area.

(B) *Factors For Award Used To Evaluate and Rate Applications*. The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) *For New Grants* **(15 Points):** *For New Direction Grants* **(7 Points)**.

(a) The knowledge and experience of your overall proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider experience within the last 5 years to be recent; experience pertaining to the specific activities being proposed to be relevant; and experience producing specific accomplishments to be successful. The more recent the experience and the more experience your own staff members who work on the project have in successfully conducting and completing similar activities, the greater the number of points you will receive for this rating factor. The following categories will be evaluated:

(i) Undertaking research activities in specific communities that have a clear near-term potential for practical application to significant urban issues, such as affordable housing, fair housing including accessible and visitable housing, economic development, neighborhood revitalization, infrastructure, health care, job training, education, crime prevention, planning, and community organizing;

(ii) Undertaking outreach activities in specific communities to solve or ameliorate significant urban issues;

(iii) Undertaking projects with community-based organizations or local governments; and

(iv) Providing leadership in solving community problems and making national contributions to solving long-term and immediate urban problems.

(2) *For New Directions Grants only* **(8 points)**. The extent to which you performed successfully under your previous COPC grant(s), as measured by:

(a) Your achievement of specific measurable outcome objectives;

(b) Your leveraging of funding beyond the funds originally proposed to be leveraged for that project; and

(c) The effectiveness of your administration of any previous COPC grants (including the timeliness and completeness of your compliance with COPC reporting requirements and your ability to have resolved problems which presented themselves during the grant period). In addressing timeliness of reports, you should compare when your reports were due with when they were actually submitted.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and your indication of the urgency of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activity and the urgency in meeting the need.

You should use statistics and analyses contained in a data source(s) that is sound and reliable. To the extent that the targeted community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response.

If the proposed activity is not covered under the scope of the Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI), you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, and other sound and reliable sources appropriate for your program. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activity will be carried out. You should document needs as they apply to the area where activities will be targeted, rather than the entire locality or state.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor. The factor will be evaluated based on the extent to which the proposed work plan will:

(1) (**10 points**) Identify the specific services or activities to be performed. Note that you are not required to undertake research as part of the grant. In reviewing this subfactor, HUD will consider the extent to which:

(a) There is a clear research agenda;

(i) With identifiable research projects and outcomes (*e.g.*, reports, surveys, etc.)

(ii) That identifies each task and who will be responsible for it;

(iii) Which is tried to the outreach agenda (*e.g.*, if you proposed to study the extent of housing abandonment in a neighborhood and then design a plan for reusing this housing, you would be able to demonstrate the link between your proposed research and outreach strategies); and

(iv) Which does not duplicate research by your institution or by others for the target area previously completed or currently underway. If other complimentary research is underway, you need to describe how the proposed research agenda would compliment it.

(b) There is a clear outreach agenda:

(i) With identifiable outreach projects;

(ii) That identifies each task and who will be responsible for it;

(iii) That involves your institution as a whole (*i.e.*, many academic disciplines and administrative offices);

(iv) That provides for on-site or frequent presence in the target area; and

(v) That does not duplicate outreach activities by your institution or others for the target area previously completed or currently underway.

(2) (**10 points**) Involve the communities to be served in a partnership for the planning and implementation of your activities. In reviewing this subfactor, HUD will look at the extent to which:

(a) You have formed or will form one or more Community Advisory Committees, comprised of representatives of local institutions and a balance of the race, ethnic, disability status, gender, and income of the residents of the communities to be served to develop and implement strategies to address the needs identified in Factor 2. You will be expected to demonstrate that you have already formed such a committee(s) or secured the commitment of the appropriate persons to serve on the committee(s), rather than just describing generally the types of people whose involvement you will seek.

(b) You have involved a wide range of neighborhood organizations and local government entities in the identification of your research and outreach activities.

(c) The committee and your partners will play an active role in all stages of the project and will not serve as merely advisors or monitors.

(d) Your outreach agenda includes training projects for local community leaders, for example, to increase their capacity to direct their organizations or undertake various kinds of community development projects.

(3) (**6 points**) Help solve or address an urgent problem as identified in Rating Factor 2 and will achieve the purposes of the program within the grant period. In reviewing this subfactor, HUD will look at the extent to which:

(a) You identify specific time phased and measurable objectives to be accomplished; your proposed short and long term program objectives to be achieved as a result of the proposed activities; the tangible and measurable impacts your work program will have on the community in general and the target area or population in particular including affirmatively furthering fair housing for classes protected under the Fair Housing Act; and the relationship of your proposed activities to other ongoing or proposed efforts to improve the economic, social or living environment in the impact area; and

(b) Grant funds will pay for activities you conduct directly, rather than passing funds through to other entities (In order for your application to be competitive, no more than 25 percent of your grant funds should be passed to other entities); and

(c) The activities you propose to undertake are pressing and urgent needs, as identified in the documents described in Factor 2.

(4) (**4 points**) Potentially yield innovative strategies or ''best practices'' that can be replicated and disseminated to other organizations, including nonprofit organizations, State and local governments. In reviewing this subfactor, HUD will assess your demonstrated ability to disseminate results of research and outreach activities to other COPCs and communities. HUD will evaluate your past experience and the scope and quality of your plan to disseminate information on COPC results, strategies, and lessons learned through such means as conferences, cross-site technical assistance, publications, etc. The more proactive your plan for providing information to a wide range of audiences, the greater the number of points you will received.

(5) (**8 points**) HUD priorities;

(a) (**3 points**) Further and support the policy priorities of HUD including:

(i) Promoting healthy homes;

(ii) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(iii) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as ''One Strike and You're Out'' or the ''Officer Next Door'' initiative;

(iv) Providing educational and job training opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities (formerly known as Campus of Learners) and linking to AmeriCorps activities; or

(v) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Communities* initiative is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(b) (**5 points**) Include activities that affirmatively further fair housing, for example:

(i) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(ii) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(iii) Providing housing mobility counseling services.

(6) *For New Grants* (**12 points**): For New Directions Grants (**7 points**). Result in the COPC function and activities becoming part of the urban mission of your institution and being funded in the future by sources other than HUD. In reviewing this subfactor, HUD will consider the extent to which:

(a) COPC activities relate to your institution's urban mission; are part of a climate that rewards faculty work on these activities through promotion and tenure policies; benefit students because they are part of a service learning program or professional training at your institution (rather than just volunteer activities); and are reflected in your curriculum. HUD will look at your institution's commitment to faculty and staff continuing work in COPC

neighborhoods or replicating successes in other neighborhoods and to your longer term commitment (e.g., five years after the start of the COPC) of hard dollars to COPC work. HUD will consider the extent to which your proposed activities are appropriate for an institution of higher education because they are tied to your institution's teaching or research mission. In addition, HUD will consider the extent to which your faculty, staff and students from across many disciplines are involved in COPC-like activities as a way of demonstrating your institution's commitment to these kinds of activities.

(b) You have received commitments for funding from sources outside the university for related COPC-like projects and activities in the targeted neighborhood or other distressed neighborhoods. Funding sources to be considered include, but are not limited to, local governments, neighborhood organizations, private businesses, your institution, and foundations.

(7) *For New Direction Grants only* (**5 points**). Previous grantees have a wealth of knowledge that they can and should share with other institutions. If you send a faculty member of your team who has been listed in your application to participate in the peer review process for New Grants, you will receive 5 points.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses the ability of the applicant to secure community resources which can be combined with HUD's program resources to achieve program purposes. This factor measures the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of the award you are seeking. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to establish partnerships with you. You may also establish partnerships with funding recipients in other grant programs to coordinate the use of resources in the target area. In evaluating this factor, HUD will allocate points as follows:

(1) **Five (5) points** will be awarded for a match that is 50% over the required match, as described in Section IV(D) above. Fewer points will be assigned depending on the extent of the match.

HUD is concerned that applicants should be providing hard dollars as part of their matching contributions to enhance the tangible resources going into targeted neighborhoods. Thus, while indirect costs can count towards meeting the required match, **they will not be used in calculating match overage.** Only direct costs can count in this factor.

(2) Up to an additional **5 points** will be awarded for the extent to which you document that matching funds are provided from eligible sources other than your institution (e.g., funds from the city, including CDBG, other State or local government agencies, public or private organizations, or foundations). Fewer points will be assigned depending on the extent of the outside match.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitment, memoranda of understanding, or agreements to participate from any entity, including your own institution, that will be providing matching funds to the project. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed total level of commitment and responsibilities as they relate to the proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization. **Unless matching funds are accompanied by a commitment letter, they will not be counted towards the match.**

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address and will only be rated on subfactors (1) and (3). If that is the case, the points for this factor will be evenly divided between these two subfactors. If you are working in a CDBG non-entitlement area, please note that at the beginning of the discussion of this factor.

In evaluating this factor, HUD will consider the extent to which you have:

(1) **(4 points)** Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements, memoranda of understanding in place, or that will be in place after award should be described.

(2) **(3 points)** Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities the applicant proposes.

(3) **(3 points)** Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or ongoing in the community.

(C) *Selections.* In order to be funded under COPC, you must receive a minimum score of 70. HUD intends to fund at least one eligible applicant that serves colonias, as defined by section 916(d) of the Cranston-Gonzalez National Affordable Housing Act, as long as the applicant receives a minimum score of 70. HUD will select the highest ranking colonias application from among the rated colonias applications.

If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging Resources shall be selected.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded COPCs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable COPC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all applications have been rated and ranked and selections have been made, HUD may require you, if you are selected, to participate in negotiations to determine the specific terms of your Statement of Work and grant budget. In

cases where HUD cannot successfully conclude negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

VI. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please, do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard'' forms can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official delegation of signatory authority;

(E) *Abstract.* (1 page limit) An abstract describing the goals and activities of your program.

(F) *Budget.* Your budget presentation should be consistent with your Statement of Work and include:

(1) Budget Form—The budget form (Form HUD–30003) should be used to prepare the budget.

(2) A narrative explanation of how you arrived at your cost estimates, for any line item over $5,000.

(3) A statement of your compliance with the 20% limitation on ''Planning and Administration'' Costs.

(4) An explanation of your compliance with the requirement that not more than 25% of the total budget be allocated to research activities (Form HUD–30002).

(5) An explanation of your compliance with the matching requirements (Form HUD–30001 and the Verification of Match Worksheet).

(G) *A Statement of Work* (25 page limit; this page limit is separate from the 25 pages for the Narrative Statement addressing the rating factors described above) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) Following an activity and tasks under each activity format, your Statement of Work must:

(1) Arrange the presentation of related major activities by project functional category (e.g., economic development, affordable housing, capacity building), summarize each activity, identify the primary persons involved in carrying out the activity, and delineate the major tasks involved in carrying it out.

(2) Indicate the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously.

(3) Identify specific numbers of quantifiable intermediate and end products and objectives you will deliver by the end of the award agreement period as a result of the work performed.

(4) Identify whether you propose to work in a Community Development Block Grant (CDBG) entitlement area or not.

(H) *Narrative statement addressing the Factors for Award in Section V(B).* (25 page limit, including letters of commitment, tables and maps, but not including letters of matching commitments and the match calculation worksheet). Your narrative response should be numbered in accordance with each factor and subfactor. Please do not repeat material in your Statements of Work or Need; instead focus on how you meet each factor. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

(I) *Certifications.*

(1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF-LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(J) *Acknowledgement of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(K) *Client Comments and Suggestions (HUD–2994).* If you wish to offer comments on the COPC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

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

IX. Authority

This program is authorized under the Community Outreach Partnership Act of 1992 (42 U.S.C. 5307 note; the ''COPC Act''). The COPC Act is contained in section 851 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (HCD Act of 1992). Section 801(c) of the HCD Act of 1992 authorizes $7.5 million for each year of the 5-year demonstration to create Community Outreach Partnership Centers as authorized in the COPC Act. The FY 2000 HUD Appropriations Act continued the program beyond the initial five-year demonstration by providing funding for Community Outreach Partnership Centers for FY 2000.

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APPENDIX A

The non-standard forms, which follow, are required for your COPC application.

Section B: COPC Application Checklist

The following checklist is provided to ensure that you have submitted all the required items for you to receive funding consideration under this competition.

Each of the items must be included in your application, in the order listed. On the line to the left of each item, you must list the page number(s) where the item can be found in your application. Each page of your application must list the name of your institution and the Federal Register number for the Super NOFA. For application items which are not forms, you should clearly indicate to which items you are responding.

____ 1. SF-424, Application for Federal Assistance

____ 2. HUD-424, Funding Matrix (if applicable)

____ 3. Application Checklist

____ 4. Transmittal letter

____ 5. Abstract

6. Budget

____ HUD-30003, the budget form, for all three years and the total grant period

____ Narrative explanation of how costs were derived

____ Statement of compliance with 20% limitation on "Planning and Administration" costs

____ HUD-30002, "Community Outreach Partnership Centers Program Breakdown of Outreach and Research Activities"

____ HUD-30001, "Community Outreach Partnership Centers Program Matching Requirements"

____ Worksheet entitled "Verification of the Match"

____ 7. Statement of Work

____ 8. Narrative Statement Addressing the Factors for Award (including letters of commitment)

9. Certifications

____ SF-424B, Assurances

____ Certification of Payments To Influence Certain Federal Transactions (HUD-50071)

____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)

____ Applicant/Recipient Disclosure/Update Report (HUD-2880)

____ Certification for a Drug-Free Workplace (HUD-50070)

____ Certification Regarding Debarment (HUD-2992)

____ Certification of Consistency with the Consolidated Plan (HUD-2991)

____ EZ/EC Certification (HUD-2990) (if applicable)

____ 10. Acknowledgment of Receipt of Application (HUD-2993) (optional)

____ 11. Client Comments and Suggestions Form (HUD-2994) (optional)

Abstract

Project Number (Leave Blank) _____

Grantee (Name of College/University) _____

Requested Grant Amount _____

Project Address _____

City, State, and Zip Code _____

Project Contact Person _____

Phone Number _____

Fax Number _____

Project Description:

Community Outreach
Partnership Centers Program
Matching Requirements

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

	Federal Share $	Match $	Total Cost $	Match as Percent of Total Cost
Research Activities: (list)				
Subtotal				%
Outreach Activities: (list)				
Subtotal				%
Total				

form **HUD-30001** (4/98)

Community Outreach
Partnership Centers Program

Breakdown of Outreach and Research Activities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180
(exp. 2/28/2003)

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program.

Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The information submitted in response to the notice of funding availability for the COPC program and HSI-WSP program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545).

The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

	Total Cost $	Percent of Total Project Cost
Total Research Activities		%
Total Outreach Activities		%
Total		

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Community Outreach Partnership Centers Program

Budget (Applicant should duplicate this first page as necessary)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. (2/28/2003)

Functional Category	Year 1		Year 2		Year 3		Total	
	Federal $	Match $	Federal $	Match $	Federal $	Match $	Federal $	Match $
Name of First Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
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Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the COPC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30003** (11/1999)

Community Outreach Partnership Centers Program

Budget (Applicant should duplicate this first page as necessary)

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0180 (exp. (2/28/2003)

Functional Category	Year 1		Year 2		Year 3		Total	
	Federal $	Match $	Federal $	Match $	Federal $	Match $	Federal $	Match $
Name of First Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								
Name of Category								
Direct Labor								
Fringe Benefit								
Materials								
Travel								
Equipment								
Consultants								
Subcontracts								
Other Direct Costs								
Indirect Costs								
Subtotal								

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Community Outreach Partnership Centers (COPC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the COPC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30003** (11/1999)

Verification of Match for New Grants

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

_____	+	_____	=	_____
(Grant request for Research)		(Match for Research)		(Research Total Project Costs)

Research match should be:

_____	X	50%	=	_____
(Research Total Project Costs)				(Required Research Match)

B. Outreach Total Project Costs::

_____	+	_____	=	_____
(Grant request for Outreach)		(Match for Outreach)		(Outreach Total Project Costs)

Outreach match should be:

_____	X	25%	=	_____
(Outreach Total Project Costs)				(Required Outreach Match)

C. Required Total Match:

_____	+	_____	=	_____
(Required Research Match-from 1.A.)		(Required Outreach Match-from 1.B.)		(Required Total Match)

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ Yes _____ No

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs) = _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources (from 2.) = _____
Total Actual Match (w/o indirect costs)

Verification of Match for New Directions Grants

Record of Match Commitments

List of matching sources	Check if commitment letter is included and activity is eligible for match
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Verification of Match (cont'd.)

CALCULATION OF THE MATCH

1. REQUIRED MATCH:

A. Research Total Project Costs::

_____	+	_____	=	_____
(Grant request for Research)		(Match for Research)		(Research Total Project Costs)

Research match should be:

_____	X	60%	=	_____
(Research Total Project Costs)				(Required Research Match)

B. Outreach Total Project Costs::

_____	+	_____	=	_____
(Grant request for Outreach)		(Match for Outreach)		(Outreach Total Project Costs)

Outreach match should be:

_____	X	35%	=	_____
(Outreach Total Project Costs)				(Required Outreach Match)

C. Required Total Match:

_____	+	_____	=	_____
(Required Research Match-from 1.A.)		(Required Outreach Match-from 1.B.)		(Required Total Match)

2. ACTUAL MATCH FOR STATUTORY PURPOSES:

COUNT ONLY THOSE ITEMS WHICH ARE ELIGIBLE AND FOR WHICH THERE ARE COMMITMENT LETTERS, USING THE FORM HUD-30001. THAT FORM AND THE FIRST PART OF THIS WORKSHEET SHOULD CONFORM.

Research match provided: _____

Outreach match provided: _____

Total match provided: _____

Match provided is more than match required:

_____ **Yes** _____ **No**

3. ACTUAL MATCH FOR FACTOR 4 PURPOSES:

Actual total match provided (from # 2 above): _____

Minus indirect match: _____

Actual total match for following calculations: _____

4. MATCH OVERAGE

Total Actual Match (w/o indirect costs) = _____
Total Required Match (from 1.C.)

(As long as the number produced is more than 1, use only amount to the right of the decimal point to determine overage. If the number is less than 1, there is no match overage and you are not eligible for any points under this subfactor.)

5. MATCH FROM OUTSIDE SOURCES

Total Match from Outside Sources (from 2.) = _____
Total Actual Match (w/o indirect costs)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU)

Billing Code 4210-32-C

BILLING CODE 4210–32–C

FUNDING AVAILABILITY FOR THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES PROGRAM

Program Overview

Purpose of the Program. To assist HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, principally for persons of low and moderate income, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

Available Funds. Approximately $10 million.

Eligible Applicants. Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program.

Application Deadline. **May 10, 2000.**

Match: None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under the HBCU program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on May 10, 2000, at HUD Headquarters with a copy to the appropriate HUD CPD Field Office.

See the **General Section** of this SuperNOFA for specific procedures covering the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of one original and two copies of your application. Submit your original signed application and one of the two copies to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to the **HBCU Program**, and include your name, mailing address (including zip code) and telephone number (including area code).

Copies of Applications to HUD Offices. To facilitate processing and review of your application, submit one copy (the second copy) to the Community Planning and Development (CPD) Director in the appropriate HUD Field Office for the HBCU by 6:00 pm, local time, on May 10, 2000. The list of HUD Field Offices with CPD Directors is included in Appendix A.

HUD will accept only *one* application per HBCU. If HUD receives more than one application from a single HBCU, the application that was received earliest will be considered for funding. All others are ineligible.

You should take this policy into account to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental materials, you should call the SuperNOFA Information Center at 1–800-HUD–8929. If you have a hearing or speech impairment please call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, you should refer to the **HBCU Program** and provide your name, address (including zip code), and telephone number (including area code). You may also download the application on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Delores Pruden or Ophelia Wilson, Historically Black Colleges and Universities Program, Office of the Deputy Assistant Secretary for Grant Programs, Community Planning and Development, Department of Housing and Urban Development, 451 Seventh St, SW, Washington, DC 20410; telephone (202) 708–1590. (This is not a toll-free number.) If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also obtain information from the HUD Field Office located in your geographic area. Appendix A contains the names, addresses and telephone numbers of the HUD Field Offices. For general information and information regarding training on this HBCU Program section of the SuperNOFA, you can call the SuperNOFA Information Center at 1–800-HUD–8929.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $10 million is being made available for funding under this program section of the SuperNOFA. Additional funds may be available if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Allocation of Funding.* In order to ensure that some previously unfunded HBCUs will receive awards in this competition, approximately one-fifth of the available funds will be awarded to HBCUs that have not previously been funded under the HUD HBCU program. (The FY 1991 competition was the first funded under the current HBCU Program authorization, section 107(b)(3) of the Housing and Community Development Act of 1974.) Therefore, of the $10 million in FY 2000 funds made available under this SuperNOFA for the HBCU Program:

(1) Approximately $2 million will be awarded to HBCUs that have not received funding in past HUD HBCU competitions under section 107(b)(3) of the Housing and Community Development Act of 1974. This includes competitions for Fiscal Years 1991 through 1999 (''previously unfunded HBCUs'').

Previously unfunded HBCUs are listed in Appendix B of this HBCU Program section of the SuperNOFA.

(2) The remaining approximately $8 million of FY 2000 funds will be awarded to HBCUs that have received funding under such competitions (''previously funded HBCUs''). Previously funded HBCUs are listed in Appendix C of this HBCU Program section of the SuperNOFA.

If recaptured funds are made available, those funds will also be divided proportionately between the two types of applicant funding pools; i.e. one fifth to previously unfunded HBCUs and four fifths to previously funded HBCUs.

HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in a particular application. Awards will be made in the form of grants. **The maximum amount awarded to previously unfunded applicants will be up to $300,000 and the maximum amount awarded to previously funded applicants will be up to $400,000**. However, should a previously unfunded or funded HBCU propose activities to address a past ''Presidentially Declared Disaster'', the HBCU may apply for up to an additional $100,000 for eligible activities. For disasters declared during calendar years 1992 through 1999, an HBCU may confirm or identify major disaster areas (generally counties or independent cities) by looking up ''Federally Declared Disasters'' on the Federal Emergency Management

Agency's web-site at www.fema.gov/library/drcys.htm. At HUD, more information on disasters may be obtained from Jan Opper. Mr. Opper can be reached on 202–708–3587.

(B) *Term of Grant.* The maximum period for performance of your proposed program under this SuperNOFA for the HBCU Program is 24 months. The performance period will commence on the effective date of your grant agreement.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Approximately $10,000,000 is available in funding for the Historically Black Colleges and Universities (HBCU) Program. The HBCU Program assists HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of Title I of the Housing and Community Development Act of 1974.

(1) For the purposes of this program, the term ''locality'' includes any city, county, town, township, parish, village, or other general political subdivision of a State or the U.S. Virgin Islands within which an HBCU is located.

(2) If your HBCU is located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, you may consider your locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may differ, therefore, depending on its location.

(3) If the HBCU is proposing activities for the purpose of providing assistance to address a ''Presidentially Declared Disaster'', HUD may, in accordance with regulatory waiver standard requirements, grant a waiver of the locality restriction to allow the HBCU to carry out disaster activities within the entire area of the State in which the HBCU is located.

(4) A ''target area'' is the locality or the area within the locality in which your HBCU will implement its proposed HUD grant activities.

(B) *Eligible Applicants.* Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12876, dated November 1, 1993, are eligible for funding under the HBCU Program. As indicated in Section II(A)(1) and (2), funds available under this program will be split between two classes of HBCU applicant, which will be rated, ranked, and selected separately.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant (CDBG) Program national objective AND the CDBG eligibility requirements. Eligible activities that may be funded under the HBCU Program are those activities eligible for CDBG funding. The eligible activities are listed in 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Additionally, not less than 51% of the aggregated expenditures of a grant must benefit low and moderate income persons under the criteria specified in 24 CFR 570.208(a) or 570.208(d)(5)or (6).

(2) *National Objectives.* Each activity that may be funded under this SuperNOFA for the HBCU Program must meet one of the three national objectives of the Community Development Block Grant program which are:

(a) Benefit to low- or moderate-income persons;
(b) Aid in the prevention or elimination of slums or blight; or
(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

Criteria for determining whether an activity addresses one or more of these objectives are provided at 24 CFR 570.208. This year, HUD is encouraging HBCUs that want to provide CDBG assistance in ''Presidentially Declared Disaster Areas'' (beginning in 1992) to consider funding eligible activities to address the damage within their localities.

(3) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures including lead-based paint hazard evaluation and reduction; and making accessibility and visitability modifications in accordance with the requirements of section 504 of the Rehabilitation Act of 1973;

(d) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

If you are proposing to undertake any of the activities listed in (a) through (d), you will be required to provide at least two reasonable appraisals/estimates, from a *qualified* entity other than the HBCU, of the cost to complete the activities. This information is to be submitted with your application. Such an entity must be involved in the business of housing rehabilitation, construction, and/or management;

(e) Relocation payments and other assistance for permanently and temporarily relocated individuals, families, businesses, nonprofit organizations, and farm operations where the assistance is

(i) Required under the provisions of 24 CFR 570.606(b) or (c); or

(ii) Determined by the grantee to be appropriate under the provisions of 24 CFR 570.606(d);

(f) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(g) Special economic development activities described at 24 CFR 570.203;

(h) Assistance to facilitate economic development by providing technical or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises;

(i) Establishment of a new or stabilization of an existing Community Development Corporation (CDC) to undertake or continue HBCU eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for Community Based Development Organization (CBDO) activities;

(j) Assistance to a (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local entitlement grantee CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS); and

(k) Eligible public service activities, including activities that provide a continuum of care for the homeless; adult basic education classes; GED preparation and testing; HBCU curriculum development of courses which will lead to a certificate or degree in community planning and development; job and career counseling and assessment; citizen participation academies, and public access telecommunications centers; social and medical services; and/ or other support activities for low- and moderate-income residents, senior citizens and youth, including the U.S. Department of Education's Gaining Early Awareness

and Readiness for Undergraduate Programs (GEAR UP). (For more information regarding GEAR UP, call 1–800–USA–LEARN or visit the Department of Education's website at www.ed.gov);

(l) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, family status and/or disability aware of the range of housing opportunities available to them; and

(m) Payment of reasonable grant administrative costs and carrying charges related to the planning and execution of community development activities assisted in whole or in part with grant funds. HBCU program administrative costs may include capacity building to enhance your HUD HBCU previously funded activities, and/or the creation of new activities under this HUD HBCU grant. Administrative activities in connection with strengthening previous and new activities include hiring staff, supporting and training existing staff, providing software and other tools to provide administrative capability.

To enhance the program delivery capacity of HBCUs eligible under this SuperNOFA, you may propose to use up to 10% of your award funds to acquire technical assistance (TA) from a qualified TA provider to assist in implementing your proposed activities. While you are responsible for ensuring that potential TA providers are qualified, we believe that the most qualified providers would be entities/organizations that have demonstrated the expertise and capacity to successfully conceptualize, develop and implement community and economic development projects and initiatives similar to those you propose. Previously unfunded HBCUs are particularly encouraged to consider acquiring technical assistance from a qualified previously funded HBCU, as described in the paragraph below entitled ''Partnering With A Qualified Previously Funded HBCU.''

(3) *Activities Designed to Promote Training and Employment Opportunities.* In selecting proposed eligible activities, we urge you to consider undertaking activities designed to promote opportunities for training and employment of low-income residents in connection with HUD initiatives such as ''Twenty/20 Education Communities (TEC) formerly known as the Campus of Learners'' (COL) in public housing and ''Neighborhood Networks'' (NN) in other Federally-assisted or insured housing. We also encourage you, whenever feasible, to propose implementing activities in a Federally-designated Urban or Rural (HUD or Department of Agriculture) Empowerment Zone, Urban or Rural Enterprise Community (EZ or EC), or a HUD-approved local CDBG Neighborhood Revitalization Strategy Area or HUD-approved State CDBG Community Revitalization Strategy Area.

(4) *Use of Grant Funds for the Provision of Public Services.* If you plan to use grant funds to provide public services, you are bound by the CDBG statutory requirement that not more than 15% of the total grant amount be used for public service activities that benefit low and moderate income persons. Therefore, you must propose to use at least 85% of the grant amount for activities qualifying under an eligibility category other than public services (as described at 24 CFR 570.201(e)). For example, while HUD encourages HBCUs to use a portion of their grant funds for curriculum development of courses that would lead to a certificate or degree in community planning and development, this activity is considered a public service and subject to the public service cap of 15%.

(5) *Partnering With A Qualified Previously Funded HBCU.* In order to foster further partnerships between HBCUs, you are encouraged to propose using a portion of the award funds to acquire technical assistance from a qualified previously funded HBCU to assist you to develop and implement the proposed activities. The cost for the technical assistance must be for **post award assistance** and *must be deemed by HUD as necessary and reasonable* for the purposes of your grant. Under no circumstances may you propose to use more than 10 percent of the total HUD grant (not including matching funds, if any) to purchase program activity technical assistance.

If you propose an activity which otherwise is eligible it may not be funded if State or local law requires that it be carried out by a governmental entity.

The CDBG Publication entitled ''Everything You Wanted to Know About CDBG'' discusses the regulations, and a copy can be ordered from HUD's SuperNOFA Information Center at 1–800–HUD–8929 or 1–800–HUD–2209 for the hearing impaired.

(D) *Ineligible CDBG Activities* are listed at § 570.207.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, you are subject to the following requirements:

(A) *Leveraging.* Although a match is not required to qualify for funding, applicants that provide letters evidencing a firm commitment from other Federal (e.g., Americorps Programs), State, local, and/or private sources to provide funding, and/or in-kind goods or services to implement the proposed activities will receive points under **Rating Factor 4. These letters must be dated no earlier than the date of this published SuperNOFA.** If you do not have evidence of leveraging, you will receive **zero (0) points for Rating Factor 4**.

Potential Sources of Assistance

- Federal, State and local governments
- Housing Authorities
- Local or national nonprofit organizations
- Banks and private businesses
- Foundations
- Faith Based Communities
- The HBCU

For each match, cash or in kind contribution to your program, you must submit a letter from the provider on the provider's letterhead. A firm commitment letter should address the following:

- The cash amount contributed or dollar value of the in-kind goods and/or services committed;
- How the match is to be used;
- The date the match will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD HBCU Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

(B) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the **General Section** of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(C) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards as found at 24 CFR 570.603.

(D) *OMB Circulars.* Your grant will be governed by: (1) OMB Circular A–21 entitled ''Cost Principles for Educational Institutions''; (2) OMB Circular A–133 entitled ''Audits of States, Local Governments, and Non-Profit Organizations''; and (3) the provisions of 24 CFR part 84 entitled ''Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations. You can access

the OMB Circulars at the White House website at http://whitehouse.gov/wh/eop/omb/html/circulars.

V. Application Selection Process

(A) *Rating and Ranking.* (1) *Threshold Review.* HUD will conduct a review to insure that applications are complete and consistent with the threshold requirements of Section II(B), Compliance with Fair Housing and Civil Rights Laws, of the **General Section** of the SuperNOFA, this HBCU Program section of the SuperNOFA and the HBCU Program regulations (24 CFR 570.404) before reviewing the application for rating and ranking. The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(2) *Funding of Applications.* To be considered for funding, your application must receive a minimum score of 70 out of the possible total of 100 points possible for Factors 1 through 5. In addition, two bonus points may be awarded for EZ/EC, as described in the **General Section** of the SuperNOFA. Within each category of eligible applicant, HUD will fund applications in rank order, until it has awarded all available funds for that category of applicant, or until there are no fundable applications remaining in that category. If there is a tie in the point scores of two applications, the rank order will be determined by the score on Rating Factor 3, 4, 2, 1, 5 in that order. HUD will give the higher rank to the application with the most points for a factor in the above order.

If funds remain after approving all fundable applications within a category of applicants, HUD may choose to add those funds to the funds available for the other category of applicants.

(3) *After Selection.* After selection, but prior to award, you will be required to:

(a) Negotiate. After HUD has rated and ranked all applications and HUD has selected the competition winners, HUD requires that all winners participate in negotiations to determine the specific terms of the Statement of Work and the final grant budget. HUD will follow the negotiation procedures described in Section III(D) of the **General Section** of the SuperNOFA.

(b) Provide Financial Management and Audit Information. If you are selected for funding, you will be required to submit a copy of your most recent audit from an Independent Public Accountant, or the cognizant government auditor, stating that your financial management system meets prescribed standards for fund control and accountability required by OMB Circular A–133, as codified at 24 CFR part 84 and provides your approved fringe benefit and overhead rates.

(B) *Factors For Award Used To Evaluate and Rate Applications.* HUD will use the Factors For Award set forth below to evaluate applications. Your application must contain sufficient information for HUD to review it for its merits. The score for each factor will be based on the qualitative and quantitative aspects of your response to that factor. You are not to exceed a total of twenty-five (25) pages to respond to Rating Factor 1 through 5. This limitation applies to your narrative response, tables, and maps, and NOT to firm commiment letters, the performance narrative and progress reports for previously funded HBCUs.

The maximum number of points that may be awarded is 102. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which:

(1) *Knowledge and Experience.* **(5 Points for previously funded applicants and 15 Points for previously unfunded applicants).** Your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants (including technical assistance providers) and contractors in planning and managing the kinds of programs for which funding is being requested. Experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. In rating this factor, HUD will consider the extent to which your organization and staff have recent, relevant, and successful experience in:

(a) Undertaking specific successful community development projects with community-based organizations or local governments; and

(b) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

(2) *Past Performance* **(10 Points for previously funded applicants)** For previously funded HBCUs, the extent to which you have been successful with past HUD/HBCU projects. For each HUD HBCU grant, you must submit copies of the last two progress reports and a performance narrative as outlined in Appendix D. HUD will consider your performance, including meeting established target dates and schedules, in applying the rating for this subfactor.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you **document** the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor. If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include, but are not limited to, Census reports, HUD's Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plan, community needs analysis such as provided by the United Way, local Urban League, the HBCU and other sound and reliable sources appropriate for the HBCU program. You also may address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where your proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (50 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding Affirmatively Furthering Fair Housing.

(1) *Quality of the Work Plan* **(35 Points)**

(a) *Work Plan Impact* **(15 Points)** Describe how your proposed activities will:

(i) Expand the role of the HBCU in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area. Duplicative efforts will be acceptable, if you are able to demonstrate that there is a population in need that is not being served;

(iv) Involve and empower the citizens of the target area; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Specific Services and/or Activities*. **(15 Points)** Your work plan must incorporate all proposed activities. HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered.

Describe each proposed activity, and the tasks required to implement and complete the activity. If relocation is to be a part of your work activities, you should discuss your plan for temporary or permanent relocation of occupants of units affected, including storage or moving of household goods, stipends and/or incentives.

Also, for each activity, describe:

(i) How it meets a CDBG national objective;

(ii) The sequence, duration, and the products to be delivered in 6 month intervals, up to 24 months. You should indicate which staff member, described in your response to Factor 1, will be responsible and accountable for the deliverables; and

(iii) Measurable objectives to be accomplished e.g. the number of: persons to be trained and employed; houses to be built (pursuant to 24 CFR 570.207) or rehabilitated; minority owned businesses to be started, etc.

(c) *HUD Priorities*. **(5 Points)** The extent to which your proposed application will further and support the policy priorities of HUD including:

(i) Promoting healthy homes;

(ii) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(iii) Enhancing on-going efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as ''One Strike and You Are Out'' or the ''Officer Next Door'' initiative;

(iv) Providing educational, job training, and homeownership opportunities through such initiatives as Neighborhood Networks and Twenty/20 Education Communities (TEC) (formerly known as the Campus of Learners (COL)), and linking programs to Americorps activities; and

(v) The Partnership for Advancing Technology in the Housing (PATH) Initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires and accidents around the home.

The *Neighborhood Networks (NN)* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing such residents with on-site access to computer and training resources.

The *Twenty/20 Education Communities (TEC)* (formerly known as the Campus of Learners (COL)) initiative is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in the Housing (PATH) Initiative* is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH website at www.pathnet.org.

(2) *Institutionalization of Project Activities* **(10 Points)** The extent to which your project will result in the kinds of activities that will be sustained by the HBCU by becoming part of the mission of the HBCU. HUD will look at your monetary commitment to continuing to work in the target area or other similar areas and to your longer term commitment of hard dollars to similar work.

(3) *Affirmatively Furthering Fair Housing* **(5 Points)** The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services, or lending;

(b) Promoting fair housing through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing mobility counseling.

In evaluating this factor, HUD will consider the extent to which your budget is consistent with the Work Plan and the dollars indicated on the Standard Form (SF) 424. Your budget submission must include:

(i) A budget summary covering the Federal and non-Federal share of the costs proposed by cost category (Appendix D). You should pay particular attention to accurately estimating costs, determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals. Indirect costs must be substantiated and approved by the cognizant Federal agency or you must provide an indirect cost rate plan. The indirect cost rate should be indicated in your budget;

(ii) A budget justification, which should be a narrative statement indicating how you arrived at your costs. When possible, you should use quotes from vendors or historical data. You must support all direct labor and salaries with mandated city/state pay scales or other documentation; and

(iii) A budget-by-activity (Appendix D) which includes a listing of tasks to be completed for each activity needed to implement the program, the overall costs for each activity, and the cost for each funding source.

You must submit at least two reasonable appraisals/estimates supplied by *qualified* entities other than the HBCU if you are proposing to do any of the following: acquisition of real property; clearance and demolition; rehabilitation of residential, commercial and/or industrial structures; *and/or* acquisition, construction, or installation of public facilities and improvements. You may obtain guidance for securing these estimates from the CPD Director in the HUD field office or the local government.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure resources which can be combined with HUD program funds to implement the proposed activities.

In evaluating this factor, HUD will consider the extent to which you have secured firm commitments for additional resources to increase the effectiveness of your proposed activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated solely for the purpose(s) of the award you are seeking. A higher number of points will be awarded for a cash match than in-kind goods or services of the same value. The maximum number of rating points you can receive for

leveraging is ten (10). If you do not have evidence of a firm commitment you will receive zero points for this factor. Use the format in Appendix D, to respond to this factor.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's planning process, contact the local or State Community Development Agency or the local HUD Field Office.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) **(4 points)** Coordinated your proposed activities with those of other groups or organizations *before* submission in order to best complement, support and coordinate all known activities, and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) **(3 points)** Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to your proposed activities.

(3) **(3 points)** Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

(A) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found in Appendix D to this program section of the SuperNOFA.

The standard forms applicable to the HBCU application are as follows:

(1) Standard Form SF–424, Application for Federal Assistance.
(2) Standard Form SF–424B, Assurances for Non-Construction Programs.
(3) Form HUD–HUD–50070, Certification for a Drug-Free Workplace.
(4) Form HUD–50071, Certification of Payments to Influence Federal Transactions. If you did do any lobbying then you must also complete the Certification and Disclosure Form Regarding Lobbying (SF-LLL).
(5) Form HUD–2880, Applicant/Recipient Disclosure Update Report.
(6) Form HUD–2992, Certification Regarding Debarment and Suspension. This certification is required by 24 CFR 24.510. (The provisions of 24 CFR part 24 apply to the employment, engagement of services, awarding of contracts, subgrants, or funding of any recipients, or contractors or subcontractors, during any period of debarment, suspension, or placement in ineligibility status, and a certification is required.)
(7) Form HUD–2991, Certification of Consistency with the Consolidated Plan; and
(8) Form HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan. EZ/EC bonus points will only be awarded when the HBCU is located within the geographic boundaries of a HUD or Department of Agriculture EZ/EC. If applicable, you will need to indicate on this form if the college or university is located within the geographic boundaries of the EZ/EC.

(B) *Transmittal Letter.* A transmittal letter must accompany your application. Your cover letter must be signed by the *Chief Executive Officer* (usually the President or Provost) of your institution. If the Chief Executive Officer has delegated this responsibility to another official, that person may sign, but a copy of the delegation must also be included.

(C) *Letter Certifying Local Approval.* This letter certifies that the jurisdiction in which your activities will take place approve the implementation of your activities.

(D) *Application Checklist (Appendix D).*

(E) *Abstract/Executive Summary* **(one page limit)** describing the goals and activities of your project.

(F) *Narrative Statement Responding To The Factors For Award* (25 page limit, including tables and maps, but not including firm commitment letters, the performance narrative and progress reports). The narrative should be numbered in accordance with each factor and subfactor.

Please note that all certification forms must be signed by the authorized certifying official.

Also, HUD will not consider appendices to an application. You must submit your documentation, including firm commitment letters, the performance narrative and progress reports, with your responses to the pertinent factors in order to receive points for it.

VII. Corrections to Deficient Applications

The *General Section* of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program part, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution will assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select an alternate property; and will not acquire, rehabilitate, convert, lease, repair or construct property and not commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitled ''Field Environmental Review Processing for HUD Colonias Initiative Grants,'' issued January 27, 1998.

IX. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101–235, approved December 15, 1989). The HBCU Program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

Appendices to the HBCU NOFA

A Field Office Community Planning and Development; Directors With Historically Black Colleges And Universities; Located Within Their Jurisdiction

B Historically Black Colleges and Universities Previously; Unfunded By HUD During Fiscal Years 1991–1999

C Historically Black Colleges and Universities Previously; Funded By HUD During Fiscal Years 1991–1999

D HBCU Application Forms

Appendix A—Community Planning and Development (CPD) Directors with Historically Black Colleges and Universities Located within their Jurisdiction

Harold Cole, Beacon Ridge Tower, Beacon Parkway West, Suite 300, Birmingham, AL 35209–3144 205–290–7630

Anne Golnik, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, 501–324–6375

John Perry, Richard B. Russell Federal Building, 49 Marietta Street-Five Points Plaza, Atlanta, GA 30303-2806, 404–331–5139

Lana Vacha, 200 North High Street, Columbus, OH 43215–2499, 614–469–6743

David Long, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, 405–553–7571

Joyce Gaskins, the Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, 215–656–0624

Ben Cook, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, 502–582–6141

Gregory Hamilton, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, 504–589–7212

Joseph O'Connor, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201–2505, 410–962–2520

Emerson Sherrod, Acting, Patrick V. McNamara Federal Building, 47 Michigan Avenue, Detroit, MI 48226-2592, 313–226–7908

Linda Tynes, Acting, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910 Jackson, MS 39269–1096, 601–965–4765

Ann Wiedl, Robert A. Young Federal Building, 1222 Spruce Street, Third Floor, St. Louis, MO 63103–2836, 314–539–6524

Charles T. Ferebee, Koger Building, 2306 West Meadowview Rd, Greensboro, NC 27407–3707, 336–547–4005

James Nichol, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, 904–232–1777

Louis E. Bradley, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, 803–765–5564

Virginia Peck, John J. Duncan Federal Building, 710 Locust Street SW, Third Floor, Knoxville, TN 37902–2526, 423–545–4391

Katie Worsham, 801 Cherry Street, Fort Worth, TX 76102, 817–978–5933

John T. Maldonado, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, 210–475–6820

Joseph K. Aversano, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, 804–278–4539

Ronald J. Herbert, 820 First Street NE, Suite 450, Washington, DC 20002–4205, 202–275–0994

Lynn Daniels, 339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2512, 412–644–2999

Jack Johnson, 909 SE First Avenue, Room 500, Miami, FL 33131–3028, 305–536–4431

Carmen R. Cabrera, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, 787–766–5576

Appendix B—Historically Black Colleges and Universities, Previously Unfunded By HUD During Fiscal Years 1991–1999

Alabama
- Concordia College
- Fredd State Technical College
- Lawson State Community College
- Miles College
- Selma University
- J.F. Drake Technical College
- Trenholm State Technical College

Arkansas
- Shorter College

Delaware
- Delaware State University

Florida
- Edward Waters College
- Florida Memorial College

Georgia
- Morehouse School of Medicine
- Paine College

Louisiana
- Dillard University
- Southern University at Shreveport/Bossier City

Maryland
- University Of Maryland Eastern Shore

Michigan
- Lewis College of Business

Mississippi
- Hinds Community College
- Mary Holmes College

North Carolina
- Barber-Scotia College
- Livingstone College

Ohio
- Wilberforce University

Pennsylvania
- Cheyney University of Pennsylvania

South Carolina
- Allen University
- Clinton Junior College
- Denmark Technical College
- Morris College

Tennessee
- Knoxville College
- Lane College
- Meharry Medical College
- Tennessee State University

Texas
- Jarvis Christian College
- Southwestern Christian College

Virginia
- Virginia Union University

West Virginia
- Bluefield State College

U.S. Virgin Islands
- University of the Virgin Islands

Appendix C—Historically Black Colleges and Universities Previously Funded by HUD During Fiscal Years 1991–1999

Alabama
- Alabama A&M University
- Alabama State University
- Bishop State Community College
- Gadsden State Community College
- Oakwood College
- Stillman College
- Talladega College
- Tuskegee University

Arkansa
- Arkansas Baptist College
- Philander Smith College
- University of Arkansas at Pine Bluff

District of Columbia
- Howard University
- University of the District of Columbia

Florida
- Bethune-Cookman College
- Florida A&M University

Georgia
- Albany State University
- Clark Atlanta University
- Fort Valley State University
- Interdenominational Theological Center
- Morehouse College
- Morris Brown College
- Savannah State University
- Spelman College

Kentucky
- Kentucky State University

Louisiana
- Grambling State University
- Southern University A&M College System at Baton Rouge
- Southern University at New Orleans
- Xavier University of New Orleans

Maryland
- Bowie State University
- Coppin State College
- Morgan State University

Mississippi
- Alcorn State University
- Coahoma Community College
- Jackson State University
- Mississippi Valley State University
- Rust College
- Tougaloo College

Missouri
- Harris-Stowe State College
- Lincoln University

North Carolina
- Bennett College
- Elizabeth City State University
- Fayetteville State University
- Johnson C. Smith University
- North Carolina A&T State University
- North Carolina Central University

St. Augustine's College
Shaw University
Winston-Salem State University

Ohio

Central State University

Oklahoma

Langston University

Pennsylvania

Lincoln University

South Carolina

Benedict College
Claflin College
South Carolina State University
Voorhees College

Tennessee

Fisk University
Lemoyne-Owen College

Texas

Huston-Tillotson College
Paul Quinn College
Prairie View A&M University
Saint Philip's College
Texas Southern University
Texas College
Wiley College

Virginia

Hampton University
Norfolk State University
Saint Paul's College
Virginia State University

West Virginia

West Virginia State University

BILLING CODE 4210–32–P

APPENDIX D

The non-standard forms, which follow, are required for your HBCU application.

Application Checklist

The following checklist is provided to ensure that you have submitted all the required items for you to receive funding consideration under this competition. Please insert the appropriate page number of your submission in the box provided.

- [ ] 1. Transmittal Letter signed by the Authorized Certifying Official
- [ ] 2. Standard Form (SF) 424 Application for Federal Assistance
- [ ] 3. Application Checklist
- [ ] 4. Abstract
- [ ] 5. Narrative Statement Addressing the Factors for Award, including the Factor 4 Response Sheet, letters of commitment, and, for previously funded HBCUs, performance narrative(s) and progress reports
- [ ] 6. Budget Documents
- [ ] 7. SF-424B, Assurances - Non-Construction Programs
- [ ] 8. Form HUD-50070, Certification for a Drug-Free Workplace
- [ ] 9. Form HUD-50071, Certification of Payments to Influence Federal Transactions
- [ ] 10. SF-LLL, Certification and Disclosure Regarding Lobbying (if applicable)
- [ ] 11. Form HUD-2880, Applicant/Recipient Disclosure Update Report
- [ ] 12. Form HUD-2992, Certification Regarding Debarment and Suspension
- [ ] 13. Letter Certifying Local Approval
- [ ] 14. Form HUD-2991, Certification of Consistency with the Consolidated Plan
- [ ] 15. Form HUD-2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable, indicate on this form if the college or university is located within the geographic boundaries of the EZ/EC)
- [ ] 16. Form HUD-2993, Acknowledgment of Receipt of Application
- [ ] 17. Form HUD-2994, Client Comments and Suggestions (optional)

RESPONSE SHEET

The information requested below is to be provided by Previously-funded HBCUs only.

Applicant should duplicate this page as necessary.

Performance Narrative. The following information is to be provided for HUD HBCU grant(s). The information will be reviewed in conjunction with the two latest progress reports for the grant(s) which are also to be submitted in response to this subfactor.

The following information is requested for **each** HUD/HBCU grant that you have received since 1991.

Applicant Name _____

Grant Number _____

Grant start date (grant agreement, HUD-1044, executed) _____

Grant end date _____

Amount of HUD Grant funds awarded $ _____

Amount of HUD Grant funds expended $ _____

Balance of Grant funds to be spent $ _____

Total cost of project $ _____

Amount contributed by partners $ _____

Partner percentage of total cost _____ %

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Partner Name _____

Amount Contributed $ _____

Grant Goals and Objectives

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Were / are Grant Goals and Objectives being met? Yes ____ No ____

Total number of Grant tasks _____

Total number of Grant tasks completed as of 3/31/2000 _____

Percentage of Grant tasks completed as of 3/31/2000 _____

Total number of persons to be served by completion of this Grant _____

Total number of persons served as of 3/31/2000 _____

List measurable results to date

Were / are Grant Target dates and Schedules being met? Yes ____ No ____

Impediments or delays in implementation encountered

Other comments:

RESPONSE SHEET

Applicant Name _____

Performance Narrative. (continued)

Total number of HUD / HBCU Grants you have received _____

Grant Number	**Amount of Grant**
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
Total	$ _____

Briefly describe the impact that the total amount of HUD/HBCU funds listed above have had on your community.

Budget Summary
Federal Share

Name and Address of Applicant: _____

Detailed Description of Budget

1. Direct Labor Category Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				

2. Fringe Benefits Category	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				

3. Materials Category Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

HBCU
Page no: ____

form HUD-40076-HBCU (1/2000)

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

Category **4. Travel** a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				

Category **5. Equipment** **Item**	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				

Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

HBCU
Page no: [ ]

form HUD-40076-HBCU (1/2000)

Budget Summary (con't.)

Federal Share

Detailed Description of Budget

7. Subcontracts Category List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				

8. Other Direct Category Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				

9. Indirect Category Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

HBCU Page no: ____

form HUD-40076-HBCU (1/2000)

Budget Summary

Non-Federal Share

Name and Address of Applicant: _____

_____

_____

_____

Detailed Description of Budget

Category **1. Direct Labor** Position or Individual	Estimated Hours	Rate/ Hour	Estimated Cost	Total Cost
Total Direct Labor Cost				

Category **2. Fringe Benefits**	Rate	Base	Estimated Cost	Total Cost
Total Fringe Benefits Cost				

Category **3. Materials** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Materials Cost				

HBCU
Page no: [ ]

form HUD-40076-HBCU (1/2000)

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category **4. Travel** a. Transportation (1) Local Private Vehicle	Mileage	Rate/ Mile	Estimated Cost	Total Cost
4. Travel a. Transportation (2) Air/Destination	Trips	Fare	Estimated Cost	Total Cost
4. Travel a. Transportation (3) Other/Item	Quantity	Unit Cost	Estimated Cost	Total Cost
4. Travel b. Per Diem or Subsistence	Days	Rate/ Day	Estimated Cost	Total Cost
Total Travel Cost				

Category **5. Equipment** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Equipment Cost				

Category **6. Consultants** Type	Days	Rate/ Day	Estimated Cost	Total Cost
Total Consultants Cost				

HBCU
Page no: ____

form HUD-40076-HBCU (1/2000)

Budget Summary (con't.)

Non-Federal Share

Detailed Description of Budget

Category **7. Subcontracts** List individual subcontracts			Estimated Cost	Total Cost
Total Subcontracts Cost				
Category **8. Other Direct** Item	Quantity	Unit Cost	Estimated Cost	Total Cost
Total Other Direct Cost				
Category **9. Indirect** Type	Rate	Base	Estimated Cost	Total Cost
Total Indirect Cost				
Total Estimated Costs				

HBCU
Page no: ☐

form HUD-40076-HBCU (1/2000)

RESPONSE SHEET

Applicant Name: _____

Budget-By-Activity The information that the applicant supplies on this form will be reviewed in conjunction with the narrative response and other documentation for the budget submission requirement.

Activity No.	List Activity and Tasks for Each Activity	Source of Funds: HUD HBCU Grant	Other Federal	State	Local	Private	Total
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
		$	$	$	$	$	$
	Subtotal	$	$	$	$	$	$
	Costs of Administering Grant	$	$	$	$	$	$
	Percent of Total	%	%	%	%	%	%
	*Total	$	$	$	$	$	$

*Must equal amounts on SF-424.

HBCU Page no: ____

form HUD-40076-HBCU (1/2000)

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street SW, Room 7251
Washington, DC 20410-3500
Attn: (State appropriate program name)

Re: HUD Notice of Funding Availability, FR- for (state appropriate program name)

To Whom It May Concern:

If this proposal is funded, (**provider name**) commits $(**amount**) (or) (**type of in-kind contribution**) valued at $(**amount**) to (**applicant name**) for (**type of activity**) to be made available for recipients of the program.

These funds will be made available on (**date mm/dd/yyyy**) for the following grant activity(ies):(**list**)

Sincerely,

(Signature of Authorized Representative)

(Title)

Factor 4 Response Format

(Use this form or type on separate pages)

Applicant Name: **RESPONSE SHEET**

Factor 4 - Leveraging Resources (maximum points: **10**). The information that the applicant supplies on this form will be used in conjunction with the narrative response and other documentation to rate Factor 4.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	To Be Applied To Task No.	Commitment Letter Page No.
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
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		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

HBCU Page no: ☐

form HUD-40076-HBCU (1/2000)

HUD Consolidated Plan-Revitalization Strategies and HBCUs

States and units of local government may provide Community Development Block Grant (CDBG) assistance to institutions of higher education which have a demonstrated capacity to carry out activities which are eligible under the Housing and Community Development Act (HCDA). (This is provided for at §105(a)(22) of the HCDA.) While not mentioned in the Act, Historically Black Colleges and Universities are included as institutions of higher education.

HBCUs can demonstrate capacity to carry out CDBG-eligible activities in a variety of ways, since the list of CDBG-eligible activities is quite broad. For example, housing counseling services, public services, assistance to microenterprises, technical assistance to businesses, rehabilitation of housing, and construction of public facilities such as buildings are all CDBG-eligible; these are activities in which colleges and universities are frequently involved, either in the community or on their own campuses. The Act does not require that they must have already received CDBG funding to demonstrate capacity. Successful implementation of projects using HUD HBCU funding, foundation grants, or other state/local/nonprofit funding can also serve as evidence of capacity.

It is important to remember, however, that HUD does not make this determination of capacity. In the CDBG program, funds are provided to units of local government. In the Entitlement CDBG program (for larger cities and counties), HUD makes grants directly to the city or county; in the State CDBG program, HUD makes grants to states, which award funds to smaller communities that do not qualify for direct Entitlement funding. It is up to the unit of local government to select activities for funding; and, in the State CDBG program, it is up to the state to decide which activities it will fund. The local government (and the State, where applicable) would determine that the college or university has demonstrated capacity to carry out CDBG-eligible activities. Thus, an HBCU should work closely with its local government officials to seek and obtain CDBG funding.

All eligible activities in the CDBG Program must meet one of three statutory objectives specified in the CDBG legislation. This means that the activity must either benefit low- or moderate-income persons, aid in the prevention of slums and blighted conditions, or meet other community development needs having a particular urgency. Many HBCUs are located in (and have a long history of serving) neighborhoods with concentrations of low- and moderate-income persons. HBCU campuses are often located in neighborhoods which have suffered from disinvestment and show physical signs of blight. An institution which wishes to carry out CDBG activities should be prepared to demonstrate to the unit of local government how its activities will meet one of the three national objectives.

In recent years, HUD's Office of Community Planning and Development (CPD) has stressed a coordinated marshalling of resources to facilitate grantees' ability to engage in comprehensive community revitalization strategies. Comprehensive neighborhood/community revitalization strategies seek to create partnerships among Federal and local governments, the private sector, community organizations and local residents. The Department seeks to create communities of opportunity in distressed areas by stimulating the reinvestment of human and economic capital and by economically empowering low-income residents.

The Department recognizes the fundamental necessity of partnering in problem-solving in order to achieve much greater success in community revitalization efforts. HUD believes that no effort will succeed without the support of all of the community actors. Successful revitalization strategies are those that bring together the community's stakeholders to forge partnerships that:

- obtain commitments to community building;
- make communities attractive for investments, thereby creating a market for profits;

- generate community participation to ensure that the benefits of economic activity are **reinvested** in the community for long-term development;

- support the use of nonprofit intermediary institutions (e.g., Community Development Corporations, Community Development Financial Institutions, and Historically Black Colleges and Universities (HBCUs) to bridge gaps between local government agencies, the business community, community groups, and residents;

- foster the growth of resident-based initiatives to identify and address their housing, economic and human services needs;

- coordinate the delivery of various local, state and Federal resources; and

- support initiatives to move unemployed people from public assistance into jobs.

To encourage this approach, HUD has established in the CDBG program the option for units of local government to develop a Neighborhood Revitalization Strategy. (In the State CDBG program, this is called a Community Revitalization Strategy). Once a unit of local government develops and receives approval of a Revitalization Strategy, activities which it carries out to implement the strategy can take advantage of certain incentives built into the CDBG program regulations. These incentives make it easier for units of local government to demonstrate that CDBG-funded activities meet one of the national objectives.

HUD believes HBCUs can play a vital role in the development and implementation of revitalization strategies in the communities they serve. The HBCU can provide its facilities and expertise to bring community residents and local government officials together to identify problems and solutions. The HBCU can provide its facilities and expertise to produce the written document. Similarly, the institution could monitor and evaluate implementation of the strategy. (The institution could contract with the local government to perform these functions and receive CDBG administrative funds to pay for them; the institution could pay for these out of its own resources, as evidence of its financial commitment to the initiative; or it could use funds from its HUD HBCU award to perform these functions).

As a stakeholder in the community, the HBCU should play an active role in identifying neighborhood/community needs and problems. Likewise, as a stakeholder and community partner, it should establish an active role in implementing the revitalization strategy. Examples of roles HBCUs could play in community implementation of the strategy include:

- Carrying out activities, pursuant to the locality's Consolidated Plan strategy, with its own funds;

- Receiving CDBG funds from the unit of local government to carry out activities pursuant to the Consolidated Plan strategy;

- Using HUD HBCU funding to carry out activities pursuant to the Consolidated Plan strategy;

- Serving as an intermediary/facilitator to put funding sources together with entities carrying out activities;

- Providing technical assistance to businesses, community groups and nonprofit organizations on how to implement projects to which they have committed; and

- Foster the formation of other nonprofit/intermediary organizations to implement portions of the strategy, when the lack of such organizations is an identified barrier to strategy implementation.

As HBCUs explore how to link their HBCU funding to CDBG revitalization strategies, HBCUs should first contact local government officials to learn if the locality has considered adopting the revitalization strategy approach, to get more specific information on revitalization strategy requirements, and to get more specific information about their community's CDBG program. HBCUs located in smaller (nonentitlement) communities should also contact the State agency which administers the CDBG program in their State.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES (HSIAC)

Billing Code 4210-32-C

BILLING CODE 4210–32–C

FUNDING AVAILABILITY FOR THE HISPANIC-SERVING INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (HSIAC)

Program Overview

Purpose of the Program. To assist Hispanic-serving institutions of higher education (HSIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $6.5 million.

Eligible Applicants: Only nonprofit Hispanic-serving institutions of higher education that meet the definition of an HSI established in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. May 10, 2000.

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funds under the Hispanic-serving Institutions Assisting Communities Program (HSIAC), please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on May 10, 2000 at HUD Headquarters.

See the **General Section** of this SuperNOFA for specific procedures covering the form of the application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and two copies of the application. Submit your completed application to the following address:

Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to HSIAC and include your name, mailing address (including zip code) and telephone number (including area code).

HUD will accept only one application per HSI campus for this program. If your institution submits more than one application, per campus, HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the **General Section** of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to HSIAC and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may contact Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane__R.__Karadbil@hud.Gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $6.5 million in FY 2000 funds is being made available under this SuperNOFA for HSIAC. Of this amount, approximately $50,000 is being set aside to correct a funding error for one of the FY 1999 grantees.

The maximum grant period is 24 months. The performance period will commence on the effective date of the grant agreement.

The maximum amount to be requested and awarded is $400,000. Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you submit an application requesting more than $400,000 in HUD funds, the application will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of HSIAC is to assist HSIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State, Puerto Rico, or the U.S. Virgin Islands within which your HSI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of an HSI in Title V of the 1998 Amendments to the Higher Education Act of 1965 (Pub. L. 105–244) are you eligible to apply. In order for you to meet this definition, at least 25 percent of the full-time undergraduate students enrolled in your institution must be Hispanic and not less than 50 percent of these Hispanic students must be low-income individuals. You are not required to be on the list of eligible institutions prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition. If you are one of several campuses of the same institution, you may apply separately from the other campuses as long as your campus has a separate administrative structure and budget from the other campuses. In addition, in order to fund as many different HSIs as possible, you can only apply if you did not receive an HSIAC grant in FY 1999.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. There are three national objectives:

(a) Benefit to low- and moderate-income persons;

(b) Aid in the prevention or elimination of slums or blight; or

(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

(You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above, at least 51% are for activities benefiting low- and moderate-income persons.)

You can find the regulations governing activities eligible under the CDBG program at 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Ineligible activities are listed at § 570.207. The CDBG publication entitled ''Everything You Wanted to Know About CDBG'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an HSI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (e.g., offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Jane Karadbil at the above number if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one the three national objectives, include, but are not limited to:

(a) Acquisition of real property;

(b) Clearance and demolition;

(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;

(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;

(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;

(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is:

(1) Required under the provision of 24 CFR 570.606 (b) or (c); or

(2) Determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).

(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;

(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;

(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.

(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);

(k) Establishment of a Community Development Corporation (CDC) at the institution to undertake eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for CBDO activities;

(l) Up to 15 percent of the grant for eligible public services activities including:

(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;

(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;

(iii) Educational activities including English as a Second Language (ESL) classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling, assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care services and costs for the children of students attending your institution;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(xii) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information, call 1–800-USA-LEARN or visit the U.S. Department of Education's website at www.ed.gov).

(m) Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) *Other Requirements.* (1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). These letters or documents must be dated no earlier than the date of this published SuperNOFA. Potential sources of leveraging assistance include:

Your own institution (for both direct and indirect costs);

Federal, State and local governments;

Housing authorities

Local or national nonprofit organizations

Banks and private businesses;
foundations; and
Faith-based communities.

(2) *Employment of Local Area Residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(3) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards as found at 24 CFR 570.603.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions, and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/wh/eop/omb/html/circulars.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be rated if it is both in compliance with the requirements of the **General Section** of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible HSI;

(2) Your application requests a Federal grant of $400,000 or less over the two-year grant period;

(3) There is only one application from your institution or a campus of your institution;

(4) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. If this experience is found within the HSI, you will receive higher points on this factor than if you have secured this experience from consultants, contractors, and other staff outside your institution. In addition, if you demonstrate that the previous experience is for the project team from the institution proposed for this project, you will receive higher points than if the experiences are for people not proposed to work on this project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Outreach activities in specific communities to solve or ameliorate significant housing and community development issues;

(b) Undertaking specific successful community development projects with community-based organizations; and

(c) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for HSIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (50 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding affirmatively furthering fair housing.

(1) *Quality of the Work Plan* **(35 Points).** (a) *Work Plan Impact* **(12 Points).** Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area;

(iv) Involve and empower the citizens of the target area in all stages of the proposed project; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Specific Services and/or Activities* **(13 Points)**. HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* (**5 points**). The extent to which

your application proposes to use the funds that could be spent under the public service cap (i.e., 15 percent of the grant) for outreach and applied research activities related to the proposed activities that involve the students and faculty. HUD's goal is to encourage the kinds of activities that are eligible under the COPC program to be undertaken, within the public services cap constraint, in HSIAC.

(d) *HUD Priorities* (**5 points**). The extent to which your application will further and support at least one of the following priorities of HUD:

(1) Promoting healthy homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(3) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as ''One Strike and You Are Out'' or the ''Officer Next Door'' initiative;

(4) Providing educational, job training, and homeownership opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities, and linking programs to Americorps; or

(5) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of activities to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Community* initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(2) *Institutionalization of Project Activities* (**10 points**). The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefits students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(3) *Affirmatively Furthering Fair Housing* (**5 points**). The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending;

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside your institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Comprehensiveness and Coordination (10 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local or State Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address and will only be rated on subfactors (1) and (3). If that is the case, the points for this factor will be evenly divided between these two subfactors.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) (**4 points**) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) (**3 points**) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a

need/problem that is related to the activities you propose.

(3) (**3 points**) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(C) *Selections.* In order to be funded, you must receive a minimum score of 70 points. HUD will fund applications in rank order, until it has awarded all available funds. If two or more applications have the same number of points, the application with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application with the most points for Factor 4, Leveraging, shall be selected.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C) or do not meet a national objective in accordance with 24 CFR 570.208.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded HSIACs. If HUD decides to use this option, it will do so only if two adjacent HUD regions do not yield at least one fundable HSIAC on the basis of rank order. If this occurs, HUD will fund the highest ranking applicant within the two regions as long as the minimum score of 70 points is achieved.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter,* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority.

(E) *Abstract/Executive Summary* (one page limit) describing the goals and activities of the project.

(F) *Budget.* The budget presentation should be consistent with the Statement of Work and include:

(1) A budget by activity, using Form HUD–30004 included in the application kit and in the program area section of the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals.

(2) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(3) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(G) *Statement of Work* (25 page limit; this page limit is separate from the 25 pages for the Narrative Statement addressing the rating factors described above) The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For each proposed activity, your Statement of Work must:

(1) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor (1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(2) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(3) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses to be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(H) *Narrative Statement Addressing the Factors for Award.* (25 page limit, including tables, and maps, but not including any letters of commitment) You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that

it will be for the duration of the grant period;

- Any terms and conditions affecting the commitment, other than receipt of a HUD HSIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services. (See the application kit and the program area section of the SuperNOFA for a sample commitment letter.)

(I) *Certifications.* (1) SF–424B, Assurances for Non-Construction Programs;

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF-LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(J) *Acknowledgement of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(K) *Client Comment and Suggestions (HUD–2994).* If you wish to offer comments on the HSIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit HUD or expend local funds for these program activities with respect to any eligible property until HUD approval of the property is required. In supplying HUD with environmental information, you should use the same guidance as provided in the HUD Handbook entitles ''Field Environmental Review Processing for HUD Colonias Initiative Grants'' issued January 27, 1998.

VIII. Authority

This program was approved by Congress under the section 107 of the CDBG appropriation for fiscal year 2000, as part of the FY 2000 HUD Appropriations Act. HSIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

BILLING CODE 4210–32–P

APPENDIX A

The non-standard forms, which follow, are required for your HSIAC application.

Section B: HSIAC Application Checklist

The following checklist is provided to ensure that you have submitted all the required items for you to receive funding consideration under this competition.

Each of the items must be included in your application, in the order listed. On the line to the left of each item, you must list the page number(s) where the item can be found in your application. Each page of your application must list the name of your institution and the Federal Register number for the NOFA. For application items which are not forms, you should clearly indicate to which items you are responding.

____ 1. SF-424, Application for Federal Assistance

____ 2. HUD-424M, Funding Matrix (if applicable)

____ 3. Application Checklist

____ 4. Transmittal Letter

____ 5. Abstract

6. Budget

____ Form HUD-30004, the budget for each of the two years and the total grant period

____ Narrative explanation of how costs were derived, including any back-up materials

____ Statement of compliance with 20% limitation on "Planning and Administration" costs

____ 7. Statement of Work

____ 8. Narrative Statement Addressing the Factors for Award (including letters of commitment)

9 . Certifications

____ SF-424B, Assurances

____ Certification of Payments To Influence Certain Federal Transactions (HUD-50071)

____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)

____ Applicant/Recipient Disclosure/Update Report (HUD-2880)

____ Certification for a Drug-Free Workplace (HUD-50070)

____ Certification Regarding Debarment (HUD-2992)

____ Certification of Consistency with the Consolidated Plan (HUD-2991)

____ EZ/EC Certification (HUD-2990) (if applicable)

____ 10. Acknowledgment of Receipt of Application (HUD-2993) (optional)

____ 11. Client Comments and Suggestions Form (HUD-2994) (optional)

Abstract

Project Number (Leave Blank) _____

Grantee (Name of College/University) _____

Requested Grant Amount _____

Project Address _____

City, State, and Zip Code _____

Project Contact Person _____

Phone Number _____

Fax Number _____

Project Description:

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

OMB Approval No. 2528-0198 (exp. 9/30/2002)

Activity	Year 1		Year 2		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (this page)						

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Hispanic-Serving Institutions Assisting Communities (HSIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the HSIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30004** (12/98)

Hispanic-Serving Institutions Assisting Communities

Budget Applicant should duplicate this page as necessary.

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Activity	Year 1		Year 2		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity **Planning and Management**						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (all pages)						

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street, SW, Room 7251
Washington, DC 20410-3500
ATTN: (fill in appropriate program name)

Re: HUD Notice of Funding Availability, FR- , for (fill in appropriate program name)

To Whom It May Concern:

If this proposal is funded, (provider name) commits $(amount) (or) (type of in-kind contribution) valued at $(amount) to (applicant name) for (type of activity) to be made available for recipients of the program. These funds will be made available on (date) for the following grant activity(ies): _____

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ALASKAN NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES (AN/NHIAC)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE ALASKA NATIVE/NATIVE HAWAIIAN INSTITUTIONS ASSISTING COMMUNITIES PROGRAM (AN/NHIAC)

Program Overview

Purpose of the Program. To assist Alaska Native/Native Hawaiian institutions of higher education (AN/NHIs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974, as amended.

Available Funds. Approximately $2 million, to be divided evenly between Alaska Native institutions of higher education (ANIs) and Native Hawaiian institutions of higher education (NHIs).

Eligible Applicants: Only nonprofit Alaska Native and Native Hawaiian institutions of higher education that meet the definitions of Alaska Native and Native Hawaiian institutions of higher education established in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub.L. 105–244; enacted October 7, 1998).

Application Deadline. **May 10, 2000.**

Match. None.

Additional Information

If you are interested in applying for funds under the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) Program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application is due on or before 12:00 midnight, Eastern time, on May 10, 2000, at HUD Headquarters.

See the **General Section** of this SuperNOFA for specific procedures covering the form of the application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit your completed application to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC, 20410. When submitting your application, please refer to AN/NHIAC and include your name, mailing address (including zip code) and telephone number (including area code).

For ANIs, HUD will only accept one application per campus. For NHIs, HUD will only accept one application per institution. If your institution submits more than one application per campus (for ANIs) or more than one application per institution (for NHIs), HUD will ask you to identify which application you want evaluated. Only one application may be evaluated. If you do not respond within the stipulated cure period (see Section V of the **General Section** of this SuperNOFA), all of your applications will be disqualified. You should take this policy into account and take steps to ensure that multiple applications are not submitted.

For Application Kits. For an application kit and any supplemental material, you should call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, you should refer to AN/NHIAC Program and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through the HUD web site at www.hud.gov.

For Further Information and Technical Assistance. You may call Jane Karadbil of HUD's Office of University Partnerships at 202–708–1537, extension 5918. If you have a hearing or speech impairment, you may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. You may also write to Ms. Karadbil via email at Jane____R.____Karadbil@hud.Gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $2 million in FY 2000 funds is being made available under this SuperNOFA for AN/NHIAC. Of this amount, $1 million is being made available for Alaska Native institutions (ANIs) of higher education and $1 million is being made available for Native Hawaiian institutions of higher education (NHIs). The performance period of 24 months will commence on the effective date of the grant agreement. The maximum amount which can be requested and awarded to a particular Alaska Native institutions of higher education is $333,333. The maximum amount which can be requested and awarded for a particular Native Hawaiian institution of higher education is $1 million with each application composed of no more than three separate projects, each in a different neighborhood. Each separate project can be for no more than $333,333.

Since the Statement of Work and other facets of the technical review are assessed in the context of the proposed budget and grant request, and in the interest of fairness to all applicants, if you are an ANI and submit an application requesting more than $333,333 in HUD funds, it will be ruled ineligible. If you are an NHI and you submit an application for more than $1 million, it will be ruled ineligible. If you are an NHI and you submit an application in which you request more than $333,333 for any one project, that particular project will be ruled ineligible. HUD reserves the right to make awards for less than the maximum amount or less than the amount requested in your application.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of AN/NHIAC is to assist AN/NHIs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development.

(1) For the purposes of this program, the term ''locality'' includes any city, county, township, parish, village, or other general political subdivision of a State within which your AN/NHI is located.

(2) A ''target area'' is the locality or the area within the locality in which your institution will implement its proposed HUD grant.

(B) *Eligible Applicants.* Only if your institution is a nonprofit institution of higher education and meets the statutory definition of either an Alaska Native institution of higher education or a Native Hawaiian institution of higher education, as contained in Title III, Part A, Section 317 of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998 (Pub. L. 105–244) are you eligible to apply. If you are an Alaska Native institution of higher education, in order for you to meet this definition, at least 20 percent of your undergraduate headcount enrollment must be Alaska Native students. If you are a Native Hawaiian institution of higher education, in order to meet this definition at least 10

percent of your undergraduate headcount enrollment must be Native Hawaiian students. You are not required to be on a list of eligible AN/NHIs prepared by the U.S. Department of Education. However, if you are not, you will be required to certify in the application that you meet the statutory definition.

If you are an ANI and your institution has multiple campuses, each one is eligible to apply separately, as long as it meets the above enrollment test. You may undertake as many projects and activities as you want, as long as you do not exceed the $333,333 cap for an application. If you are an NHI, you are permitted to submit only one application, no matter how many separate campuses you have, as long as your institution meets the above enrollment test. You may undertake up to three separate projects, each in a different neighborhood, with each project requesting no more than $333,333. In your application you must describe how each project is separate and distinct; how your proposed activities relate to that project; and that each project will not rely on any part of another project for its successful completion. A project can include one or more of the eligible activities listed below. For example, if you propose a homeownership project, you might rehabilitate housing in a neighborhood, demolish some structures to create spaces for lawns, and provide a loan pool for purchasers of this housing. All these activities could still be viewed as one project. You might also undertake a job training program for welfare-to-work families by rehabilitating a warehouse and offering the job training there. These activities could also be viewed as one project. But if you proposed to create a homeownership program and a job training program, these activities would be viewed as two separate projects. Your institution could undertake both, but they would have to be in two different neighborhoods.

(C) *Eligible Activities.* (1) *General.* Each activity you propose for funding must meet both a Community Development Block Grant Program (CDBG) national objective and the CDBG eligibility requirements. A discussion of the national objectives can be found at 24 CFR part 570.208. There are three national objectives:

(a) Benefit to low- and moderate-income persons;
(b) Aid in the prevention or elimination of slums or blight; or
(c) Meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet such needs.

(You must ensure that of your aggregate grant expenditures under paragraphs (a), (b), and (c) above at least 51% are for activities benefiting low-and moderate-income persons.)

You can find the regulations governing activities eligible under the CDBG program at 24 CFR part 570, subpart C, particularly §§ 570.201 through 570.206. Ineligible activities are listed at § 570.207. The CDBG publication entitled ''Everything You Wanted to Know About CDBG'' discusses the regulations. You can obtain a copy from the SuperNOFA Information Center. If you propose an activity which otherwise is eligible, it may not be funded if State or local law requires that it be carried out by a governmental entity.

In addition, you may not propose the construction or rehabilitation of your institution's facilities unless you can demonstrate that such activities would meet the purpose of this program to expand the role and effectiveness of an AN/NHI in its locality. HUD will scrutinize proposed activities for eligibility. As examples of eligible and ineligible on-campus activities, rehabilitating a library for use by your students would not be an eligible activity, but rehabilitating it to convert it to a micro-business enterprise center for the community would be; or as another example, just undertaking your normal activities (e.g., offering English as a Second Language classes) would not be considered eligible activities because they would not expand your role and effectiveness in community development activities. You should call Jane Karadbil at the above number if you have any questions about the eligibility of any activities you may propose. You may also look at the Office of University Partnerships website at www.oup.org for summaries of last year's winners under the Hispanic-serving Institutions Assisting Communities program, a program very similar to this one.

(2) *Examples of Eligible Activities.* Examples of activities that generally can be carried out with these funds, under one of the three national objectives, include, but are not limited to:

(a) Acquisition of real property;
(b) Clearance and demolition;
(c) Rehabilitation of residential structures to increase housing opportunities for low- and moderate-income persons and rehabilitation of commercial or industrial buildings to correct code violations or for certain other purposes, e.g., making accessibility and visitability modifications to housing;
(d) Direct homeownership assistance to low- and moderate-income persons, as provided in section 105(a)(25) of the Housing and Community Development Act of 1974;
(e) Acquisition, construction, reconstruction, rehabilitation, or installation of public facilities and improvements, such as water and sewer facilities and streets;
(f) Relocation payments and other assistance for temporarily and permanently relocated individuals, families, businesses, and non-profit organizations where the assistance is (1) required under the provision of 24 CFR 570.606(b) or (c); or (2) determined by your institution to be appropriate under the provisions of 24 CFR 570.606(d).
(g) Lead-based paint hazard reduction, pursuant to the CDBG regulations;
(h) Special economic development activities described at 24 CFR 570.203, including activities designed to promote training and employment opportunities;
(i) Assistance to facilitate economic development by providing technical assistance or financial assistance for the establishment, stabilization, and expansion of microenterprises, including minority enterprises.
(j) Assistance to community-based development organizations (CBDO) to carry out a CDBG neighborhood revitalization, community economic development, or energy conservation project, in accordance with 24 CFR 570.204. This could include activities in support of a HUD approved local CDBG Neighborhood Revitalization Strategy (NRS) or HUD approved State CDBG Community Revitalization Strategy (CRS);
(k) Establishment of a Community Development Corporation (CDC) at the institution to undertake eligible activities. If you are proposing a Community Development Corporation (CDC) component, it may qualify for CBDO activities;
(l) Up to 15 percent of the grant for eligible public services activities including:
(i) Work study programs that meet the program requirements of the Hispanic-serving Institutions Work Study program, which can be found at 24 CFR 570.416;
(ii) Outreach and other program activities as described in the Community Outreach Partnership Centers Program section of the SuperNOFA;
(iii) Educational activities including English as a Second Language (ESL)

classes, adult basic education classes, GED preparation and testing, and curriculum development of courses that will lead to a certificate or degree in community planning and development;

(iv) Job and career counseling assessment, training, and other activities designed to promote employment opportunities, not related to special economic development activities;

(v) Capacity building for community organizations;

(vi) Social and medical services for youths, adults, senior citizens, and the homeless;

(vii) Fair housing services designed to further the fair housing objectives of the Fair Housing Act (42 U.S.C. 3601–20) by making all persons, without regard to race, color, religion, sex, national origin, familial status and/or disability aware of the range of housing opportunities available to them;

(viii) Day care services and costs for the children of students attending your institution;

(ix) Continuum of care services for the homeless;

(x) Public access telecommunications centers including Twenty/20 Education Communities (formerly known as Campus of Learners) and Neighborhood Networks;

(xi) Activities to use HUD's Partnership for Advancing Technology in Housing (PATH) technology;

(xii) Services to assist low-income students to attend college, as part of the U.S. Department of Education's Gaining Awareness and Readiness for Undergraduate Program (GEAR UP). (For more information, call 1–800–USA–LEARN or visit the U.S. Department of Education's website at www.ed.gov).

(m) Up to 20% of your grant for program administration costs related to the planning and execution of community development activities assisted in whole or in part with grant funds. Pre-award planning costs may not be paid out of grant funds.

(D) *Other Requirements.* (1) *Leveraging.* Although a match is not required to qualify for funding, if you claim leveraging from any source, including your own institution, you must provide letters or other documentation evidencing the extent and firmness of commitments of leveraging from other Federal (e.g., Americorps Programs), State, local, and/or private sources (including the applicant's own resources). **These letters or documents must be dated no earlier than the date of this published SuperNOFA**. Potential sources of leveraging assistance include: your own institution (for both direct and indirect costs); State and local governments; housing authorities; local or national nonprofit organizations; banks and private businesses; foundations; and faith-based communities.

(2) *Employment of local area residents (Section 3).* Please see Section II(E) of the General Section of this SuperNOFA. The requirements are applicable to certain activities that may be funded under this program section of the SuperNOFA.

(3) *Labor Standards.* If you are awarded a grant, you must comply with the labor standards as found at 24 CFR 570.603.

(4) *OMB Circulars.* Your grant will be governed by the provisions of 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals and other Nonprofit Organizations), A–21 (Cost Principles for Education Institutions, and A–133 (Audits of States, Local Governments, and Non-Profit Organizations. The application kit contains a detailed explanation of what these costs are. You can access the OMB circulars at the White House website at http://whitehouse.gov/WH/EOP/OMB/html/circulars.

IV. Application Selection Process

HUD will conduct two types of review: a threshold review to determine applicant eligibility; and a technical review to rate the application based on the rating factors in this section.

(A) *Threshold Factors for Funding Consideration.* Under this threshold review, your application can only be considered for rating and ranking if it is in compliance with both the requirements of the **General Section** of the SuperNOFA and the following additional standards are met:

(1) You must be an eligible Alaska Native or Native Hawaiian institution of higher education;

(2) If you are an ANI, you request a Federal grant of $333,333 or less over the two-year grant period; or

(3) If you are an NHI, you request a Federal grant of $1 million or less over the two year grant period composed of no more than three separate projects, each in a different neighborhood, and each of no more than $333,333.

(4) If you are an ANI, there is only one application from your institution or a campus of your institution. If you are an NHI, there is only one application from your institution, no matter how many campuses there are.

(5) At least one of the activities in your application is eligible.

(B) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which your application demonstrates the knowledge and experience of the overall project director and staff, including the day-to-day program manager, consultants, and contractors in planning and managing the kinds of programs for which funding is being requested. If this experience is found within the AN/NHI, you will receive higher points on this factor than if you have secured this experience from consultants, contractors, and other staff outside your institution. In addition, if you demonstrate that the previous experience is for the project team from the institution proposed for this project, you will receive higher points than if the experiences are for people not proposed to work on this project. Experience will be judged in terms of recent, relevant, and successful experience of your staff to undertake activities in:

(a) Outreach activities in specific communities to solve or ameliorate significant housing and community development issues;

(b) Undertaking specific successful community development projects with community-based organizations; and

(c) Providing proven leadership in solving community problems which have a direct bearing on the proposed activity.

Rating Factor 2: Need/Extent of the Problem (15 points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the importance of meeting the need in the target area. In responding to this factor, you will be evaluated on the extent to which you document the level of need for the proposed activities and the importance of meeting the need.

You should use statistics and analyses contained in one or more data sources that are sound and reliable. To the extent that your targeted community's Five (5) Year Consolidated Plan and Analysis of Impediments to Fair

Housing Choice (AI) identify the level of the problem and the urgency in meeting the need, you should include references to these documents in your response to this factor.

If your proposed activities are not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other sound data sources to identify the level of need and the urgency in meeting the need. Types of other sources include Census reports, HUD Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Comprehensive Plans, community needs analyses such as provided by the United Way, your institution, etc., and other sound and reliable sources appropriate for AN/NHIAC. You may also address needs in terms of fulfilling court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements.

To the extent possible, the data you use should be specific to the area where the proposed activities will be carried out. You should document needs as they apply to the area where the activities will be targeted, rather than the entire locality or State, unless the target area is the entire locality or State.

Rating Factor 3: Soundness of Approach (50 points)

This factor addresses the quality and cost-effectiveness of your proposed work plan, the commitment of your institution to sustain the proposed activities, and your actions regarding affirmatively furthering fair housing.

(1) *Quality of the Work Plan* **(35 Points).** (a) *Work Plan Impact* **(12 Points).** Specifically, HUD will consider the extent to which your proposed activities will:

(i) Expand the role of your institution in its community;

(ii) Alleviate and/or fulfill the needs identified in Factor 2;

(iii) Relate to and not duplicate other activities in the target area.

(iv) Involve and empower the citizens of the target area in all stages of the proposed project; and

(v) Be disseminated to a wide variety of audiences, both academic and community-based, using a wide variety of media, including print and Internet technology.

(b) *Specific Services and/or Activities* **(13 Points).** HUD will consider the feasibility of success of your program, the measurable objectives, and how timely your products will be delivered. Specifically, HUD will examine the extent to which:

(i) The project you propose can be completed within the two year grant period; and

(ii) The objectives are measurable (e.g., the number of loans made, the number of jobs created), result in measurable improvement to the community (e.g., fifteen more homeowners, twenty more jobs in a specific field), and how well you demonstrate that these objectives will be achieved by your proposed management plan and team and will result directly from your activities.

(c) *Involvement of the Faculty and Students* **(5 points).** The extent to which your application proposes to use the funds that could be spent under the public service cap (i.e., 15 percent of the grant) for outreach and applied research activities related to the proposed activities that involve the students and faculty. HUD's goal is to encourage the kinds of activities that are eligible under the COPC program to be undertaken, within the public services cap constraint, in AN/NHIAC.

(d) *HUD Priorities* **(5 points).** The extent to which your application will further and support at least one of the following priorities of HUD:

(1) Promoting healthy homes;

(2) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs;

(3) Enhancing ongoing efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as ''One Strike and You Are Out'' or the ''Officer Next Door'' initiative;

(4) Providing educational, job training, and homeownership opportunities through such initiatives as GEAR UP, Neighborhood Networks, Twenty/20 Education Communities, and linking programs to Americorps; or

(5) HUD's Partnership for Advancing Technology in Housing (PATH) initiative.

The *Healthy Homes* initiative implements a series of initiatives to protect children from home hazards such as lead-based paint, radon, fires, and accidents around the home.

The *GEAR UP* initiative promotes partnerships between colleges and middle or junior high schools in low-income communities, to help teach students how they can go to college by informing them about college options, academic requirements, costs, and financial aid, and by providing support services, including tutoring, counseling, and mentoring.

The *Neighborhood Networks* initiative enhances the self-sufficiency, employability, and economic self-reliance of low-income families and the elderly living in HUD-insured and HUD-assisted properties by providing them with on-site access to computer and training resources.

The *Twenty/20 Education Communities* initiative (formerly known as Campus of Learners) is designed to transform public housing into safe and livable communities where families undertake training in new telecommunications and computer technology and partake in educational opportunities and job training initiatives.

The *Partnership for Advancing Technology in Housing* (PATH) initiative is a voluntary public/private partnership that seeks to speed the creation and widespread use of advanced technologies in order to radically improve the quality, durability, energy efficiency, and environmental performance and affordability of housing. For more information, you can go to the PATH web site at www.pathnet.org.

(6) *Institutionalization of Project Activities* **(10 points).** The extent to which your project will result in the kinds of proposed activities being sustained by becoming part of the mission of your institution. In reviewing this subfactor, HUD will consider the extent to which program activities relate to your institution's mission; are part of a climate that rewards faculty work on these kinds of activities through promotion and tenure; benefits students because they are part of a service learning program at your institution; and are reflected in the curriculum. HUD will look at your monetary and non-monetary commitments to faculty and staff continuing work in the target area or other similar areas and to your longer term commitment (five years after the start of the grant) of hard dollars to similar work.

(3) *Affirmatively Furthering Fair Housing* **(5 points).** The extent to which you propose to undertake activities designed to affirmatively further fair housing, for example:

(a) Working with other entities in the community to overcome impediments to fair housing, such as discrimination in the sale or rental of housing or in advertising, provision of brokerage services or lending:

(b) Promoting fair housing choice through the expansion of homeownership opportunities and improved quality of services for minorities, families with children, and persons with disabilities; or

(c) Providing housing mobility counseling services.

Rating Factor 4: Leveraging Resources (10 points)

This factor addresses your ability to secure community resources, which can be combined with HUD program funds to achieve program objectives.

In evaluating this factor, HUD will consider the extent to which you have established partnerships with other entities to secure additional resources to increase the effectiveness of the proposed activities. Resources may include funding or in-kind contributions, such as services or equipment. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities. You may also establish partnerships with other program funding recipients to coordinate the use of resources in the target area.

You may count overhead and other institutional costs (e.g., salaries) that are waived as leveraging. However, higher points will be awarded if you secure leveraging resources from sources outside the institution.

You must provide letters or other documentation showing the extent and firmness of commitments of leveraged funds (including your own resources) in order for these resources to count in determining points under this factor. Any resource for which there is no commitment letter will not be counted, nor will the resource be counted without the proposed level of commitment being quantified. If your application does not include evidence of leveraging, it will receive zero (0) points for this Factor.

Rating Factor 5: Comprehensiveness and Coordination (10 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participate or promote participation in a community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. For specific information about your locality's process, contact the local or State Community Development Agency or the local HUD field office. If you propose to work in a Community Development Block Grant (CDBG) non-entitlement jurisdiction, you will only need to address and will only be rated on subfactors (1) and (3). If that is the case, the points for this factor will be evenly divided between these two subfactors.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) **(4 points)** Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and, if funded, the specific steps you will take to share information on solutions with others. Any written agreements, memoranda of understanding in place, or that will be in place after award, should be described.

(2) **(3 points)** Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) (**3 points**) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other Federal, State or locally-funded activities, including those proposed or ongoing in the community.

(C) *Selections.* For ANI applications, each application will be reviewed and rated based on these selection criteria. For NHI applicants, each project in an application will be reviewed and rated separately. If you are an ANI, you must receive a score of at least 70 points on your application in order to be eligible for funding. If you are an NHI, you must receive a score of at least 70 points for a project in order for that project to be eligible for funding. HUD will fund applications (for ANIs) or projects (for NHIs) in rank order, until it has awarded all available funds. HUD will rank and select applications from Alaska Native institutions and Native Hawaiian institutions separately. If, within either of these two categories, two or more applications (for ANIs) or projects (for NHIs) have the same number of points, the application (for ANIs) or project (for NHIs) with the most points for Factor 3, Soundness of Approach, shall be selected. If there is still a tie, the application (for ANIs) or project (for NHIs) with the most points for Factor 4, Leveraging, shall be selected. If all the funds in one category are not awarded, they cannot be transferred to the other category.

HUD will not fund specific proposed activities that do not meet eligibility requirements (see 24 CFR part 570, subpart C), or do not meet a national objective in accordance with 24 CFR 570.208.

After all application selections have been made, HUD may require that you participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully complete negotiations, or you fail to provide HUD with requested information, an award will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant, and proceed with negotiations with that applicant.

V. Application Submission Requirements

You should include an original and two copies of the items listed below. In order to be able to recycle paper, please do not submit applications in bound form; binder clips or loose leaf binders are acceptable. Also, please do not use colored paper. Please note the page limits for some of the items listed below and do not exceed them.

Your application must contain the items listed in this section. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(A) *SF–424,* Application for Federal Assistance.

(B) *HUD–424M,* Federal Assistance Funding Matrix.

(C) *Application Checklist.*

(D) *Transmittal Letter,* signed by the Chief Executive Officer of your institution or his or her designee. If a designee signs, your application must include the official designation of signatory authority. If you are an NHI, this letter should cover your entire application, no matter how many projects are proposed.

(E) *Abstract/Executive Summary* (one page limit for ANIs and two pages for NHIs) describing the goals and activities of the project. If you are an NHI, the abstract should cover your entire application, no matter how many projects are proposed.

(F) *Budget.* The budget presentation should be consistent with the Statement of Work and include:

(1) A budget by activity, using Form HUD–30005 included in the application kit and in the program area section of

the SuperNOFA. This form separates the Federal and non-Federal costs of each program activity. Particular attention should be paid to accurately estimating costs; determining the necessity for and reasonableness of costs; and correctly computing all budget items and totals. The budget form is arranged by activities not projects. You should complete one budget form for each project that you will undertake.

(2) A narrative statement of how you arrived at your costs, for any line item over $5,000. Indirect costs must be substantiated and the rate must have been approved by the cognizant Federal agency. If you are proposing to undertake rehabilitation of residential, commercial, or industrial structures or acquisition, construction, or installation of public facilities and improvements, you must submit reasonable costs supplied by a *qualified* entity other than your institution. Guidance for securing these estimates can be obtained from the CPD Director in your HUD field office or from your local government.

(3) A statement of compliance with the 20 percent limitation on ''Planning and Administration'' costs.

(G) *Statement of Work* (25 page limit if you are an ANI, this page limit covers all proposed activities in your application, if you are an NHI, there is 25 page limit per separate project, with each project responding to all of the Statement of Work Requirements). The Statement of Work incorporates all activities to be funded in your application and details how your proposed work will be accomplished. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.) For each proposed activity, your Statement of Work must:

(1) Arrange the presentation of major related activities (e.g., rehabilitation of a child care center, provision of tutoring services), summarize each activity, identify the primary persons (as described in addressing Rating Factor 1) involved in carrying out the activity and accountable for the deliverables, and delineate the major tasks involved in carrying it out. You should also describe how each activity meets a CDBG national objective.

(2) Indicate the sequence in which tasks are to be performed, noting areas of work that must be performed simultaneously. The sequence, duration, and the products to be delivered should be presented in six month intervals, up to 24 months.

(3) Identify the specific numbers of quantifiable intermediate and end products and objectives (e.g., the number of houses of be rehabilitated, the number of people to be trained, the number of minority businesses started, etc.) you aim to deliver by the end of the grant period as a result of the work performed.

(H) *Narrative Statement Addressing the Factors for Award* (25 page limit including tables, and maps, but not including any letters of commitment—if you are an ANI, this page limit covers all proposed activities in your application; if you are an NHI, there is a 25 page limit per separate project, with each project responding to all of the Narrative Statement Addressing the Factors for Award Requirements). You should number the narrative in accordance with each factor and subfactor. Please do not repeat material in the Statement of Work. (Please note that although submitting pages in excess of the page limit will not disqualify your application, HUD will not consider the information on any excess pages, which may result in a lower score or failure to meet a threshold.)

In addressing Factor 4, for each leveraging source, cash or in kind, you must submit a letter, dated no earlier than the date of this SuperNOFA, from the provider on the provider's letterhead that addresses the following:

- The dollar amount or dollar value of the in-kind goods and/or services committed. For each leveraging source, the dollar amount in the commitment letter must be consistent with the dollar amount you indicated in the Budget;
- How the leveraging amount is to be used;
- The date the leveraging amount will be made available and a statement that it will be for the duration of the grant period;
- Any terms and conditions affecting the commitment, other than receipt of a HUD AN/NHIAC Grant; and
- The signature of the appropriate executive officer authorized to commit the funds and/or goods and/or services.

(See the application kit and the program area section of the SuperNOFA for a sample commitment letter.) If you are an NHI, you should separate your leveraging sources by project and include the appropriate letters in the Narrative Statement for that project.

(I) *Certifications.* (1) SF–424B, Assurances for Non-Construction Programs.

(2) HUD–50071, Certification of Payments to Influence Certain Federal Transactions;

(3) SF–LLL, Disclosure of Lobbying Activities (if applicable);

(4) HUD–2880, Applicant/Recipient Disclosure/Update Form;

(5) HUD–50070, Certification of Drug-Free Workplace;

(6) HUD–2992, Certification Regarding Debarment and Suspension;

(7) HUD–2991, Certification of Consistency with the Consolidated Plan; and

(8) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

(J) *Acknowledgement of Receipt of Applications (HUD–2993).* If you wish to confirm that HUD received your application, please complete this form. This form is optional.

(K) *Client Comments and Suggestion Form (HUD–2994).* If you wish to offer comments on the AN/NHIAC NOFA of this SuperNOFA or the SuperNOFA process, please complete this form. This form is optional.

You may not submit appendices or general support letters or resumes. If you submit letters of leveraging commitment, they must be included in your response to Factor 4. If you submit other documentation, it must be included with the pertinent factor responses (taking note of the page limit).

VI. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

Selection for award does not constitute approval of any proposed sites. Following selection for award, HUD will perform an environmental review of activities proposed for assistance under this program, in accordance with 24 CFR part 50. The results of the environmental review may require that your proposed activities be modified or that your proposed sites be rejected. You are particularly cautioned not to undertake or commit funds for acquisition or development of proposed properties prior to HUD approval of specific properties or areas. Your application constitutes an assurance that your institution assist HUD to comply with part 50; will supply HUD with all available and relevant information to perform an environmental review for each proposed property; will carry out mitigating measures required by HUD or select alternate property; and will not acquire, rehabilitate, convert, lease, repair, or construct property and not commit HUD or expend local funds for these program activities with respect to any eligible property until HUD approval of the property is required. In supplying HUD

with environmental information, you should use the same guidance as provided in the HUD Handbook entitles ''Field Environmental Review Processing for HUD Colonias Initiative Grants'' issued January 27, 1998.

VIII. Authority

This program was approved by Congress under the section 107 of the CDBG appropriation for fiscal year 2000, as part of the FY 2000 HUD Appropriations Act. AN/NHIAC is being implemented through this program section of the SuperNOFA and the policies governing its operation are contained herein.

BILLING CODE 4210–32–P

APPENDIX A

The non-standard forms, which follow, are required for your AN/NHIAC application.

Section B: AN/NHIAC Application Checklist

The following checklist is provided to ensure that you have submitted all the required items for you to receive funding consideration under this competition.

Each of the items must be included in your application, in the order listed. On the line to the left of each item, you must list the page number(s) where the item can be found in your application. Each page of your application must list the name of your institution and the Federal Register number for the NOFA. For application items which are not forms, you should clearly indicate to which items you are responding.

____ 1. SF-424, Application for Federal Assistance

____ 2. HUD-424M, Funding Matrix (if applicable)

____ 3. Application Checklist

____ 4. Transmittal letter

____ 5. Abstract

6. Budget

____ Form HUD-30005, the budget for each of the two years and the total grant period

____ Narrative explanation of how costs were derived, including any back-up materials

____ Statement of compliance with 20% limitation on "Planning and Administration" costs

____ 7. Statement of Work

____ 8. Narrative Statement Addressing the Factors for Award (including letters of commitment and the Factor 4 Response Format)

9 . Certifications

____ SF-424B, Assurances

____ Certification of Payments To Influence Certain Federal Transactions (HUD-50071)

____ Disclosure of Lobbying Activities (SF-LLL) (if applicable)

____ Applicant/Recipient Disclosure/Update Report (HUD-2880)

____ Certification for a Drug-Free Workplace (HUD-50070)

____ Certification Regarding Debarment (HUD-2992)

____ Certification of Consistency with the Consolidated Plan (HUD-2991)

____ EZ/EC Certification (HUD-2990) (if applicable)

____ 10. Acknowledgment of Receipt of Application (HUD-2993) (optional)

____ 11. Client Comment and Suggestions Form (HUD-2994) (optional)

Abstract

Project Number (Leave Blank) _____

Grantee (Name of College/University) _____

Requested Grant Amount _____

Project Address _____

City, State, and Zip Code _____

Project Contact Person _____

Phone Number _____

Fax Number _____

Project Description:

Alaska Native/Native Hawaiian
Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Budget Applicant should duplicate this page as necessary.

OMB Approval No. 2528-0206 (exp. 3/31/2000)

Activity	Year 1		Year 2		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (this page)						

The information collection requirements contained in this notice of funding availability and application kit will be used to rate applications, determine eligibility, and establish grant amounts for the Alaska Native/Native Hawaiian Institutions Assisting Communities (AN/NHIAC) program. Total public reporting burden for collection of this information is estimated to average 80 hours. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information submitted in response to the notice of funding availability for the AN/NHIAC program is subject to the disclosure requirements of the Department of Housing and Urban Development Reform Act of 1989 (Pub.L. 101-235, approved December 15, 1989, 42 U.S.C. 3545). The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

form **HUD-30005** (11/1999)

Alaska Native/Native Hawaiian
Institutions Assisting Communities

U.S. Department of Housing and Urban Development
Office of Policy Research and Development

Budget Applicant should duplicate this page as necessary.

OMB Approval No. 2528-0206 (exp. 3/31/2000)

Activity	Year 1		Year 2		Total	
	Federal $	Leveraged $	Federal $	Leveraged $	Federal $	Leveraged $
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Name of Activity **Planning and Management**						
Direct Labor						
Fringe Benefit						
Materials						
Travel						
Equipment						
Consultants						
Subcontracts						
Other Direct Costs						
Indirect Costs						
Subtotal						
Grand Totals (all pages)						

Sample Letter of Commitment

Use the Commitment Provider's Letterhead

(Insert Date)

Processing and Control Branch
Office of Community Planning and Development
Department of Housing and Urban Development
451 7th Street, SW, Room 7251
Washington, DC 20410-3500
ATTN: (fill in appropriate program name)

Re: HUD Notice of Funding Availability, FR- , for (fill in appropriate program name)

To Whom It May Concern:

If this proposal is funded, (provider name) commits $(amount) (or) (type of in-kind contribution) valued at $(amount) to (applicant name) for (type of activity) to be made available for recipients of the program. These funds will be made available on (date) for the following grant activity(ies): _____

Sincerely,

(Signature of Authorized Representative)

(Title)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE FAIR HOUSING INITIATIVES PROGRAM (FHIP)

Program Overview

Purpose of the Program. To increase compliance with the Fair Housing Act (the FHAct) and with substantially equivalent State and local fair housing laws.

Available Funds. Approximately **$18,000,000** is allocated as follows:

A. Private Enforcement Initiative (PEI) **$9,700,000**.

B. Education and Outreach Initiative (EOI) **$6,500,000**.

C. Fair Housing Organizations Initiative (FHOI) **$1,800,000**.

Eligible Applicants. Eligible applicants are described in detail under each of the funded Initiatives/Components set forth below. Depending upon the Initiative/Component, applicants may include:

Qualified Fair Housing Organizations (QFHOs); Fair Housing Organizations (FHOs); public or private non-profit organizations or institutions and other public or private entities that are working to prevent or eliminate discriminatory housing practices; State and local governments; and Fair Housing Assistance Program (FHAP) agencies (as defined in Section IV(A)(16) of this program section).

Application Deadline. **May 16, 2000**.

Match: None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. You must submit completed applications for all Initiatives/Components on or before 12:00 midnight, Eastern time, on May 16, 2000, at HUD Headquarters, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the method of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your original application consists of an original signed application and five copies. Submit your completed application (one original and five copies) to: FHIP SuperNOFA 2000 [Specify the Initiative/Component to which you apply], FHIP/FHAP Support Division, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5224, Washington, DC 20410.

When you submit your application, please provide the following information on the front of the mailing envelope: your organization's name, name of contact person, mailing address (including zip code), telephone number (including area code), and fax number.

For Application Kits. For an application kit and supplemental information, please call the HUD SuperNOFA Information Clearinghouse at 1–800–HUD–8929. If you have a hearing or speech impairment, you may call the Center's TTY at 1–800–HUD–2209. When requesting an application kit, please refer to FHIP SuperNOFA 2000, and provide your name, address (including zip code), and telephone number (including area code). Application kits also will be available on the Internet at: http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Lauretta A. Dixon, Director, FHIP-FHAP Support Division, Office of Programs at 202–708–0800 (which is not a toll-free number). Persons with hearing or speech impairments may contact the FHIP-FHAP Division by calling 1–800–290–1617 (this is a toll free number).

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at the web address listed above.

II. Amount Allocated

In Fiscal Year 2000, $24,000,000 was appropriated for the Fair Housing Initiatives Program. Approximately $18,000,000 is being made available on a competitive basis to eligible organizations responding to this SuperNOFA. The remaining approximately $6,000,000 has been designated for the National Housing Discrimination Audit 2000.

The amount available for each Initiative/Component and the award cap (the maximum amount of funds that can be awarded for each grant) are allocated as follows:

(A) *Private Enforcement Initiative (PEI).* Approximately $9,700,000 is allocated as follows:

(1) *General Component (GC).* $7,950,000; award cap: $300,000 for single projects, $600,000 for partnership projects; project duration 24–36 months.

(2) *Fair Housing Partnership Component (FHPC).* $1,750,000; award cap: $150,000 for local/community based projects and $250,000 for State and Regional based projects; project duration 24 months.

(B) *Education and Outreach Initiative (EOI).* Approximately $6,500,000 is allocated for 18–24 month projects as follows:

(1) *Regional/Local/Community-Based Program*. Approximately $4,500,000 is allocated for 18–24 month projects.

(a) *General Component (GC).* $2,000,000; award cap: $300,000; project duration 24 months.

(b) *Disability Component (DC).* $750,000; award cap: $150,000; project duration 18 months.

(c) *Fair Housing Partnership Component (FHPC).* $1,750,000; award cap: $150,000 for Local/Community based projects; $250,000 for State/Regional based projects; project duration 24 months.

(2) *National Program*. Approximately $2,000,000 is allocated for 24 month projects.

(a) **Model Codes Partnership Component (MCPC).** A single award of $1,000,000.

(b) *Community Tensions Component (CT).* A single award of $1,000,000.

(C) *Fair Housing Organizations Initiative (FHOI).* Approximately, $1,800,000 is allocated for the following Components:

(1) *Establishing New Organizations Component (ENOC).* $1,200,000; award cap: $400,000; project duration 24–36 months.

(2) **Continued Development Component (CDC).** $600,000; award cap: $200,000; project duration 24 months. Under this Component, your award may not exceed 50 percent of your organization's annual operating budget, as defined in Section IV(A)(16) in this program section of the SuperNOFA.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Fair Housing Initiatives Program (FHIP) assists projects and activities that increase compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. In June of 1997, the President launched his ''One America for the 21st Century'' initiative and made fighting discrimination and racial and ethnic violence an Administration priority. The President directed HUD to increase its enforcement actions. The activities funded under this SuperNOFA are expected to contribute to this increase.

Immigrant populations (especially ethnic minorities who are not English speaking) are increasingly responsible for new household formations in the United States, and they often face

formidable barriers because of discriminatory housing practices. Congress recognized that where we live, perhaps more than any other factor, shapes our life prospects and who we become as individuals. It is especially important that fair housing efforts be directed to the education and enforcement needs of these immigrant populations and the specific types of discrimination they may encounter. Points will be awarded to applications under the General Components of EOI and PEI that devote all or a portion of their activities and budget to address the fair housing needs of these immigrant populations and other underserved populations. Applicants under the Community Tensions Component of the EOI-National Program and the Fair Housing Partnership Components of EOI and PEI will not be eligible unless they devote at least sixty (60) percent of their activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other undeserved populations.

(B) *New Program Focus—Fair Housing Partnerships.* HUD has long recognized the importance of private fair housing groups partnering with Fair Housing Assistance Program (FHAP) agencies to vigorously enforce the Fair Housing Act and substantially equivalent state and local fair housing laws. HUD has set aside $7 Million to promote collaborative enforcement efforts between these two groups. The funds are equally divided between FHAP and FHIP, i.e., $3.5 million to each program. The $3.5 million FHIP set-aside is evenly allocated ($1,750,000) to the Fair Housing Partnership Components of the Private Enforcement and Education and Outreach Initiatives. As indicated by these program requirement highlights, HUD is determined to remove any obstacles which might discourage these joint enforcement efforts. The program highlights are:

(1) *Project Emphasis.* The project(s) must focus on the enforcement and education needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations.

(2) *Eligibility.* You are eligible only if you partner with an eligible FHAP agency. The list of eligible FHAP agencies may be obtained from your Hub Office and will be posted on the HUD web at ''www.hud.gov.''

(3) *FHAP Agencies.* FHAP agencies wishing to participate in this partnership must do so under the Fair Housing Assistance Program, not under the EOI-Fair Housing Partnership Component of this SuperNOFA.

FHAP agencies, however, may apply for funding of non-partnership activities under all other EOI Components. Your application is ineligible unless you devote at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations, as defined in Section IV(A)(16) in this program section of the SuperNOFA.

(4) *How To Apply.* You must respond to Rating Factor 3: Soundness of Approach, outlining your activities and the funds you are requesting for your partnership participation; and provide, as an attachment to Rating Factor 3, the total budget and a description of the overall partnership, including the duties and responsibilities of each partner.

(5) *Interdependent Applications.* This is a collaborative effort between FHIPs and FHAPs. Your eligible FHAP partner will not be funded unless your application is selected. Furthermore, if two members of the partnership submit applications under the Fair Housing Partnership Components of EOI and PEI both applications must be rated of sufficient quality for funding and their overall ranking will be based on the average of their combined scores (see discussion in Section V), i.e., the applications are interdependent.

(6) *Project Duration and Award Caps.* These are 24 months projects. The award caps for each partner are from $150,000 to $250,000 depending on whether the project focus is local/community-based, or state/regional. Thus, a regional project which, in addition to the FHAP, has two partnering FHIP organizations, one which has applied under EOI–FHPC and the other under PEI–FHPC, could qualify for a maximum of $750,000 for the project, i.e., $250,000 to each partner.

(7) *Exemptions.* HUD has added these Components to those exempted from the single award and funding/geographic diversity provisions.

(8) *Single Award Limitation.* Generally, applicants are limited to a single award; by adding the Fair Housing Partnership Components to the excepted category, you may receive up to three awards (see discussion in Section IV (A)(3) of this program section of the SuperNOFA).

(9) *Funding and/or Geographic Diversity Provisions.* Under these provisions the Selecting Official, within limited circumstances, may select applications out of rank order. These provisions will not apply to selections under the Fair Housing Partnership Components, i.e., applications will be selected in rank order only.

(C) *Private Enforcement Initiative (PEI).* (1) *Initiative Description.* This Initiative assists private fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws. Your activities under this Initiative are expected to contribute to increasing the number of HUD's enforcement actions.

(a) *Eligible Applicants.* Eligible applicants are FHOs with at least one year of experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims (see, 24 CFR 125.401, (b)); and QFHOs (see, 24 CFR 125.103).

(b) *Eligible Activities* include:

(i) Complaint intake of allegations of housing discrimination, testing, evaluating testing results, or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(ii) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(iii) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(iv) Costs and expenses of litigating fair housing cases, including expert witness fees.

(2) *PEI-General Component (PEI-GC). Component Description.* This Component supports investigation and enforcement activities which determine compliance with accessibility requirements; discover and remedy discrimination in the public and private real estate markets; propose and undertake activities to detect and remedy more subtle and sophisticated forms of discriminatory practices; and reduce steering and other practices perpetuating segregation.

(a) *Eligible Applicants.* Eligible applicants are QFHOs and FHOs as described in Section III(C)(1)(a) above. You are not eligible if you are currently receiving PEI-General Component funding awarded to you under a previous NOFA, and, your grant agreement expires after June 30, 2001. However, you may apply for funding under any other FHIP Initiative/Component.

Your application will be considered either as a single or partnership project (see, Section IV(C)(1) of this program section for more details). If you are submitting a partnership application, *all*

members of your partnership must meet the eligibility requirements of this Component, and a separate Statement of Eligibility for each must be included in your application as an attachment to Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience. A letter of firm commitment must be included stating that the partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. If you fail to include this letter of firm commitment with your application, but you have stipulated the activities and tasks to be undertaken by each partner in your Statement of Work, the failure to provide the letter will be treated as a technical deficiency corrected as noted in Section V of the **General Section** of this SuperNOFA.

(b) *Eligible Activities.* Eligible activities are described in Section III(C)(1)(b) above. Points will be awarded in Factor 3: Soundness of Approach, based upon the percentage of your activities and your budget devoted to the fair housing enforcement needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations (as defined in Section IV(A)(16) of this program section of the SuperNOFA).

(3) *Fair Housing Partnership Component (PEI-FHPC).* Component Description. This Component promotes collaborative fair housing enforcement projects that propose strategic planning between public fair housing enforcement agencies eligible under the Fair Housing Assistance Program (FHAP) and organizations eligible under this Initiative. The strategic plan will draw upon the resources, strengths, and expertise of the FHIP and FHAP partners to promote more effective fair housing enforcement. Funded activities will address all protected classes and include all covered real estate practices.

(a) *Eligible Applicants.* Eligible applicants are QFHOs and FHOs as described in Section III(C)(1)(a) above that propose collaborative strategic fair housing enforcement plans with an eligible FHAP agency(ies). You should contact your local Hub Office to identify eligible FHAP agencies with which you may partner. A list of Hub Offices is provided in the FHIP Appendix B at the end of the Program Section of this SuperNOFA, and the list of eligible FHAP agencies will be posted on the HUD web at ''www.hud.gov.'' A letter of firm commitment must be included stating that the partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. If you fail to include this letter of firm commitment with your application but your Statement of Work identifies the activities and tasks to be conducted by each partner, then your failure to provide the letter will be considered a technical deficiency and may be corrected as noted in Section V of the **General Section** of this SuperNOFA.

(b) *Eligible Activities.* Eligible activities are the same as described in Section III(C)(1)(b) above. Your application is ineligible unless you devote at least sixty (60) percent of your activities and budget to the fair housing of needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations (as defined in Section IV(A)(16) in this program section). Points will be awarded in Rating Factor 3: Soundness of Approach based upon the percentage of your activities and your budget devoted to these immigrant and other underserved populations.

(c) *Funding Outreach Activities.* If you are partnering with an organization which requests funding for EOI activities under the EOI-FHPC, your budget, and the budget of any other partner(s) carrying out activities under this Component, may designate no requested funds for education and outreach to promote awareness of the partnership. The partner requesting funds under the EOI-FHPC will conduct all education and outreach activities on behalf of the partnership. However, if you are not partnering with an organization which requests funding for EOI activities under the EOI-FHPC, your budget may designate up to 20 percent of requested funds for education and outreach to promote awareness of the partnership.

(D) *Education and Outreach Initiative (EOI).* (1) *Initiative Description.* This Initiative assists projects that inform and educate the public about their rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws. One of the tasks you are required to complete is the development of a complaint referral process so that activities funded under all Components of this Initiative will result in an increased number of referrals to HUD of credible, legitimate fair housing claims and other information regarding discriminatory practices.

(a) *Eligible Applicants.* Eligible applicants are QFHOs; FHOs; public and private non-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices; State or local governments; and FHAP agencies. If you are a traditional civil rights organization, you are encouraged to apply under this Initiative. The reference to ''entities that are formulating programs to prevent or eliminate discriminatory housing practices'' means entities which will be established to carry out programs to prevent or eliminate discriminatory housing practices as a result of receiving a FHIP award.

(b) *Eligible Activities.* Unless otherwise noted, the following activities are eligible for all Components under this Initiative: conducting educational symposia; distributing existing fair housing materials throughout your project area; providing outreach and information on fair housing through printed and electronic media; and providing outreach to persons with disabilities and/or their support organizations and service housing providers, and the general public regarding the rights of persons with disabilities under the Fair Housing Act. If you are submitting an application under the Regional/Local/Community-Based Program, you must use existing, locally available materials, i.e., you may not develop new fair housing materials except as a supplement to existing materials and/or in languages other than English or Braille.

(2) *Regional/Local/Community-Based Program. General Component (EOI-GC). Component Description.* This Component supports education and outreach activities designed to inform the public about their rights and obligations under the Fair Housing Act and substantially equivalent State and local fair housing laws.

(a) *Eligible Applicants.* Eligible applicants are the same as described in Section III(D)(1)(a), above.

(b) *Eligible Activities.* Eligible activities are the same as described in Section III(D)(1)(b), above. Also eligible under this Component are activities that seek to reduce racial and other housing segregation or are intended to improve racial/ethnic minorities' access to and retention of homeownership by addressing multiple barriers to fair housing choice, e.g., mortgage lending discrimination and/or abusive and predatory mortgage lending practices, which may result in the ultimate loss of homes for racial/ethnic minorities. Points will be awarded in Rating Factor 3: Soundness of Approach based upon the percentage of your activities and your budget devoted to immigrant (especially ethnic minorities who are not English speaking) and other underserved populations.

(3) *Disability Component (EOI-DC). Component Description.* This Component supports education and

outreach activities designed to address the fair housing needs of persons with disabilities so that they, housing providers, and the public better understand the rights and obligations under the Fair Housing Act and more fully appreciate the forms of housing discrimination which persons with disabilities may encounter.

(a) *Eligible Applicants.* Eligible applicants are the same as described in Section III(D)(1)(a), above.

(b) *Eligible Activities.* Eligible activities are the same as described in Section III(D)(1)(b), above.

(4) *Fair Housing Partnership Component (EOI-FHPC). Component Description.* This Component promotes collaborative education and outreach projects of strategic planning between public fair housing enforcement agencies (eligible for funding under the Fair Housing Assistance Program (FHAP)) and organizations eligible under this Initiative. Therefore, your strategic plan should draw upon the resources, strengths, and expertise of the FHIP and FHAP partners to promote more effective fair housing education and outreach. Funded activities will address all protected classes and include all covered real estate practices.

(a) *Eligible Applicants.* Eligible applicants are those listed in Section III(D)(1)(a), above, except for FHAP agencies, which are not eligible for funding under this component. An applicant under this component must propose collaborative strategic fair housing education and outreach plans with an eligible FHAP agency(ies). The funding for FHAP agencies wishing to participate in this partnership is under the Fair Housing Assistance Program rather than FHIP.

You should contact your local Hub Office to identify eligible FHAP agencies with which you may partner. A list of Hub Offices is provided in the FHIP Appendix B at the end of this program section of this SuperNOFA and the list of eligible FHAP agencies will appear on the HUD web at ''www.hud.gov.'' A letter of firm commitment must be included stating that each partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. If you fail to include this letter of firm commitment with your application but your Statement of Work identifies the activities and tasks to be conducted by each partner, then your failure to provide this letter will be considered a technically deficiency and may be corrected as noted in Section V of the **General Section** of this SuperNOFA.

(b) *Eligible Activities.* Eligible activities are the same as described in Section III(D)(1)(b), above. Your application will be ineligible unless you devote at least sixty (60) percent of your activities and budget to immigrant (especially ethnic minorities who are not English speaking) and other underserved populations (as defined in Section IV(A)(16) of this program section).

(c) *Funding Outreach Activities.* If your partnership also includes a QFHO or an FHO that is requesting funding under the PEI-FHPC, your organization is required to conduct all education and outreach activities to promote the partnership. Funds requested by your PEI-FHPC partner will be used as described in Section III(C)(3)(c), above.

(5) *National Program. Model Codes Partnership Component (EOI-MCPC). Component Description.* This Component promotes collaborative activities involving disability rights advocacy groups, housing industry organizations, and other agencies and institutions capable of facilitating and encouraging adoption of building codes at the State and local levels that are consistent with the accessibility requirements of the Fair Housing Act, its implementing regulations, and the Fair Housing Accessibility Guidelines.

(a) *Eligible Applicants.* Eligible applicants are the same as described in Section III(D)(1)(a) above, with demonstrated technical expertise in the design and construction requirements of the Fair Housing Amendments Act of 1988, the applicable implementing regulations, the Fair Housing Accessibility Guidelines, the ANSI A117.1 technical standards, and State and local building codes. You may establish your ''demonstrated technical expertise'' in many ways; for example, you have taken a course/attended a seminar on the accessibility provisions of the Fair Housing Act and have applied that training to your work as, for example, a building inspector, architect, housing provider, or developer in a jurisdiction with a building code that incorporates these provisions, or your work experience has made you knowledgeable about design and construction requirements of the Fair Housing Act/Accessibility Guidelines, the ANSI A117.1 technical standards, and State and local building codes. Course(s) descriptions, specific examples of work experiences and years of experience must be highlighted when establishing technical expertise. Only applications filed by a minimum of two entities, at least one of which is a disability rights advocacy group or organization, will be considered, and the roles of each partner must be clearly delineated. Your application must identify additional sub-recipients and consultants/contractors who will work on this project. A letter of firm commitment must be included stating that the partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. If you fail to include this letter of firm commitment with your application but your Statement of Work identifies the activities and tasks to be conducted by each partner, then your failure to provide the letter will be considered a technical deficiency and may be corrected as noted in Section V of the **General Section** of this SuperNOFA.

(b) *Eligible Activities.* (i) Where State and local governmental entities have adopted one of the four model building codes reviewed by the HUD Model Codes Working Group (Working Group), your application should describe how you will:

— Assist those State and local governmental entities in modifying their building codes by adopting language to make the building codes consistent with the accessibility requirements of the Fair Housing Act; and

—Educate State and local building code officials on the requirements;

(ii) Where State and local governmental entities with building codes have not adopted one of the model building codes, your application should describe how your activities will:

— Review those building codes for consistency with the accessibility requirements of the Fair Housing Act, its Amendments, the Act's implementing regulations, and the Fair Housing Accessibility Guidelines;

—Work with State and local building code organizations, members of the building industry, advocacy organizations, fair housing organizations and other experts on accessibility laws, codes and standards to make the building codes consistent with the Fair Housing Act's accessibility requirements;

—Assist in adopting the modified building codes; and

—Educate State and local building code officials on the requirements;

(iii) Where communities do not have building codes, your application must show how you will:

—Develop and implement a strategy for ensuring that the building industry is made aware of and understands the Fair Housing Act's accessibility requirements;

—Develop a list of ''Best Practices'' for ensuring that the building industry is made aware of and understands the Fair Housing Act's accessibility requirements; and

—Review State and local governmental building codes that are modified to make them consistent with the Fair Housing Act's accessibility requirements to ensure that the modifications are consistent with the Fair Housing Act, the Act's implementing regulations and the Fair Housing Accessibility Guidelines.

(6) *Community Tensions Component (EOI–CT). Component Description.* This Component will assist a 24-month project that proposes to prevent the emergence of community tensions that may occur when persons protected under the Fair Housing Act, exercise their right to equal housing opportunity and move into communities where persons similarly protected under the Act have not previously lived or have been underrepresented; and intervene when community tensions emerge and create volatile situations which harm, or threaten to harm, those exercising their rights to equal housing opportunities.

(a) *Eligible Applicants.* Eligible applicants are the same as described in Section III(D)(1)(a), above.

(b) *Eligible Activities.* Eligible Activities are the same as described in Section III(D)(1)(b), above. You must develop more than one plan which communities can use to prevent and resolve community tensions when protected classes exercise their fair housing choices. HUD expects your plans will vary depending upon the size and the cultural, racial and ethnic diversity of communities.

(E) *Fair Housing Organizations Initiative (FHOI).* (1) *Initiative Description.* This Initiative assists in creating new fair housing enforcement organizations and in building the enforcement capacity of existing fair housing organizations.

(2) *Establishing New Organizations Component (FHOI–ENOC). Component Description.* The objective of this Component is to establish new fair housing enforcement organizations in underserved areas (as defined in Section IV(A)(16) of this program section).

(a) *Eligible Applicants.* Only QFHOs are eligible to apply under this Component.

(b) *Eligible Activities.* You must propose to establish a new fair housing organization in an underserved area. HUD has identified two groups whose fair housing needs have been underserved—persons who reside in rural areas (as defined in Section IV(A)(16)) and immigrant groups that are non-English speaking—and has targeted for funding priority applications which address the needs of those two groups. HUD hopes to establish three new organizations and, pursuant to this priority determination, two of the three awards will go to applicants addressing the needs of these groups (i.e., one rural; and one non-English speaking immigrant group). You must provide proof that the project area is underserved. In addition, you must submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability.

(3) *Continued Development Component (FHOI–CDC). Component Description.* This Component provides support to build the enforcement capacity of newly established fair housing enforcement organizations created under past FHOI–ENOC awards.

(a) *Eligible Applicants.* QFHOs and FHOs created as new organizations under the FHOI–ENOC with grant agreements that expire by June 30, 2001 or before. A list of all organizations created under ENOC is provided in the FHIP Appendix A at the end of this program section of this SuperNOFA; you must list the expiration date of your ENOC grant agreement.

(b) *Eligible Activities.* Your proposed activities must build your enforcement capacity by undertaking all or some of the following activities:

(i) Complaint intake of allegations of housing discrimination; testing, evaluating testing results or providing other investigative and complaint support for administrative and judicial enforcement of fair housing laws;

(ii) Investigations of individual complaints and systemic housing discrimination for further enforcement processing by HUD, through testing and other investigative methods;

(iii) Mediation or other voluntary resolution of allegations of fair housing discrimination after a complaint has been filed; and

(iv) Costs and expenses of litigating fair housing cases, including expert witness fees.

IV. Program Requirements

(A) *Requirements For All Initiatives/ Components.* In addition to the requirements listed in Section II of the **General Section** of this SuperNOFA, you must also meet the following requirements:

(1) *Performance Measures and Products.* Your application must demonstrate how your project activities will support HUD goals, identify performance measures/outcomes in support of those goals, and identify current (baseline) conditions and target level of the performance measure that you plan to achieve. Your application also must contain a strategy for achieving project products, with related timelines and milestones. If selected for funding for one or more Components, your final performance measures and products will be negotiated between you and HUD as part of your executed grant agreement.

(2) *Reports and Meetings on Performance Measures and Products.* In your final grant report, you must describe the status of performance measures in a spreadsheet format or other manner specified by the Department. You are required to report quarterly on the status of project products against your approved milestones and timelines and meet at least semi-annually with HUD to ensure that project activities satisfy grant requirements.

(3) *Single Award Limitation/ Preference Must Be Stated.* (a) Except as provided in paragraph (b) of this section, you may apply for funding under all Components for which you are an eligible applicant, but you may receive only one award. If you apply for funding under more than one Component, you must clearly state your priority for selection and indicate your preference in the Transmittal Letter and on the Cover Page of your application. If you are selected for funding in more than one Component, the selecting official may honor your preference if it is in the best interest of the program. Failure to submit your preference at the time of application, will be treated as a technical deficiency, which may be corrected as noted in Section V of the **General Section** of this SuperNOFA.

(b) The requirements of paragraph (a) of this section do not apply to the Components listed in this paragraph. You may receive up to 3 awards, i.e., in addition to the single award for which you are eligible under paragraph (a) of this section, if you are an eligible applicant for the following Components, you may also apply for, and are eligible to receive an FHOI-Establishing New Organizations Component (ENOC) award, and/or either one EOI-National Program award or one Fair Housing Partnership award.

(4) *Independence of Awards.* Although there is no limitation on the number of applications that you may submit, applications must be independent and capable of being implemented without reliance on the selection of other applications

submitted by you or other applicants. This requirement does not apply to the Fair Housing Partnership Components of EOI and PEI which are interdependent, and it does not preclude you from submitting an application that includes other organizations as sub-recipients.

(5) *Project Starting Period.* For planning purposes, assume a start date no later than September 30, 2000.

(6) *Page Limitation.* The narrative response for each of the five rating factors for award is limited to ten pages per factor (this does not include forms or documents that are required under each factor). The pages should be numbered consecutively. Narrative pages exceeding the ten page limit will not be evaluated. Furthermore, unrequested items, such as brochures and news articles, will not be considered. You should respond fully to each factor. Failure to provide narrative responses to all factors will result in your application not receiving points for the information omitted, which may significantly affect your application score.

(7) *Training.* Your proposed budget must include a training set-aside of $3,000 for 18-month projects and $6,000 for 24–36 month projects. HUD will permit recipients to use these funds to attend both HUD-sponsored and HUD-approved training.

(8) *Payment Contingent on Completion.* Payments, including multi-year award increments, are contingent on the satisfactory completion of your project activities and products as called for in your grant or cooperative agreement.

(9) *Accessibility Requirements.* All activities and materials funded by this Program must be accessible to persons with disabilities (24 CFR 8.4, 8.6, and 8.54).

(10) *Copyright Materials.* You may copyright any work that is eligible for copyright protection; however, HUD reserves the right to reproduce, publish, or otherwise use your work for Federal purposes, and to authorize others to do so as outlined in 24 CFR 84.36.

(11) *Complaints Against Awardees.* To assure high quality performance of all grants or cooperative agreements resulting from awards made under this NOFA, HUD is implementing a process to consider complaints from the public regarding FHIP-funded activities. If after notice and consideration of relevant information, HUD concludes that there has been inappropriate conduct, such as a violation of FHIP program requirements, grant, or cooperative agreement terms or conditions or any other applicable statute, regulation or other requirement, HUD will take appropriate action in accordance with 24 CFR 84.62. Such action may include: written reprimand; consideration of past performance in ranking future FHIP applications; reimbursement of funding it has received under the grant; or temporary or permanent denial of participation in the FHIP program in accordance with 24 CFR part 24.

(12) *Avoiding Double Payments.* If you are awarded funds under this SuperNOFA, you (and any sub-recipient) may not charge or claim credit for the activities performed under this project to any other Federal project.

(13) *Requirements for All Partnerships.* If you are submitting a partnership application, you must meet the following requirements:

(a) You must clearly designate the organization submitting the application as the single organization with responsibility for administering the grant and overseeing project activities.

(b) All members of your partnership, including sub-recipient organizations, must be identified in your application with the duties and responsibilities fully described for each.

(c) A letter of firm commitment must be submitted as discussed in paragraph 14(d). below.

(14) *Ineligible Applications.* For applications under all Initiatives/Components:

(a) *General Section Requirements and Procedures.* If you fail to meet the requirements set forth in Section II of the **General Section** of this SuperNOFA, your application will be deemed technically deficient and correctable as noted in Section V of the **General Section** of this SuperNOFA.

(b) *Award Caps.* If you request funding in excess of the maximum allowed under the Component for which you are applying, your application will be ineligible.

(c) *Research Activities.* Projects aimed solely at research which do not result in the increase of enforcement actions, including but not limited to surveys and questionnaires, are not eligible for funding.

For Applications That Propose Partnership Activities (Fair Housing Partnership Components of EOI and PEI, Model Codes Partnership Component of EOI–National Program, Partnership Projects of the PEI General Component)

(d) *All Partnership Components.* You must include in your partnership application a letter of firm commitment from all project partners, stating that the partner(s) agrees to the proposed Statement of Work and will participate in the project, if selected for award. The letter of firm commitment must be signed by an official of each partnering organization who is authorized to make commitments on behalf of his/her organization. If you fail to submit this documentation with your application, but you have stipulated the activities and tasks to be undertaken by each partner in your Statement of Work, the failure to provide the letter will be treated as a technical deficiency corrected as noted in Section V of the **General Section** of this SuperNOFA.

(e) *Model Codes Partnership Component.* You are eligible only if you are or partner with a disability rights advocacy group or organization. If you fail to meet these requirements, your application will be ineligible.

For applications submitted under PEI and FHOI:

(f) *Non-Profit Status.* If you are applying under the PEI and FHOI Initiatives, you must submit documentation with your application that you are a section 501(c)(3) tax-exempt organization as determined by the Internal Revenue Service. Failure to submit this documentation with your application will be treated as a technical deficiency, which may be corrected as noted in Section V of the **General Section** of this SuperNOFA.

For applications submitted under PEI–General Component:

(g) *Current Recipient of Funds.* You are not eligible under this component if you are currently receiving PEI–General Component funding awarded to you under a previous NOFA, and your grant agreement expires after June 30, 2001.

For applications submitted under FHOI–CDC:

(h) *Newly Established Fair Housing Enforcement Organizations.* You are not eligible under this Component if you are a QFHO or FHO created as a new organization under the FHOI–ENOC and your grant agreement expires after June 30, 2001.

For applications submitted under the community tensions component of the EOI–National Program and the Fair Housing Partnership Components of EOI and PEI:

(i) You are ineligible unless you devote at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations.

(15) *Ineligible Activities.* (a) *Fair Housing and Free Speech.* None of the amounts made available under this SuperNOFA may be used to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in

by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

(b) *Suits Against the United States.* No recipient of assistance under this program may use any funds provided by HUD for the payment of expenses in connection with litigation against the United States (24 CFR 125.104(f)).

(c) *Litigation Funds.* No recipient of assistance under this program may use any funds provided by HUD for purposes of settling claims, satisfying judgments or fulfilling court orders in any litigation action involving either the Department or housing providers funded by the Department.

(16) *Program Definitions.* The definitions that apply to this FHIP section of the SuperNOFA are as follows:

Broad-based projects are not limited to a single fair housing issue, instead they cover multiple issues related to housing discrimination covered under the Fair Housing Act, such as: rental, sales and financing of housing.

Enforcement actions includes charges issued under the Fair Housing Act, settlements with relief equivalent to, or greater than, what HUD would seek had a charge been issued; settlements with relief for a broad class of victims; referrals to the Department of Justice (DOJ), where it has legal authority to take further action: zoning and land use cases (42 U.S.C. 3614(b)); pattern and practice cases (42 U.S.C. 3614(a)); requests for prompt judicial action; (42 U.S.C. 3610(e)); and allegations of criminal violations of the Fair Housing Act (42 U.S.C. 3631).

Enforcement proposals are potential complaints under the Fair Housing Act that are timely, jurisdictional, and well developed, which could reasonably be expected to become enforcement actions if an impartial investigation finds evidence supporting the allegations and the cases proceeded to a resolution with HUD involvement.

Fair Housing Assistance Program (FHAP) Agencies means State and local agencies that administer laws substantially equivalent to the Fair Housing Act, as described in 24 CFR part 115.

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

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

Meritorious Claims means enforcement activities by an organization as defined in 24 CFR 125.103.

Operating Budget means your 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.

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

Regional/Local/Community-Based Activities are defined at 24 CFR 125.301.

Rural Areas (as defined by other HUD programs, e.g., the Rural Housing and Economic Development Program of Community Planning and Development (CPD)) may be defined in one of five ways:

(i) A place having fewer than 2,500 inhabitants (within or outside of metropolitan areas).

(ii) A county with no urban population (i.e., city) or 20,000 inhabitants or more. Territory, persons and housing units in the rural portions of ''extended cities.''

(iii) The U.S. census bureau identifies the rural portions of extended cities in the United States.

(iv) Open country which is not part of or associated with an urban area. The United States Department of Agriculture (USDA) determines what constitutes ''open country.''

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

Traditional Civil Rights Organizations means non-profit organizations or institutions and/or private entities with a history and primary mission of securing Federal civil rights protection for groups and individuals protected under the Fair Housing Act and substantially equivalent State or local laws and which are engaged in programs to prevent or eliminate discriminatory housing practices.

Underserved areas means jurisdictions where no public or private fair housing enforcement organizations exist or which are not sufficiently served by one or more public or private enforcement fair housing organizations, and contain large concentrations of persons protected under the Fair Housing Act.

Underserved populations means individuals who fall within one or more of the categories protected under the Fair Housing Act who are also: (1) Of a immigrant population (especially ethnic minorities who are not English speaking), (2) in rural populations, (3) among the homeless, and (4) among persons with disabilities that can be historically documented to have been subject to discriminatory practices not having been the focus of Federal, State or local fair housing enforcement efforts.

(B) *Requirements For Private Enforcement Initiative and Fair Housing Organizations Initiative.*

(1) *Broad-Based and Full Service Projects.* If you are applying under either of these Initiatives, your activities must be broad-based and full service enforcement projects, as defined above, that address discrimination against persons protected by the Fair Housing Act. Furthermore, your activities must contribute in measurable ways to HUD's commitment to increase its enforcement actions.

(2) *Mandatory Referrals.* You are required to refer to HUD all cases arising from FHIP-funded enforcement activities. In all FHIP-funded cases where you find a basis for filing a complaint on behalf of a bona fide complainant other than your organization, you must file the complaint with HUD unless the complainant refuses, in writing, to do so. In addition to filing with HUD, a bona fide complainant may file in Federal or State Court.

(3) *Outreach Expenses.* For all Components of PEI and FHOI except for PEI-FHPC (see, Section III(C)(3)(c)), your budget may designate up to 10 percent of requested funds for education and outreach to promote awareness of services available, if the education activities are necessary for the successful implementation of your project.

(4) *Tester Requirements.* Testers in your FHIP-funded testing activities must not have prior felony convictions or convictions of crimes involving fraud or perjury. All testers must receive training acceptable to HUD or be experienced in testing procedures and techniques. Testers and the organizations conducting tests, and the employees and agents of these organizations may not:

(a) Have an economic interest in the outcome of the test; however, testers retain their right to recover damages as provided by law;

(b) Be a relative related by adoption, blood, or marriage of any party in a case;

(c) Have had any employment or other affiliation, within the past year with the person or organization to be tested; or

(d) Be a licensed competitor of the person or organization to be tested in the listing, rental, sale, or financing of real estate.

(5) *Testing Experience.* When proposing testing other than rental or accessibility testing, you must document, to HUD's satisfaction, that at minimum you have conducted successful rental testing. Documentation of your experience must include, a general description of: when and where tests occurred, the entities tested, and the overall results of the tests, including complaints filed and settlements or remedies secured. The description and the required documentation should be included as part of your response to Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff. You must include copies of testing methodologies and training materials used. The testing methodology and procedures will remain confidential for enforcement purposes.

(6) *Review and Approval of Testing Methodology.* If your Statement of Work proposes testing, other than rental testing, HUD reserves the right to require as a product to be reviewed and approved by HUD prior to your carrying out the testing activities:

(a) The testing methodology to be used, and

(b) The training to be provided to testers. Your testing methodology and procedures will remain confidential for enforcement purposes.

(7) *Conflict of Interest and Use of Settlement Funds Certifications.*

(a) You must certify that you will not solicit funds from or seek to provide fair housing educational or other services or products for compensation either directly or indirectly to any person or organization that has been the subject of FHIP-funded testing by you during the 12 month period following the test. This does not preclude settlement based on investigative findings. HUD reserves the right to negotiate with awardees additional provisions addressing potential conflicts of interest.

(b) When you receive funds as the result of enforcement activities funded in whole or in part by the FHIP program, including testing, you shall reimburse the United States for the FHIP-funded activities. To accomplish this, you shall reimburse the United States for the FHIP-funded activities in accordance with procedures set forth in your grant or cooperative agreement.

(8) *Reports.* You must provide reports in a format (which may be computer generated), at a frequency and with contents specified by HUD. Your report must include: the number and basis of claims/complaints filed with HUD or in Federal/State court and the number and terms of settlements or other outcomes achieved. You do not have to produce the terms of settlements ordered by a court or other tribunal to be kept confidential.

(9) *Enforcement Log.* You are required to record information about the funded project in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD. Such information must include: the number of complaints of possible discrimination you have received; the protected basis of these complaints; the issue, test type, and number of tests utilized in the investigation of each allegation; the respondent type and testing results; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; to whom the case was referred; and the resolution and type of relief sought and received. You must agree to make this log available to HUD. This log will be considered confidential for enforcement purposes.

(10) *Information Requirements.* Your application must include a description of the enforcement proposals to be referred to HUD to increase enforcement actions. Therefore, you must state what information you intend to collect and analyze, the type of complaints you anticipate referring to HUD for enforcement purposes, and a method for referring such complaints. Your application should explain how you plan to structure tests, train investigators, conduct investigations, etc. This description should make clear the safeguards to be used to ensure that complaints referred to HUD for enforcement action are fully jurisdictional under the Act and supported by credible and legitimate evidence that the Act has been violated. All this information should be provided in response to Factor 3: Soundness of Approach.

(C) *Additional Requirements For Private Enforcement Initiative.*

(1) *PEI-General.* If you apply for this Component as a single or partnership project, the amount awarded will vary as noted in Section II, Amount Allocated, in this program section of the SuperNOFA. A higher award cap may be requested for partnership projects. In addition to meeting the requirements for all partnerships (see Section IV(A)(13)):

(a) All partners must meet the eligibility requirements of this Initiative (see Section III(C)(1)(a) and (b)), and submit separate Statements of Eligibility with this application as an attachment to Rating Factor 1: Capacity of Applicant and Relevant and Organizational Experience, and

(b) Your Statement of Eligibility must make clear you are submitting a PEI–GC partnership application.

(D) *Additional Requirements for Education and Outreach Initiative National Program and Regional/Local/Community-Based Program.*

(1) All projects must address housing discrimination based on race, color, religion, sex, disability, familial status, or national origin.

(2) Your application must contain a description of how your activities or your final products can be used by other agencies and organizations. If modifications are necessary for use by others, describe the modifications.

(3) You must describe in Factor 3: Soundness of Approach, your referral process for filing complaints with HUD. HUD expects this complaint referral process will result in an increased number of referrals to HUD of credible, legitimate fair housing claims and other information regarding discriminatory practices.

(E) *Additional Requirements For Fair Housing Organizations Initiative: Establishing New Organizations Component ENOC.* As discussed in Section III(E)(2)(b), HUD has targeted certain jurisdictions for funding priority. You must propose to establish a new fair housing enforcement organization in an underserved area. Even if you are proposing to create an organization in one of these funding priority areas, you must provide proof that the project area is underserved. In addition, you must submit data and studies that indicate the presence of housing discrimination, segregation and/or other indices of discrimination in the project area based upon race, color, religion, sex, national origin, familial status or disability.

(F) *Additional Requirements for Fair Housing Partnerships Initiatives.*

(1) The project(s) must focus on the enforcement and education needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations.

(2) You are eligible only if you partner with an eligible FHAP agency. The list of eligible FHAP agencies may be obtained from your Hub Office and will be posted on the HUD web at ''www.hud.gov.'' *FHAP agencies* wishing to participate in this partnership must do so under the Fair Housing Assistance Program, not under the EOI-Fair Housing Partnership Component of this SuperNOFA, however, they may apply for funding of

non-partnership activities under all other EOI Components.

(3) Your application is ineligible unless you devote at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other underserved populations, as defined in Section IV(A)(16).

(4) You must respond to Rating Factor 3: Soundness of Approach, outlining your activities and the funds you are requesting for your partnership participation, and provide, as an attachment to Rating Factor 3, the total budget and a description of the overall partnership, including the duties and responsibilities of each partner.

(5) This is a collaborative effort between FHIPs and FHAPs. Your eligible FHAP partner will not be funded unless your application is selected. Furthermore, if two members of the partnership submit applications under the Fair Housing Partnership Components of EOI and PEI, both applications must be rated at or above the cutoff point and then their overall ranking will be based on the average of their combined scores (see discussion in Section V), i.e., the applications are interdependent.

(6) These are 24 months projects. The award caps for each partner are from $150,000 to $250,000 depending on whether the project focus is local/community-based, or state/regional. Thus, a regional project which, in addition to the FHAP, has two partnering FHIP organizations, one which has applied under EOI–FHPC and the other under PEI–FHPC, could qualify for a maximum of $750,000 for the project, i.e., $250,000 to each partner.

(7) HUD has added these Components to those exempted from the single award and funding/geographic diversity provisions.

(a) *Single award limitation.* Generally, applicants are limited to a single award; by adding the Fair Housing Partnership Components to the excepted category, you may receive up to three awards (see discussion in Section IV(A)(3)).

(b) *Funding and/or geographic diversity provisions.* Under these provisions the Selecting Official, under limited circumstances, may select applications out of rank order. These provisions will not apply to selections under the Fair Housing Partnership Components, i.e., applications will be selected in rank order only.

V. Application Selection Process

(A) *Rating and Ranking.* Your application for funding will be evaluated competitively against all other applications submitted under one of the following Components:

(1) Private Enforcement Initiative (PEI):
- (a) General Component
- (b) Fair Housing Partnership Component

(2) Education and Outreach Initiative (EOI):
- (a) Regional/Local/Community-Based Program:
  - (i) General Component
  - (ii) Disability Component
  - (iii) Fair Housing Partnership Component
- (b) National Program:
  - (i) Model Codes Partnership Component
  - (ii) Community Tensions Component

(3) Fair Housing Organizations Initiative (FHOI):
- (a) Establishing New Organizations Component
- (b) Continued Development Component

You will be awarded points and assigned a score based on the Factors for Award. After eligible applications are evaluated against the Factors for Award and assigned a score, they will be ranked in order by score. A minimum score of sixty 60 points will be considered a cutoff point and an application with a score of 60 points or more will be considered of sufficient quality. An application receiving less than sixty (60) points will be considered of insufficient quality for funding.

(B) *Ranking of Fair Housing Partnership Component Applications.* When applications have been submitted under the Fair Housing Partnership Components of both PEI and EOI, each application will be rated separately, but because both the applications are interdependent, the ranking will be as follows:

(1) Both applications must be rated at or above the cutoff point; and then

(2) The ranking will be based upon the combined average score of the two applications. For example, if the PEI–FHPC receives a rating of 61 points and the EOI-FHPC receives a rating of 73 points the partnership ranking will be 67 points (61 + 73 = 134 divided by 2 = 67); if the PEI–FHPC receives a rating of 89 points and the EOI-FHPC receives a rating of 59, the Partnership will not be eligible for award since both applications are not at or above the cutoff point of 60 points.

(3) Tie Breaking. When there is a tie in the overall score, the applicant with the higher score under Rating Factor 3: Soundness of Approach will be ranked higher. If the applicants receive the same scores for Rating Factor 3, the applicant with a higher score under Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience will be ranked higher. If these scores are identical, then the applicant with the request for lower FHIP funding will be ranked higher.

(C) *Selections.* (1) *General.* Except as noted in paragraph (2) Achieving Diversity of Awards, below, proposals of sufficient quality to be funded will be funded in rank order until all available funds have been obligated or until no applications of sufficient quality remain. The diversity provisions described below do not apply to the Fair Housing Partnership Components of PEI and EOI.

(2) *Achieving Diversity of Awards.* The selecting official shall have discretion to skip over applicants in funding a Component in accordance with the funding diversity or geographic diversity procedure or both procedures. If the selecting official decides to use any of these procedures, the selecting official shall apply that procedure equally to all applications of sufficient quality. If the selecting official opts to use both procedures, he/she will use the funding diversity procedure first, and then apply the geographic diversity procedure. These procedures are applied Component-by-Component. No shifting of remaining funds from a Component will occur until all applications of sufficient quality in that Component are awarded funds.

(a) *Funding Diversity.* The selecting official may skip over applicants to provide broader representation among funded entities. For any Component in which the selecting official decides to use this procedure, the selecting official will skip over applicants who have received two FHIP SuperNOFA grants in the past five years in favor of lower ranked applications of sufficient quality to be funded who have not received two FHIP SuperNOFA grants in the past five years. Prior receipt of an ENOC award will not be included in determining whether an applicant received two grants in the past five years. Skipped over applications of sufficient quality will be placed at the bottom of the ranking list of applications of sufficient quality for the Component, but will be placed in rank order among skipped over applications. Once applications of sufficient quality to be funded are reordered to reflect the funding diversity procedure, the selecting official shall proceed in one of two ways:

(i) The selecting official may apply the geographic diversity procedure to all applications of sufficient quality, or

(ii) The selecting official may not apply geographic diversity and award funds to applicants based on their rank order except that skipped over applications are funded in rank order after all other applications of sufficient quality are funded, until funds are exhausted or there are no more applications of sufficient quality to be funded.

(b) *Geographic Diversity.* To provide for broader geographic representation among funded projects, the selecting official will have the discretion to skip over an application where there is more than one application located in the same State. If the selecting official decides to use this procedure in a Component, he/she will select from the applications of sufficient quality to be funded, the highest ranked application. Skipped over applications of sufficient quality will go to the bottom of the ranking list of applications of sufficient quality to be funded for the Component, but will be placed in rank order among skipped over applications, whether skipped over for funding or geographic diversity. If additional funds remain in the Component after funding the highest ranked application in each of the jurisdictions listed above, the selecting official shall proceed in one of two ways:

(i) The selecting official may decide to apply geographic diversity to the skipped over applications, to the extent that additional funds remain. If, after applying geographic diversity a second time, additional funds still remain, the remaining funds will be awarded based on the rank order of any remaining applications of sufficient quality to be funded, irrespective of jurisdiction.

(ii) If the selecting official opts not to apply geographic diversity a second time, then remaining funds shall be awarded to skipped over applications based on their rank order until funds are exhausted.

(D) *Priority for Shifting Remaining Funds.* If after all applications of sufficient quality have been selected in an Initiative/Component, and funds remain available, the selecting official or designee will have the discretion to shift these remaining funds in rank order within and between Initiatives/Components as follows:

(1) First, within Initiatives:

(a) For PEI and EOI, funds remaining from any Component will be shifted to the General Component;

(b) For FHOI, funds remaining from ENOC will be shifted to CDC.

(2) Second, between Initiatives: if after shifting funds, as noted above, funds remain, such funds will be shifted to the PEI-Multi-Year General Component.

(E) *Factors for Award Used to Evaluate and Rate All Applications except the National Program of the Education and Outreach Initiative.* The factors for rating and ranking applicants and the maximum points for each factor are provided below. The maximum number of points to be awarded any application is 102, which includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. Unless otherwise specified, the rating of your organization and staff for technical merit or threshold compliance will include all partners and/or sub-recipients identified in your application. In rating this factor HUD will consider the extent to which your application demonstrates:

(1) **(10 points)** Specific Description of Staff for Proposed Activities.

(a) The experience and background of your proposed project director and staff, including the day-to-day program manager, Board of Directors, consultants and contractors, and their knowledge and experience in planning and managing projects for which you are requesting funding. If your past activities have resulted in successful enforcement proposals being referred to HUD, clearly describe these actions and the outcome of such referrals.

(b) Your readiness and ability to begin your proposed work project immediately with sufficient personnel and/or whether you will be able to recruit quickly, qualified experts or professionals to deliver the proposed activities in a timely and effective fashion. To demonstrate there is or will be sufficient personnel, you must submit the proposed number of staff years for the employees and experts you plan to assign to the projects for which you are requesting funding, the titles and relevant professional background and experience, and the roles each is to perform. You must identify the key personnel in your Statement of Work, as discussed in Rating Factor 3: Soundness of Approach.

(c) The diversity of your organization and staff and what they bring to the project in terms of race, ethnicity, and disability should also be discussed.

(2) **(10 points for either (a) or (b))** Specific Description of Experience Relevant to the Proposed Activities.

(a) If you have received HUD funding in the past, the Department will consider your past grant experience in terms of your ability to attain demonstrated measurable progress in the implementation of your most recent activities where performance has been assessed as measured by expenditures and progress in meeting project milestones and in the achievements accomplished. HUD will also consider any evidence it has in its files of your failure to comply with grant award provisions; or

(b) If you have not received HUD funding in the past, the Department will review any documentation of your experience in managing projects and carrying out management responsibilities for projects similar in scope or nature to the work activities proposed and the achievements to be accomplished. Therefore, if you have managed large, complex, interdisciplinary projects, or work similar in scope or complexity to your proposed project, you must include that information in your response.

Rating Factor 2: Need/Distress/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need to fund your proposed activities and an indication for the urgency of meeting the need in your project area. In rating this factor, HUD will consider the extent to which you demonstrate:

(15 points) Documentation of Need. The level of need for the proposed activities in your project area, including, where appropriate, the needs of immigrant and other underserved populations, and the urgency in meeting the need as indicated by statistics and analyses contained in a data source(s) that are sound and reliable.

You should analyze and document the level of need in the specific area where your proposed activities will be carried out. Attention must be paid to documenting need where activities will be targeted, rather than the entire locality, State, or region. However, if your project area is an entire locality, State, or region, then documenting need at that level is required. Your application may reference the extent to which your community's Consolidated Plan (CP) and Analysis of Impediments to Fair Housing Choice (AI), which is a Component of the CP, identify the level of the problem and urgency of need. In addition, your application should document the extent to which project activities will affirmatively further fair housing (AFFH), by describing how proposed activities will lead to overcoming impediments to fair housing

choice identified in the jurisdiction's AI, which is a Component of the jurisdiction's CP, or other planning document that addresses fair housing issues.

Additional examples of how you may document need may be obtained from Chapter 5 of the ''Fair Housing Planning Guide, Vol. 1,'' which also includes use of HUD reports and analyses, relevant economic and/or demographic data including indices of segregation in areas by race or national origin, government or foundation reports and studies, news articles, and other information that relate to your proposed activities. The Fair Housing Planning Guide may be found on the HUD web at ''www.hud.gov.''

(2) **(10 points)** Description of Proposed Activities and Methods. HUD will determine your rating based on the extent to which your activities are linked to the need(s) described. The extent to which your application provides a basis for how you determined the activities and tasks that you propose to undertake to address the needs you have identified in your response to paragraph 1 in this factor. How your activities will augment or improve upon on-going efforts by government agencies, community-based organizations, faith-based institutions, for-profit firms, and other entities to address such needs in the community(ies) to be served and why additional funds are being requested.

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the strategy, quality, and cost-effectiveness of your project as set forth in your Statement of Work (SOW) and budget. Your rating for this factor is based upon how clearly you establish a relationship between your proposed activities, community needs and the purpose of the project funding. HUD has pledged to substantially increase its enforcement actions, and all projects funded under this SuperNOFA shall contribute to the accomplishment of this goal. Your application must provide a basis for your specific activities relating to enforcement proposal referrals to HUD that are described in your Statement of Work. Your final performance measures for enforcement proposal referrals will be negotiated between you and HUD as part of the executed grant or cooperative agreement.

Points will be awarded differently under paragraph (1) *Proposed Activities*, for applications submitted under the General Components of PEI and EOI than for those submitted under all other components (EOI-Disability, and Fair Housing Partnership Components; PEI-Fair Housing Partnership Component; and FHOI-Establishing New Organizations and Continued Development Components).

For all Components, except the General Components of PEI and EOI, your application will be rated as follows for paragraph (1) of this Rating Factor:

(1) **(15 points)** Description of Activities. Specifically, your description should explain how the activities performed during the period of performance of the grant will result in cases being referred to HUD. Your application must provide a basis for your specific activities relating to enforcement proposal referrals to HUD that are described in your Statement of Work. Your final performance measures for enforcement proposal referrals will be negotiated between you and HUD as part of the executed grant or cooperative agreement. In responding to this factor, describe the methods used or to be developed to identify and refer enforcement proposals to HUD.

Examples of enforcement proposals include:

(i) Evidence of violations of the Fair Housing Act, including prima facie evidence, with or without related testing evidence that may result in the filing of complaints;

(ii) Results of testing or audits demonstrating potential housing discrimination;

(iii) Well-developed analysis of data including Home Mortgage Disclosure Act (HMDA), and/or Community Reinvestment Act (CRA) analyses, Census data, current studies of residential segregation, or other similar documentation supporting allegations of discrimination; and

(iv) Referrals of claims to HUD on behalf of individuals or groups other than your organization.

For the General Components of PEI and EOI, your application will be rated as follows for paragraph (1) of this Rating Factor:

(1) **Description of Activities (15 Points).**

(a) **(10 points)** Description of Proposed Activities. Specifically, your description should explain how the activities performed during the period of performance of the grant will result in cases being referred to HUD. Your application must provide a basis for your specific activities relating to enforcement proposal referrals to HUD that are described in your Statement of Work. Your final performance measures for enforcement proposal referrals will be negotiated between you and HUD as part of the executed grant or cooperative agreement. In responding to this factor, describe the methods used or to be developed to identify and refer enforcement proposals to HUD. Examples of enforcement proposals include:

(i) Evidence of violations of the Fair Housing Act, including prima facie evidence, with or without related testing evidence that may result in the filing of complaints;

(ii) Results of testing or audits demonstrating potential housing discrimination;

(iii) Well-developed analysis of data including Home Mortgage Disclosure Act (HMDA), and/or Community Reinvestment Act (CRA) analyses, Census data, current studies of residential segregation, or other similar documentation supporting allegations of discrimination; and

(iv) Referrals of claims to HUD on behalf of individuals or groups other than your organization.

(b) **(5 points)** Percent of Activities/Budget devoted to the fair housing needs of immigrant and other underserved populations. The points will be awarded as follows:

(i) **0 points:** when no percentage of your activities and budget are devoted to the needs of these populations;

(ii) **1 point:** when 20% of your activities and budget are devoted to the needs of these populations;

(iii) **2 points:** when 50% of your activities and budget are devoted to the needs of these populations;

(iv) **3 points:** when 60% of your activities and budget are devoted to the needs of these populations;

(v) **4 points:** when 80% of your activities and budget are devoted to the needs of these populations; and

(v) **5 points:** when 100% of your activities and budget are devoted to the needs of these populations.

For all Components, including the General Components of PEI and EOI, the remaining paragraphs (2 and 3) of this Rating Factor and all other Rating Factors are evaluated as follows:

(2) **(10 points)** Statement of Work. Submit a proposed Statement of Work that:

(a) Describes in broad terms the design and objectives of your project, including the geographic area to be served; individuals protected under the Fair Housing Act to be served; end product(s); program improvements to be achieved; total number of staff needed to complete all proposed activities and key personnel by years of experience, name and function. You must also describe how project objectives of the component for which you are seeking funding will be met [*e.g.*, enforcement efforts (PEI); education and outreach

(EOI); creating or building the capacity of a fair housing enforcement organization (FHOI)]; and

(b) Outline in chronological order your administrative and program activities and tasks to be performed and the duration of the project. Your outline should identify all activities and tasks to be performed and by whom, *i.e.*, you or a sub-recipient or contractor/consultant; products that will be provided to HUD and when; and technically competent methodologies you will use to carry out these activities and tasks.

(3) **(10 points)** Budget and Financial Controls. HUD also will assess the soundness of your approach by evaluating the following:

(a) The quality, thoroughness and reasonableness of the cost estimates provided. As part of your response, you should provide a summary budget that identifies costs by category in accordance with the following:

(i) *Direct Labor* by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(ii) *Fringe Benefits* by staff position, identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(iii) *Material Costs* indicating the item, unit cost per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(iv) *Transportation Costs,* as applicable. Where use of a local private vehicle is proposed, costs should indicate the proposed number of miles, rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destination(s), the estimated cost, and the total estimated costs for any other transportation costs;

(v) *Per diem,* as applicable. You should identify per diem or subsistence costs per travel day and the number of travel days, the estimated costs for per diem/subsistence and the total estimated transportation costs. You should use the Federal Travel Regulation for per diem rate for cities listed under ''Transportation Costs'' in your cost estimate;

(vi) *Equipment charges,* if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(vii) *Consultant Costs,* if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(viii) *Subcontract Costs,* if applicable. Indicate each proposed individual subcontract and amount. Each proposed subcontract should include a separate budget that identifies proposed costs by cost categories. In addition, your project budget should include any costs related to subcontract(s) with FHAP agencies and traditional civil rights organizations that account for activities related to the sub-recipient's role in the project. Your application should include a separate detailed budget for each subcontract. If you have selected sub-recipients or are submitting a joint application with one partner serving as the lead applicant, you must provide the actual subcontract costs;

(ix) *Other Direct Costs* listed by item, quantity, unit cost, total for each item listed, and total direct costs for the award; and

(x) *Indirect Costs* should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

(b) If you do not have an indirect cost rate and/or you are a single funded organization (funded 100% from one source), you must be able to document direct allocations in all cost categories;

(c) The extent to which your project is cost effective in achieving the anticipated results of your proposed activities, as well as in achieving significant community impact; and

(d) The extent to which you demonstrate your ability to handle financial resources with adequate financial control procedures and accounting procedures. HUD will consider items such as findings identified in your most recent audits, internal consistency in the application of numeric quantities, accuracy of mathematical calculations and other available information on financial management capability.

Rating Factor 4: Leveraging Resources (10 Points)

The extent to which local groups will contribute additional resources to increase the effectiveness of the proposed activities. In evaluating this factor, HUD will consider:

(1) **(5 points)** Extent To Which You Have Secured Other Resources. The resources made available to your project by others. Resources from others may include funding or in-kind contributions, such as, work space, services and/or equipment, allocated to the purpose(s) of your project. Such resources may be provided by governmental entities, public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. You may also wish to work with other FHIP-funded recipients in your project area.

(2) **(5 points)** Evidence of Firm Commitment of Leveraging. This factor addresses the extent to which you are able to demonstrate leveraging. You must establish your leveraging by providing documentation (e.g., letters) from those organizations or individuals who have agreed to participate and who you have identified in your application. Each letter of support must:

(a) Identify the organization and/or individual,

(b) Describe the proposed level of commitment,

(c) Outline the responsibilities as they relate to your application, and

(d) Be signed by an official of the organization legally able to make commitments on behalf of the organization. If you are submitting a partnership proposal under the Fair Housing Partnership Components of PEI and EOI or the General Component of PEI, you must submit a letter of firm commitment stating that the partner(s) agrees to the proposed SOW and will participate in the project, if selected for award as required by Section IV(A)(13) of this program section. If you fail to include this letter of firm commitment with your application, but you have stipulated the activities and tasks to be undertaken by each partner in your Statement of Work, the failure to provide the letter will be treated as a technical deficiency corrected as noted in Section V of the **General Section** of this SuperNOFA.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other organizations in the project area, participate or promote participation in the project area's Consolidated Planning process (including Analysis of Impediments to Fair Housing Choice), and create linkages with other activities in the community. In other words, to what extent are you working with others to address community needs in your project area? In evaluating this factor, HUD will consider the extent to which you demonstrate:

(1) How your project activities will reach your targeted audience. This includes a discussion of how:

(a) Your methods or approaches will ensure that project activities and materials are made available to local groups and organizations; and

(b) The project may enhance the activities or work in tandem with such groups or organizations in your project area. At a minimum, your application should discuss procedures you will use to promote awareness of the services provided by your project.

(2) How your project activities will make communities and organizations in your project area aware of opportunities for linking activities with:

(a) Other proposed or on-going HUD-funded project activities;

(b) Other proposed or on-going State, Federal, local or privately funded activities which, taken as a whole, support and sustain a comprehensive system to address the purpose of these projects; and

(c) Other activities being undertaken to address barriers to housing choice identified in the Consolidated Plan's Analysis of Impediments to Fair Housing Choice.

(F) *Factors for Award Used to Evaluate and Rate Applications for the National Education and Outreach Initiative Program*. The factors for rating and ranking applicants and the maximum points for each factor are provided below. The maximum number of points to be awarded any application is 100.

Rating Factor 1: Capacity of Applicant and Relevant Organizational Experience (20 Points)

Unless otherwise specified, the rating of your organization and staff for technical merit or threshold compliance will include any partners, sub-recipients, and consultant/contractors who are identified in your application. This factor addresses the extent to which you have the organizational resources necessary to implement your proposed activities in a successful and timely manner and your ability to:

(1) For the Model Codes Partnership Component:

(a) Analyze data;

(b) Interact with local elected officials, housing industry persons, and disability advocates for the purpose of consensus building;

(c) Construct appropriate language or building code changes (when appropriate);

(d) Educate the public and others on accessibility requirements;

(e) Operate in environments that may not be receptive to accessibility requirements;

(f) Demonstrate a thorough knowledge of accessibility requirements and the nuances therein; and

(g) Demonstrate ability to work with diverse and sometimes opposing advocacy groups;

(2) For Community Tensions Component:

(a) Develop preventive community tension strategies;

(b) Recognize replicable community tension ''Best Practices;''

(c) Intervene in situations affected by community tensions;

(d) Demonstrate a positive record of intervention in community tensions.

It is anticipated that the measures for preventing and resolving community tensions will address not only the immediate or anticipated problem but the underlying issues of community tensions. In rating this factor, HUD will consider the extent to which your application demonstrates:

(1) **(5 points)** General Description of Applicant Organization and Relevant Experience.

(a) The eligibility and qualifications of your organization and its governing board; the type of organization (*e.g.*, public, private, non-profit, for profit); your general areas of activity or line of business; and the diversity in terms of race, ethnicity, and experience with disabilities which your organization's governing board brings to its work;

(b) Your management of large, complex, interdisciplinary projects;

(c) Awards to and major accomplishments of your organization. HUD may also consider any documented evidence, such as performance reviews, newspaper articles, or monitoring findings, that may reflect positively or negatively upon your ability and the proposed staff's ability to perform the work.

(2) **(10 points)** Specific Description of Staff for Proposed Activities.

(a) Whether you have sufficient personnel or will be able to recruit quickly, qualified experts or professionals to deliver your proposed activities in a timely and effective fashion, including your readiness and ability to begin immediately your proposed project;

(b) The overall knowledge and experience of your proposed project director and staff, including the day-to-day project manager, sub-recipients, and consultants in planning and managing your proposed project. To demonstrate that you have sufficient personnel, you must specify the proposed number of staff hours for the employees and experts allocated to your project, their titles, duties, and responsibilities, and their relevant professional background and experience; and

(c) The diversity in terms of race, ethnicity, and experience with disabilities which your staff and experts bring to your proposed project

(d) Your organizational infrastructure of affiliate chapters, branch members or other outreach arms that can be utilized to provide national coverage if available; if unavailable, your ability to call upon other groups or organizations to provide national coverage;

Note that at least two years of recent and relevant experience is recommended for:

(i) Model Codes Partnership Component—accessibility law, building codes and standards to make building codes accessible to the Fair Housing Act's accessibility requirements, and knowledge of the International Building Code 2000, the Uniform Building Code, the BOCA National Building Code, the Standard Building Code, or the American National Standards Institute's A117.1 accessibility standard;

(ii) Community Tensions Component—familiarity with the kinds of community tensions that arise in ethnically and culturally diverse underserved communities; experience working with ethnically and culturally diverse groups of local, regional, and national organizations and with community representatives on preventing and intervening in community tensions.

(3) **(5 points)** Specific Description of Experience Relevant to the Proposed Activities. You must show your past experience in conducting education and outreach activities so that industry and advocacy organizations and other members of the public:

(a) For Model Codes Partnership Component—more fully appreciate the barriers to accessibility which may be experienced by person with disabilities and which may violate the Fair Housing Act;

(b) For Community Tensions Component—understand the factors that may reduce community tensions.

You must describe your ability to understand fair housing enforcement-related issues/policies/practices which influence discriminatory housing practices. When responding to this rating factor, you should describe your past experience in developing and implementing innovative strategies and their results. The rating of this factor for technical merit will include a review of the background, skills, and experience of any partners and sub-recipients identified as participants in your project.

If you have received HUD funding in the past, HUD will consider your ability to achieve demonstrated measurable progress in the implementation of your most recent activities. Your performance will be measured by expenditures and progress in meeting project milestones and achievements accomplished. HUD will also consider any evidence in its files of your failure to comply with grant award provisions.

If you have not received funding in the past from HUD, HUD will consider your experience in managing projects similar in nature and of a national scope to the work activities proposed. Therefore, if you have managed large, complex, interdisciplinary projects or have performed work similar in nature and national scope to the proposed project, you should include that information.

Rating Factor 2: Need/Distress/Extent of the Problem (25 Points)

This factor addresses the extent to which you document and address the national need for educating the public about their fair housing rights and obligations under the Fair Housing Act. You should state which activities and methods you intend to address, and how your application offers the most effective approach for dealing with that national need. In responding to this factor, you will be evaluated on the following:

(1) (**15 points**) Documentation of Need. The extent to which you describe and document the national need you intend to address, and demonstrate a grasp of the elements of the problem and its persuasiveness at the national level: for the Model Codes Partnership Component, the obstacles to adoption of Working Group modification and for the Community Tensions Component, the underlying issues which make the existence of community tensions a long-term problem for immigrant and other underserved populations. In addition, for both Components your description of this national need will be considered in evaluating your understanding of the problem and your ability to address it; and

(2) (**10 points**) How the Proposed Activities Meet the Need. The extent to which the proposed activities will address the need described in response to sub-factor (1), above.

Rating Factor 3: Soundness of Approach (35 Points)

This factor addresses the strategy, quality and cost-effectiveness of your proposed Statement of Work and budget. In evaluating this factor, HUD will consider the extent to which you and any partners:

(1) (**15 Points**) Description of Proposed Activities. Conduct your proposed activities in a manner (e.g., languages, formats, locations, distribution, use of minority and disability rights media) to reach and benefit all members of the public, and for the Community Tensions Component, especially immigrant and other underserved populations; and proposed activities will yield long-term results that can be readily disseminated to other organizations and State and local governments. You must explain how your activities will promote compliance with the Fair Housing Act and will develop a complaint referral process so that activities funded under these Components will result in an increased number of referrals to HUD of creditable, legitimate fair housing claims and other information regarding discriminatory practices.

(2) (**10 Points**) Statement of Work. You must submit a Statement of Work which:

(a) Clearly describes the specific activities and tasks to be performed by your organization and any partners; the sequence in which the tasks are to be performed, noting areas of work which must be performed simultaneously; estimated completion dates; and program products to be completed within the grant period, including specific numbers of quantifiable end products and program improvements you intend to deliver by the close of the award agreement period as a result of the work performed;

(b) Illustrates your national approach to the project and specifically how the project goals will be achieved at the national level; and

(c) Describes the immediate benefits of your application and how you will measure the benefits. You must describe the methods you will use to determine the effectiveness of your proposed activities and benefits achieved to receive points.

(3) (**10 Points**) Budget and Financial Controls. HUD also will assess the soundness of your approach by evaluating the quality, thoroughness and reasonableness of the proposed cost estimates. As part of your response, you should provide a summary budget that identifies costs by category in accordance with the following:

(a) **Direct Labor** by position or individual, indicating the estimated hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor costs;

(b) *Fringe Benefits* by staff position, identifying the rate, the salary base on which the rate was computed, estimated cost per position, and the total estimated fringe benefit cost;

(c) *Material Costs* indicating the item, unit cost per item, the number of items to be purchased, estimated cost per item, and the total estimated material costs;

(d) *Transportation Costs,* as applicable. Where use of a local private vehicle is proposed, costs should indicate the proposed number of miles, rate per mile of travel identified by item, and estimated total private vehicle costs. Where air transportation is proposed, costs should identify the destination(s), number of trips and passengers per destination, estimated air fare and total estimated air transportation costs. If other transportation costs are listed, you should identify the other method of transportation selected, the number of trips to be made and destination(s), the estimated cost, and the total estimated costs for any other transportation costs;

(e) *Per diem,* as applicable. You should identify per diem or subsistence costs per travel day and the number of travel days, the estimated costs for per diem/subsistence and the total estimated transportation costs. You should use the Federal Travel Regulation for per diem rate for cities listed under ''Transportation Costs'' in your cost estimate;

(f) *Equipment charges,* if any. Equipment charges should identify the type of equipment, quantity, unit costs and total estimated equipment costs;

(g) *Consultant Costs,* if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant costs per consultant and total estimated costs for all consultants;

(h) *Subcontract Costs,* if applicable. Indicate each proposed individual subcontract and amount. Each proposed subcontract should include a separate budget that identifies proposed costs by cost categories. In addition, your project budget should include any costs related to subcontract(s) with FHAP agencies and traditional civil rights organizations that account for activities related to the sub-recipient's role in the project. Your application should include a separate detailed budget for each subcontract. If you have selected sub-recipients or are submitting a joint application with one partner serving as the lead applicant, you must provide the actual subcontract costs;

(i) *Other Direct Costs* listed by item, quantity, unit cost, total for each item listed, and total direct costs for the award; and

(j) *Indirect Costs* should identify the type, approved indirect cost rate, base to which the rate applies and total indirect costs. If you do not have an indirect cost rate and/or you are a single funded organization (funded 100% from one source), you must be able to document direct allocations in all cost categories;

(4) HUD also will assess the soundness of your approach by evaluating:

(a) The extent to which your project is cost effective in achieving the anticipated results of your proposed activities, as well as in achieving significant community impact; and

(b) The extent to which you demonstrate your ability to handle financial resources with adequate financial control procedures and accounting procedures. HUD will consider items such as findings identified in your most recent audits, internal consistency in the application of numeric quantities, accuracy of mathematical calculations and other available information on financial management capability.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure financial or in-kind resources on a national scale which can be combined with HUD's program resources to achieve your project purpose from: Model Codes Partnership Component—State and local building code organizations, members of the building industry, advocacy organizations, fair housing organizations, and other experts on accessibility laws; Community Tensions Component—local elected officials, schools, police departments, faith-based organizations, community service organizations, and FHAP Agencies to demonstrate leveraging. In evaluating this factor HUD will consider:

(1) (**5 points**) Extent to Which You have Secured Other Resources. The extent to which others will provide additional resources to increase the effectiveness of your proposed project activities. Resources may include funding or in-kind contributions, such as work space, services, or equipment allocated to the purpose(s) of your application. Resources may be provided by governmental entities, public or private non-profit organizations, for-profit private organizations, or other entities willing to work with you. You may also develop collaborative relationships to work with other FHIP-funded recipients to coordinate the use of resources in the project area.

(2) (**5 points**) Evidence of Firm Commitment of Leveraging. The extent to which you are able to demonstrate leveraging. You must establish your leveraging by providing documentation (e.g., letters) from those organizations or individuals who agree to participate and are identified in your application. Each letter should:

(a) Identify the organization and individual;

(b) Describe the proposed, specific level of commitment;

(c) Outline the responsibilities as they relate to the proposed project; and

(d) Be signed by the organization's official legally authorized to make commitments on behalf of the organization. For the Model Codes Partnership Component you must submit a letter of firm commitment stating that the partner(s) agrees to the proposed SOW and will participate in the project if selected for award. If you fail to include this letter of firm commitment with your application, but you have stipulated the activities and tasks to be undertaken by each partner in your Statement of Work, the failure to provide the letter will be treated as a technical deficiency corrected as noted in Section V of the **General Section** of this SuperNOFA

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with your partners and create linkages with other organizations so as to provide coverage in selected areas which together may be representative of the nation as a whole. In short, to what extent are you working with others to address needs in different parts of the country? In evaluating this factor, HUD will consider the extent to which you demonstrate:

(1) How your project activities will reach your proposed targeted audiences in different parts of the country. This includes a discussion of how:

(a) Your specific methods or approaches will ensure that project activities and materials are made available to local groups and organizations in those parts of the country which you are proposing as representative of the nation as a whole; and

(b) The project or activities will in fact work in tandem with such groups or organizations in the parts of the country you have selected or enhance the activities of such groups or organizations. At a minimum, your application should discuss the procedures you will use to promote awareness the of services provided by your project.

(2) Discuss how your project activities will make communities and organizations in the selected areas aware of opportunities for linking activities with:

(a) Other HUD-funded program activities, proposed or on-going; or

(b) Other proposed or on-going Federal, State, local or privately funded activities which, taken as a whole, support and sustain a comprehensive system to address the goals of these projects.

(G) *Applicant Notification and Award Procedures.*

(1) *Notification.* No information will be available to you during the period of HUD evaluation, approximately 90 days, except for notification in writing or by telephone if HUD determines your application is ineligible or has technical deficiencies which may be corrected as described in Section V of the **General Section** of the SuperNOFA. Selections will be announced by HUD when the evaluation and selection process is completed, and all awards will be subject to final negotiations with HUD.

(2) *Negotiations.* After ranking the applications and providing notifications to you if you are selected, HUD will require you to participate in negotiations to determine the specific terms of your cooperative or grant agreement. HUD will follow the negotiation procedures described in Section III(D) of the **General Section** of the SuperNOFA.

(3) *Funding Instrument.* HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each applicant selected for award. HUD reserves the right, however, to use the form of assistance agreement determined to be most appropriate after negotiations are completed.

(4) *Adjustments to Grant Amounts.* As provided in Section III(E) of the **General Section** of the SuperNOFA, HUD may approve an application for an amount lower than the amount requested, fund only portions of your application, withhold funds after approval, and/or require that special conditions be added to your grant agreement, in accordance with 24 CFR 84.14, the requirements of this SuperNOFA, 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; or

(c) Insufficient amounts remain to fund the full amount requested in the application, and HUD determines that partial funding is a viable option.

(5) *Performance Sanctions.* A grantee or sub-recipient, failing to comply with

the procedures set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, and denial of further participation in programs of HUD or any Federal agency.

VI. Application Submission Requirements

Your application must contain the items listed in this Section VI. These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix C to this program section of the SuperNOFA: The items are as follows:

(A) *Transmittal Letter.* Your letter must identify: (1) The dollar amount requested for each Component, (2) the specific FHIP Initiative and Component under which your application is submitted, (3) in the case of the EOI, whether it is the Regional/Local/Community Based Program or the National Program, (4) in the case of PEI–GC, whether you are submitting a single or partnership application, and (5) if you are applying for more than one Component, you must state your preference for selection.

(B) *Narrative Statement.* Responding to each Rating Factor for Award, you should address each Rating Factor separately, i.e., provide narrative responses to Rating Factor 1; Rating Factor 2; Rating Factor 3 (Proposed Statement of Work and Proposed Budget); Rating Factor 4; and Rating Factor 5. You should respond fully to each Rating Factor for Award in Section V(E) and (F), above, of this FHIP section of the SuperNOFA and within the page limitation described in Section IV(A)(6), above of this program section.

(C) *Financial Management and Audit Information.* You must submit a certification from an Independent Public Accountant or the cognizant government auditor, stating that the financial management system employed by you meets prescribed standards for fund control and accountability required by: OMB Circular A–133, Audits of States, Local Governments and Non-Profit Organizations; OMB Circular A–110 (as codified at 24 CFR part 84), Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations; and/or OMB Circular A–102 (as codified at 24 CFR part 85) Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments. This information should contain the name and telephone number of the Independent Auditor, cognizant Federal auditor, or other audit agency, as applicable.

VII. Corrections to Deficient Applications

Section V of the **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

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

IX. Authority

Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616 note, established the Fair Housing Initiatives Program (FHIP)) and the implementing regulations are found at 24 CFR part 125.

BILLING CODE 4210–32–P

APPENDIX A

NEW ORGANIZATIONS ESTABLISHED UNDER FHIP ENOC

NAME AND ADDRESS OF NEW ORGANIZATION	AREA SERVED
The Fair Housing Continuum 846 N. Cocoa Blvd., Cocoa, FL 32922	Brevard County, Florida
North Carolina Fair Housing Center 101 St. Mary Street, Raleigh, NC 27609	State of North Carolina
Southern Center of Civil Rights Enforcement 1083 Austin Ave, NE, Atlanta, GA 31107	Areas in Georgia, Arkansas, Mississippi & South Carolina
Central Alabama Fair Housing Center 207 Montgomery St. Suite 725, Montgomery, AL 36104	Central & Southern Alabama
Arkansas Fair Housing Organization 2101 South Main Street, Little Rock, AR 72206	Central Arkansas
Arkansas Fair Housing Council 103 West Capitol, #1115, Little Rock, AR 72201	Arkansas Congressional Districts #1, 2 & 4
Fair Housing Action Center 938 Lafayette St., #413, New Orleans, LA 70113	Greater Metropolitan New Orleans
Legal Aid Society of Albuquerque 121 Tijereas, NE, #3100, Albuquerque, NM 87102	State of New Mexico
Louisiana Fair Housing Organization 1624 Elysian Fields, Ave., New Orleans, LA 70117	Southern Louisiana
New Mexico Fair Housing Organization 918 Silver SW, Albuquerque, NM 87102	Central New Mexico (primarily Albuquerque & Santa Fe)
Fair Housing Center of Nebraska 2522 N. 24th St., #103, Omaha, NE 68110	Omaha, Nebraska & South Sioux City, Iowa
Kansas City Fair Housing Center 3033 Prospect Ave., Kansas City, MO 64128	Metropolitan Kansas City, Missouri

Metro St. Louis Equal Housing Opportunity Center 1027 VanDerventer Ave., 4th Floor, St. Louis, MO 63110	Metropolitan St. Louis, Missouri
North Dakota Fair Housing Council 533 Airport Rd, Suite B, Bismark, ND 58504	State of North Dakota
Greater Nevada Fair Housing Council 410 East John Street, Carson City, NV 89706	Northern Nevada
Nevada Fair Housing Center 2725 East Desert Inn Road, Suite 180, Las Vegas, NV 89121	Southern Nevada
Fair Housing Council of Fresno County 2014 Tulane St., #413, Fresno, CA 93721	Fresno, California
Idaho Fair Housing Council 310 N. 5th Street, Boise, ID 83702	State of Idaho
Northwest Fair Housing Alliance 1613 West Gardner Ave., Spokane, WA 99201	Eastern Washington
Fair Housing Council of South Puget Sound 8815 S. Tacoma Way, Suite 211, Tacoma, WA 98499	Puget Sound
Asian Americans for Equality FH Ctr. 111 Division Street, New York, NY 10002	Queens, NY
San Antonio Fair Housing Center 4414 Centerview Drive, Suite 179 San Antonio, TX 78228	San Antonio, TX
Fair Housing Center of Houston 2900 Woodridge, Suite 303 Houston, TX 77087	Houston, TX

APPENDIX B
FIELD STRUCTURE - OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY

FHEO OFFICES	DIRECTORS	TELEPHONE NO.	AREA COVERED
BOSTON HUB Thomas P. O'Neill Federal Bldg. 10 Causeway Street, Room 375 Boston, MA 02222-1092	Marcella Brown	(617) 565-6977	MA, CT, ME, VT, NH, RI
NEW YORK CITY HUB 26 Federal Plaza New York, NY 10278-0068	Stanley Seidenfeld	(221) 264-1290	NY, NJ
PHILADELPHIA HUB The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380	Wanda S. Nieves	(215) 656-0647	PA, MD, VA, DC WV, DE
ATLANTA HUB Richard B. Russell Federal Building 75 Spring Street, S.W. Atlanta, GA 30303-3388	Gregory King	(404) 331-5001	GA, AL, MS, FL, PUERTO RICO, KY TN, NC, SC
CHICAGO HUB Ralph H. Metcalfe Federal Building 77 West Jackson Boulevard Chicago, IL 60604-3507	Barbara Knox	(312) 353-7776	IL, MN, MI, WI, OH IN
FORT WORTH HUB 1600 Throckmorton Street Fort Worth, TX 76113-2905	Jamie Jamison	(817) 978-9271	TX, AR, OK, LA, NM
KANSAS CITY HUB Gateway Tower II 400 State Avenue Kansas City, KS 66101-2406	Robbie Herndon	(913) 551-6958	KA, MO, NE, IA
DENVER HUB 633 17TH Street Denver, CO 80202-3607	John Eubanks	(303) 672-5434	CO, UT, WY, SD ND, MT

SAN FRANCISCO HUB			CA, HI, NV, AZ
Phillip Burton Federal Bldg. 450 Golden Gate Avenue San Francisco, CA 94102-3448	Chuck E. Hauptmon	(415) 436-6569	Guam
SEATTLE HUB			WA, OR, ID
Seattle Federal Office Bldg. 909 1st Avenue, Suite 200 Seattle, WA 98104-1000	Judith Keeler	(206) 220-5170	

APPENDIX C

The non-standard forms, which follow, are required for your FHIP application.

Checklist for Completeness of Application

Use this checklist to ensure that your application includes all required items

Check when included	Response Item
	Copy of SF-424 (Place a copy of the SF-424 and attached HUD-424-M (Matrix) on top of application package. This should **not** be the originals.)
	Transmittal Letter
	Cover Page
	Checklist
	Statement of Eligibility
	Project Abstract Outlining Project Activities
	Factor No. 1 Response
	Factor No. 2 Response
	Factor No. 3 Response
	Proposed Statement of Work
	Proposed Budget, Narrative and SF-424-A
	Factor No. 4 Response
	Factor No. 5 Response
	Responses to Additional Requirements for Specific Initiative/Component
	PEI and FHOI Applicants - Proof of tax exempt status
	Partnership Components - Letter of Firm Commitment
	Application Forms and Certifications
	SF-424 Application for Federal Assistance and HUD-424-M (Matrix)
	SF-424-A Budget Information - Non-construction Programs
	SF-424-B Standard Assurances - Non-construction Programs
	Applicant Disclosure Report (HUD-2880)
	Certification of Payments to Influence Federal Transactions (HUD-50071)
	OMB SF-LLL Disclosure of Lobbying Activities
	Certification for a Drug-Free Workplace (HUD-50070)
	Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990), if applicable
	Certification of Consistency with the Consolidated Plan (HUD-2991)
	Certification Regarding Debarment and Suspension (HUD-2992)
	Listing of Current or Pending Financial Agreements
	Acknowledgment of Application Receipt (HUD-2993)
	Client Comments and Suggestions (HUD-2994)

form **HUD-40076-FHIP** (1/2000)

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Page no:

Cover Page FY 2000 FHIP Application

Check Initiative/Component (only one box) for which the application is being submitted.

Submit a separate application for each Initiative/Component for which funding is sought.

Applicant Name _____

Initiative/Component	Catalog of Federal Domestic Assistance No.
☐ Private Enforcement Initiative/General Component (Multi-Year)	14-410
☐ Private Enforcement Initiative/Fair Housing Partnership Component	14-410
☐ Education and Outreach Initiative/Regional-Local-Community Based Program	
☐ General Component	14-409
☐ Fair Housing Partnership Component	14-409
☐ Disability Component	14-409
☐ Education and Outreach Initiative National Program	
☐ Model Codes Partnership Component	14-409
☐ Community Tensions Component	14-409
☐ Fair Housing Organizations Initiative/Continued Development Component	14-413
☐ Fair Housing Organizations Initiative/Establishment of New Organizations	14-413

If you submit more than one application, you must indicate in the table below all Initiatives/Components for which you are applying. In addition, if you apply for funding under more than one component, you must state your priority for selection and submit your preference in the table below. If you fail to submit your preference, your application will be ineligible.

Applicant's Preference for Award

Initiative/Component	Applied (Yes or No)	Rank-Order Preference
Private Enforcement Initiative - General Component (Multi-year)		
Private Enforcement Initiative - Fair Housing Partnership Component		
EOI-Regional, Local, Community-based-FairHousing Partnership Comp.		
EOI-Regional, Local, Community-based-Disability		
EOI-Regional, Local, Community-based-General Component		
EOI-National Program-Model Codes Partnership Component		
EOI-National Program-Community Tensions Component		
FHOI-Establishment of New Organizations		
FHOI-Continued Development Component		

Statement of Eligibility

Attach the Completed Statement of Eligibility required for each Initiative/Component for which you are applying. (You may attach additional pages if necessary.)

Private Enforcement Initiative

For All PEI Applicants:

1. Organizational Status

   Is your organization a private, tax-exempt, nonprofit, charitable organization?

   ☐ Yes ☐ No

   If yes, have you included proof of your status with your application.

   ☐ Yes ☐ No

2. Are you a Qualified Fair Housing Organization (QFHO) or a Fair Housing Organization (FHO) with at least one year's experience in complaint intake, complaint investigation, testing for fair housing violations, and meritorious claims.?

   ☐ Yes ☐ No

   Please check whether a QFHO or an FHO.

   ☐ QFHO (see attached FHIP regulations) ☐ FHO (see attached FHIP regulations)

3. Briefly describe your experience directly related to each of the following areas of enforcement activities that your organization conducted for at least one year in the two years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/ continuous years, as long as each activity has been conducted for one year within the past two years. (Do not limit this description to FHIP funded enforcement activities.) See attached FHIP regulation.

   Include dates, when responding to following:

   a. Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).

   b. Description of your testing program, including number of tests conducted (both individual and systemic) and number of tests by basis and issue.

   c) Description of investigative experience, apart from testing, conducted by your organization.

   d) Summary of complaint referrals to HUD for investigation or other enforcement actions.

   e) Summary of complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/nonmonetary relief.

4. What percentage of your Statement of Work activities and budget, if any, is devoted to the needs of immigrant (especially ethnic minorities who are not English speaking) and other under-served populations?

5. If yours is a partnership application, have you included a letter of firm commitment?

   ☐ Yes ☐ No

6. Do you propose to use FHIP funds to settle claims, satisfy judgements, or fulfill court orders in any litigation action involving either the Department or housing provider funded by the Department?

   ☐ Yes ☐ No

   If yes, identify those activities and amount of funds.

Additional Questions for PEI General Component Applicants:

7. Are you currently receiving a PEI General Component grant?

   ☐ Yes ☐ No

   If yes, please provide grant number and expiration date for funding.

   Grant Number: _____

   Expiration date: _____

8. Have you made clear you are submitting under the PEI General Component as either a single project or as a partnership project?

   Please check the appropriate box: ☐ A single Project ☐ A Partnership Project

   If you are submitting as a partnership project: submit a separate eligibility statement for **each Partner** answering questions 1-3 above.

Additional Questions for PEI-Fair Housing Partnership Component Applicants:

9. Have you included a narrative description and budget of the overall partnership and the duties and responsibilities of each partner?

   ☐ Yes ☐ No

10. Are you partners with an organization which is requesting funding under the EOI-Fair Housing Partnership Component?

    ☐ Yes ☐ No

    If yes, please identify the organization:

11. Are you partners with an eligible Fair Housing Assistance Program (FHAP) Partner?

    ☐ Yes ☐ No

    Please identify the eligible FHAP agency:

12. Are you devoting at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other under-served populations?

    ☐ Yes ☐ No

Statement of Eligibility

Educational and Outreach Initiative

National, Regional/Local/Community-Based Programs

1. Please check your appropriate organizational status:

   ☐ State or local government;

   ☐ Qualified fair housing enforcement organization (QFHO);

   ☐ Fair housing enforcement organization (FHO);

   ☐ Public or private nonprofit organization or institution and other public or private entity that is formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

   ☐ Fair Housing Assistance Program (FHAP) Agency (State and local agency funded by FHAP)

2. Are you a college or university proposing an educational project?

   ☐ Yes ☐ No

3. Do you propose to use FHIP funds to settle claims, satisfy judgements, or fulfill court orders in any litigation action involving either the Department or housing provider funded by the Department?

   ☐ Yes ☐ No

   If yes, identify those activities and amount of funds.

Additional Questions for EOI-Fair Housing Partnership Component Applicants:

4. Have you included a letter of firm commitment?

   ☐ Yes ☐ No

5. Have you included a narrative description and budget of the overall partnership and the duties and responsibilities of each partner?

   ☐ Yes ☐ No

6. Are you partners with an organization that is requesting funding under the Private Enforcement Initiative - Fair Housing Partnership Initiative?

   ☐ Yes ☐ No

   If yes, please identify the organization:

7. Are you partners with an eligible Fair Housing Assistance Program (FHAP) Partner?

   ☐ Yes ☐ No

   If yes, please identify the eligible FHAP agency:

8. Are you devoting at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other under-served populations?

☐ Yes ☐ No

Additional Questions for EOI-Model Codes Partnership Component Applicants:

9. Is one of the partners a disability rights advocacy group?

☐ Yes ☐ No

If yes, please identify the organization:

10. Have you included a letter of firm commitment?

☐ Yes ☐ No

11. Are you devoting at least sixty (60) percent of your activities and budget to the fair housing needs of immigrant (especially ethnic minorities who are not English speaking) and other under-served populations?

☐ Yes ☐ No

Statement of Eligibility

Fair Housing Organization Initiative

Establishing New Organizations Component

1. Organizational Status

   Is your organization a private, tax-exempt, nonprofit, charitable organization?

   ☐ Yes ☐ No

   If yes, include proof of your status with your application.

2. Are you a QFHO? ☐ Yes ☐ No

3. Briefly describe your experience directly related to each of the following areas of enforcement activities that your organization conducted for at least two years in the three years preceding the filing of this application. It is not necessary that the activities were conducted simultaneously nor for consecutive/ continuous years, as long as each activity has been conducted for two years within the past three years. (Do not limit this description to FHIP funded enforcement activities.). See attached FHIP regulation.

   Include dates when responding to the following:

   a. Number of complaints received and processed, by basis (e.g. race, color, religion, sex, disability, familial status, and national origin) and issue (e.g. rental, sales, lending).

   b. Description of your testing program, including number of tests conducted (both individual and systemic) and number of tests by basis and issue.

   c. Description of investigative experience, apart from testing, conducted by your organization.

   d. Summary of complaint referrals to HUD for investigation or other enforcement actions.

   e. Summary of complaint outcomes, including judicial and administrative findings; number of pending complaints; and number of awards and amount to plaintiffs of monetary/nonmonetary relief.

4. Do you propose to use FHIP funds to settle claims, satisfy judgements, or fulfill court orders in any litigation action involving either the Department or housing provider funded by the Department?

   ☐ Yes ☐ No

   If yes, identify those activities and amount of funds.

Statement of Eligibility

Fair Housing Organizations Initiative

Continued Development Component (CDC)

1. Organizational Status

   Is your organization a private, tax-exempt, nonprofit, charitable organization?

   ☐ Yes ☐ No

   If yes, include proof of your status with your application.

2. Are you a QFHO or a FHO? ☐ Yes ☐ No

   Please check whether a QFHO or a FHO

   ☐ QFHO (see attached FHIP regulations)

   ☐ FHO (see attached FHIP regulations)

3. Is your organization a recipient of a previous Establishing New Organizations Component award?

   ☐ Yes ☐ No

   If yes, please provide the grant number of the ENOC award and expiration date of that award.

   Grant Number: _____

   Expiration date: _____

4. Do you propose to use FHIP funds to settle claims, satisfy judgements, or fulfill court orders in any litigation action involving either the Department or housing provider funded by the Department?

   ☐ Yes ☐ No

   If yes, identify those activities and amount of funds.

Listing of Current or Pending Grants/Contracts/Other Financial Agreements
(for Fair Housing Initiatives Program only)

All applicants are required to provide a listing of any current or pending grants or contracts, or other business or financial relationships or agreements, to provide training, education, and/or self-testing services between the applicant and any entity or organization of entities involved in the sale, rental, advertising or provision of brokerage or lending services for housing. The listing must include the name and address of the entity or organization; a brief description of the services being performed or for which negotiations are pending; the dates for performance of the services; and the amount of the contract or grant (this latter item is optional). This listing must be updated during the grant negotiation period and as provided for in the grant agreement schedule of articles.

A sample listing is provided below.

A blank form is provided for your use also, or you may submit the information in any convenient format.

Sample Format

Listing of Current or Pending Grants/Contracts/Other Financial Agreements

Name and Address of Entity or Organization	Type of activity/service to be provided	Dollar Amount of Grant or Contract (Optional)	Dates for Performance of Services
ABC Rental Co. 1234 Main Street Anytown, USA 00000	Training of rental company staff on fair housing laws, including reasonable accommodation issues.	$100,000	June 5, 1998 - December 5, 1999
City of Gotham Gotham City Hall - Rm.9876 Gotham, USA 00000	Provide fair housing outreach training for public as part of CDBG grant program.	$25,000.00	October 1, 1997 - September 30, 1999
Pen & Ink Architects 3333 Lincoln Street Gotham, USA 00000	Provide training to and develop handbook for architects on accessibility guidelines and other applicable laws relating to new construction.	$ 150,000	May 31, 1997 - May 31, 2000

Listing of Current or Pending Grants/Contracts/Other Financial Agreements (for Fair Housing Initiatives Program only)

Name and Address of Entity or Organization	Type of activity/service to be provided	Dollar Amount of Grant or Contract (Optional)	Dates for Performance of Services

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form **HUD-40076-FHIP** (1/2000)

Additional Instructions for Completing form HUD-2880

All applicants must complete form HUD-2880, Applicant Disclosure/Update report. However, full completion may not be required. Answer the questions below as they pertain to your proposed project, then prepare the form as instructed.

Question 1. Are other Federal funds involved in the proposed project?

If "No," complete **only** Parts I and II and **sign** the form on page 3.

If "Yes," go to question 2.

Question 2. Is the total amount of HUD, State, or local government funds for this specific project/ activity less than $200,000?

If "Yes," complete **only** Parts I and II and **sign** the form on page 3.

If "No," complete the **entire** form and **sign** the form on page 3.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING COUNSELING

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING COUNSELING PROGRAM

Program Overview

Purpose of the Program. The purpose of this program is to provide comprehensive housing counseling through national, regional, multi-state housing counseling agencies, State housing finance agencies, and local HUD-approved housing counseling agencies. Counseling assists homebuyers, homeowners, and tenants to meet their housing needs and resolve their housing problems.

Available Funds. Approximately $13.1 million.

Eligible Applicants. (1) HUD-approved national, regional, or multi-state intermediaries; (2) HUD-approved local housing counseling agencies; and (3) State housing finance agencies.

Application Deadline. **May 16, 2000.**

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. If you are a Local Housing Counseling Agency or a State Housing Finance Agency you must submit a completed application on or before 6:00 pm, local time, on May 16, 2000, to the Homeownership Center designated below.

If you are a National, Regional or Multi-State Housing Counseling Intermediary, you must submit a completed application on or before 12:00 midnight, Eastern time, on May 16, 2000, to the HUD Headquarters Office designated below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. If you are a Local Housing Counseling Agency or State Housing Finance Agency, your completed application consists of an original and two copies. Send your completed application to the respective HUD Homeownership Center (HOC) having jurisdiction over the locality, area or State in which your proposed program is located. Your application should be sent to the attention of the Program Support Division Director, and the envelope should be clearly marked ''FY 2000 Housing Counseling Application''. A list of the HUD Homeownership Centers, including their field office and State jurisdictions, and the Program Support Division Directors appears below and in the Application Kit.

Homeownership Center	Field Office	States
PHILADELPHIA HOMEOWNERSHIP CENTER Mr. Michael Perretta The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3380 Contact: Robert Wright (215) 656-0527 x3406	Albany, Baltimore, Bangor, Boston, Buffalo, Burlington, Camden, Charleston, Cincinnati, Cleveland, Columbus, Detroit, Flint, Grand Rapids, Hartford, Manchester, New York, Newark, Philadelphia, Pittsburgh, Providence, Richmond, Washington, DC, Wilmington	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia
ATLANTA HOMEOWNERSHIP CENTER Ms. Gayle Knowlson 40 Marietta Street, 8th Floor Atlanta, GA 30303-2806 Contact: Fellece Sawyer-Coleman (404) 331-5001, x2675	Atlanta, Birmingham, Caribbean, Chicago and Springfield, Columbia, Coral Gables, Greensboro, Indianapolis, Jackson, Jacksonville, Knoxville, Louisville, Memphis, Nashville, Orlando, Tampa	Alabama, Puerto Rico, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
DENVER HOMEOWNERSHIP CENTER Ms. Jane Hall Wells Fargo Building 633 17th Street Denver, CO 80202-3607 Contact: Irma Devich (303) 672-5216 x 1980	Albuquerque, Denver (Casper, Fargo, Sioux Falls), Dallas, Des Moines, Denver, Fort Worth, Helena, Houston, Kansas City, Little Rock, Lubbock, Milwaukee, Minneapolis, New Orleans, Oklahoma City, Omaha, Salt Lake City, San Antonio, Shreveport, St. Louis, Tulsa	Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, Wyoming
SANTA ANA HOMEOWNERSHIP CENTER Mr. Jerrold Mayer 1600 N. Broadway Suite 100 Santa Ana, CA 92706-3927 Contact: Rhonda J. Rivera, Chief 1-888-827-5605 (714) 796-1200 x 3210	Anchorage, Boise, Fresno, Honolulu, Boise, Fresno, Las Vegas, Los Angeles, Phoenix, Portland, Reno Sacramento, San Diego, San Francisco, Santa Ana, Seattle, Spokane, Tucson,	Alaska, Arizona, California, Hawaii,Oregon, Idaho, Nevada, Washington

If you are a National, Regional or Multi-State Housing Counseling Intermediary, your completed application also consists of an original and two copies. Submit your completed application to Director, Program Support Division, Office of Single Family Housing, HUD Headquarters, 451 Seventh Street, S.W., Washington, DC 20410, Room 9166. The envelope should be clearly marked, ''FY 2000 Intermediary Application''.

Application Kits. For an application kit and any supplemental materials, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to the Housing Counseling Program. The SuperNOFA Information Center can provide you with assistance in determining which HUD locations should receive a copy of your application.

For Further Information and Technical Assistance. If you are a local housing counseling agency or State housing finance agency, you may call the HUD Homeownership Center serving your area. If you are a national, regional, or multi-state intermediary, you may call HUD Headquarters, Program Support Division at (202) 708–0317 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339. Please see above and your application kit for a list of offices and telephone numbers you can call to receive assistance. Before the application deadline, HUD staff will be available to provide general guidance.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Under this SuperNOFA, $13.1 million of the $15 million appropriated is made available for eligible applicants. An allocation of $900,000 of the $15 million total in program funding has been set aside for Housing Counseling support, which may include continuation of the Housing Counseling Clearinghouse, and/or other HUD counseling initiatives and activities. An allocation of $1 million of the $15 million appropriated is available for the Home Equity Conversion Mortgage (HECM) Program, as provided in section 255(k) of the National Housing Act (12 U.S.C. 1715z-20).

Local housing counseling agencies, State housing finance agencies and national, regional and multi-state intermediaries can apply for a grant only under one of the categories described below. Affiliates and branches of a State housing finance agency or national, regional and multi-state intermediary which are not HUD-approved can apply for a subgrant under either Category 2 or 3, but not both. (The term ''affiliate'' or ''affiliates'' includes the term ''branch'' or ''branches'' of the affiliate unless otherwise stated.) A HUD-approved local housing counseling agency applying as an affiliate for a subgrant under either Category 2 or 3 *cannot* apply directly to HUD for separate funding. Only one source of HUD funds is permissible under any of the three categories or within Category 2 or Category 3. For example, an organization affiliated with two or more intermediaries can only apply to one intermediary for a housing counseling subgrant. Another example is an organization affiliated with an intermediary and a State housing finance agency. This organization can apply to either the intermediary or the State housing finance agency for a housing counseling subgrant but not both.

In situations where an applicant submitted an application under two or more categories or submitted an application to two or more intermediaries within Categories 2 or 3, HUD considers these situations to have curable defects. In either case, a decision must be made by the applicant to affirm one funding source. If two or more applications were submitted then the applicant must select one category or one intermediary within Categories 2 or 3, under which to apply and must withdraw all other applications. If two or more grants were awarded then one grant source must be selected and all others forfeited.

The amount of funds available for suballocation are set forth below in three competing categories.

Applicants must submit an application under the specific category that they are eligible to apply for a grant.

(A) *Category 1—Local Housing Counseling Agencies (LHCA).* Approximately $ 5.6 million has been made available for grants to local HUD-approved housing counseling agencies. Funding is allocated to each HUD field office jurisdiction by a formula that reflects the increased emphasis on the expansion of homeownership opportunities for first-time homebuyers and HUD's intent to ensure appropriate geographical distribution of program funds. For FY 2000, no individual local housing counseling agency may be awarded more than $100,000.

A local HUD-approved housing counseling agency may apply for a grant to HUD, or a subgrant to a state housing finance agency, as an affiliate, or a subgrant to a national, regional, and multi-state intermediary as an affiliate. However, the local HUD-approved housing counseling agency can apply for only one grant or subgrant under any of the three categories or within Category 2 or 3. Furthermore, the agency must disclose in its application if it has applied for more than one source of HUD funds.

Allocation for use in local agency programs by HUD Homeownership Centers are as follows:

HUD Field Office	Default Data			First Time Homebuyer Data			
HUD Homeownership Center/Jurisdiction	No. of Defaults	% of Nat'l Defaults	Allocation Amount	No. of 1st Timer	% of Nat'l 1st Timers	Allocation Amount	Total Allocation
PHILADELPHIA HOC							
Albany	3495	1.16%	32,427	7,837	1.06%	29,567	61,993
Baltimore	8271	2.74%	76,738	19,419	2.62%	73,263	150,001
Bangor	480	0.16%	4,453	2,306	0.31%	8,700	13,153
Boston	1673	0.55%	15,522	8,406	1.13%	31,714	47,236
Buffalo	4073	1.35%	37,789	6,635	0.89%	25,032	62,821
Burlington	81	0.03%	752	437	0.06%	1,649	2,400
Camden	5099	1.69%	47,308	9,339	1.26%	35,234	82,542
Charleston	343	0.11%	3,182	1,423	0.19%	5,369	8,551
Cincinnati	2390	0.79%	22,174	7,816	1.05%	29,488	51,662
Cleveland	4518	1.50%	41,918	9,315	1.26%	35,143	77,061
Columbus	2894	0.96%	26,850	8,269	1.11%	31,197	58,047
Detroit	6203	2.06%	57,551	14,350	1.93%	54,139	111,690
Flint	1237	0.41%	11,477	2,757	0.37%	10,401	21,878
Grand Rapids	2386	0.79%	22,137	6,846	0.92%	25,828	47,965
Hartford	2251	0.75%	20,885	9,280	1.25%	35,011	55,896
Manchester *	427	0.14%	3,962	2,956	0.40%	11,152	15,114
*(NH, MA, VT)							
New York	6256	2.07%	58,043	13,720	1.85%	51,762	109,805
Newark	3623	1.20%	33,614	12,014	1.62%	45,326	78,940

HUD Field Office	Default Data			First Time Homebuyer Data			
HUD Homeownership Center/Jurisdiction	**No. of Defaults**	**% of Nat'l Defaults**	**Allocation Amount**	**No. of 1st Timer**	**% of Nat'l 1st Timers**	**Allocation Amount**	**Total Allocation**
Philadelphia *	7519	2.49%	69,761	17,587	2.37%	66,351	136,112
(* DE)							
Pittsburgh	1969	0.65%	18,268	5,975	0.81%	22,542	40,810
Providence	616	0.20%	5,715	2,924	0.39%	11,031	16,747
Richmond	7908	2.62%	73,370	16,517	2.23%	62,314	135,685
Washington DC	8540	2.83%	79,234	20,511	2.76%	77,383	156,616
Wilmington	739	0.24%	6,856	2,329	0.31%	8,787	15,643
Phil. HOC Subtotal	82991	27.50%	769,988	208,968	28.16%	788,381	1,558,369
ATLANTA HOC							
Atlanta	12817	4.25%	118,916	25,914	3.49%	97,767	216,682
Birmingham	5070	1.68%	47,039	8,164	1.10%	30,801	77,840
Caribbean	5232	1.73%	48,542	10,181	1.37%	38,410	86,953
Chicago	12124	4.02%	112,486	27,471	3.70%	103,641	216,127
Columbia	3306	1.10%	30,673	4,309	0.58%	16,257	46,930
Coral Gables	11619	3.85%	107,801	20,915	2.82%	78,907	186,708
Greensboro	5340	1.77%	49,544	14,575	1.96%	54,988	104,532
Indianapolis	5591	1.85%	51,873	16,272	2.19%	61,390	113,263
Jackson	3349	1.11%	31,072	4,051	0.55%	15,283	46,355

HUD Field Office	Default Data			First Time Homebuyer Data			
HUD Homeownership Center/Jurisdiction	**No. of Defaults**	**% of Nat'l Defaults**	**Allocation Amount**	**No. of 1st Timer**	**% of Nat'l 1st Timers**	**Allocation Amount**	**Total Allocation**
Jacksonville	3164	1.05%	29,356	6,388	0.86%	24,100	53,456
Knoxville	2074	0.69%	19,243	4,118	0.55%	15,536	34,779
Louisville	1670	0.55%	15,494	6,495	0.88%	24,504	39,998
Memphis	8082	2.68%	74,985	6,912	0.93%	26,077	101,062
Nashville	2885	0.96%	26,767	6,335	0.85%	23,900	50,667
Orlando	5398	1.79%	50,083	11,339	1.53%	42,779	92,862
Springfield	1033	0.34%	9,584	3,643	0.49%	13,744	23,328
Tampa	4993	1.65%	46,325	11,209	1.51%	42,289	88,614
Atlanta HOC Subtotal	93747	31.06%	869,782	188,291	25.37%	710,372	1,580,154
DENVER HOC							
Albuquerque	1400	0.46%	12,989	4,351	0.59%	16,415	29,404
Casper	442	0.15%	4,101	1,490	0.20%	5,621	9,722
Dallas	6382	2.11%	59,212	13,743	1.85%	51,849	111,061
Denver *	4279	1.42%	39,700	21,240	2.86%	80,133	119,833
*(WY, ND, SD)							
Des Moines	800	0.27%	7,422	4,198	0.57%	15,838	23,260
Fargo	562	0.19%	5,214	2,195	0.30%	8,281	13,495
Ft Worth	5845	1.94%	54,230	13,549	1.83%	51,117	105,347

HUD Field Office	Default Data			First Time Homebuyer Data			
HUD Homeownership Center/Jurisdiction	No. of Defaults	% of Nat'l Defaults	Allocation Amount	No. of 1st Timer	% of Nat'l 1st Timers	Allocation Amount	Total Allocation
Helena	705	0.23%	6,541	1,771	0.24%	6,682	13,222
Houston	5864	1.94%	54,406	12,627	1.70%	47,638	102,044
Kansas City	3007	1.00%	27,899	8,337	1.12%	31,453	59,352
Little Rock	3609	1.20%	33,484	5,859	0.79%	22,104	55,589
Lubbock	2907	0.96%	26,971	5,903	0.80%	22,270	49,242
Milwaukee	1148	0.38%	10,651	4,120	0.56%	15,544	26,195
Minneapolis	5007	1.66%	46,455	14,160	1.91%	53,422	99,877
New Orleans	3869	1.28%	35,896	8,797	1.19%	33,189	69,085
Oklahoma City	2528	0.84%	23,455	6,833	0.92%	25,779	49,234
Omaha	1396	0.46%	12,952	5,206	0.70%	19,641	32,593
Salt Lake City	2477	0.82%	22,982	9,081	1.22%	34,260	57,242
San Antonio	6276	2.08%	58,229	16,811	2.27%	63,423	121,652
Shreveport	1781	0.59%	16,524	2,325	0.31%	8,772	25,296
Sioux Falls	317	0.11%	2,941	1,964	0.26%	7,410	10,351
St Louis	3832	1.27%	35,553	7,385	1.00%	27,862	63,415
Topeka	1251	0.41%	11,607	3,731	0.50%	14,076	25,683
Tulsa	1454	0.48%	13,490	4,226	0.57%	15,944	29,434
Denver HOC Subtotal	67138	22.25%	622,905	179,902	24.24%	678,723	1,301,627

HUD Field Office	Default Data			First Time Homebuyer Data			
HUD Homeownership Center/Jurisdiction	No. of Defaults	% of Nat'l Defaults	Allocation Amount	No. of 1st Timer	% of Nat'l 1st Timers	Allocation Amount	Total Allocation
SANTA ANA HOC							
Anchorage	422	0.14%	3,915	1,770	0.24%	6,678	10,593
Boise	1093	0.36%	10,141	4,144	0.56%	15,634	25,775
Fresno	6278	2.08%	58,247	14,203	1.91%	53,584	111,831
Honolulu	711	0.24%	6,597	1052	0.14%	3,969	10,566
Las Vegas	3421	1.13%	31,740	8,648	1.17%	32,627	64,367
Los Angeles	11076	3.67%	102,763	32,646	4.40%	123,165	225,928
Phoenix	6714	2.22%	62,292	18,401	2.48%	69,422	131,714
Portland	1383	0.46%	12,831	6,948	0.94%	26,213	39,044
Reno	620	0.21%	5,752	1,460	0.20%	5,508	11,261
Sacramento	3842	1.27%	35,646	13,474	1.82%	50,834	86,480
San Diego	1270	0.42%	11,783	6,689	0.90%	25,236	37,019
San Francisco	2012	0.67%	18,667	8,194	1.10%	30,914	49,581
Santa Ana	14321	4.75%	132,870	33,154	4.47%	125,081	257,951
Seattle	2323	0.77%	21,553	8,822	1.19%	33,283	54,836
Spokane	1235	0.41%	11,458	2,504	0.34%	9,447	20,905
Tucson	1193	0.40%	11,069	2,897	0.39%	10,930	21,998
Santa Ana HOC Subtotal	57914	19.19%	537,325	165,006	22.23%	622,524	1,159,849
GRAND TOTAL	301,790	100.00%	2,800,000	742,167	100.00%	2,800,000	5,600,000

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(B) *Category 2—National, Regional, and Multi-State Intermediaries.* Approximately $6.5 million is being set aside to fund HUD-approved national, regional and multi-state intermediaries that apply for funding under this SuperNOFA. There is no cap on the amount that national, regional, or multi-State intermediaries or its affiliates may receive.

A national, regional and multi-state intermediary may provide a subgrant to an affiliate, but not to an affiliate that applies directly to HUD or a State housing finance agency or another intermediary in Category 2. An affiliate must disclose in its application if it has applied for more than one source of HUD funds.

(C) *Category 3—State Housing Finance Agencies (SHFA).* Approximately $1 million is being set aside to fund State housing finance agencies, that have a role as a housing counseling agency and/or as an intermediary to affiliates, offering housing counseling services. (State housing finance agencies are defined in 24 CFR 266.5 under the definition of ''housing finance agency''). The amount of funding available to each of the four HUD Homeownership Center jurisdictions is as follows:

Homeownership center	Funding allocation
Atlanta, GA	$254,285
Denver, CO	254,285
Philadelphia, PA	267,145
Santa Ana, CA	224,285
Total	1,000,000

There is no cap on the amount that a State housing finance agency, or its affiliates, may receive. A State housing finance agency may provide a subgrant to an affiliate, but not to an affiliate that applies to HUD or a national, regional, and multi-state intermediary or another State housing finance agency. An affiliate must disclose in its application if it has applied for more than one source of HUD funds.

(1) *Remaining and Deobligated Funds/Reallocations.* If funds remain after HUD has funded all approvable grant applications in its Homeownership Center jurisdictions, or Headquarters, or if any funds become available due to deobligation, that amount will be retained by HUD for future housing counseling use or HUD may use that amount (or any part thereof) by allocating it to another HUD office jurisdiction, and/or another suballocation category.

(2) *Funding Levels.* The Factors for Award will be used to evaluate your application for funding. If you are a successful applicant, HUD requires that you participate in negotiations to determine the specific grant amount and the terms of the grant agreement. HUD will follow the negotiation procedures described in Section III(D) of the **General Section** of the SuperNOFA. Housing Counseling grants are fundable for a period of twelve (12) calendar months. This period may begin from the date that your award is executed by HUD, or may begin on a date that is not more than 90 days prior to the date that you are notified of your award, which beginning date shall be determined by HUD.

(3) *Funding Methodology.* As described below, in Section V(B) of this program section of the SuperNOFA, the Factors for Award will be used to evaluate your application and a maximum of 102 points may be awarded for each application. Only applicants who receive at least 50 points out of the 102 will be considered eligible for funding. All eligible applicants will then be funded in proportion to the score they receive. Specifically, the points received by all eligible applicants within a particular allocation or suballocation will be totaled together and this sum will be divided into the dollar amount available for that allocation or suballocation. The resulting amount is the dollar value per point. This value will then be multiplied by each applicant's score to arrive at that applicant's dollar award. For example, within the Philadelphia HOC, local housing counseling agencies falling within the Albany field office jurisdiction will compete for an allocation of $61,993. If ten agencies apply for funding and the individual scores of the eligible applicants total up to 800 points, then $61,993 will be divided by 800 to arrive at a per point value of approximately $77.49, resulting in a grant of approximately $7,749.00 to an applicant that had received 100 points for its application. However, an applicant cannot receive more funding than the amount for which the applicant applies or more than the amount listed in the applicant's proposed budget.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD-approved housing counseling agencies provide counseling and advice to tenants and homeowners on property maintenance, financial management, and other matters appropriate to assist tenants and homeowners in improving their housing conditions and meeting responsibilities of tenancy and homeownership. In addition, HUD-approved housing counseling agencies conduct community outreach activities and provide counseling to individuals, including persons with visual or hearing impairments or other disabilities, with the objective of increasing awareness of homeownership opportunities and improving access of low and moderate income households to sources of mortgage credit. HUD believes that this activity is key to the revitalization and stabilization of low income and minority neighborhoods. Agencies assist first-time homebuyers by offering Homebuyer Education and Learning Program (HELP) training sessions. Agencies also meet the counseling needs of eligible persons 62 or older who desire to use the Home Equity Conversion Mortgage (HECM) to convert their equity into a lump sum payment or an income stream that can be used for home improvements, medical costs, and/or living expenses.

(B) *Eligible Applicants.* Under the Housing Counseling Program, HUD contracts with qualified public or private nonprofit organizations to provide housing counseling services. There are three categories of applicants which are eligible to submit applications:

(1) *HUD-approved national, regional, or multi-state intermediaries.* If you are a HUD-approved national, regional, or multi-state intermediary, your primary activity is to manage the use of HUD housing counseling funds. This includes the distribution of housing counseling funding to affiliated local housing counseling agencies. Your local affiliates are eligible to undertake any or all of the housing counseling activities, described for HUD-approved local housing counseling agencies. Local affiliates receiving funding through your organization do not need to be HUD-approved in order to receive funds from you. However, your intermediary organization must be HUD-approved as of the date of this SuperNOFA. You must identify all of your affiliates in your application, and designate those affiliates that will be seeking a subgrant. If your affiliate is not HUD-approved, you must certify the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

As a selected intermediary, you must distribute at least 90 percent of your award funds to your housing counseling affiliates. The amount you request should reflect anticipated operating needs for housing counseling activities, based upon the counseling experience during FY 1999 and your current capacity. As an intermediary, the amount you request should reflect your

best estimate of costs to oversee and fund your housing counseling affiliates. This best estimate should not exceed ten percent (10%) of the total grant amount.

HUD will give you wide discretion to implement your housing counseling program with your affiliates. You must execute subgrant agreements with your affiliates that clearly delineate the mutual responsibilities for program management and appropriate time frames for reporting results to HUD. As part of the subgrant agreement, your affiliate must certify that it will not apply for a grant from any other Housing Counseling grant suballocation or categories, or another HUD approved national, regional, multi-state intermediary.

You can decide how to allocate funding among your affiliates with the understanding that a written record must be kept of how you determined your funding levels. This record must be made available to your affiliates and to HUD. You should budget an amount which reflects your best estimate of the cost to oversee and fund the housing counseling efforts of your affiliates. You must seek other private and public sources of funding to supplement HUD funding. HUD does not intend for its counseling grant funds to cover all costs incurred by an agency participating in this program.

(2) *HUD-approved local housing counseling agencies.* These agencies are private and public non-profit organizations, approved by HUD to provide housing counseling services directly to clients. If you are a HUD-approved private or public non-profit organization, HUD will fund your local housing counseling agency activities according to the budget submitted with your application. The amounts you request should reflect anticipated operating needs for your housing counseling activities, based upon your counseling experience during the previous fiscal year and your current agency capacity.

If you apply directly to HUD, you cannot apply as an affiliate for a subgrant to a State housing finance agency or to a national, regional or multi-state intermediary. However, you must disclose all funding sources to HUD. If you are a local housing counseling agency that is not currently HUD-approved, you may receive FY 2000 funding only as an affiliate of a HUD-approved national, regional, or multi-state intermediary; or State housing finance agency.

(3) *State housing finance agencies.* Your primary activity under this grant as a State housing finance agency is to provide housing counseling services as a local housing counseling agency and/or manage the use of HUD housing counseling funds, including the distribution of counseling funding to your affiliated local housing counseling organizations. You and your local affiliates are eligible to undertake any or all of the housing counseling activities described for HUD-approved local housing counseling agencies.

As either a housing counseling agency or intermediary, you and your local affiliates do not need to be HUD-approved in order to receive these funds.

As a State housing finance agency, you can operate as a housing counseling agency and/or as an intermediary for affiliates that perform housing counseling functions in your State or territory.

As an intermediary, you must identify all your affiliates in your application and designate those affiliates that will be seeking a subgrant. The amount you request should reflect anticipated operating needs for housing counseling activities, based upon the counseling experience during FY 1999 and your current capacity.

In your role as an intermediary, the amount you request should reflect your best estimate of costs to oversee and fund your housing counseling affiliates. This best estimate should not exceed ten percent (10%) of the total grant amount. HUD will give you wide discretion to implement your housing counseling program with your affiliates.

As an intermediary, you must execute subgrant agreements with your affiliates that clearly delineate the mutual responsibilities for program management, including appropriate time frames for reporting results to HUD. As part of the subgrant agreement, your affiliate must certify that it has not applied for a grant from any other Housing Counseling grant suballocation or category, or another State housing finance agency. Your affiliate may be a local housing counseling agency. Local housing counseling agencies may also be affiliates of national, regional, or multi-State intermediaries or HUD approved local housing counseling agencies. You must decide how to allocate funding among your affiliates with the understanding that a written record will be kept of how your determination was made. This record must be made available to the affiliates and to HUD. You must certify that, if your affiliate is not HUD-approved, the quality of services provided will meet, or exceed, standards for local HUD-approved housing counseling agencies.

You must seek other private and public sources of funding to supplement HUD funding. HUD does not expect its counseling grant funds to cover all costs incurred by your organization's participation in this program. You may use the HUD grant to undertake any of the eligible counseling activities.

(C) *Eligible Activities.* Housing counseling services/activities include:

(1) *Homebuyer Education Programs* where HUD's Homebuyer Education and Learning Program (HELP) materials are used in sessions consisting of approximately eight to twelve (8–12) hours of training. Completion of the training allows graduates to receive first-time homebuyer incentives, such as a reduction in their FHA insurance premium. HUD staff at each HUD Homeownership Center will be available to provide you with the HELP materials.

(2) *Pre-purchase Homeownership Counseling* covering purchase procedures, mortgage financing, down payment/closing cost fund accumulation, accessibility requirements, and if appropriate, credit improvement, and debt consolidation.

(3) *Post-purchase Counseling* including property maintenance, and personal money management.

(4) *Mortgage delinquency and default resolution counseling* including restructuring debt, arrangement of reinstatement plans, loan forbearance, and loss mitigation.

(5) *Home Equity Conversion Mortgage (HECM) counseling* to assist clients who are 62 years old or older with the complexities of converting the equity in their homes to income to pay living expenses or medical expenses.

(6) *Loss Mitigation Counseling* for clients who may be facing default and foreclosure, and need mortgage default resolution and foreclosure avoidance counseling.

(7) *Marketing and Outreach Initiatives* including providing general information about housing opportunities within your target area and providing housing counseling services and information to persons with disabilities. Under this program, you are required to extend marketing and outreach services to all segments of the population.

(8) *Renter Assistance Counseling* including information about rent subsidy programs, rights and responsibilities of tenants, and lease and rental agreements.

(9) *Fair Housing Assistance* including:

(a) Advocating with lenders, appraisers and developers on behalf of clients to recognize the value of non-traditional lending standards, the vitality of housing values in all areas, and the added value of accessible housing design; and

(b) Advising clients on how to recognize discriminatory acts, and how to file a Fair Housing complaint. (This will require being familiar with the provisions of the Fair Housing Act.)

You may elect to offer your services to a wide range of clients, or serve a more limited audience, provided your limited services do not constitute discrimination on the basis of race, color, religion, sex, national origin, disability or familial status. Your potential clients include: first-time homebuyers, homebuyers and homeowners eligible for, and applying for HUD, VA, FmHA (or its successor agency), State, local, or conventionally financed housing or housing assistance; or persons who occupy such housing and seek the assistance of a housing counseling agency to resolve a housing need. You may elect to offer this assistance in conjunction with any HUD housing program; however, to do this, you must be familiar with FHA's single family and multifamily housing programs.

IV. Program Requirements

(A) *General Requirements.* The requirements listed in Section II of the **General Section** of the SuperNOFA apply to this program.

(B) *Specific Requirements.*

(1) Civil Rights Threshold Requirements—All eligible applicants must meet the Civil Rights Threshold requirements that are listed in Section II(B) of the **General Section** of the SuperNOFA.

(2) Accessibility—All eligible applicants will make counseling offices and services accessible to persons with a wide range of disabilities and help persons locate suitable housing in locations throughout the applicant's community, target area, or metropolitan area, as defined by the applicant.

(C) *Requirements Applicable to Religious Organizations.* Where your organization is, or you propose to contract with, a primarily religious organization, or a wholly secular organization established by a primarily religious organization, to provide, manage, or operate a housing counseling program, you must undertake your responsibilities in accordance with the following principles:

(1) You will not discriminate against any segment of the population in the provision of services or in outreach, including those of other religious affiliations.

(2) You will not provide religious instruction or religious counseling, conduct religious services or worship, engage in religious proselytizing, and exert religious influence in the provision of assistance under your housing counseling program.

(D) *Performance Measurement.* You are required to complete and submit a form HUD–9902, Fiscal Year Activity Report. The information compiled from this report provides HUD with its primary means of measuring your program performance and program effectiveness.

V. Application Selection Process

(A) *General.* Your application will be evaluated competitively, and ranked against all other applicants that applied in the same funding category. However, after selection, the actual amount funded will be based on successful completion of negotiations. National, regional, and multi-State applications will be rated and ranked in HUD Headquarters, and selected for funding in rank order. Local agency and State housing finance agency applications will be rated and ranked by the HUD Homeownership Centers and selected for funding in rank order.

(B) *Factors For Award Used To Rate and Rank Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for each applicant is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. Your rating or the rating of your organization and staff for technical merit will include any subcontractors, consultants, subrecipients, and members of consortia that are identified as participants in your proposal. In rating this factor, HUD will consider the extent to which your proposal demonstrates:

(1) (**10 points**) The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which you are requesting funding. Your experience will be judged in terms of recent, relevant and successful experience of your staff to undertake eligible program activities. You are expected to have sufficient personnel, or be able to quickly access qualified experts or professionals, to deliver the proposed activities in a timely and effective fashion. HUD will assess the readiness and ability of your organization to immediately begin your proposed work program. To demonstrate that you have sufficient personnel, you must submit the proposed number of staff for each task to be conducted, by the employees and experts allocated to each activity you plan to undertake in your program. You must identify their titles and relevant professional background and experience related to the tasks they are to perform. In addition, you must allocate the staff hours for each task of these employees and experts.

(2) (**10 points**) Your past experience in terms of your ability to attain measurable progress in the implementation of your most recent activities where your performance has been assessed. HUD will consider your performance as measured by your expenditures and demonstrated progress in achieving the purpose of the activities. HUD will also consider any documented evidence, such as form HUD–9902, of your failure under past awards to comply with grant award provisions.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in your target area. To the extent that the community served by your housing counseling organization has documented the need in the community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI); or requirements of court orders or consent decrees, settlements and voluntary compliance agreements, references to these documents should be included in the response. If your proposed activities are not covered under the scope of the Consolidated Plan or AI, you should indicate such and use other sound data sources to identify the level of need for your proposed program of activities.

In responding to this factor, you will be evaluated on the extent to which you document a critical level of need for your proposed activities in the area where activities will be carried out. The documentation of need should demonstrate the extent of the problem addressed by the proposed activities. Examples of data that might be used to demonstrate need, include economic and demographic data relevant to the target area and your proposed activities. There must be a clear relationship between the proposed activities, community needs and the purposes of this program for an applicant to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposed housing counseling plan (work plan) that describes your housing counseling needs, goals, and objectives related to the scope of services you propose to provide, including a description of all counseling activities to be performed. In rating this factor, HUD will consider the following:

(1) The description of the scope of housing counseling services and/or activities that you will provide, how these services/activities will be rendered, how these services/activities will be performed, the Congressional District(s) in which your proposed services/activities are to occur, and the extent to which the design and scope of your services/activities provide geographic coverage for the target areas as defined by the applicant, as well as persons traditionally underserved in the community as identified in Rating Factor 2, as well as persons traditionally underserved, including identification of immediate benefits to be achieved and indicators by which these benefits will be measured.

(2) The extent to which you have a clear agenda and identify specific activities to be performed, such as:

(a) Screening interviews with clients;

(b) Setting up a client file with intake information and counseling plan; and

(c) Having the client sign an agreement accepting the counseling plan and making a commitment to attend the required counseling sessions.

(3) The extent to which your proposed tasks use documented, technically competent methodologies for conducting the work to be performed. HUD will assess the extent to which your proposed work plan identifies documented, proven methodologies for the types of services to be performed.

(4) The extent to which you demonstrate the relationship between the proposed activities, community needs and the purposes of this program.

(5) The extent to which your proposed activities undertake Affirmatively Furthering Fair Housing (AFFH) may be undertaken in a variety of ways, as appropriate to your target area. The following are some suggestions for all housing counseling agencies:

(a) Implementing affirmative marketing strategies to attract all segments of the population regardless of race, color, religion, national origin, sex, familial status, and disability, especially those least likely to request housing counseling services to purchase or retain their homes.

(b) Being pro-active in reducing concentrations of poverty and/or minority populations in the target area. This could include working with, or adopting the counseling practices of, agencies which conduct housing opportunity counseling to encourage low-income and minority persons to move to low-minority-concentration areas, and helping to locate suitable housing in such areas if the client chooses to move to one.

(c) Working with local lenders to develop alternative lending criteria. For instance, you may make referrals to lenders of clients with good credit and payment histories, but who do not fit the standard profiles for lending practices, or advocate with financial institutions on behalf of clients with financial patterns which reflect cultural differences (such as family savings pools, which are common among some Asian populations). Your activities should also focus on finding appropriate housing, free from environmental hazards, for all segments of the population in neighborhoods with good transportation, schools, employment opportunities, and other services.

(b) The following are some suggested activities for national, regional, or multi-state intermediaries and State housing finance agencies:

(i) Training affiliates in Fair Housing issues.

(ii) Making national or regional agreements with lenders, insurers, and organizations which train appraisers and loan appraisers on fair housing requirements, accessibility, and financing methods which support your organization's fair housing and housing opportunity efforts.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure private and public resources which can be combined with HUD's program resources to achieve your program purposes. In evaluating this factor HUD will consider:

(1) The extent to which you have obtained additional resources, or partnered with other entities to secure additional resources, to increase the effectiveness of your proposed program activities. Resources may include funding or in-kind contributions, such as services or equipment, allocated to the purpose(s) of your program. Resources may be provided by governmental entities, public or private nonprofit organizations, for-profit private organizations, or other entities willing to partner with you. You may also partner with other program funding recipients to coordinate the use of housing counseling and support services in your target area.

(2) You must provide evidence of leveraging/partnerships by including in your application letters of firm commitments, memoranda of understanding, or agreements to participate from entities identified as partners in your application. Each letter of commitment, memoranda of understanding, or agreement to participate should include the partnering organization's name, proposed level of commitment and responsibilities as they relate to your proposed program. The commitment letter must also be signed by an official of the organization legally able to make commitments on behalf of the partnering organization.

(3) If you are a housing counseling agency funded under this SuperNOFA, you may use your HUD and leveraged funds to deliver comprehensive housing counseling, or may specialize in delivery of particular housing counseling services. Either way, your services/activities must reflect the housing counseling needs you submitted in your funding application for your target area and identified in your plan. You may conduct a wide range of housing counseling services that are eligible under this program.

(4) If you are a national, regional or multi-state intermediary or a State housing finance agency, you must distribute the majority of your HUD award and leveraged funds to your housing counseling affiliates and branches. HUD will give you wide discretion to implement your housing counseling program with your affiliates and branches. You must execute subgrant agreements with your affiliates and branches that clearly delineates the mutual responsibilities for program management and appropriate time frames for reporting results to HUD. You can decide how to allocate the HUD and leveraged funding among your affiliates with the understanding that a written record must be kept of how you determined your funding levels. This record must be made available to your affiliates and to HUD. You should budget an amount that does not exceed ten percent (10%) of your grant and reflects your best estimate of the cost to oversee and fund the housing counseling efforts of your affiliates.

Note: HUD housing counseling funding is not intended to fully fund either an organization's housing counseling program, or its local affiliates. All organizations that use housing counseling grant funds and their local affiliates are expected to seek other private and public sources of funding for

housing counseling to supplement HUD funding.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participated or promoted participation in a community's Consolidated Planning process and are working toward addressing identified needs in a holistic and comprehensive manner through linkages with other activities in your community. In evaluating this factor, HUD will consider the extent to which you can demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities; and, if funded, the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place should be described.

(2) Taken or will take specific steps to become active in the Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established in your target area to identify and address needs/problems related to the activities you propose in your application. If you reported in your FY 1999 application that you ''will take specific steps'', describe what steps you have taken.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the target area's Consolidated Plan; and (b) Other Federal, State or locally funded activities, including those proposed or on-going in your target area.

If you reported in your FY 1999 application that you ''will take specific steps'', describe what steps you have taken.

VI. Application Submission Requirements

(A) *General.* The contents of your application will differ if you are a local housing counseling agency; or a national, regional, or multi-state intermediary; or a State housing finance agency. For all applicants, however, your application must include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(1) *Narrative statements* addressing the five Rating Factors in Section V.(B) of this program section of the SuperNOFA. Your narrative responses should be numbered in accordance with the rating factors and subfactors identified in Section V(B) of this program section of the SuperNOFA.

(2) *Form HUD–9902, Housing Counseling Agency Fiscal Year Activity Report,* for fiscal year October 1, 1998 through September 30, 1999. If you did not participate in HUD's Housing Counseling Program during FY 1999, this report should be completed to reflect your counseling workload during that period. This form must be fully completed and submitted by every applicant for FY 2000 HUD funding. A copy of this form is included in the Appendix to the program section of this SuperNOFA.

(3) *Budget Work Sheet.* A proposed budget for use of the requested HUD funds.

(4) *Evidence of Housing Counseling Funding Sources* (required of all applicants).

(5) *Narrative of Prior Fiscal Year Performance.* You must provide a descriptive narrative that sets forth your prior fiscal year's performance as related to its goals, objectives and mission. Your narrative must describe the most recent operational and program activities of your organization.

(6) *Current Housing Counseling Plan.* See Rating Factor 3 for a description.

(7) *Direct-labor and Hourly-labor rate and Counseling Time Per Client* for proposed tasks.

(8) *The Congressional District* in which your proposed activities are to occur.

(9) *Authority to Operate as State housing finance agency.* If you are a State housing finance agency, you must submit your statutory authority to operate as a State housing finance agency.

(B) *National, Regional, and Multi-State Intermediaries and State Housing Finance Agencies.* If you are a national, regional, or multi-state intermediary or a State housing finance agency, you must submit an application which covers both your network organization and your affiliated agencies. You must designate which affiliate may be given a subgrant. Your application must include:

(1) *A description of your affiliated agencies.* For each affiliated agency, list the following information:

(a) Organization name;

(b) Address;

(c) Director and contact person (if different);

(d) Phone/FAX numbers (including TTY, if available);

(e) Federal tax identification number;

(f) ZIP code service areas;

(g) Number of staff providing counseling;

(h) Type of services offered (defined by homebuyer education programs, pre-purchase counseling, post-purchase counseling, mortgage default and delinquency counseling, HECM counseling, outreach initiatives, renter assistance, and other);

(i) Number of years of housing counseling experience.

(2) *Relationship with Affiliates.* You must briefly describe your relationship with your affiliates (i.e. membership organization, field or branch office, subsidiary organization, etc.).

(3) *Oversight System.* You must briefly describe the process that will be used to determine affiliate funding levels, distribute funds, and monitor affiliate performance.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

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

IX. Authority

HUD's Housing Counseling Program is authorized by section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), and is generally governed by HUD Handbook 7610.1, REV–4, dated August 9, 1995.

BILLING CODE 4210–32–P

APPENDIX A

The non-standard forms, which follow, are required for your Housing Counseling Program application.

Housing Counseling Agency
Fiscal Year Activity Report

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0261
(exp. 6/30/2002)

Read the Instructions and Public Reporting Statement on the back of this form.

Check here if this is a new address ☐

1. Counseling agency name and address

2. **Reporting Year (yyyy)**
from Oct 1, _____
to Sep 30, _____

3. Number of Clients Counseled this Report Period

	All Counseling Activities	HUD Grant Activities
1. Homeowners (mortgage paid off)		
2. Mortgagors (own property covered by mortgage)		
3. Potential Mortgagors (want to purchase housing)		
4. Renters (occupy rental property)		
5. Potential Renters (want to rent housing)		
6. Homeless		
7. Disabled Persons		
8. Other		
9. Total		
Race/ Ethnicity		
a. American Indian /Alaskan Native		
b. Asian /Pacific Islander		
c. Black Non-Hispanic		
d. Hispanic		
e. White Non-Hispanic		

4. Results of Counseling

	All Counseling Activities	HUD Grant Activities
Homeowners 10. Obtained a Home Equity Conversion Mort.(HECM)		
11. Other		
12. Total		
Mortgagors 13. Obtained a HECM		
14. Brought mortgage current		
15. Forbearance agreement		
16. Mortgage assigned to HUD		
17. Executed a deed-in-lieu		
18. Sold their property		
19. Mortgage foreclosed		
20. Rented alternative housing		
21. Other		
22. Total		
Potential Mortgagors 23. Purchased housing		
24. Decided not to purchase		
25. Other		
26. Total		
Renters 27. Purchased housing		
28. Rented alt. housing		
29. Other		
30. Total		
Potential Renters 31. Purchased housing		
32. Rented alt. housing		
33. Other		
34. Total		
Homeless 35. Occupied "transitional" housing		
36. Occupied "emergency shelter"		
37. Occupied permanent hsg. for handicapped		
38. Entered public or prvt. section traditional hsg.		
39. Other		
40. Total		

5. HUD Grant Activity - Summary Data

HUD Grant No. From Block 3, Form HUD-1044	HUD Grant Amount From Block 14, Form HUD-1044	Number of Clients	Amount Invoiced
	Total		

6. Name of Person Authorized to Sign this Report

Title

Signature

Date (mm/dd/yyyy)

Previous editions are obsolete. ref. Handbook 7610.1 form **HUD-9902** (5/98)

Public reporting burden for this collection of information is estimated to average 1.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection information unless that collecton displays a valid OMB control number.

This information is collected in connection with HUD's Housing Counseling Program, and will be used by HUD to determine that the grant applicant meets the requirements of the Notice of Funding Availability (NOFA) and to assign points for awarding grant funds on a competitive and equitable basis. The information is required to obtain funding under Section 106 of the Housing and Community Development Act of 1974. The information is considered sensitive and is protected by the Privacy Act which requires the records to be maintained with appropriate administrative, technical and physical safeguards to ensure their security and confidentiality.

Instructions for Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report

This **HUD Fiscal Year** Activity Report enables a HUD-approved housing counseling agency to report all of its housing counseling activity for clients with housing needs and problems. Paragraph 1-7A of the HUD Housing Counseling Program Handbook 7610.1 provides the definition of "client," "housing need," and "housing problem."

1. **Counseling Agency Name & Address** - Enter the official name of your agency in the format you submitted to HUD. If the address you enter is a new address, check the box indicating this change.
2. **Enter Report HUD Fiscal Year** - This is an annual report covering the HUD Fiscal Year. Indicate the HUD Fiscal Year covered by the report. Even if your agency was approved by HUD for less than the full year report period, include clients counseling during the full report year.

General

Clients - Please remember that you report **clients** as defined in paragraph 1-7A of HUD's Housing Counseling Program Handbook 7610.1. You are **not** reporting the number of individual persons you counseled.

Examples:

a. A **husband and wife** or a **brother and sister** or **three friends** who are mortgagors under the same note count as **one client**.

b. **Three renting families** who experience the **same problem** with the **same landlord** and come to your agency together for assistance count as **one client**.

Columnar Entries - The report contains two data columns.

a. **All Counseling Activities** - Enter data covering **all** housing counseling activities, including those performed under one or more HUD housing counseling grants.

b. **HUD Grant Activities** - Enter data covering **only** counseling provided under one or more HUD counseling grants during the report period. include this data in the "All Counseling Activities" column.

3. **Clients Counseled This Report Period** - Enter the number of clients to whom you provided counseling during the report period. This might include clients who entered your work l load the previous report period but you carried over into and counseled during the current report period.
Enter the client count in the box that best describes the status of the clients when they first entered your work load.

Disabled Person - A person reported on this line is defined in the Fair Housing Act, Sec. 802 (h) as follows:
Handicap means, with respect to a person -- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) a record of having an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802))."

Homeless - A client reported on this line must meet the definition for "homeless" or "homeless individual" set forth in Section 103., General Definition of Homeless Individual, of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77).

Racial/Ethnic Categories - Enter number of clients to whom you provided counseling during this period.

a. **White (Non Hispanic)** - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

b. **Black (Non Hispanic)** - A person having origins in any of the black racial groups of Africa.

c. **Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race.

d **American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains, cultural identification through tribal affiliation or community recognition.

e **Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

Other - Throughout the form, "other" provides a general category into which you place clients who do not fall under any specific category on the form.

4. **Results of Counseling** - You might achieve more than one result for the same client during the report year.
Example: A mortgagor in default enters into a **forbearance agreement** and later **sells the property.** Report both results on the appropriate lines.
5. **HUD Grant Activity - Summary Data** - Enter summary data from the "HUD Grant Activities" column for each grant under which you provided counseling during the report period. In the "Total" row, enter totals for the "No. of Clients" and the "Amount Invoiced' columns.
6. An authorized staff person must sign and date the report.

Housing Counseling Grant Program for 2000

Budget Worksheet

Complete this worksheet and submit it as part of your application.

Uses of Funds 1	HUD 2000 Funds 2	Private Funds 3	Other Gov't Funds 4	Other Funds 5	Total Program 6
Compensation for Counseling Services					

Instructions

Column 1 The predetermined uses allowed by HUD.

Column 2 The amount the applicant is requesting from HUD under this NOFA.

Column 3 Funds for FY 2000 from private sources the applicant will have available for the uses in Column 1.

Column 4 Funds form other government sources available for the uses in Column 1.

Column 5 Funds from other sources available for the uses in Column 1.

Column 6 The total amount of funds required by the applicant to administer its proposed housing counseling program for which the applicant is requesting HUD 1999 funds.

form HUD-40076-FHIP (/2000)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEAD-BASED PAINT HAZARD CONTROL PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM

Program Overview

Purpose of the Program. The purpose of the Lead-Based Paint Hazard Control Grant Program is to assist States, Indian Tribes and local governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately-owned housing for rental or owner-occupants in partnership with community-based organizations.

Available Funds. Approximately $59 million.

Eligible Applicants. States, Indian Tribes or local governments. If you are a State or Tribal applicant, you must have a Lead-Based Paint Contractor Certification and Accreditation Program authorized by EPA.

Application Deadline. **May 17, 2000**.

Match. A minimum of 10% match in local funds.

Additional Information

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application (an original and four copies) to HUD on or before 12:00 midnight, Eastern time, on May 17, 2000, at the address shown below.

See the **General Section** of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.*, mailed applications, express mail, overnight deliver, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight delivery is: HUD Office of Lead Hazard Control, Suite 3206, 490 East L'Enfant Plaza, SW, Washington, DC 20024. Hand carried applications will be accepted at this address (490 East L'Enfant) up until 5:00 pm on the application due date.

After 5:00 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments, may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Lead-Based Paint Hazard Control Grant Program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact Ellis G. Goldman, Director, Program Management Division, Office of Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 112 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $59 million will be available for the Lead-Based Paint Hazard Control Grant Program.

(B) *Allocation of Funds/Grant Awards.* Both existing grantees or previously unfunded applicants are eligible to apply for grants of $1 million to $3 million. Approximately 20 to 25 grants will be awarded. A minimum of 70% of the funds shall be available to existing Lead-Based Paint Hazard Control grantees. Applications from existing (or previous) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants.

III. Program Description, Eligible Applicants; Eligible Activities

(A) *Program Description.* The Lead-Based Paint Hazard Control Grant Program assists States, Indian Tribes and local governments in undertaking programs for the identification and control of lead-based paint hazards in eligible privately-owned housing units for rental and owner-occupants. The application kit for this program section of the SuperNOFA lists HUD-associated housing programs which also meet the definition of eligible housing.

(1) Because lead-based paint is a national problem, these funds will be awarded to:

(a) Maximize both the number of children protected from lead poisoning and housing units where lead-hazards are controlled;

(b) Target lead hazard control efforts at housing in which children are at greatest risk of lead poisoning;

(c) Stimulate cost-effective approaches that can be replicated;

(d) Emphasize lower cost methods of hazard control;

(e) Build local capacity to safely and effectively address lead hazards during lead hazard control, renovation, remodeling, and maintenance activities; and

(f) Affirmatively further fair housing, Partnership for Advancing Technology in Housing (PATH), and environmental justice.

(2) The objectives of this program include:

(a) Implementation of a national strategy, as defined in Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et. seq.*) (Title X), to build the community's capacity necessary to eliminate lead-based paint hazards in all housing, as widely and quickly as possible by establishing a workable framework for lead-based paint hazard identification and control;

(b) Mobilization of public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop cost-effective methods for identifying and controlling lead-based paint hazards;

(c) Development of comprehensive community approaches which result in integration of all community resources (governmental, community-based, and private businesses) to address lead hazards in housing;

(d) Integration of lead-safe work practices into housing maintenance, repair, weatherization, rehabilitation, and other programs which will continue beyond your grant period;

(e) Establishment of a public registry (listing) of lead-safe housing; and

(f) To the greatest extent feasible, promotion of job training, employment, and other economic opportunities for low-income and minority residents and businesses that are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5 (See 59 FR 33881, June 30, 1994).

(B) *Eligible Applicants.* (1) To be eligible to apply for funding under this program, you must be a State, Indian Tribe, or unit of local government. Multiple units of a local government (or multiple local governments) may apply as part of a consortium; however, you must identify a single lead government or agency as ''the applicant.'' You may submit only one application. In the

event you submit multiple applications, this will be considered a curable (minor) defect and the application review process delayed until you notify HUD in writing which application should be reviewed. Your other applications will be returned unevaluated.

(2) Threshold Requirements. As an applicant, you must meet all of the threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(3) Consolidated Plans.

(a) If your jurisdiction has a current HUD approved Consolidated Plan, you must submit, as an appendix, a copy of the lead-based paint element included in the approved Consolidated Plan.

(b) If your jurisdiction does not have a currently approved Consolidated Plan, but it is otherwise eligible for this grant program, you must include your jurisdiction's abbreviated Consolidated Plan, which includes a lead-based paint hazard control strategy developed in accordance with 24 CFR 91.235.

(4) Contracts with Community-Based Organizations. If selected for funding, local and State applicants must enter into contractual relationships with community-based organizations. Such relationships must be established prior to actual execution of the grant agreement. This requirement does not apply to Indian Tribes.

(5) EPA Authorization. If you are a State government or an Indian Tribal government, you must have an EPA authorized Lead-Based Paint Contractor Certification and Accreditation Program on the application deadline to be eligible. The approval date in the **Federal Register** notice published by the EPA will be used.

(6) If you were funded under the FY 1999 Lead-Based Paint Hazard Control Funding competition in the FY 1999 SuperNOFA issued February 26, 1999 (64 FR 9699), you are not eligible for funding under this program section of the SuperNOFA.

(7) The eligibility factors discussed in paragraphs (1) through (6) above are threshold requirements. If you do not satisfy the appropriate eligibility requirements stated in these paragraphs, HUD will not review your application.

(C) *Eligible Activities.* HUD is interested in promoting lead hazard control approaches that result in the reduction of this health threat for the maximum number of low-income families with children under six, for the longest period of time, and that demonstrate techniques which are cost-effective, efficient, and can be used elsewhere. HUD will allow flexibility within the parameters established below. Funds will be available only for projects conducted by contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities who meet the requirements of an EPA authorized State or Tribal Lead-Based Paint Contractor Certification and Accreditation Program under the requirements of section 404 of the Toxic Substances Control Act (TSCA). However, low level hazard interventions (*e.g.,* dust control and minor paint stabilization) do not require certified personnel unless required by state or local laws or regulations. All applicants must use personnel certified under the state, tribal, or EPA administered program for their state or tribe.

(1) Direct Project Elements that you may undertake directly or through subrecipients, include:

(a) Performing dust testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil.

(b) Conducting the required pre-hazard control blood lead testing of children under the age of six years (72 months) residing in units undergoing inspection, risk assessment, or hazard control, unless reimbursable from Medicaid or another source.

(c) Conducting lead hazard control, which may include any combination of the following: interim control of lead-based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); abatement of lead-based paint hazards using different methods for each unit (based on the condition of the unit and the extent of hazards); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Complete abatement of all lead-based paint or lead-contaminated soil is not acceptable as a cost effective strategy unless justification is provided and approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.,* dripline or foundation of the structure being treated, and children's play areas.

(d) Carrying out temporary relocation of families and individuals during the period in which hazard control is conducted and until the time the affected unit receives clearance for reoccupancy.

(e) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(f) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Hazard Control grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation and PATH technologies.

(g) Conducting clearance dust-wipe testing and laboratory analysis.

(h) Engineering and architectural activities that are required for, and in direct support of, lead hazard control.

(i) Providing lead-based paint worker or contractor certification training and/or licensing to low-income persons.

(j) Providing free training on lead-safe, essential maintenance practices to homeowners, renters, painters, remodelers, and apartment maintenance staff working in low-income private housing.

(k) Providing cleaning supplies for lead-hazard control to community/neighborhood-based organizations, homeowners, and renters in low-income private housing.

(l) Conducting planning and coordination activities to facilitate local implementation of HUD's regulations on Lead-Based Paint Poisoning Prevention in Certain Residential Structures, published on September 15, 1999 (64 FR 50140), which will take effect on September 15, 2000. These regulations are available from the National Lead Information Center at 1–800–424–LEAD.

(m) Conducting general or targeted community awareness, education or outreach programs on lead hazard control and lead poisoning prevention. This includes educating owners of rental properties on the Fair Housing Act and training on lead-safe maintenance and renovation practices and management. Upon request, this also would include making all materials available in alternative formats to persons with disabilities (*e.g.;* Braille, audio, large type).

(n) Procuring liability insurance for lead-hazard control activities.

(o) Supporting data collection, analysis, and evaluation of grant program activities. This includes compiling and delivering such information and data as may be required by HUD. This activity is separate from administrative costs.

(p) Conducting applied research activities directed at demonstration of cost effective methods for lead hazard control.

(q) Purchasing or leasing equipment having a per unit cost under $5,000.

(r) Purchasing or leasing up to two (2) X-ray fluorescence analyzers for use by the Lead-Based Paint Hazard Control Grant Program, if not already available.

(s) Preparing a final report at the conclusion of grant activities.

(2) Support Elements.

(a) Administrative costs. There is a 10% maximum for administrative costs. Specific information on administrative costs is included in this Lead-Based Paint Hazard Control Grant Program section of this SuperNOFA.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) *Ineligible Activities.* You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, except for X-ray fluorescence analyzers.

(3) Chelation or other medical treatment costs related to children with elevated blood lead levels. Non-Federal funds used to cover these costs may be counted as part of the required matching contribution.

(4) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, you, the applicant, must comply with the following requirements:

(A) *Budgeting.* (1) *Matching Contribution.* You must provide a matching contribution of at least 10% of the requested grant sum. This may be in the form of a cash or in-kind (non-cash) contribution or a combination of both. With the sole exception of Community Development Block Grant (CDBG) funds, Federal funds may not be used to satisfy the statutorily required ten (10) percent matching requirement. Federal funds may be used, however, for contributions above the statutory requirement. If you do not show a minimum 10% match in your application, you will be rated lower during the evaluation process, and, if selected, you will be required to provide the matching contribution before being given the grant.

(2) *Direct Lead Hazard Control Activities.* The budget proposed must show a minimum of 60 percent of the total Federal amount requested identified for direct lead hazard control activities. Direct lead hazard control activities consist of inspections, risk assessments, contracts for lead hazard control services, and clearance evaluations. Direct hazard control activities do not include relocation, blood testing of residents or workers, housing rehabilitation, training, community education, applied research, purchase of supplies or equipment, or administrative costs.

(3) *Applied Research Activities.* You may identify a maximum of five (5%) percent of the total grant request for applied research activities.

(4) *Administrative Costs.* There is a 10% maximum for administrative costs.

(B) *Period of Performance.* The period of performance is 36 months for previously unfunded applicants. Existing grantee applicants will be allowed 30 months.

(C) *Certified Performers.* You may use grant funds only for projects conducted by certified contractors, risk assessors, inspectors, workers and others engaged in lead-based paint activities. The individuals and firms (if applicable) must be certified under an EPA authorized State or Tribal program or a program operated by the EPA in the absence of a State or Tribal program.

(D) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(E) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or mobile home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(F) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) and the regulations at 36 CFR part 800 apply to the lead-based paint hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out activities under this program. This may be obtained from the SuperNOFA Clearinghouse.

(G) *Waste Disposal.* You must handle waste disposal according to the requirements of the appropriate local, State and Federal regulatory agencies. You must handle disposal of wastes from hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing (HUD Guidelines). The Guidelines may be purchased from HUD User (1–800–245–2691) or downloaded from the HUD website (www.hud.gov).

(H) *Worker Protection Procedures.* You must observe the procedures for worker protection established in the HUD Guidelines, as well as the requirements of the Occupational Health and Safety Administration (OSHA) (29 CFR 1926.62—Lead Exposure in Construction), or the State or local occupational safety and health regulations, whichever are most protective. If other applicable requirements contain more stringent requirements than the HUD Guidelines, the more rigorous standards shall be followed.

(I) *Prohibited Practices.* You must not engage in practices that are not allowed because of health and safety risks. Methods that generate high levels of lead dust shall be undertaken only with requisite worker protection, containment of dust and debris, suitable clean-up, and clearance. Prohibited practices include:

(1) Open flame burning or torching;

(2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control;

(3) Uncontained hydroblasting or high pressure wash;

(4) Abrasive blasting or sandblasting without HEPA exhaust control;

(5) Heat guns operating above 1100 degrees Fahrenheit;

(6) Chemical paint strippers containing methylene chloride; and

(7) Dry scraping or dry sanding, except scraping in conjunction with heat guns or around electrical outlets or when treating no more than two (2) square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

(J) *Proposed Modifications From Current Procedures.* Proposed methods that differ from currently approved standards or procedures will be considered on their merits through a separate HUD review and approval process after the grant award is made

and a specific justification has been presented. HUD may consult with experts from both the public and private sector as part of its final determinations and will document its findings in an environmental assessment. HUD will not approve proposed modifications that, in HUD's opinion, involve a lowering of standards with potential to adversely affect the health of residents, contractors or workers, or the quality of the environment.

(K) *Written Policies and Procedures.* You must have clearly established, written policies and procedures for all phases of lead hazard control, including risk assessment, inspection, development of specifications, pre-hazard control blood lead testing, financing, relocation and clearance testing. Grantees, subcontractors, sub-grantees, sub-recipients, and their contractors must adhere to these policies and procedures.

(L) *Continued Availability of Lead Safe Housing to Low-Income Families.* Units in which lead hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents as required by Title X. You must maintain a registry (listing) of units in which lead hazards have been controlled for distribution and marketing to agencies and families as suitable housing for families with children under six.

(M) *Testing.* In developing your application budget, include costs for inspection, risk assessment, and clearance testing for each dwelling that will receive lead hazard control, as follows:

(1) *Testing.* (a) *General.* All testing and sampling shall conform to the current HUD Guidelines and Federal, state or tribal regulations developed as part of the appropriate contractor certification program. It is particularly important to provide this full cycle of testing for lead hazard control, including interim controls. Until the effective date of the final EPA lead hazard standards for dust and soil, the interim standards published on September 15, 1999 (64 FR 50218), will be used. All test results must be provided to the owner, together with a notice describing the owner's legal duty to disclose the results to tenants and buyers.

(b) *Pre-Hazard Control.* A combined inspection and risk assessment is recommended. You should ensure that the results of the pre-hazard control investigation are sufficient to support hazard control decisions. When appropriate, you may elect to perform a lead hazard screen in lieu of an inspection or risk assessment.

(c) *Non-Identification of Lead Hazards from Paint, Dust, Soil.* In the event you propose to conduct lead hazard control work without identification of lead hazards from paint, dust, and soil, you must fully justify the technical and other rationale for such a proposal. HUD must approve such proposals. Approval is subject to HUD environmental review under 24 CFR part 50.

(d) *Clearance Testing.* Clearance dust testing must be conducted according to the HUD Guidelines. You are required to meet the interim post-hazard control dust-wipe test clearance thresholds at 24 CFR 35.1320 published on September 15, 1999 (64 FR 50218). These standards are also in the application kit. Wipe tests shall be conducted by an appropriately certified individual who is independent of the lead hazard control contractor. Dust-wipe and soil samples, and any paint samples to be analyzed by a laboratory, must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP). Units treated shall not be reoccupied until clearance is achieved.

(2) *Blood lead testing.* Before lead hazard control work begins, each occupant who is under six years old must be tested for lead poisoning within the six months preceding the housing intervention. Any child with an elevated blood lead level must be referred for appropriate medical follow-up. The standards for such testing are described in the Centers for Disease Control and Prevention publication *Preventing Lead Poisoning in Young Children* (1991).

(N) *Cooperation With Related Research and Evaluation.* You shall cooperate fully with any research or evaluation sponsored by HUD, CDC, EPA or other government agency and associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This also may include the compiling of certain relevant local demographic, dwelling unit, and participant data not contemplated in your original proposal. Participant data shall be subject to Privacy Act protection.

(O) *Data collection.* You will be required to collect and maintain the data necessary to document the various lead hazard control methods used in order to determine the effectiveness and relative cost of these methods.

(P) *Section 3 Employment Opportunities.* Please see the General Section of this SuperNOFA. The requirements of section 3 of the Housing and Urban Development Act of 1968 are applicable to the Lead-Based Paint Hazard Control Program.

(Q) *Replacing Existing Resources.* Funds received under this grant program should not be used to replace existing community resources dedicated to any ongoing project.

(R) *Certifications and Assurances.* You must include the certifications and assurances listed in the **General Section** of the SuperNOFA with your application.

(S) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if you use grant funds in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

V. Application Selection Process

(A) *Rating and Ranking.* HUD intends to fund the highest ranked applications within the limits of funding, but reserves the right to advance other eligible applicants in funding rank. A decision to advance an applicant will be based on programs that: foster innovative local approaches or lead hazard control methods, or provide lead hazard control services to populations or communities that have high need (as measured by the ''Need'' factor for award) and have never received funding under this grant program.

(B) *Award Offers.* In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable, though reduced effort, by such applicant(s). If you are an applicant offered a reduced grant amount you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven day limit, you shall be considered to have declined the award.

(C) *Budget.* HUD will evaluate your proposed budget (for a 36 month period for previously unfunded applicants and a 30 month period for existing grantee applicants) to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. You may devote up to 36 months (30 months for existing grantee applicants) for the planning, implementation, and completion of lead hazard control activities. You must thoroughly

document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks. Describe in detail the budgeted costs for each program element (major task) included in the overall plan (the program elements are: administration; program management; marketing, community awareness, education and outreach; lead hazard control (including testing); relocation; program evaluation (including data collection); and applied research).

(D) *Factors for Award Used to Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the **General Section** of the SuperNOFA. Also, Section III(C)(2) of the **General Section**, which addresses a court-ordered consideration, is applicable to this program.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points for Previously Unfunded Applicants; 30 Points for Existing Grantees)

This factor addresses your organizational capacity necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's staff'' for technical merit or threshold compliance, unless otherwise specified, includes any community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider:

(1) Your recent, relevant and successful demonstrated experience (including governmental and community-based partners) to undertake eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially involving housing rehabilitation, public health, or environmental programs. You must demonstrate that you have sufficient personnel or will be able to quickly retain qualified experts or professionals, to immediately begin your proposed work program and to perform your proposed activities in a timely and effective fashion. In the narrative response for this factor, you should include information on your program staff, their experience, commitment to the program, salary information, and position titles. Resumes (for up to three key personnel), position descriptions, and a clearly identified organizational chart for the lead hazard control grant program effort must be included in an appendix. Indicate the percentage of time that key personnel will devote to your project. To receive maximum points, your day-to-day program manager must be dedicated for a minimum of 75% of the time. Describe how other principal components of your agency or other organizations will participate in or otherwise support the grant program. You may demonstrate capacity by thoroughly describing your prior experience in initiating and implementing lead hazard control efforts and/or related environmental, health, or housing projects. You should indicate how this prior experience will be used in carrying out your proposed comprehensive Lead-Based Paint Hazard Control Grant Program.

(2) If you have received previous HUD Lead-Based Paint Hazard Control Grant funding, your past experience will be evaluated in terms of progress under the most recent previous grant. You must provide a description of your progress in implementing your most recent grant award within the period of performance, including the total number of housing units completed as of the most recent calendar quarter.

Rating Factor 2: Needs/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for the proposed program activities to address a documented problem in the target area.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. Since an objective of the program is to prevent at-risk children from being poisoned, specific attention must be paid to documenting such need as it applies to the targeted areas, rather than the entire locality or state. If the target area is an entire locality or state, then documenting need at this level is appropriate. So the threat to your jurisdiction's children can be thoroughly assessed, you should describe the need in both the target areas as well as the entire jurisdiction.

(2) Document the following:

(a) Numbers and percentages of children with elevated blood lead levels, particularly in the areas targeted in your proposal;

(b) Economic and demographic data relevant to the target area, including poverty and unemployment rates;

(c) Housing market data available from HUD, or other data sources, including the Consolidated Plan/ Analysis of Impediments, Public Housing Authority's Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan; or

(3) To the extent that statistics and other data contained in your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) support the extent of the problem, you should include references to the Consolidated Plan and the AI in your response.

(4) Provide information on your jurisdiction, and the areas targeted for the lead hazard control activities (data may be available in your currently approved Consolidated Plan, derived from 1990 Census Data, or special local studies):

(a) The age and condition of housing;

(b) The number and percentage of very-low (income less than 50% of the area median) and low (income less than 80% of the area median) income families, as determined by HUD, with adjustments for smaller and larger families;

(c) The number and proportion of children under six years (72 months) of age at risk of lead poisoning;

(d) The extent of the lead poisoning problem in children under six years of age in target areas and the overall jurisdiction; and

(e) Other socioeconomic or environmental factors that demonstrate a need to establish or continue lead hazard control work in your jurisdiction.

(5) You also must provide documentation of the priority that the community's Consolidated Plan and Analysis of Impediments has placed on addressing the needs you described.

(6) If your application addresses needs that are in the Consolidated Plan, Analysis of Impediments to Fair Housing Choice, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified needs.

(7) For you to receive maximum points for this factor, there must be a direct relationship between your proposed activities, community needs, and the purpose of the program funding. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas were proposed.

Rating Factor 3: Soundness of Approach (45 Points for Previously Unfunded Applicants and 30 Points for Existing Grantees)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on your proposed lead-based paint hazard control program and describe how it will satisfy the identified needs. To the extent possible, describe a comprehensive strategy to address the need to protect targeted neighborhoods rather than individual units or homes. Your response to this factor must include the following elements:

(1) *Lead Hazard Control Strategy* (37 points for previously unfunded applicants; 22 points for existing grantees). Describe your strategy to plan and execute your lead hazard control grant program. You should provide information on:

(a) *Implementing a Lead Hazard Control Program* (16 points for previously unfunded applicants; 8 points for existing grantees). Describe how you will implement the strategy for your proposed lead hazard control program. The description must include information on:

(i) How your previous experience in reducing or eliminating lead-based paint hazards in conjunction with other Federal, State or locally funded programs will facilitate such implementation.

(ii) Your overall strategy for the identification, selection, prioritization, and enrollment of units of eligible privately-owned housing for lead hazard control. Describe the proposed activities that will occur in an EZ/EC and how they will benefit the residents of those zones or communities. Provide estimates of the total number of owner occupied and/or rental units which will receive lead hazard control. You should describe how you will respond to the needs of EBL children located outside the targeted areas.

(iii) The degree to which the work plan focuses on eligible privately-owned housing units with children under six years (72 months) old. Describe your planned approach to control lead hazards before children are poisoned and/or to control lead hazards in units where children have already been identified with an elevated blood lead level. Describe your process for referring and tracking children with elevated blood lead levels for medical case management. Provide estimates of the number of children you will assist through this program.

(iv) The financing strategy, including eligibility requirements, terms, conditions, and amounts available, you will use in carrying out lead hazard control activities. You must discuss the way these funds will be administered (*e.g.* use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.), as well as the agency that will administer the financing process. Describe any matching requirements proposed for assistance to investor-owned properties. Investor-owner match that is a program requirement should also be reflected in your response to Factor 4.

(v) You should describe how your proposed program will satisfy the stated needs or will assist in addressing the impediments in the AI. Describe how your proposed program will further and support the policy priorities of the Department, including promoting healthy homes; providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs; or providing educational and job training opportunities. Describe how your strategy will provide long-term benefits to families with children under six years of age.

(b) *Lead Hazard Control Outreach and Community Involvement* (5 points for all applicants). Your application must describe:

(i) Proposed methods of community education. These may include community awareness, education, training, and outreach programs in support of the work plan and objectives. This description should include general and/or targeted efforts undertaken to assist your program in reducing lead exposure. Programs should be culturally sensitive, targeted, and linguistically appropriate. Upon request, this would include making materials available in alternative formats to persons with disabilities (*e.g.*, Braille, audio, large type), and in other languages common to the community to the extent possible.

(ii) How you intend to involve neighborhood or community-based organizations in your proposed activities. Your activities may include outreach, community education, marketing, inspection (including dust lead testing), and the conduct of lead hazard control activities. HUD will evaluate the level of substantive involvement during the review process.

(iii) Outreach strategies and methodologies to affirmatively further fair housing and provide lead-safe housing to all segments of the population: homeowners, owners of rental properties, and tenants. Once the population to which outreach will be ''targeted'' is identified, outreach strategies directed specifically to them should be multifaceted. This criterion goes beyond testing and hazard control; it concerns what happens to the units after lead hazard control activities are completed and tries to ensure, for the long term, that all families will have adequate, lead-safe housing choices.

(c) *Technical Approach for Conducting Lead Hazard Control Activities* (16 points for previously unfunded applicants; 9 points for existing grantees).

(i) Describe your process for the conduct of risk assessments and/or inspections in units of eligible privately-owned housing in which you will undertake lead hazard control. You may include housing which has a valid risk assessment or inspection which had been previously performed by certified inspectors or risk assessors, in accordance with the HUD Guidelines and identified with lead-based paint hazards.

(ii) Describe your testing methods, schedule, and costs for performing blood lead testing, risk assessments and/or inspections to be used. If you propose to use a more restrictive standard than the HUD thresholds (*e.g.*, 0.5% or 1.0 mg/cm^2), identify the lead-based paint threshold for undertaking lead hazard control which will be used. All testing shall be performed in accordance with the HUD Guidelines.

(iii) Describe the lead hazard control methods you will undertake and the number of units you will treat for each method selected (interim controls, hazard abatement, and complete abatement). Provide an estimate of the per unit costs (and a basis for those estimates) for each lead hazard control method proposed and a schedule for initiating and completing lead hazard control work in the selected units. Discuss efforts to incorporate cost-effective lead hazard control methods (if you propose complete abatement, provide HUD with a detailed rationale for that decision). Explain your cost estimates, providing detail on how the estimates were developed, with particular references to cost effectiveness.

(iv) Schedule. Describe your expected schedule for the overall project. Discuss when you plan to complete planning and receive approval of your workplan; perform lead hazard control on your first unit; and complete lead hazard control on all units in your workplan and grant agreement.

Describe the schedule for a typical unit which will receive lead hazard control. Discuss the duration for enrollment and qualification;

evaluation; hazard control; and clearance.

(v) Describe how you will integrate proposed lead hazard control activities with rehabilitation activities.

(vi) Describe your contracting process, including development of specifications for selected lead hazard control methods. Describe the management processes you will use to ensure the cost-effectiveness of your lead hazard control methods. Your application must include a discussion of the contracting process for the conduct of lead hazard control activities in the selected units.

(vii) Describe your plan for occupant protection or the temporary relocation of occupants of units selected for lead hazard control work. You should address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.

(viii) If you are an existing grantee, you must describe the actions you will take to ensure that your proposed lead hazard control work will occur concurrently with other ongoing HUD lead hazard control grant work. Your application must provide the detail necessary to assure HUD that you will implement the proposed work immediately and perform it concurrently with existing lead hazard control grant work.

(ix) If you are an existing grantee, you must describe your progress in implementing your most recent lead hazard control grant award. If the production achieved is below the performance values (percentages of units completed) provided in the application kit, and no changes are proposed, you should explain why the strategy in the earlier grant remains appropriate. Failure to provide this discussion will result in reduced points for this subfactor.

(2) *Economic Opportunity* (4 points for all applicants). Describe the ways you will train individuals and contractors in housing related trades, such as painters, remodelers, renovators, maintenance personnel, and rehabilitation specialists, in lead-safe practices. Describe how you will integrate such practices into lead hazard control activities.

Describe the methods to be used to provide economic opportunities for residents and businesses in the community. This discussion should include information on how you will promote training, employment, business development, and contract opportunities as part of your lead hazard control program. Describe how you will accomplish the requirements of section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring of low- and very low-income persons or contracting with businesses owned by or employing low- and very low-income persons.

(3) *Program Evaluation, Data Collection, and Research* (4 points for all applicants).

(a) Identify and discuss the specific methods and measures you will use (in addition to HUD reporting requirements) to measure progress, evaluate program effectiveness, and identify program changes necessary to improve performance. Describe how you will obtain, document and report the information.

(b) Provide a detailed description of any proposed applied research activities. Describe the objectives, methodology and impact at the local level of the proposed research activities.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to obtain other community resources (financing is a community resource) that can be combined with HUD's program resources to achieve program objectives.

(1) In evaluating this factor, HUD will consider the extent to which you have established working partnerships with other entities to get additional resources or commitments to increase the effectiveness of the proposed program activities. Resources may include cash or in-kind contributions (such as services or equipment) allocated to the proposed program. Resources may be provided by governmental entities, public or private organizations, or other entities partnering with you. *Contractual relationships with community-based organizations are a requirement for State and local government applicants.* Applicants which do not have such partnerships at the time of application will be required to establish partnership relationships with community-based organizations immediately following notification of grant award (this requirement does not apply to you if you are an Indian Tribe applicant). You also may partner with other program funding recipients to coordinate the use of resources in your target area.

(2) You should detail any activities to increase the understanding of lead poisoning prevention activities in your community. This could include partnerships with childhood lead screening programs or collaboration with ongoing health, housing or environmental research efforts which could result in a greater availability of resources. Please be aware that a separate funding notice on Lead Hazard Research is part of this SuperNOFA.

(3) Matching funds must be shown to be specifically dedicated to and integrated into supporting the lead-based paint hazard control program. You may not include funding from any Federally funded program (except the CDBG program) as part of your required 10% match. Other resources committed to the program that exceed the required 10% match will provide points for this rating factor and may include funds from other Federally funded programs. You must support each source of contributions, cash or in-kind, both for the required minimum and additional amounts, by a letter of commitment from the contributing entity, whether a public or private source. This letter must describe the contributed resources that you will use in the program. Staff in-kind contributions should be given a monetary value. If you do not provide letters specifying details and the amount of the actual contributions, those contributions will not be counted. Matching contributions required of investor-owners may be included as part of your match. Documentation and estimates for the amount of the match should be provided in the annex for this factor.

(4) You must provide evidence of leveraging or partnerships by including letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in your application. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, the proposed level of commitment and responsibilities as they relate to your proposed program. The commitment must be signed by an official of the organization legally able to make commitments on behalf of the organization. Describe the role of community-based organizations in specific program activities, such as hazard evaluation and control; monitoring; and awareness, education, and outreach within the community.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD and other community resources. In evaluating this factor, HUD will consider how you have:

(1) Coordinated your proposed activities with those of other groups or organizations to best support and coordinate all known activities and the

specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place or proposed should be described. You should, at a minimum, describe the activities, in your metropolitan area or region, of other HUD Lead-Based Paint Hazard Control grantees, CDC Childhood Lead Poisoning Prevention grantees, HUD or EPA Lead Outreach and Education grantees, and other programs which are addressing lead poisoning prevention needs. Coordination also includes cooperation with neighboring or regional jurisdictions to facilitate the implementation of lead-based paint hazard control activities in those jurisdictions.

(2) Become actively involved (or if not currently active, the specific steps it will take to become active) in your community's Consolidated Planning and Analysis of Impediments process established to identify and address a need/problem that is related in whole, or part, directly, or indirectly to the activities you propose.

(3) Developed linkages, or the specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes or other mechanisms to coordinate your activities so solutions are comprehensive, including linkages with:

(a) Other HUD funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other HUD, Federal, State or locally funded activities, including those proposed or on-going in the community(ies) served.

(4) Coordinated and integrated lead hazard control work with housing rehabilitation, housing and health codes, other related housing programs, or including work of community development corporations and childhood lead poisoning prevention programs.

(a) Described the degree to which lead hazard control work will be done in conjunction with other housing-related activities (*i.e.*, rehabilitation, weatherization, correction of code violations, and other similar work), and your plan for the integration and coordination of lead hazard control activities into those activities.

(b) Described plans to incorporate lead-based paint maintenance, essential maintenance practices, and hazard control standards with the applicable housing codes and health regulations.

(c) Described plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future lead hazard control activities.

(d) Described plans to develop public-private lending partnerships to finance lead hazard control as part of acquisition and rehabilitation financing including the use of Community Reinvestment Act ''credits'' by lending institutions.

(e) Evidenced firm commitments from participating organizations by describing:

(i) The name of each organization;

(ii) The capabilities or focus of each organization;

(iii) The proposed level of effort of each organization; and

(iv) The resources and responsibilities of each organization, including the applicant's clearly proposed plans for the training and employment of low-income residents.

(f) Described specific plans and objectives to implement a registry of lead-safe housing into your community's planning. Such plans could include strategies on how the information would be managed and made available to the public so that families (particularly low income families with children under age six) can make informed decisions regarding their housing options. Existing grantee applicants must address any registry of lead-safe housing and specifically discuss the availability, amount of information contained, and the use by members of the community. Describe your plans to develop and maintain a registry of publicly available information on lead-safe units.

(g) Detailed the extent to which the policy of affirmatively furthering fair housing for all segments of the population is advanced by the proposed activities. Detail how your proposed work plan will support the community's efforts to further housing choices for all segments of the population. If you have an existing grant, you should discuss activities which have contributed to enhanced lead safe housing opportunities to all segments of the population.

(h) Described plans to adapt or amend statutes, regulations, or policies which will more fully integrate lead hazard control into community policies and priorities.

(5) Describe how the lead hazard control efforts which are focused in the Empowerment Zone/Enterprise Community will directly benefit the residents or community in that EC/EZ.

(6) Coordinated and cooperated with other organizations which will lead to a reduction in lead risks to community residents. This could include such activities as free training on lead-safe repainting and remodeling; promotion of essential maintenance practices; and provision of lead dust testing to low-income, privately-owned homes which may not receive lead hazard control assistance under this grant program.

VI. Application Submission Requirements

(A) *Applicant Information.* (1) *Application Format.* The application narrative response to the Rating Factors is limited to a maximum of 25 pages. Your response must be typewritten on one (1) side only on 8½″ x 11″ paper using a 12 point (minimum) font with not less than ¾″ margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

(2) *Application Checklist.* Your application must contain the items listed in this Section V(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The application items are as follows:

(a) Transmittal Letter that identifies ''the applicant'' (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of ''the applicant.''

If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) Checklist and Submission Table of Contents.

(d) Applicant Abstract. An abstract describing the goals and objectives of your proposed program (2 page maximum).

(e) Standard Form 424, Application for Federal Assistance.

(f) HUD 424M, Federal Assistance Funding Matrix.

(g) A detailed budget (total budget is the federal share and matching

contribution) with supporting cost justifications for all budget categories of your grant request. You must provide a separate estimate for the overall grant management element (Administrative Costs), which is more fully defined in the application kit for this program section of the SuperNOFA. The budget shall include not more than 10% for administrative costs and not less than 90% for direct project elements. A minimum of 60% of the total Federal amount requested must be dedicated to direct lead hazard control activities. In the event of a discrepancy between grant amounts requested in various sections of the application, the amount you indicate on the SF–424 will govern as the correct value.

(h) An itemized breakout (using the SF–424A) of your required matching contribution, including:

—Values placed on donated in-kind services;
—Letters or other evidence of commitment from donors; and
— The amounts and sources of contributed resources.

(i) Standard Forms SF–LLL and SF–424B, and HUD Forms 2880, 2990, 2991, 2992, 2993, 2994, 50070 and 50071.

(j) Memoranda of Understanding or Agreement, letters of commitment or other documentation describing the proposed roles of agencies, local broad-based task forces, participating community or neighborhood-based groups or organizations, local businesses, and others working with the program.

(k) A copy of the lead hazard control element included in your current program year's Consolidated Plan. You should include the discussion of any lead-based paint issues in your jurisdiction's Analysis of Impediments, particularly as it addresses your target areas.

(l) Narrative responses to the five rating factors.

(B) *Proposed Activities.* All applications must, at a minimum, describe the proposed activities in the narrative responses to the rating factors. Your narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5).

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with HUD regulations in 24 CFR part 58, recipients of lead-based paint hazard control grants will assume Federal environmental review responsibilities. Recipients of a grant under this funded program will be given guidance in these responsibilities.

IX. Authority

The Lead-Based Paint Hazard Control Program is authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992).

BILLING CODE 4210–32–P

APPENDIX A

The non-standard forms, which follow, are required for your Lead-Based Paint Hazard Control Program application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
LEAD HAZARD CONTROL GRANT PROGRAM

The following checklist is provided to ensure you have submitted all required items to receive consideration for funding. You must assemble the application in the order shown below and note the corresponding page number where the response is located. **You must include this checklist and submission table of contents with the proposal.**

☐	**Transmittal Letter**	Cover page
☐	**Applicant Abstract Summary** (limited to a maximum of 2 pages)	_____
☐	**Application Forms**	
☐	Standard Form 424 and SF 424A Section B	_____
☐	Total Budget (Federal Share and Matching)	_____
☐	HUD 2880 Disclosure and Update Report	_____
☐	HUD 50070 Certification for a Drug-Free Workplace	_____
☐	HUD 50071 Certifications of Payments to Influence Federal Transactions	_____
☐	Form SF-LLL Disclosure of Lobbying Activities Required	
	☐ Form SF-LLL Not Required	_____
☐	HUD 2990 Certification of Consistency with the EZ/EC Strategic Plan	_____
☐	HUD 2991 Certification of Consistency with the Consolidated Plan	_____
☐	HUD 2992 Certification regarding Debarment and Suspension	_____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	_____
	Threshold Requirements	
☐	Copy of Lead-Based Paint Element in Consolidated Plan	_____
	Rating Factor Response (The narrative response to the Rating Factors cannot exceed a total of 25 pages.)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	_____
☐	2. Needs/Extent of the Problem	_____
☐	3. Soundness of Approach	_____
☐	4. Leveraging/Partnerships	_____
☐	5. Comprehensiveness and Coordination	_____
	Appendices	
☐	Appendix 1 - Material in support of Rating Factor 1	_____
☐	Appendix 2 - Material in support of Rating Factor 2	_____
☐	Appendix 3 - Material in support of Rating Factor 3	_____
☐	Appendix 4 - Material in support of Rating Factor 4	_____
☐	Appendix 5 - Material in support of Rating Factor 5	_____
☐	Appendix 6 - Materials relating to the application thresholds or forms. The extract from the Consolidated plan should be provided in this appendix.	_____
☐	Appendix 7 - Other materials related to the application (as required)	_____
☐	HUD 2993 Acknowledgment of Application Receipt	_____

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category

1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					

2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					

3. Travel

3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					

3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	**Days**	**Rate per Day**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match

Expressed as a percentage of the Federal Share

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Lead Hazard Control website at www.hud.gov/lea/leaforms.html

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section. Unless your proposed program will perform the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities (research, hazard control, etc.) should be shown in this section. Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (note the 10% requirement

	discussed above) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESEARCH TO IMPROVE THE EVALUATION AND CONTROL OF RESIDENTIAL LEAD-BASED PAINT HAZARDS

Billing Code 4210-32-C

NOTICE OF FUNDING AVAILABILITY FOR RESEARCH TO IMPROVE THE EVALUATION AND CONTROL OF RESIDENTIAL LEAD-BASED PAINT HAZARDS (LEAD HAZARD CONTROL RESEARCH)

Program Overview

Purpose of the Program. To fund research to improve methods for detecting and controlling residential lead-based paint hazards.

Available Funds. Approximately $1.5 million.

Eligible Applicants. Academic and not-for-profit institutions located in the U.S., and State and local governments. For-profit firms also are eligible; however, they are not allowed to earn a fee.

Application Deadline. **May 17, 2000.**

Match. None required.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit an original and four copies of your completed application on or before 12:00 midnight, Eastern time, on May 17, 2000, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures that you must follow for the form of application submission (*e.g.*, mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight/express mail delivery is: HUD Office of Lead Hazard Control, Suite 3206, 490 East L'Enfant Plaza, SW, Washington, DC 20024. Hand carried applications will be accepted at this address (490 East L'Enfant) up until 5:00 pm on the application due date.

After 5:00 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929. Persons with speech or hearing impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Lead Hazard Control Research grant program. Please be sure to provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact: Mr. Eugene Pinzer, Office of Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 120 (this is not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $1.5 million will be available to fund research proposals in FY 2000. Grants or cooperative agreements will be awarded on a competitive basis according to the Rating Factors described in Section V(B). HUD anticipates awarding three to five grants ranging from approximately $200,000 to approximately $600,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description. Background.* HUD has been actively engaged in a number of activities relating to lead-based paint as a result of the Lead-Based Paint Poisoning Prevention Act (LBPPPA) of 1971, as amended, 42 U.S.C. 4801–4846. Sections 1051 and 1052 of the Lead Based Paint Hazard Reduction Act of 1992 (''Title X'') (42 U.S.C. 4854 and 4854a) state that the Secretary of HUD, in cooperation with other Federal agencies, shall conduct research on specific topics related to the evaluation and subsequent mitigation of residential lead hazards. This research program also implements, in part, HUD's Departmental Strategy for Achieving Environmental Justice pursuant to Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

The HUD-sponsored research also responds to recommendations that were made by the Task Force on Lead-Based Paint Hazard Reduction and Financing, which was established pursuant to section 1015 of Title X. The Task Force presented its final report to HUD and the Environmental Protection Agency (EPA) in July 1995. The Task Force Report, entitled ''Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing'' (see Appendix A of this research program section of the SuperNOFA), recommended research be conducted on a number of key topics to address significant gaps in our knowledge of lead exposure and hazard control.

Research findings will be used in part to update HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (''*Guidelines*''), which were published in June, 1995 and amended in September, 1997. The Guidelines are a report on state-of-the-art procedures for all aspects of lead-based paint hazard evaluation and control. The Guidelines reflect the Title X framework for lead hazard control, which distinguishes three types of control measures: interim controls, abatement of lead-based paint hazards, and complete abatement of all lead-based paint. Interim controls are designed to address hazards quickly, inexpensively, and temporarily, while abatement is intended to produce a permanent solution. While the *Guidelines* recommend procedures that are effective in identifying and controlling lead hazards while protecting the health of abatement workers and occupants, HUD recognizes that targeted research and field experience will result in future changes to the *Guidelines*. For availability of the Guidelines, see Appendix A of this research program section of the SuperNOFA.

(B) *Eligible Applicants.* Academic and not-for-profit institutions located in the U.S., and State and local governments are eligible under all existing authorizations. For-profit firms also are eligible; however, they are not allowed to earn a fee (*i.e.*, no profit can be made from the project). Federal agencies and Federal employees are not eligible to submit applications. The **General Section** of the SuperNOFA provides additional eligibility requirements.

(C) *Eligible Activities.* (1) *General Goals and Objectives.* The overall goal of this research is to gain knowledge to improve the efficacy and cost-effectiveness of methods for lead-based paint hazard evaluation and control. A table of current lead-related research projects being funded by HUD can be found in Appendix B. HUD is interested in the following research topics:

(a) Evaluation of Lead Hazard Control Methodologies;

—Contribution of Exterior Lead Sources to Lead in Interior Dust;

(b) Low-Cost Analytical Techniques for the Rapid, On-Site Determination of Lead in Dust;

(c) New or Novel Methods of LBP Hazard Evaluation or Control, or other areas of research that are consistent with the overall goals of this research program section of the SuperNOFA.

Research objectives for the research topics listed above are provided separately in the expanded discussion of these topic areas that follows in Section III(C)(2). Although HUD is soliciting proposals for research on these specific topics, the Department will also consider funding applications for research on topics which are relevant under the overall goals and objectives of this research, as described above. In such instances, the applicant should describe how the proposed research activity addresses these overall goals and objectives.

(2) *Background and Objectives for Specific Research Topic Areas.*

(a) *Evaluation of Lead Hazard Control Methodologies.*

(i) *Contributions of Exterior Lead Sources to Lead in Interior Dust.* There is general consensus that lead in interior house dust is the primary pathway of lead exposure for young children. In order to reduce the amount of lead in interior dust, all significant lead sources must be identified and remediated. Various methods have been used to identify the major sources and pathways of lead in house dust, including epidemiological studies and direct tracing of lead from potential sources based on unique physical/chemical characteristics of the lead from each source. Most of the epidemiological studies that have examined this question have concluded that lead-based paint appeared to be the major contributor of lead in interior dust (*e.g.,* Bornschein *et al.,* 1990; Stark *et al.,* 1982; Schwartz and Levin, 1991; Greene *et al.* 1992). Lead tracer studies have most commonly measured particle morphology, accompanying elements, or lead isotopic composition. These studies have been limited; several have identified lead-based paint as the primary contributor to lead particulate (Hunt *et al.,* 1992; Yaffe, *et al.,* 1983). The feasibility of using tracer methods has improved as more cost-effective technologies have been developed. For example, lead isotope ratios can now be measured with acceptable accuracy and precision by inductively coupled plasma mass spectrometry, as opposed to the more laborious thermal ionization method (Gwiazda, *et al.,* 1998; Woolard, *et al.,* 1998).

The extent to which lead in exterior dust and soil can contribute to the lead content of interior dust has not been quantified. There may be a seasonal fluctuation in dust-lead loading on interior surfaces, especially floors (USEPA 1995; National Center for Lead Safe Housing, 1997). In temperate climates, seasonal variations in interior dust-lead levels may be related to greater opportunity for exterior leaded dust to be blown or tracked into homes in warmer seasons (*e.g.,* open windows, more frequent in-and-out foot traffic). The magnitude of the contribution of exterior lead sources to lead in interior dust may be related to: exterior lead-based paint, climate, soil type, soil-lead concentration, extent of ground cover, housing characteristics, and the behavior of occupants.

Applicants proposing research in this topic area should consider the efficiencies that might be gained by working cooperatively with some of the recipients of HUD lead hazard control grants, who are widely distributed throughout the U.S.

(ii) *Goals and Objectives.* HUD's specific goals and objectives for this area of research include:

- Estimate the relative contribution of exterior lead sources to lead dust on interior surfaces, identifying any seasonal changes in this pattern.
- Identify geographic differences in the contribution of exterior lead sources to interior dust-lead and any seasonal changes in this contribution.
- Evaluate methods to reduce the migration of lead from exterior sources into the home.
- Identify factors that are predictive of the lead content of exterior dust and soil and the fraction of exterior-derived lead in interior dust.

(b) *Low-Cost Analytical Techniques for the Rapid Field Determination of Lead in Dust.* Develop an inexpensive and easy to use technique to determine the lead level in house dust, with particular applicability to the range of risk assessment and clearance (40–800 $\mu g/ft^2$) for HUD-associated projects. *Inexpensive* means under approximately $1000–1500, with each analysis, including pro rata costs of consumables, blanks, standards, etc., under $10–20. Consideration will also be given if it can be shown that amortized cost of the equipment is low or that average cost per analysis is low assuming a few hundred analyses per year. *Easy to use* means requiring one person with a high school degree to operate, and requiring under 8 hours operator's training to meet the performance criteria cited below. *Rapid* means that results could be available in 15 minutes to a few hours, or that a number of samples could be processed simultaneously so that results are available in a few hours. Optionally, address how the same device (with adapters, if needed) could be used to determine lead in paint (with respect to 1 mg/cm^2 or 0.5% by weight), lead dust in air (with respect to 30–50 $\mu g/m^3$), after collection on a membrane filter, and/or the lead content of soil (with respect to 200–2000 ppm). Performance criteria for the device will include ±20% precision at 95% confidence for measurements from 0.5 to 2.0 times the levels of interest cited above. Establish and validate any necessary procedures, such as extraction and/or digestion, that would work well with the field device/procedure. Examine old technology (*e.g.,* colorimetric tests, titrimetric procedures) as well as newer techniques.

Consider the safety and environmental impacts of the procedure, particularly as used in the field. Comparatively recent developments have introduced for consideration the use of a field-portable anodic stripping voltammetry (ASV) device for the determination of lead in paint, lead dust on wipes, or lead in air (after collection on a membrane filter). Similarly, portable field x-ray fluorescence spectrometers (XRF) have been used to determine lead dust on dust wipes or the lead content of soil using a special holder. Neither of these techniques has yet been widely accepted or used in the field by practicing risk assessors. Of course, XRF is the most common method for inspectors to determine the presence of lead-based paint (LBP). There remains a need to introduce and develop a relatively low-cost, precise, accurate, and rapid technique to determine the level of lead dust on a dust wipe, particularly as a clearance determination where otherwise a contractor and crew may have to wait a day or more for a clearance determination to be reported by a laboratory. Such a method for determining lead content on a dust wipe could also serve as a good ''screening'' tool after LBP abatement or other lead hazard control activities to determine if sufficient cleaning has been performed prior to proceeding to full clearance determinations using dust wipes and laboratory analyses.

We invite the consideration and evaluation of all other techniques, including classical analytical techniques, that may become a low-cost,

accurate, precise and rapid method for the determination of lead in the field. The new or novel application may equally apply to the determination of lead in paint, lead in air, or lead in soil, but these additional uses are not as important. Please refer to some of the references in Appendix A for discussion of ASV, colorimetric tests, and reflectometer tests.

(c) *New or Novel Methods of LBP Hazard Evaluation or Control, or Other Areas of Research that are Consistent with the Overall Goals of this Research Program Section of the SuperNOFA.*

You may address one or more of the research topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area.

(i) Identify and evaluate new methods and/or techniques for LBP hazard control. Identify materials and/or procedures that may be used for abatement or for interim controls. Show the potential utility of these methods for lead hazard control and risk reduction. Evaluate critical elements and potential weaknesses of the methods or techniques, and address how to minimize the effect of each critical element and/or eliminate or mitigate each weakness. Demonstrate where and how these methods have been applied and tested, and/or perform demonstration activities. Illustrate the results obtained, and the costs involved. Recommend cost-effective changes to the Program for inclusion in future HUD lead hazard control grants, and for possible inclusion in future revisions to the Guidelines.

(ii) Evaluate the different programs used by the communities receiving HUD lead hazard control grants and determine which activities produce the greatest number of low-income child-years in treated units.

HUD believes there is a need to expand the possible alternatives to consider when evaluating or addressing the reduction of LBP hazards. Novel techniques and new ideas are hereby solicited to be used in a nationwide program to reduce childhood lead poisoning through the reduction and control of LBP hazards. Such techniques may include one or more of the following:

- Novel techniques or materials for paint film stabilization; as defined in the HUD regulation published Sept. 15, 1999, *paint stabilization* means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- Reduction of bio-availability of lead in dust;
- An approach to reduce the formation of leaded dust from friction surfaces;
- Any other technique that may be used to reduce LBP hazards.

Additional ideas will be considered with an open mind toward novel techniques and applications.

Although HUD is soliciting proposals for research on some specific topics, the Department will also consider funding applications for research on topics which are relevant under the overall goals and objectives of this research NOFA, as described above. In such instances, the applicant should describe how the proposed research activity addresses these overall goals and objectives.

IV. Program Requirements.

(A) *Applicable Requirements.* Please refer to Section II of the **General Section** of the SuperNOFA, Requirements and Procedures Applicable to All Programs. The threshold requirements are listed in Section II.B of the **General Section** of this SuperNOFA.

(B) *Certifications and Assurances.* In addition to the certifications mentioned in the Section II(G) of the **General Section** of the SuperNOFA, you must comply with the following:

(1) All relevant State and Federal regulations regarding exposure to and proper disposal of hazardous materials.

(2) Any blood lead testing, blood lead level test results, and medical referral and follow-up for children under six years of age will be conducted according to the recommendations of the Centers for Disease Control and Prevention (CDC) (*Preventing Lead Poisoning in Young Children*, See Appendix A of this research program section of the SuperNOFA);

(3) HUD research grant funds will not replace existing resources dedicated to any ongoing project; and

(4) Laboratory analysis covered by the National Lead Laboratory Accreditation Program (NLLAP) is conducted by a laboratory recognized under the program.

(5) Human research subjects will be protected from research risks in conformance with Federal Policy for the Protection of Human Subjects, codified by HUD at 24 CFR part 60.

V. Application Selection Process

(A) *Submitting Applications for Grants.* Applications that meet all of the threshold requirements will be eligible to be scored and ranked, based on the total number of points allocated for each of the rating factors described below in Section V(B) of this program section of the SuperNOFA. Your application must receive a total score of at least 65 points to remain in consideration for funding.

Awards will be made in rank order, within the limits of funding availability.

You may address more than one of the research topic areas within your proposal, or submit separate applications for different topic areas. Projects need not address all of the objectives within a given topic area. While you will not be penalized for not addressing all of the specific objectives for a given topic area, if two applications for research in a given topic have equal scores, HUD will select the applicant whose project addresses the most objectives.

You are encouraged to plan projects that can be completed over a short time period (*e.g.*, 12 to 24 months from the date of award) so useful information generated from the research can be available for policy or program decisions and disseminated to the public as quickly as possible.

Regarding the amount to be awarded to the selected applicants, please refer to the Negotiations section in the **General Section** of this SuperNOFA.

(1) *Use of Residual Funds.* In the selection process, HUD reserves the right to offer partial funding to any or all applicants. If you are offered a reduced grant amount, you will have a maximum of seven (7) calendar days to accept such a reduced award. If you fail to respond within the seven day limit, you shall be considered to have declined the award.

(2) *Set-Aside for Previously Unfunded Applicants.* Existing HUD lead hazard research grantees, previously funded grantees, or previously unfunded applicants are eligible to apply for grants. At least 20% of the funds under this research program section of the SuperNOFA will be made available to applicants who are not current (or previous) Lead Hazard Control Research grantees, provided that no application shall be funded that receives lower than the minimum score listed in Section V(A) of this program section above. Applications from existing (or previous) grantees will be evaluated and scored as a separate group and will not be in direct competition with applications from previously unfunded applicants.

(B) *Rating Factors.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points to be awarded is 100. The EZ/EC bonus points described in the

General Section of the SuperNOFA do not apply to this Research NOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the ability and organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of you, the ''applicant,'' will include any sub-grantees, consultants, sub-recipients, and members of consortia that are firmly committed to the project (generally, ''subordinate organizations''). In rating this factor HUD will consider the extent to which your application demonstrates:

(1) *The capability and qualifications of the principal investigator and key personnel* **(10 points)**. Qualifications to carry out the proposed study as evidenced by academic background, relevant publications, and recent (within the past 10 years) relevant research experience. Publications and research experience are considered relevant if they required the acquisition and use of knowledge and skills that can be applied in the planning and execution of the research that is proposed under this program section of this SuperNOFA.

(2) *Past performance of the research team in managing similar research* **(10 points)**. Demonstrated ability to successfully manage various aspects of a complex research study in such areas as logistics, research personnel management, data management, quality control, community research involvement (if applicable), and report writing, as well as overall success in project completion (*i.e.*, research completed on time and within budget). You should also demonstrate that your project would have adequate administrative support, including clerical and specialized support in areas such as accounting and equipment maintenance.

Rating Factor 2: Need/Extent of the Problem (15 Points)

(1) You must demonstrate responsiveness to solicitation objectives. You should explain in detail how your research would make a significant contribution towards achieving some or all of HUD's stated goals and objectives for one or more of the topic areas described in Sections III(C)(2)(a)–(c) of this program section of the SuperNOFA. You also should explain how your proposed research could lead to improvements or additions to the HUD Guidelines.

(2) If you are seeking funding for ''other'' research, as is described in section III(C)(2)(c), you must provide an explanation which demonstrates the importance and need for the research with respect to addressing the overall goal of this research program.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality of your proposed research plan. Specific components include the following:

Soundness of the study design **(25 points).** The project description/study design must be thorough and feasible, and reflect your knowledge of the relevant scientific literature. You should include a plan for analyzing and archiving data. You should approach your study design as a project with a goal, some activities with associated tasks, a time frame, and an associated cost.

Quality assurance mechanisms **(8 points).** You must describe the quality assurance mechanisms which will be integrated into your research design to ensure the validity and quality of the results. Areas to be addressed include acceptance criteria for data quality, procedures for selection of samples/sample sites, sample handling, measurement and analysis, and any standard/nonstandard quality assurance/control procedures to be followed. Documents (*e.g.*, government reports, peer-reviewed academic literature) which provide the basis for your quality assurance mechanisms should be cited.

(2) *Project management plan* **(10 points).** The proposal should include a management plan that provides a schedule for the completion of major activities, tasks and deliverables, with an indication that there will be adequate resources (*e.g.*, personnel, financial) to successfully meet the proposed schedule. Projects with a duration of 24 months or less will be awarded more points in this category than projects with a longer duration.

(3) *Budget Proposal* **(2 Points).** Your budget proposal should thoroughly estimate all applicable direct and indirect costs, and be presented in a clear and coherent format in accordance with the requirements listed in the **General Section** of this SuperNOFA. Your budget should be submitted in the format recommended; an electronic spreadsheet is available on HUD's website, www.hud.gov/lea. Your budget proposal should be activity and task related.

Rating Factor 4: Leveraging Resources (10 Points)

Your proposal should demonstrate that the effectiveness of the HUD research grant funds are being increased by securing other public and/or private resources or by structuring the research in a cost-effective manner, such as integrating the project into an existing research effort. Resources may include funding or in-kind contributions (such as services, facilities or equipment) allocated to the purpose(s) of your research. Staff and in-kind contributions should be given a monetary value.

You should provide evidence of leveraging/partnerships by attaching to your application the following: letters of firm commitment, memoranda of understanding, or agreements to participate from those entities identified as partners in the research efforts. Each letter of commitment, memorandum of understanding, or agreement to participate should include the organization's name, proposed level of commitment (with monetary value) and responsibilities as they relate to specific activities or tasks of your proposed program. The commitment must also be signed by an official of the organization legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

You should describe how the results of your proposed research efforts will support planning, policy development, implementation of lead hazard control programs, and/or public education in the area of residential lead hazard control or in accordance with the goals and operations of the Partnership for Advancing Technology in Housing (PATH) (refer to Section VI(E) of the **General Section** of the SuperNOFA). If your application involves a particular community, it should relate to the community's Consolidated Plan and Analysis Impediments to Fair Housing Choice. In addition, you should also address the extent to which your research could be used to expand fair housing choice and to affirmatively further fair housing.

VI. Application Submission Requirements

(A) *Applicant Data.* Your application must contain the items listed in this Section V(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to

the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the non-standard forms can be found as Appendix C to this program section of the SuperNOFA: The items are as follows:

(1) Transmittal Letter that identifies what the research program funds are requested for, the dollar amount requested, and the applicant or applicants submitting the application. If two or more organizations are working together on the research, a primary applicant must be designated.

(2) Checklist and Submission Table of Contents (see Appendix C).

(3) The name, mailing address, telephone number, and principal contact person of the prime applicant. If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, similar information must be provided for each of these entities.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and/or SF–LLL, Disclosure of Lobbying Activities, where applicable.

(5) Completed Standard Forms SF–424, 424A, 424B, and other certifications and assurances listed in the **General Section** of the SuperNOFA and in Section VII(B) of this program section of the SuperNOFA.

(6) A detailed total budget with supporting cost justification for all budget categories of the Federal grant request.Use the budget format discussed in Section V(B)3(3), above. (See Appendix C.)

(7) A two-page (maximum) abstract containing the following information: The project title, the names and affiliations of all investigators, and a summary of the objectives, expected results, and study design described in the proposal.

(8) A project description/narrative statement addressing the rating factors for award of funding under this program section of the SuperNOFA. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors should not exceed a total of 25 pages for each research topic area.

(9) Any important attachments, appendices, references, or other relevant information may accompany the project description, but must not exceed twenty (20) pages for the entire application.

(10) The resumes of the principal investigator and other key personnel. Resumes shall not exceed three pages each, and are limited to information that is relevant in assessing the qualifications of key personnel to conduct and/or manage the proposed research.

(11) Copy of State Clearing House Approval Notification (see application kit to determine if applicable).

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(1) and (5) of the HUD regulations, activities assisted under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to environmental review under the related laws and authorities.

IX. Authority

These grants are authorized under sections 1051 and 1052 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, which is Title X of the Housing and Community Development Act of 1992.

Appendix A—Relevant Publications and Guidelines

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free).

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd__data/1910__1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without charge from www.osha-slc.gov/OshStd__data/1926__0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without charge from www.epa.gov/docs/epacfr40/chapt-I.info/subch-I/.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745, subparts L and Q (EPA) (State Certification and Accreditation Program for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without a charge from www.epa.gov/opptintr/lead/index.html.

4. Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule: 24 CFR part 35, subparts A through R, published September 15, 1999, at **Federal Register** pages 50201 through 50231(HUD)—Telephone: 1–800–424–LEAD (National Lead Information Center). Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html or www.epa.gov/lead/leadbase.htm.

5. U.S. Environmental Protection Agency. Lead; Identification of Dangerous Levels of Lead; Proposed Rule. **Federal Register:** 63 FR 30302–30355, June 3, 1998. TSCA Hotline: 202–554–1404 (not a toll-free number). Can be downloaded from the Internet without a charge from www.epa.gov/lead/leadhaz.htm.

Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html.

Reports and Articles

1. Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge)—Telephone 800–245–2691. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html.

2. Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing: Report to Congress; HUD, December 7, 1990 (available for a charge)—Telephone 800–245–2691.

3. A Field Test of Lead-Based Paint Testing Technologies: Summary Report (Summary also available); U.S. Environmental Protection Agency, May 1995. EPA 747–R–95–002a (available at no charge)—Telephone 800–424–5323. Can be downloaded from the Internet without a charge from www.epa.gov/lead/summary.txt.

4. Urban Soil Lead Abatement Demonstration Project. EPA Integrated Report, U.S. Environmental Protection Agency, April, 1996. EPA/600/P–93–001aF (available from National Technical Information Service (NTIS) for a charge)—Telephone 800–553–6847. An abstract and additional ordering information can be downloaded from the Internet without a

charge from www.epa.gov/nceawww1/lead.htm.

5. Luk, K.K., Grohse, P.M., Hodson, L.L., Binstock, D.A., Van Hise, C.C., and Gutknecht, W.F., ''Standard Operating Procedures for the Field Analysis of Lead in Paint, Bulk Dust, and Soil by Ultrasonic, Acid Digestion and Colorimetric Measurement,'' EPA 600/R–93/200, U.S. Environmental Protection Agency, Research Triangle Park, NC, 1993. Available from the NTIS (NTIS #PB94–121738).

6. Williams, E.E., Van Hise, C.C., and Gutknecht, W.F., ''Evaluation of the Performance of Reflectance and Electrochemical Technologies for the Measurement of Lead in Characterized Paints, Bulk Dusts, and Soils,'' EPA 600/R–95/093, U.S. Environmental Protection Agency, Research Triangle Park, NC, 1996. Available from the NTIS (NTIS #PB97–126437).

7. Grohse, P.M., Van Hise, C.C., Wilson, B.M., Luk, K.K., Binstock, D.A., and Gutknecht, W.F., ''Standard Operating Procedure for the Field Analysis of Lead in Dust Collected by Vacuum and on Wipes by Ultrasonic, Acid Digestion, and Colorimetric Measurement,'' EPA 600/R–95/151, U.S. Environmental Protection Agency, Research Triangle Park, NC, 1998. Available from the NTIS (NTIS #PB98–140734).

8. Roberts, J.W., Crutcher, E.R., 3rd, Crutcher, E.R. 4th, Glass, G., and Spittler, T.M., ''Quantitative Analysis of Road and Carpet Dust on Shoes,'' in Measurement of Toxic and Related Pollutants, Air & Waste Management Association, Pittsburgh, PA, (1996). pp. 829–835.

9. Roberts, J.W., Clifford, W.S., Glass, G., and Hummer, P.G., ''Reducing Dust, Lead, Dust Mites, Bacteria, and Fungi in Carpets by Vacuuming'', Arch Environ. Contam. Toxicol., *36*, 477–484 (1999).

10. Ashley, K., ''Ultrasonic Extraction and Field-Portable Anodic Stripping Voltammetry of Lead from Environmental Samples,'' *Electroanalysis*, *7*, No. 12, 1995, p 1189.

11. Bornschein, R., Clark, S., Pan, W., and Succop, P. (1990) Midvale Community Lead Study. University of Cincinnati Medical Center Final Report.

12. Greene, T., Ernhart, C., and Boyd, T. (1992) ''Contributions of Risk Factors to Elevated Blood and Dentine Lead in Preschool Children.'' *Science of the Total Environment.* 115(3):249–260.

13. Hunt, A., Johnson D.L., Watt, J.M., and Thornton, I. (1992) Characterizing the Sources of Particulate Lead in House Dust by Automated Scanning Electron Microscopy. *Environmental Science and Technology.* 26(8):1513–1522.

14. National Center for Lead-Safe Housing and University of Cincinnati Department of Environmental Health. (1997) Evaluation of the HUD Lead-Based Paint Hazard Control Grant Program: Fifth Interim Report. Washington, DC: U.S. Department of Housing and Urban Development.

15. Schwartz, J., and Levin, R. (1991) ''The Risk of Lead Toxicity in Homes with Lead Paint Hazards.'' *Environmental Research.* 54(1):1–7.

16. Stark, A., Quah, R., Meigs, J., and Delouise, E. (1982) ''The Relationship of Environmental Lead to Blood-Lead Levels in Children.'' *Environmental Research.* 27:372–383.

17. U.S. EPA. (1995) Seasonal Rhythms of Blood-Lead Levels: Boston, 1979–1983. EPA747–R94–003. Washington, DC: U.S. Environmental Protection Agency.

18. Yaffee, Y., C.P. Flessel, J.J. Wesolowski, A. Del Rosario, G.N. Guirguis, V. Matias, T.E. Degarmo and G.C. Coleman. 1983. Identification of lead sources in California children using the stable isotope ratio technique. Arch. Env. Health. 38(4): 237–245.

19. Gwiazda, R., Woolard, D., and Smith, D. Improved lead isotope ratio measurements in environmental and biological samples with a double focussing magnetic sector inductively coupled plasma mass spectrometer (ICP–MS), J. Anal. At. Spect., 13:1233–1238, 1998.

20. Woolard D., Franks R., Smith D. An inductively coupled plasma-magnetic sector mass spectrometry method for stable lead isotope traces studies. J. Anal. At. Spectrom 13:1015–1019 (1998).

21. K. Ashley, K.J. Mapp and M. Millson, ''Ultrasonic Extraction and Field-Portable Anodic Stripping Voltammetry for the Determination of Lead in Workplace Air Samples''; Am. Ind. Hyg. Assoc. J. 59: 671–679 (1998).

22. K. Ashley, R. Song, C.A. Esche, P.C. Schlecht, P.A. Baron, and T.J. Wise, ''Ultrasonic Extraction and Portable Anodic Stripping Voltammetric Measurement of Lead in Paint, Dust Wipes, Soil, and Air: An Interlaboratory Evaluation''; J. Environ. Monit., in press (1999).

23. K. Ashley, ''On-Site Extraction and Anodic Stripping Voltammetric Determination of Lead''; Appl. Occup. Environ. Hyg. 13: 94–98 (1998). ASTM PS 87, ''Provisional Standard Practice for Ultrasonic Extraction of Paint, Dust, Soil, and Air Samples for Subsequent Determination of Lead''; in Annual Book of ASTM Standards, Vol. 04.11. ASTM: West Conshohocken, PA (1998).

24. ASTM PS 88, ''Provisional Standard Practice for Determination of Lead in Paint, Settled Dust, Soil, and Air Particulate by Field-Portable Electroanalysis''; in Annual Book of ASTM Standards, Vol. 04.11. ASTM: West Conshohocken, PA (1998).

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APPENDIX B -- Lead-Related Research; Current Projects as of September, 1999

Department of Housing and Urban Development (HUD)

Research on Lead Measurement and Sampling Methods

No.	Title	Description
1	Spot-Test Kit (STK) Performance Evaluation	Develop standard protocol for evaluating performance of commercially available STKs. Eight kits, including both sodium sulfide- and rhodizonate-based kits, will be evaluated using this protocol.
2	Development and Validation of XRF Performance Measurement Protocol	Protocol will allow independent 3rd party performance testing of XRF paint analyzers and replace current system of testing a specific archived set of lead painted architectural components.
3	XRF Fast Mode Evaluation Protocol	Development of a method to assess and report on the performance of portable XRF paint analyzers in "fast mode".
4	Analysis of Dust Wipes Using Portable XRF Analyzers	The objective is to develop a standard methodology to assess the performance of portable XRF analyzers in measuring lead in dust wipes.
5	Sampling Lead Dust in Carpets and Upholstery	To compare the performance of 5 different methods (handwash, vacuum, wipe, adhesive label, and a "membrane" sampler) of sampling dust-lead from carpets and upholstery in homes of lead poisoned children.
6	Composite Sampling Study	Side-by-side single and composite dust lead wipe samples will be collected during clearance and risk assessment sampling at multiple study sites.
7	Enhancing the Sensitivity and Precision of Dust-Wipe Lead Samples by Increasing the Area of Sample Collection	A lab phase will assess the performance of thick and thin wipe materials. A field phase will assess the use of dust samples of two square feet vs. one square foot to improve method sensitivity.
8	Use of Portable Lead Analyzers to Reduce Clearance Dust Wipe Failure Rates	The feasibility of using field portable lead analysis methods to screen clearance dust wipe samples will be assessed in the field.
9	Develop a Method to Measure Residential Soil-Lead Using a Portable XRF Analyzer	Existing methods and protocol will be adapted to develop a method for analyzing residential soil for lead using a portable XRF Analyzer.

Research on Lead Hazard Assessment Methods

10	Risk Assessment Method Validation Field Study	A 3-site field study to assess the predictive power of the HUD/EPA risk assessment and screening protocols (i.e., with respect to dust-lead and children's PbB levels).
11	Risk Assessment Method Validation Using Existing Data Sets	Data collected from two epidemiological studies of childhood lead exposure will be analyzed to assess the predictive power of the HUD/EPA risk assessment protocol.
12	Lead Hazard Assessment of Carpets	Examine transfer of particles from carpet to hands (conditioned and field samples), distribution of dust and lead within carpet pile, and potential exposure to particulate in "particle cloud" created when walking on carpet.
13	Lead Hazard of Upholstery	The primary objective is to assess the potential for exposure to dust-lead from upholstery (conditioned samples and field samples).
14	Lead Hazard Assessment of Residential Air Ducts Emissions	Laboratory phase will measure lead particle emissions from a simulated household ventilation duct system under varying conditions (air velocity, humidity, etc.).
15	LPB Inspection Protocols for Multifamily Housing	Statistical models will be developed and existing data will be analyzed to evaluate various inspection protocols for detecting and characterizing the presence of LBP in multi-family housing with a reasonable level of confidence.
16	Tracing Dust Lead to Residential Friction Surfaces	Dust samples will be analyzed by several different methods to estimate the contribution of lead-based paint dust from friction surfaces to the lead content of dust on interior residential surfaces.
17	Tracing Dust-Lead to Sources Using Lead Isotopic Composition Analysis	A fast, inexpensive method of lead isotopic analysis (inductively coupled plasma mass spectrometry; ICP-MS) will be used to identify sources of lead in house dust, and to estimate the fraction of children's blood-lead attributed to mobilization of bone-lead.
18	Lead Release From Demolition of Pre-1950 Inner-City Housing	Researchers will measure the release of lead into the surrounding neighborhood (sampling both airborne and settled dust) during the demolition of pre-1950 Baltimore row houses.
19	Accumulation Rate of Exterior Leaded Dust and Reducing Lead Bioavailability in Soils	Determine how quickly lead in exterior dust accumulates in mats placed at the entryways of urban row houses. Identify what factors contribute to high levels of lead in exterior dust. Study mixing organic compost into lead-contaminated soils to reduce the hazards.

Lead Hazard Control Research

20	Effectiveness of Alternative Dust-Lead Cleaning Strategies	Compare the efficacy of non-phosphate cleaner vs. trisodium phosphate in cleaning floors and sills; compare the efficacy of household vacuums vs. HEPA vacuums on same surfaces.
21	Efficacy of Household Vacuums and a Nonphosphate Detergent in Reducing Lead Dust on Floors	Conduct lab testing of household vacuums to select 3 moderately priced vacuums for use in the field component of the study. Compare the performance of the household vacuums with a HEPA vacuum in cleaning lead-contaminated dust. Identify parameters predictive of performance.
22	Factors Affecting the Retention of Leaded Dust in Carpets	The research will identify major factors (e.g., pile height, fiber density, fiber coating) which affect the extent to which carpets can be cleaned of leaded dust in the laboratory and field.
23	Penetration of Particulate Through Vacuum Bags	Develop a method for laboratory testing of commonly available vacuum cleaner bags to determine their efficiency in trapping fine dust.
24	Deposition of Airborne Particulate Following Dust-Generating Activities	Researchers will examine the rate of leaded particulate deposition in a test room following activities which generate significant quantities of leaded dust.
25	Sealing Efficacy of Enclosures	Assess the potential for the migration of leaded dust through joints associated with enclosures in the laboratory.
26	Evaluation of the Effectiveness of Maryland Law (HB 760)	Maryland law requires periodic lead hazard control treatments in all pre-1950 rental housing within the state. This study will evaluate the effectiveness of the required treatments in reducing leaded dust.
27	Cleaning Lead Contaminated Dust from Hard Surfaces	The purpose of this research is to determine the effectiveness of various detergents in cleaning lead-contaminated dust from hard surfaces under varying conditions of wear and dust loading.
28	Monitoring HEPA Vacuum Dust Pick-up with an Aerosol Photometer	The objective of this research is develop a dynamic reading instrument that will indicate when a surface is sufficiently "clean" and thus reduce the rate of post-intervention clearance failures.
29	Ergonomic Risk factors for Lead Hazard Control Workers	Ergonomic risk factors in the lead hazard control industry will be identified through field observations and worker interviews.
30	Reducing Hazards of Lead-Contaminated Urban Soils	Assess low cost methods to reduce the hazard posed by lead-contaminated yard soils in an urban, low income neighborhood. Control methods focus on application of soil contact barriers, including bark mulch, crushed stone, and improved grass and plant cover.
31	Reducing Lead Levels in Urban Sidewalk Dust	Assess ways to reduce levels of lead in dust on inner-city sidewalks. Examine treatments to stabilize deteriorated lead-based paint on building exteriors; conduct regular sidewalk and street cleaning.

Research on Long-term Effectiveness of Lead Hazard Control Interventions

32	Evaluation of HUD Lead Hazard Control Grant Program	Assess the efficacy of various interim control and abatement techniques (based on blood-lead and dust-lead levels) as employed by 14 state and local grantees expected to enroll about 2,900 units
33	Extension to the Baltimore Repair and Maintenance Study	Compare the effectiveness of three levels of interim control interventions (capped at $1,650, $3,500, and $7,000, respectively) applied to structurally sound inner-city Baltimore row houses.
34	Reaccumulation of Dust-Lead Following Cleaning (TLC study homes)	Follow-up dust-wipe sampling in urban homes from the "Treatment of Lead-Poisoned Children" study to determine the rate of reaccumulation of dust-lead following professional cleaning interventions by themselves or in combination with minor repairs.
35	Evaluation of Treatments Required by Maryland Lead-Based Paint Risk Reduction	Evaluate the effectiveness of the risk reduction measures prescribed in Maryland law, HB 760, in bringing the levels of lead dust on floors, window sills, and window troughs down to acceptable levels.
36	Evaluation of the Milwaukee Lead Hazard Control Ordinance	Assess the law requiring low level lead hazard control treatments (focusing on windows) in all pre-1950 rental units in 2 high risk neighborhoods by recruiting infants, with subsequent 2-year follow-up (dust-Pb and blood-Pb). Assess the effect on blood-Pb by screening in treatment and control neighborhoods.

Survey Research

37	National Survey of Lead and Allergens in Housing	Samples are being collected from a nationally representative sample of 750 housing units; lead samples include dust wipes, vacuum samples (carpets), soil, and *in-situ* XRF testing. NIEHS-funded component will involve vacuum dust sampling for allergen identification.
38	Lead Hazard Awareness Supplement to the December 1999 Current Population Surveys	Approximately 42,000 households will be questioned on their awareness of lead hazards, sources of knowledge of lead hazards, testing of homes and household members for lead exposure, lead hazard reduction practices, and receipt of disclosure information.
39	Lead Module for the 1999 American Housing Survey	Respondents to the 1999 American Housing Survey will be asked about paint deterioration on the interior and exterior of their dwelling, repairs and renovations where lead-based paint may have been disturbed, and the receipt of disclosure among recent movers.

APPENDIX C

The non-standard forms, which follow, are required for your Lead Hazard Control Research application.

Checklist and Submission Table of Contents
Lead Hazard Control Research NOFA

The following checklist is provided to ensure that you have submitted all of the required items in order for you to receive consideration for funding under this NOFA. Applicants must check off each item that they have included in their submission package and note the corresponding page number where the response is located. Applicants are to include this Checklist and Submission Table of Contents with the proposal. Application pages must be consecutively numbered.

Check Off		Page Number
☐	Transmittal Letter	Cover page
☐	Checklist And Submission Table Of Contents (this form)	p.____
☐	Project Abstract (limited to 2 pages)	p.____
	Application Forms	
☐	Standard Form 424 and SF 424A Section B	p.____
☐	Total Budget (Federal Share and Matching)	p.____
☐	HUD 2880 Disclosure and Update Report	p.____
☐	HUD 50070 Drug-Free Workplace Certification	p.____
☐	HUD 50071 Certification of Payments to Influence Federal Transactions	p.____
☐	Form SF-LLL Disclosure of Lobbying Activities Required	p.____
	☐ Form SF-LLL not required.	
☐	HUD 2992 Certification of Status Regarding Debarred Applicants	p.____
☐	Standard Form 424B (Assurances/Non-Construction Programs)	p.____
	Response to Rating Factors/Project Description (limited to 25 pages)	
☐	1. Capacity of the Applicant and Relevant Organizational Experience	p.____
☐	2. Needs/Extent of the Problem	p.____
☐	3. Soundness of Approach	p.____
☐	4. Leveraging/Partnerships	p.____
☐	5. Comprehensiveness and Coordination	p.____
	Appendices (if applicable)	
☐	Appendix 1 - Material in support of Rating Factors 1 through 5	p.____
☐	Appendix 2 - Other materials related to the application	p.____
☐	HUD 2993 Acknowledgment of Application Receipt	p.____

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category

1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					

2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					

3. Travel

3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					

3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					

3d. Per Diem or Subsistence (indicate location)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Subtotal - Per Diem or Subsistence					
Total Travel Cost					

4. Equipment (Only items over $5,000 each)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Equipment Cost					

5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Consumable Supplies					

5b. Non-Consumable Materials	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match **Expressed as a percentage of the Federal Share**

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Lead Hazard Control Research NOFA

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals for whom the grant will directly pay salaries. The hours and costs are *for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here.* Please include all labor costs which are associated with the proposed grant program, *including those costs which will be paid for with in-kind or matching funds.* *Do not show fringe or other indirect costs in this section.* Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An *employee working less than full time* on the grant should *show the numbers of hours they will work on the grant.*
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.

3c - Transportation - Other	If you propose to rent/lease, or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).
3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. *If any contractor, sub-contractor, or sub-grantee is to receive over 10% of the total Federal amount requested, a separate Budget Summary worksheet should be developed for that contractor or sub-grantee* and the total amount of their effort should be shown as a single entry in this section. Unless your proposed program will conduct the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (reflected in section 1), the costs of the primary grant effort (*e.g. interventions*) should be shown in this section.

	Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (*note the 10% requirement discussed above*) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HEALTHY HOMES INITIATIVE

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HEALTHY HOMES INITIATIVE PROGRAM OVERVIEW (HHI)

Purpose of the Program. The purpose of the Healthy Homes Initiative is to develop, demonstrate and promote cost effective, preventive measures to correct multiple safety and health hazards in the home environment which produce serious diseases and injuries in children. HUD is interested in reducing health threats to the maximum number of residents, including children, in a cost efficient manner.

Available Funds. Approximately $6.5 million.

Eligible Applicants. Research institutions, not-for-profit institutions, and for-profit firms located in the U.S., State and local governments, and Federally-recognized Indian Tribes. For-profit firms are not allowed to include a fee in the cost proposal (*i.e.,* no profit can be made from the project). Federal agencies and federal employees are not eligible to apply for this program.

Application Deadline. **May 17, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this initiative, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and four copies) is due on or before 12:00 midnight, Eastern time, on May 17, 2000, at the address shown below.

See the **General Section** of the SuperNOFA for specific procedures concerning the form of application submission (*e.g.,* mailed applications, express mail, overnight deliver, or hand carried).

Address for Submitting Applications. For Mailed Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

For Overnight/Express Mail or Hand Carried Applications. The address for applications that are hand carried or sent via overnight/express mail delivery is: HUD Office of Lead Hazard Control, Suite 3206, 490 East L'Enfant Plaza, SW, Washington, DC 20024. Hand carried applications will be accepted at this address (490 East L'Enfant) up until 5:00 pm on the application due date.

After 5:00 pm on the application due date, hand carried applications will be accepted until 12:00 midnight, in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410.

For Application Kits. You may obtain an application kit from the SuperNOFA Information Center at 1–800–HUD–8929, or the TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to HHI. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Alternatively, you may obtain an application kit by downloading it from the internet at *http://www.hud.gov.*

For Further Information and Technical Assistance. You may contact Ms. Ellen Taylor, Planning and Standards Division, Office of Lead Hazard Control, at the address above; telephone (202) 755–1785, extension 116, or Ms. Karen Williams, Grants Officer, extension 118 (these are not toll-free numbers). Hearing- and speech-impaired persons may access the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $6.5 million will be available in FY 2000. Grants will be awarded on a competitive basis following evaluation of all proposals according to the Rating Factors described in section V(B). HUD anticipates that approximately 4 to 8 grants will be awarded, ranging from approximately $250,000 to approximately $2,500,000.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) *Background.* In the FY 2000 Budget, HUD received a second year of funding to continue the Healthy Homes Initiative (sometimes referred to as the ''Initiative'' or ''HHI'') that protects children from housing conditions responsible for multiple diseases and injuries. The Initiative departs from the more traditional approach of attempting to correct one hazard at a time (*e.g.,* asbestos, radon). In April 1999, HUD submitted to Congress a preliminary plan containing a full description of the Initiative. This description (Summary and Full Report) is available on the HUD website at www.HUD.gov/lea.

The Healthy Homes Initiative builds upon HUD's existing housing-related health and safety issues, including lead hazard control, building structural safety, electrical safety, and fire protection to address multiple childhood diseases and injuries related to housing in a more coordinated fashion. A coordinated effort is feasible because a limited number of building deficiencies contribute to many hazards. Substantial savings are possible using this approach, because separate visits to a home by an inspector, public health nurse, or outreach worker can add significant cost to efforts to eliminate hazards.

In addition to deficiencies in basic housing facilities that may impact health, changes in the U.S. housing stock and more sophisticated epidemiological methods and biomedical research have led to the identification of new and often more subtle health hazards in the residential environment (*e.g.,* indoor air quality hazards). While such hazards will tend to be found disproportionately in housing that is substandard (*e.g.* structural problems, lack of adequate heat, etc.), such housing-related environmental hazards may also exist in housing that is otherwise of good quality. Appendix A to the HHI program section of the SuperNOFA briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention. Appendix B to the HHI program section of the SuperNOFA lists the references that serve as the basis for the information provided in this Healthy Homes Initiative section of this SuperNOFA.

HUD is interested in promoting approaches that are cost-effective and efficient and that result in the reduction of health threats for the maximum number of residents for the long run, and in particular low-income children. The overall goals and objectives of the HHI are:

(1) Mobilize public and private resources, involving cooperation among all levels of government, the private sector, and community-based organizations to develop the most promising, cost-effective methods for identifying and controlling housing-based hazards.

(2) Build local capacity to operate sustainable programs that will continue to prevent and, where they occur, minimize and control housing-based hazards in low and very low income residences when HUD funding is exhausted.

(3) Affirmatively further fair housing and environmental justice.

(B) *Healthy Homes Activities.* Through the Healthy Homes Initiative, HUD will establish a baseline assessment of available risk reduction techniques and research on the control of key hazards described in Appendix A, and initiate projects to promote implementation of techniques demonstrated to be successful. HUD has decided to initiate the HHI projects through this competition. There are three categories of grants being awarded. These are:

- Demonstration projects implementing housing assessment, maintenance, renovation and construction techniques to identify and correct housing-related illness and injury risk factors,
- Outreach projects disseminating healthy homes information and replicating successful interventions, and
- Research projects developing new methods of evaluation and control of housing-based hazards.

HUD will evaluate proposals based on the elements described below. Although you are expected to focus your efforts in one of the three categories, the activities of a proposed project may address categories other than the primary focus. Applicants are required to be specific as to the locations they are targeting their intervention activities to occur and the residents, individuals or groups targeted to receive interventions and the organizations targeted to continue to operate effective intervention strategies over the life of the award and hereafter.

(1) *Demonstration Projects.* Objectives to be addressed by these projects are:

(a) Identification of target areas and homes where intervention would be appropriate.

(b) Identification and evaluation of effective methods of hazard abatement and risk reduction.

(c) Development of appropriately-scaled, flexible, cost-effective and efficient intervention strategies that take into account the range of conditions likely to be encountered in older housing, and that maximize the number of housing units that receive an intervention.

(d) Development of methodologies for evaluating intervention effectiveness.

(e) Development of local capacity in target areas and target groups to operate sustainable programs to prevent and control housing-based hazards, especially in low and very-low income residences.

(f) Development of a cost-effective protocol for identifying homes that are candidates for interventions, identifying hazards in these homes, and screening out homes where structural or other condition factors (e.g., cost) make interventions infeasible or impractical.

(2) *Outreach Projects.* These projects must address:

(a) Development and delivery of public outreach to prevent and eradicate both emerging and well-recognized housing-related childhood diseases and injuries, and promote the use of identified solutions.

(b) Increased identification and control of housing based hazards through education and outreach to specific high-risk communities and other identified audiences such as health care deliverers, pregnant women, children, residential construction contractors, maintenance personnel, housing inspectors, real estate professionals, home buyers and homeowners.

(c) Implementation of media strategies to use print, radio and television to increase public awareness of housing related hazards that threaten children.

(d) Dissemination of materials that inform parents and caregivers about housing related hazards and enable them to take prompt corrective action.

(3) *Research Projects.* Objectives to be addressed by these projects are:

(a) Investigation of the epidemiology of housing-related hazards and illness and injury.

(b) Development and assessment of low-cost test methods and protocols for identification and assessment of housing-related hazards.

(c) Development and assessment of cost-effective methods for reducing or eliminating housing-related hazards.

(d) Evaluation of the effectiveness of housing interventions and public outreach campaigns, and barriers and incentives affecting future use of the most cost-effective strategies.

(f) Investigation of the environmental health effects on children living in deteriorated housing and the impact on their development and productivity.

(C) *Eligible Activities.* The following direct activities and support activities are eligible under this grant program.

(1) *Direct Project Elements* (activities conducted by you and any sub-recipients):

(a) Performing evaluations of eligible housing to determine the presence of housing-based hazards (e.g., mold growth, allergens, unvented appliances, exposed steam pipes or radiators, damaged lead-based paint) through the use of generally accepted testing procedures.

(b) Conducting medical examinations of young children for conditions caused or exacerbated by exposure to hazards where this is considered essential to your project, and there are no alternative sources to cover these costs.

(c) Conducting housing interventions to remediate existing housing-based hazards and address conditions that could result in their recurrence. Any lead hazard evaluation and control work shall be conducted by certified performers in accordance with the HUD *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing* (''*Guidelines*'') and applicable regulations. You may obtain the Guidelines and applicable regulations by downloading them from the internet at http://www.hud.gov/lea. All pest control activities should incorporate the principles and methods of integrated pest management (IPM).

(d) Carrying out temporary relocation of families and individuals during the period in which intervention is conducted and until the time the affected unit receives clearance for reoccupancy. Residents relocated must be guaranteed the choice of returning to the unit after the intervention.

(e) Performing medical testing recommended by a physician or applicable occupational or public health agency for individuals in hazardous conditions and environmental sampling to protect the health of the intervention workers, supervisors, and contractors.

(f) Undertaking housing rehabilitation activities that are specifically required to carry out effective control of housing-based hazards, and without which the intervention could not be completed and maintained. Grant funds under this program may also be used to control lead-based paint hazards.

(g) Conducting clearance testing and analysis for lead, mold, carbon monoxide and/or other toxins as appropriate, with respect to generally accepted standards or criteria, or where not available, other appropriate levels justified in conjunction with the project.

(h) Carrying out architectural, engineering and work specification development and other construction management services to control housing-based hazards and remediate existing hazards.

(i) Providing training on safe maintenance practices to homeowners, renters, painters, remodelers, and housing maintenance staff working in low- or very-low income housing.

(j) Providing cleaning supplies for hazard intervention and hazard control to community/neighborhood-based organizations for use by homeowners and tenants in low income housing, or to such homeowners, and tenants directly.

(k) Conducting general or targeted community awareness or education

programs on environmental health and safety hazards. This activity would include training on safe maintenance and renovation practices, among other topics, and further fair housing and environmental justice goals. It would also include making materials available, upon request, in alternative formats for persons with disabilities (e.g., Braille, audio, large type), and in languages other than English that are common in the community, whenever possible.

(l) Securing liability insurance for hazard intervention and hazard evaluation and control activities to be performed.

(m) Supporting data collection, analysis, and evaluation of project activities. This activity is separate from administrative costs.

(n) Conducting applied research activities directed at demonstration of cost-effective evaluation and intervention methods for assessing and preventing housing-based hazards.

(o) Presenting research findings at a scientific or other conference at the request of HUD.

(p) Maintaining a registry (updated at least monthly) of housing units in which housing-based hazards were not found during evaluation, and those in which such problems and hazards have been controlled. Units on the registry should be affirmatively marketed to families with young children (especially low income families) and such families should be given preference for occupancy when they are vacant.

(q) Preparing quarterly progress reports, interim and final research reports, and an overall final grant report detailing activities (e.g., number of units tested, types of interventions provided, evaluation of most cost efficient methodologies by type of unit), findings, and recommended future actions for cost effective interventions, at the conclusion of grant activities.

(2) *Support Elements.*

(a) Your administrative costs.

(b) Program planning and management costs of sub-grantees and other sub-recipients.

(D) *Ineligible Activities.* (1) Purchase of real property.

(2) Purchase or lease of equipment having a per unit cost in excess of $5,000, unless prior written approval is obtained from HUD.

(3) Medical treatment costs.

IV. Program Requirements

In addition to program requirements listed in the **General Section** of the SuperNOFA, you, the applicant must comply with the following requirements:

(A) *Budgeting—Administrative Costs.* There is a 10% maximum for administrative costs. The application kit contains specific information on allowable administrative costs.

(B) *Period of Performance.* The period of performance cannot exceed 36 months.

(C) *Coastal Barrier Resources Act.* Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), funds may not be used for properties located in the Coastal Barrier Resources System.

(D) *Flood Disaster Protection Act.* Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), funds may not be used for construction, reconstruction, repair or improvement of a building or mobile home which is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(1) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(2) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood insurance is obtained and maintained for the appropriate amount and term.

(E) *National Historic Preservation Act.* The National Historic Preservation Act of 1966 (16 U.S.C. 470) (NHPA) and the regulations at 36 CFR part 800 apply to the mold intervention and related hazard control activities that are undertaken pursuant to this program. HUD and the Advisory Council for Historic Preservation have developed an optional Model Agreement for use by grantees and State Historic Preservation Officers in carrying out any lead hazard control activities under this program. This must be obtained from the SuperNOFA Clearinghouse.

(F) *Waste Disposal.* Waste disposal will be handled according to the requirements of the Occupational Health and Safety Administration (OSHA) (e.g., 29 CFR part 1910 and/or 1926, as applicable), the Environmental Protection Agency (EPA) (e.g., 40 CFR parts 61, 260–282, 300–374, and/or 700–799, as applicable), the Department of Transportation (e.g., 49 CFR parts 171–177), and/or appropriate State or local regulatory agency(ies). Disposal of wastes from intervention activities that contain lead-based paint but are not classified as hazardous will be handled in accordance with the HUD *Guidelines.*

(G) *Worker Protection Procedures.* You must comply with the requirements of OSHA (e.g., 29 CFR part 1910 and/or 1926, as applicable), or the State or local occupational safety and health regulations, whichever are most stringent.

(H) *Written Policies and Procedures.* You must have written policies and procedures for all phases of intervention, including evaluation, development of specifications, financing, occupant relocation, independent project inspection, and clearance testing (e.g., for mold, lead, carbon monoxide or other hazards, as applicable). You and all your subcontractors, sub-recipients, and their contractors must comply with these policies and procedures.

(I) *Clearance Testing.* Clearance dust testing must be conducted according to the HUD Guidelines. You are required to meet the interim post-hazard control dust-wipe test clearance thresholds at 24 CFR 35.1320 (published in the **Federal Register** at 64 FR 50218, September 15, 1999). These standards are also in the application kit. Wipe tests shall be conducted by an appropriately certified individual who is independent of the lead hazard control contractor. Dust-wipe and soil samples and any paint samples to be analyzed by a laboratory, must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLLAP). Units treated shall not be reoccupied until clearance is achieved.

(J) *Continued Availability of Safe Housing to Low-Income Families.* Units in which housing-based hazards have been controlled under this program shall be occupied by and/or continue to be available to low-income residents.

(K) *Environmental Review.* You must comply with HUD's regulations in 24 CFR 50.3(h) in carrying out responsibilities regarding HUD's environmental review. Recipients of a grant under this NOFA will be given guidance in these responsibilities.

(L) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Recipients of assistance must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low-Income Persons in Connection with Assisted Projects) and the HUD regulations at 24 CFR part 135, including the reporting requirements of subpart E. Section 3 requires recipients to ensure that, to the greatest extent feasible, training, employment and other economic opportunities will be directed

to (1) low and very low income persons, particularly those who are recipients of government assistance for housing, and (2) business concerns which provide economic opportunities to low and very low income persons.

(M) *Data collection and provision.* You must collect, maintain and provide to HUD the data necessary to document the various approaches used to evaluate and control housing-based hazards, including evaluation and control methods, building conditions, medical and familial information (with confidentiality of individually-identifiable information ensured) in order to determine the effectiveness and relative cost of these methods.

(N) *Certifications and Assurances.* You must include the certifications and assurances listed in Section II(G) of the **General Section** of the SuperNOFA with your application.

(O) *Davis-Bacon Act.* The Davis-Bacon Act does not apply to this program. However, if program funds are used in conjunction with other Federal programs in which Davis-Bacon prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

V. Application Selection Process

Please see Section III of the **General Section** of this SuperNOFA. Applications that meet all of the threshold requirements will be eligible to be scored and ranked based on the total number of points allocated for each of the rating factors described below. Your application must receive a total score of at least 65 points to remain in consideration for funding.

(A) *Rating and Ranking.* HUD intends to make awards to qualifying applications in the following order:

STEP 1. An award will be made to the highest ranked application in each of the three categories listed in Section III.(B) of this program section of the SuperNOFA within the limits of funding availability. If there are insufficient funds to award in all categories, HUD will make awards in categories (1) through (3) in order.

STEP 2. After following Step 1 if funding remains available, an award will be made in each of the categories (1) through (3) in order.

STEP 3. After following Step 2 if funding remains available, awards will be made in rank order regardless of category.

You must state the category for which you are applying. If an applicant wishes to apply under more than one category they must submit a separate application for each category. While you will not be penalized for not addressing all the specific objectives within a given category, if two applications have equal scores, HUD will first select the applicant whose project addresses the most objectives.

(B) *Factors for Award Used to Evaluate and Rate Applications.* This section provides the factors for rating and ranking your application and the maximum points for each factor. The maximum number of points to be awarded is 102. This maximum includes two EZ/EC bonus points as described in the **General Section** of the SuperNOFA. Also, Section III(C)(2) of the **General Section**, which addresses a court-ordered consideration, is applicable to this program.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses your organizational capacity necessary to successfully implement your proposed activities in a timely manner. The rating of you or your staff includes any community-based organizations, sub-contractors, consultants, sub-recipients, and members of consortia that are firmly committed to your project. In rating this factor HUD will consider:

(1) Your recent, relevant and successful demonstrated experience in undertaking eligible program activities. You must describe the knowledge and experience of the proposed overall project director and day-to-day program manager in planning and managing large and complex interdisciplinary programs, especially those involving housing rehabilitation, public health, or environmental programs. In your narrative response for this factor, you should include information on your program staff, their experience, commitment to the program, and position titles. Resumes of up to three (3) pages each and position descriptions for up to three personnel in addition to the project director and program manager, and a clearly delineated organizational chart for your project must be included as an appendix. Copies of job announcements (including salary range) should be included for any key positions that are currently vacant. Indicate the percentage of time that key personnel will devote to your project and any salary costs to be paid by funds from this program. Include descriptions of the experience and qualifications of subcontractors and consultants.

(2) Your qualifications to carry out the proposed activities as evidenced by experience, academic background, training, and/or relevant publications of program staff.

(3) Whether you have sufficient personnel or will be able to quickly retain qualified experts or professionals to begin your proposed program immediately and to perform your proposed activities in a timely and effective fashion. Describe how principal components of your organization will participate in or support your project. You should thoroughly describe capacity, as demonstrated by experience in initiating and implementing related environmental, health, or housing projects.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for your proposed program activities to address documented problems, target area(s) and target groups.

(1) Document a critical level of need for your proposed activities in the area where activities will be carried out. You should pay specific attention to documenting need as it applies to your target area(s), rather than the larger geographic area.

(2) Your documentation should summarize available data linking housing-based hazards to disease or injuries to children in your target area(s). Examples of data that might be used to demonstrate need, include:

(a) Economic and demographic data relevant to your target area(s), including poverty and unemployment rates;

(b) Rates of childhood illnesses or injuries (e.g., asthma, burns) that could be caused or exacerbated by exposure to conditions in the home environment, among children residing in your target area(s), and/or rates of environmentally-related disease or adverse health effects (e.g., hypertension, elevated blood lead levels) in your target area(s); and

(c) Unavailability of other Federal, State or local funding or private sector resources that could be, or is used, to address the problem.

(3) For the areas targeted for your project activities, provide data available in your jurisdiction's currently approved Consolidated Plan, or derived from 1990 Census Data, or derived from other sources (all data should be documented) that address:

(a) The age and condition of housing;

(b) The number and percentage of very-low and low income families with incomes less than 80% of the median income, as determined by HUD, for the area, with adjustments for smaller and larger families (See application kit for additional information).

(c) To the extent that statistics and other data contained in your

community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) support the extent of the problem, you should include references to the Consolidated Plan and the AI in your response.

(d) Data documenting targeted groups that are traditionally underserved or have special needs. If the data presented in your response does not specifically represent your target area, you should discuss why the target areas are being proposed. If your application addresses needs that are in the Consolidated Plan, AI, court orders or consent decrees, settlements, conciliation agreements, and voluntary compliance agreements, you will receive more points than applicants that do not relate their program to identified need.

(4) Applicants proposing research activities should provide a statement supporting the need for this research.

Rating Factor 3: Soundness of Approach (45 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. You should present information on the proposed approach for addressing housing-based hazards and describe how proposed activities would help HUD achieve its goals for this program area. For you to receive maximum points for this factor, there must be a direct relationship between the proposed activities, community or research needs, and the purpose of the program. The response to this factor should include the following elements:

(1) *Strategy* (**25 points**). Describe your program goals and objectives and the strategy you will use in planning and executing the project. You should provide information on the general approach and overall plan employed:

(a) *Baseline Plan for Project Management* (**10 points**). Include a management plan that:

(i) Lists the project objectives, major tasks and activities. All specific activities necessary to complete the proposed project must be included in the task listing;

(ii) Identifies appropriate performance goals and benchmarks;

(iii) Provides a schedule for the assignment and completion of major tasks and activities, and a timeframe for delivery;

(iv) Designates resources and identifies responsible entities; and

(v) Provides an estimate of per unit (or other appropriate apportionment) costs (and a basis for those estimates) for the type of interventions that are planned.

(b) *Budget Justification* (**2 points**). Your proposed budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the project management plan and intended use of program funds. HUD is not required to approve or fund all proposed activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A) and all major tasks. Describe clearly and in detail your budgeted costs for each required program element (major task) included in your overall plan.

(c) *Project Evaluation* (**8 points**). You are required to identify and discuss the specific methods you will use to measure progress towards your goals, track and report results of interventions, and evaluate the effectiveness of interventions:

(i) Discuss the performance goals for your project and identify specific outcome measures;

(ii) Describe how the outcome information will be obtained, documented, and reported; and

(iii) Identify the major milestones for your project, and describe how your progress towards these milestones will be tracked, recorded and reported.

(d) *Economic Opportunity* (**5 points**). To the greatest extent feasible, Your project should promote job training, employment, and other economic opportunities for low-income and minority residents and businesses which are owned by and/or employ low-income and minority residents as defined in 24 CFR 135.5. You should:

(i) Describe methods that will result in economic opportunities for residents and businesses in the community where activities will be carried out. Include information on how you will provide employment, business development, and contract opportunities;

(ii) Describe how you or your partners will satisfy the requirements of section 3 of the Housing and Urban Development Act of 1968 to give preference to hiring low- and very low-income persons or contracting with businesses owned by or employing low- and very-low income persons;

(iii) Describe how your proposed project will further and support the policy priorities of the Department, including providing opportunities for self-sufficiency, particularly for persons enrolled in welfare-to-work programs; or providing educational and job training opportunities; and

(iv) Describe the extent to which your proposed activities will occur in an Empowerment Zone or Enterprise Community (EZ/EC), if applicable.

(2) *Approach for Implementing the Project* (**20 points**). Describe your overall approach for your proposed project. The description must include a discussion of specific planned program activities which address one or more of the following categories:

(a) *Demonstration activities.*

(i) Describe in detail how you will identify, select, prioritize, and enroll units of eligible housing in which you will undertake housing-based hazards interventions, how you will integrate safe work practices into housing maintenance, repair, and improvements, and then target such units to low-income families with young children. You should use all reasonably available sources of information on controlling housing-based hazards in buildings and protecting workers and occupants during and after the intervention process.

(ii) Describe any assessment tools you would employ to establish baseline data.

(iii) Provide the estimated total number of owner occupied and/or rental units in which you will conduct interventions.

(iv) Describe your process for evaluating units of eligible housing in which you will undertake housing-based hazard interventions.

(v) Describe any specialized testing or visual inspection that you will conduct during unit inspection with reference to source(s) of the protocol(s).

(vi) Discuss efforts to incorporate cost-effective methods to address multiple environmental health and safety hazards, and describe the specific interventions you will utilize to control housing-based hazards before children are affected; and/or to control these hazards in units where children have already been treated for illnesses or injuries associated with housing-based hazards (e.g., burns, lead poisoning, asthma).

(vii) Describe the process for your referral of children for medical case management if this is not ongoing.

(viii) Describe your process for the development of work specifications for the selected interventions.

(ix) Describe your management processes to be used to ensure the cost-effectiveness of the housing interventions, and provide cost estimates per intervention and per unit.

(x) Discuss your contracting process to obtain contractors to conduct interventions in selected units.

(xi) Describe your plan for the temporary relocation of occupants of units selected for intervention, if relocation is necessary, and how you will determine the need for relocation. Address the use of safe houses and other housing arrangements, storage of household goods, stipends, incentives, etc.

(xii) Describe your plan for ensuring right of return and/or first referral for occupants of units selected for intervention who have had to move for intervention to occur.

(xiii) Describe how you will affirmatively further fair housing.

(xiv) Describe the financing strategy, including eligibility requirements, terms, conditions, and amounts available, to be employed in conducting housing-based hazards activities. You must discuss the way funds will be administered (e.g., use of grants, deferred loans, forgivable loans, other resources, private sector financing, etc.) as well as the agency which will administer the process.

(b) *Outreach Activities.* This should include general and/or targeted efforts undertaken to assist your efforts in reducing exposure to housing-based hazards. You must describe:

(i) Proposed methods of community outreach. These should include community awareness, education, training, and outreach programs in support of your work plan and objectives that are culturally sensitive, targeted, and linguistically appropriate.

(ii) Proposed involvement of neighborhood or community-based organizations in the proposed activities. These activities may include outreach, community education, marketing, inspection, and housing evaluations and interventions.

(iii) Proposed methods to reach high risk groups and communities, vulnerable populations and persons traditionally underserved (see Rating Factor 2(d)).

(c) *Research Activities.*

(i) Provide a detailed description of your proposed applied research activities. Your research designs should be feasible and display thorough knowledge of relevant scientific literature.

(ii) Include an appropriate plan for managing, analyzing and archiving data.

(iii) Describe how quality assurance and quality control are integrated into your research design to ensure the validity and quality of collected data.

(iv) Describe technical qualifications and requirements for laboratories. To be eligible for points under this factor, any laboratories you use must successfully participate in the Clinical Laboratory Program, National Lead Laboratory Accreditation Program, and/or National Voluntary Laboratory Accreditation Program, or other applicable quality assurance program, which you demonstrate to be substantially equivalent.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources (such as financing, supplies or services) which can be combined with HUD's resources to achieve project purposes.

(1) In evaluating this factor, HUD will consider the extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed project. Describe how other organizations will participate in or support your project. Resources may include funding or in-kind contributions (such as services or equipment) allocated to your proposed program. Resources may be provided by governmental entities, public or private organizations, or other entities willing to be your partner in this effort.

(2) Each source of contributions (financial or in kind) must be supported by a letter of commitment from the contributing entity, whether a public or private source, which must describe the contributed resources that will be used in your program. Staff in-kind contributions should be given a market-based monetary value. If you fail to provide letters of commitment with specific details including the amount of the actual contributions, you will not get rating points for this factor. Each letter of commitment, memorandum of understanding, or agreement to participate shall include the organization's name and the proposed level of commitment and responsibilities as they relate to the proposed program. The commitment must be signed by an official legally able to make commitments on behalf of the organization.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD and other community resources. In evaluating this factor, HUD will consider:

(1) The degree of coordination of your proposed project with those of other groups or organizations to best support and coordinate all activities, and the specific steps you will take to share information on solutions and outcomes with others. Any written agreements or memoranda of understanding in place must be described.

(2) The extent to which you have developed linkages, or the specific steps you will take to develop linkages, to coordinate your activities so solutions are holistic and comprehensive. Linkages include those with other HUD, Federal, State, the Partnership for Advancing Technology in Homebuilding (PATH) (see Section VI(E) of the **General Section** of the SuperNOFA), or locally funded activities through meetings, information networks, planning processes, or other means.

(3) The degree of coordination with housing rehabilitation, housing and health inspection, and other related housing programs.

(a) Describe your plan for integrating and coordinating housing-based hazards interventions with other housing-related activities (e.g., rehabilitation, weatherization, removal of code violations, and other similar work).

(b) Describe your plans to consolidate housing-based hazards interventions with applicable housing codes and health regulations.

(c) Describe your plans to generate and use public subsidies or other resources (such as revolving loan funds) to finance future interventions to prevent and control housing-based hazards, particularly in low- and very-low-income housing.

(d) Detail the extent to which you will ensure that the needs of minorities and persons with disabilities will be addressed adequately during your intervention activities; and that housing in which environmental hazards have been addressed will remain available and affordable in the long run for low income, minority, large families, and for persons with disabilities.

(4) If applicable, the application should demonstrate a knowledge of the target community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice and detail the Consolidated Plan issue areas in which your organization participates. Describe the degree to which you have become actively involved (or if not currently active, the specific steps you will take to become active) in your community's Consolidated Planning process established to identify and address a need/problem that is related in whole or part, directly, or indirectly the activities you propose.

VI. Application Submission Requirements

(A) *Applicant Information.* You should submit your application in accordance with the format and instructions contained in this program section of this SuperNOFA (the application kit repeats this information). The following is a checklist of required application contents. Your application must contain the items listed in this

Section V(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix C to this program section of the SuperNOFA. The items are as follows:

(1) Transmittal letter that summarizes your proposed program, provides the dollar amount requested, and identifies you and your partners in the application.

(2) The name, mailing address, telephone number, and principal contact person. If you are a consortium of associates, sub-recipients, partners, major subcontractors, joint venture participants, or others contributing resources to the project, similar information shall also be provided for each of these entities and you must specify the lead entity.

(3) Checklist and Submission Table of Contents.

(4) Completed Forms HUD–2880, Applicant/Recipient Disclosure/Update Report; Certification Regarding Lobbying; and SF–LLL, Disclosure of Lobbying Activities, where applicable.

(5) Standard Forms SF–424, 424A, 424B, and other certifications and assurances listed in this program section.

(6) A narrative statement addressing the rating factors for award. The narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 5). The response to the rating factors must not exceed a total of 25 pages. Any pages in excess of this limit will not be read.

(7) Any attachments, appendices, references, or other relevant information that directly support the narrative may accompany it, but must not exceed twenty (20) pages for your entire application. *Any pages in excess of this limit will not be read.*

(8) A detailed budget with supporting cost justification for all budget categories of your funding request (in accordance with Rating Factor 3(b)(1)). This information will not be counted towards the page limits.

(9) The resumes and position descriptions of your project director and program manager and up to three additional key personnel, not to exceed three pages each (in accordance with Rating Factor 1). This information will not be counted towards the page limits.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Activities assisted under this program are subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Healthy Homes Initiative does not constitute approval of specific sites where activities may be carried out. Following award execution, HUD will perform environmental reviews for activities to be carried out on properties proposed by your organization. You may not rehabilitate, convert, repair or construct a property, or commit or expend program funds or non-HUD funds for these program activities for any eligible property, until you receive written notification from the appropriate HUD official that HUD has completed its environmental review and the property has been approved. The results of environmental reviews may require that proposed activities be modified or proposed sites rejected.

X. Authority

The authority for this program is the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Pub.L. 106–74, approved October 20, 1999, 113 Stat. 1047.

Appendix A

The following briefly describes the housing-associated health and injury hazards HUD considers key targets for intervention:

Allergens and asthma: Experts estimate that 14 million Americans have asthma, with an associated annual cost of $14 billion. Asthma is now recognized as the leading cause of school and work absence, emergency room visits and hospitalization. For sensitized children, exposure to antigens from dust mites, certain pets, and cockroaches has been associated with more severe asthma. There is a preponderance of evidence showing a dose-response relationship between exposure and prevalence of asthma and allergies; some evidence also indicates that exposure to antigens early in life may predispose or hasten the onset of allergies and asthma Dust mites have been identified as the largest trigger for asthma and allergies. Cockroach allergens appear to be excessive in 30–50% of inner-city housing and affect 5–15% of the population, whereas dust mite appears to be the dominant allergen in other environments.

Interventions known to have beneficial effects include installation of impervious mattress and pillow covers, which can reduce allergen exposure by 90%. Other dust mite control measures include dehumidification, laundering bedding, and removal of carpets and other dust sinks. Cleaning carpets with tannic acid solution has also been demonstrated to greatly reduce dust mites. Asthma prevention program costs have been estimated at about $500 per unit, which includes about $150 for educational interventions.

Asbestos: Asbestos is a mineral fiber that has been used commonly in a variety of building construction materials and household products for insulation and as a fire-retardant. The Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC) have banned most asbestos products. Manufacturers have also voluntarily limited uses of asbestos. Today, asbestos is most commonly found in older homes: in pipe and furnace insulation materials, asbestos shingles, millboard, textured paints and other coating materials, and floor tiles. Elevated concentrations of airborne asbestos can occur when asbestos-containing materials (ACM) are disturbed by cutting, sanding or other remodeling activities. Improper attempts to remove these materials can release asbestos fibers into the air in homes, increasing asbestos levels and endangering people living in those homes. The most dangerous asbestos fibers are too small to be visible. After they are inhaled, they can remain and accumulate in the lungs. Asbestos can cause lung cancer, mesothelioma (a cancer of the chest and abdominal linings), and asbestosis (irreversible lung scarring that can be fatal). Most people with asbestos-related diseases were exposed to elevated concentrations on the job; some developed disease from exposure to clothing and equipment brought home from job sites. As with radon, dose-response extrapolations suggest that lower level exposures, as may occur when asbestos-containing building materials deteriorate or are disturbed, may also cause cancer.

Intact asbestos-containing materials are not a hazard; they should be monitored for damage or deterioration and isolated if possible. Repair of damaged or deteriorating ACM usually involves either sealing (encapsulation) or covering (enclosure) it. Repair is usually cheaper than removal, but it may make later removal of asbestos more difficult and costly. Repairs should be done only by a professional trained and certified to handle asbestos safely and can cost from a few hundred to a few thousand dollars; removal can be more expensive.

Combustion products of heating and cooking appliances: Burning of oil, natural gas, kerosene, and wood for heating or cooking purposes can release a variety of combustion products of health concern. Depending upon the fuel, these may include carbon monoxide (a chemical asphyxiant), oxides of nitrogen (respiratory irritants), polycyclic aromatic hydrocarbons (e.g., the carcinogen benzo[a]pyrene), and airborne particulate matter (respiratory irritants). Carbon monoxide, an odorless gas, can be fatal. Nitrogen dioxide can damage the respiratory tract, and sulfur dioxide can irritate the eyes, nose and respiratory tract. Smoke and other particulates irritate the eyes, nose and throat, and can cause lung cancer.

Improper venting and poor maintenance of heating systems and cooking appliances can

dramatically increase exposure to combustion products. Experts recommend having combustion heating systems inspected by a trained professional every year to identify blocked openings to flues and chimneys; cracked or disconnected flue pipe; dirty filters; rust or cracks in the heat exchanger; soot or creosote build-up; and exhaust or gas odors. Installing a carbon monoxide detector is also recommended; however, such a detector will not detect other combustion by-products.

Insect and Rodent pests: The observed association between exposure to cockroach antigen and asthma severity has already been noted above. In addition, cockroaches may act as vehicles to contaminate and environmental surfaces with certain pathogenic organisms. Rodents can transmit a number of communicable diseases to humans, either through bites, arthropod vectors, or exposure to aerosolized excreta. In addition, humans can become sensitized to proteins in rodent, urine, dander and saliva. Such sensitization may contribute to asthma severity among children. Insect and rodent infestation is frequently associated with substandard housing that makes it difficult to eliminate. Treatment of rodent and insect infestations often includes the use of toxic pesticides which may present hazards to occupants (see below). Integrated pest management (IPM) for rodents and cockroaches, which reduces the use of pesticides, is estimated to cost approximately $150 per unit. IPM control measures include sealing holes and cracks, removing food sources and use of traps.

Lead: Exposure to lead, especially from deteriorating lead-based paint, remains one of the most important and best-studied of the household environmental hazards to children. Although blood lead levels have fallen nationally, a large reservoir of lead remains in housing. The most recent national survey, conducted from 1991–94, showed that nearly one million U.S. preschoolers still have elevated blood lead levels. Overall, the prevalence rate among all children under six years of age is 4.4%. Among low-income children living in older housing where lead-based paint is most prevalent, the rate climbs to 16%; and for African-American children living in such housing, it reaches 21%.

HUD estimates that 64 million dwellings have some lead-based paint, and that 20 million have lead-based paint hazards. Of those, about 3.6 million have young children and of those, about 500,000 units have inadequate cash flow to respond to lead-based paint hazards. Costs can range anywhere from $500 to $15,000 per unit. Corrective measures include paint stabilization, enclosure and removal of certain building components coated with lead paint, and cleanup and ''clearance testing'', which ensures the unit is safe for young children.

Mold and moisture: An analysis of several pulmonary disease studies estimates that 25% of airways disease, and 60% of interstitial lung disease may be associated with moisture in the home or work environment. Moisture is a precursor to the growth of mold and other biological agents, which is also associated with respiratory symptoms. An investigation of a cluster of pulmonary hemosiderosis (PH) cases in infants showed PH was associated with a history of recent water damage to homes and with levels of the mold Stachybotrys atra (SA) in air and in cultured surface samples. Associations between exposure to SA and ''sick building'' symptoms in adults have also been observed. Other related toxigenic fungi have been found in association with SA-associated illness and could play a role. For sensitive individuals, exposure to a wide variety of common molds may also aggravate asthma. Addressing mold problems in housing requires coordination among the medical, public health, microbiological, housing, and building science communities.

The cost of mold/moisture-related intervention work (e.g., integrated pest management, clean & tune furnace, remove debris, vent clothes dryer, cover dirt floor with impermeable vapor barrier) is a few hundred dollars, unless major modification of the ventilation system is needed. In Cleveland, mold interventions, including repairs to ventilation systems and basement flooring, in the most heavily-contaminated homes range from $500–$5,000, with some costs also being dedicated to lead hazard control simultaneously through its lead+asthma program.

Pesticide residues: According to the EPA, 75 percent of U.S. households used at least one pesticide product indoors during the past year. Products used most often are insecticides and disinfectants. Another study suggests 80 percent of most people's exposure to pesticides occurs indoors and that measurable levels of up to a dozen pesticides have been found in the air inside homes. The amount of pesticides found in homes appears to be greater than can be explained by recent pesticide use in those households; other possible sources include contaminated soil or dust that migrates in from outside, stored pesticide containers, and household surfaces that collect and then release the pesticides. Pesticides used in and around the home include products to control insects (insecticides), termites (termiticides), rodents (rodenticides), molds and fungi (fungicides), and microbes (disinfectants). In 1990, the American Association of Poison Control Centers reported that some 79,000 children were involved in common household pesticide poisonings or exposures. In households with children under five years old, almost one-half stored at least one pesticide product within reach of children. Exposure to chlorpyriphos (CP), a commonly used organophosphate insecticide, in the prenatal and early postnatal period may impair neurodevelopment. While CP is a biodegradable pesticide, substantial persistence of CP in house dust has been demonstrated. Exposure to high levels of cyclodiene pesticides, commonly associated with misapplication, has produced various symptoms, including headaches, dizziness, muscle twitching, weakness, tingling sensations, and nausea. In addition, EPA is concerned that cyclodienes might cause long-term damage to the liver and the central nervous system, as well as an increased risk of cancer.

There are available data on hazard evaluation methods and remediation effectiveness regarding pesticide residues in the home environment.

Radon progeny: The National Academy of Sciences estimates that approximately 15,000 cases of lung cancer per year are related to radon exposure. Epidemiologic studies of miners exposed to high levels of radon in inhaled air have defined the dose response relation for radon-induced lung cancer at high exposure levels. Extrapolation of these data has been used to estimate the excess risk of lung cancer attributable to exposure to radon gas at the lower levels found in homes. These estimates indicate that radon gas is an important cause of lung cancer deaths in the U.S. Excessive exposures are typically related to home ventilation, structural integrity and location.

Radon measurement and remediation methods are well-developed, and the Environmental Protection Agency (EPA) recommends that every home be measured for radon. EPA estimates that materials and labor costs for radon reduction in an existing home are $800–$2500. Including radon resistant techniques in new home construction costs $350–$500, and can save up to $65 annually in energy costs, according to the EPA.

Take home hazards from work/hobbies and work at home: When the clothing, hair, skin, or shoes of workers become contaminated with hazardous materials in the workplace, such contaminants may inadvertently be carried to the home environment and/or an automobile. Such ''take-home'' exposures have been demonstrated, for example, in homes of lead-exposed workers. In addition, certain hobbies or workplaces located in the home may provide an especially great risk of household contamination.

Control methods include storing and laundering work clothes separately, and showering and changing before leaving work, or immediately after arriving home. Once a home becomes contaminated, cleaning floors and contact surfaces and replacing furnishings may be necessary to reduce exposures.

Unintentional injuries/fire: Unintentional injury is now the leading cause of death and disability among children younger than 15 years of age. In 1997, nearly 7 million persons in the United States were disabled for at least 1 full day by unintentional injuries received at home. During the same year, 28,400 deaths were attributable to unintentional home injuries, of which 1800 occurred among children 0–4 years of age. Among young children, three types of events accounted for more than 3/4 of deaths: fires/burns, drownings, and mechanical suffocation. Falls and poisoning are the next most common.

Home visitation protocols have been shown to be effective in reducing exposure to such hazards. The ''add-on'' cost of injury prevention measures, when combined with other housing interventions are estimated at about $100 per unit. This includes the cost of some injury prevention devices, such as smoke alarms, electrical socket covers, etc.

APPENDIX B

References

To secure any of the documents listed, call the listed telephone number (generally, the telephone numbers are not toll-free).

Regulations

1. Worker Protection: OSHA publication—Telephone: 202–693–1888 (OSHA Regulations) (available for a charge)—Government Printing Office—Telephone: 202–512–1800 (not a toll-free number):

—General Industry Lead Standard, 29 CFR 1910.1025 (Document Number 869022001124). Can be downloaded from the Internet without a charge from www.osha-slc.gov/OshStd__data/1910__1025.html.

—Lead Exposure in Construction, 29 CFR 1926.62, and appendices A, B, C, and D (Document Number 869022001141). Can be downloaded from the Internet without a charge from www.osha-slc.gov/OshStd__data/1926__0062.html.

2. Waste Disposal: 40 CFR parts 260–268 (EPA regulations) (available for a charge)—Telephone 1–800–424–9346, or, from the Washington, DC, metropolitan area, 1–703–412–9810 (not a toll-free number). Can be downloaded from the Internet without a charge from www.epa.gov/docs/epacfr40/chapt–I.info/subch–I/.

3. Lead; Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; Final Rule: 40 CFR part 745, Subparts L and Q (EPA) (State Certification and Accreditation Program for those engaged in lead-based paint activities)—Telephone: 1–202–554–1404 (Toxic Substances Control Act Hotline) (not a toll-free number). Can be downloaded from the Internet without a charge from www.epa.gov/opptintr/lead/index.html.

Guidelines

1. Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; HUD, June 1995, and amended September, 1997. (available for a charge)—Telephone: 800–245–2691. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html.

2. Preventing Lead Poisoning in Young Children; Centers for Disease Control, October 1991: Telephone: 888–232–6789.

3. Screening Young Children for Lead Poisoning: Guidance for State and Local Public Health Officials, November 1997; Centers for Disease Control and Prevention (CDC): Telephone: 888–232–6789. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html.

Reports

Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing, (Summary and Full Report); HUD, July 1995 (available for a charge) —Telephone 800–245–2691. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html

The Healthy Homes Initiative: A Preliminary Plan (Summary and Full Report); HUD, July 1995. Can be downloaded from the Internet without a charge from www.hud.gov/lea/leadwnlo.html

3. Institute of Medicine. *Indoor Allergens. Assessing and Controlling Adverse Health Effects.* National Academy Press. Washington, D.C. 1993.

4. Mott L., Our Children at Risk. Natural Resources Defense Council. Washington, D.C. 1997 Can be ordered from the Internet from WWW.nrdc.org.

5. Rom W.N. Ed. Environmental and Occupational Medicine. Little, Brown and Co., Boston. 1992.

6. President's Task Force on Environmental Health Risks and Safety Risks to Children. *Asthma and The Environment: An Action Plan To Protect Children. Washington, D.C. 1999.* Can be downloaded from the Internet without a charge from www.epa.gov/children.

BILLING CODE 4210–32–P

APPENDIX C

The non-standard forms, which follow, are required for your HHI application. They are the Checklist and Submission Table of Contents and the Total Budget (Federal Share and Matching Contribution, including instructions).

CHECKLIST AND SUBMISSION TABLE OF CONTENTS
HEALTHY HOMES INITIATIVE

The following checklist is provided to ensure that you have submitted all of the required items in order for you to receive consideration for funding under this NOFA. Applicants must check off each item that they have included in their submission package and note the corresponding page number where the response is located. Applicants are to include this Checklist and Submission Table of Contents with the proposal. Application pages must be consecutively numbered.

☐	Transmittal Letter	Cover page
☐	Project Abstract (limited to 2 pages)	p. ___

Application Forms

☐	Standard Form 424 (Application for Federal Assistance)	p. ___
☐	Standard Form 424A (Budget Information/ Non-Construction Programs)	p. ___
☐	Total Budget (Federal Share and Matching)	p. ___
☐	Standard Form 424B (Assurances/ Non-Construction Programs)	p. ___
☐	HUD 2880 Disclosure and Update Report Form	p. ___
☐	HUD 50070 Drug-Free Certification/ Place of Performance	p. ___
☐	HUD 50071 Certification of Payments to Influence Federal Transactions	p. ___
☐	HUD 2992 Certification Regarding Debarment and Suspension	p. ___
☐	Form SF-LLL Disclosure of Lobbying Activities Required	p. ___
	☐ Form SF-LLL Not Required	

Response to Rating Factors

(The narrative response to the Rating Factors cannot exceed a total of 25 pages.)

☐	# 1. Capacity of the Applicant and Relevant Organizational Experience	p. ___
☐	# 2. Needs/Extent of the Problem	p. ___
☐	# 3. Soundness of Approach	p. ___
☐	# 4. Leveraging Resources	p. ___
☐	# 5. Comprehensiveness and Coordination	p. ___

Appendices

☐	Appendix 1 - Materials relating to Rating Factor 1-5 (in order)	p. ___
☐	Appendix 2 - Materials relating to the forms	p. ___
☐	Appendix 3 - Other materials relating to the application	p. ___

☐	HUD 2993 Acknowledgment of Application Receipt	p. ___

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Name and Address of Applicant

Detailed Description of Budget (for full grant period)

Category

1. Personnel (Direct Labor)	Estimated Hours	Rate per Hour	Estimated Cost	Federal Share	Match
Position or Individual					
Total Direct Labor Cost					

2. Fringe Benefits	Rate	Base	Estimated Cost	Federal Share	Match
Total Fringe Benefits Cost					

3. Travel

3a. Transportation - Local Private Vehicle	Mileage	Rate per Mile	Estimated Cost	Federal Share	Match
Subtotal - Trans - Local Private Vehicle					

3b. Transportation - Airfare (show destination)	Trips	Fare	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Airfare					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

3c. Transportation - Other	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Subtotal - Transportation - Other					
3d. Per Diem or Subsistence (indicate location)	**Days**	**Rate per Day**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Per Diem or Subsistence					
Total Travel Cost					
4. Equipment (Only items over $5,000 each)	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Total Equipment Cost					
5. Supplies and Materials (Items under $5,000)					
5a. Consumable Supplies	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Consumable Supplies					
5b. Non-Consumable Materials	**Quantity**	**Unit Cost**	**Estimated Cost**	**Federal Share**	**Match**
Subtotal - Non-Consumable Materials					
Total Supplies and Materials Cost					

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Budget Summary

Total Budget (Federal Share and Matching)

Detailed Description of Budget

6. Consultants (Type)	Days	Rate per Day	Estimated Cost	Federal Share	Match
Total Consultants Cost					

7. Contracts and Sub-Grantees (List individually)	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Total Subcontracts Cost					

8. Other Direct Costs	Quantity	Unit Cost	Estimated Cost	Federal Share	Match
Item					
Total Other Direct Costs					

9. Indirect	Rate	Base	Estimated Cost	Federal Share	Match
Type					
Total Indirect Costs					
Total Estimated Costs					

Total of Federal Share and Match

Spreadsheet version available from www.hud.gov/lea/leaforms.html

Analysis of Total Estimated Costs	Estimated Cost	Percent of Total	Percent of Labor
1 Personnel (Direct Labor)			
2 Fringe Benefits			
3 Travel			
4 Equipment			
5 Supplies and Materials			
6 Consultants			
7 Contracts and Sub-Grantees			
8 Other Direct Costs			
9 Indirect Costs			
Total			

Federal Share
Match

Expressed as a percentage of the Federal Share

Some cells in this spreadsheet are protected. There is no password for this spreadsheet.

Instructions for Completing the Budget Summary Spreadsheet

Note: an electronic version of this spreadsheet may be obtained from the HUD Office of Lead Hazard Control website at www.hud.gov/lea/leaforms.html

Item	Discussion
1 - Personnel (Direct Labor)	This section should show the labor costs for all individuals supporting the grant effort (regardless of the source of their salaries). The hours and costs are for the full life of the grant. If an individual is employed by a contractor or sub-grantee, their labor costs should not be shown here. Please include all labor costs which are associated with the proposed grant program, including those costs which will be paid for with in-kind or matching funds. Do not show fringe or other indirect costs in this section. Please use the hourly labor cost for salaried employees (use 2080 hours per year or the value your organization uses to perform this calculation). An employee working less than full time on the grant should show the numbers of hours they will work on the grant.
2 - Fringe Benefits	Use the standard fringe rates used by your organization. You may use a single fringe rate (a percentage of the total direct labor) or list each of the individual fringe charges. The spreadsheet is set up to use the Total Direct Labor Cost as the base for the fringe calculation. If your organization calculates fringe benefits differently, please use a different base and discuss how you calculate fringe as a comment.
3 - Travel	
3a - Transportation - Local Private Vehicle	If you plan on reimbursing staff for the use of privately owned vehicles or if you are required to reimburse your organization for mileage charges, show your mileage and cost estimates in this section.
3b - Transportation - Airfare	Show the estimated cost of airfare required to support the grant program effort. Show the destination and the purpose of the travel as well as the estimated cost of the tickets. Each lead program NOFA discusses the travel requirements which should be listed here.
3c - Transportation - Other	If you or are charged monthly by your organization for a vehicle for use by the grant program, indicate those costs in this section. Provide estimates for other transportation costs which may be incurred (metro, etc.).

3d - Per Diem or Subsistence	For travel which will require the payment of subsistence or per diem in accordance with your organization's policies. Indicate the location of the travel. Each lead program NOFA discusses the travel requirements which should be listed here.
4 - Equipment	Equipment is defined by HUD regulations as tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. Each lead program NOFA describes what equipment may be purchased using grant funding.
5 - Supplies and Materials	Supplies and materials are consumable and non-consumable items which have a unit value of less than $5,000. Please list the proposed supplies and materials as either Consumable Supplies or as Non-Consumable Materials.
5a - Consumable Supplies	List the consumable supplies you propose to purchase. General office or other common supplies may be estimated using an anticipated consumption rate.
5b - Non-consumable materials	List furniture, computers, printers, and other items which will not be consumed in use. Please list the quantity and unit cost.
6 - Consultants	Please indicate the consultants you will use. Indicate the type of consultant (skills), the number of days you expect to use them, and their daily rate.
7 - Contracts and Sub-Grantees	List the contractors and sub-grantees which will help accomplish the grant effort. Other contracts which should be shown here include inspections, risk assessments, and clearance inspections; contracts with Community Based Organizations; liability insurance; contracts with laboratories; and training and certification for contractors and workers. If any contractor, sub-contractor, or sub-grantee is expected to receive over 10% of the total Federal amount requested, a separate Budget Summary spreadsheet should be developed for that contractor or sub-grantee and the total amount of their proposed effort should be shown as a single entry in this section. Unless your proposed program will perform the primary grant effort (lead hazard control, research, or healthy homes) with in-house employees (which should be listed in section 1), the costs of performing the primary grant activities (research, hazard control, etc.) should be shown in this section. Types of activities which should be shown in this section: • Contracts for all services • Training for individuals not on staff • Contracts with Community Based Organizations or Other Governmental Organizations (note the 10% requirement

	discussed above) • Insurance if your program will procure it separately Please provide a short description of the activity the contractor or subgrantee will perform, if not evident.
8 - Other Direct Costs	Other Direct Costs include a number of items that are not appropriate for other sections. Other Direct Costs may include: • Staff training • Telecommunications • Printing and postage • Relocation, if costs are paid directly by your organization (if relocation costs are paid by a subgrantee, it should be reflected in Section 7)
9 - Indirect Costs	OMB Circular A87 defines indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs. The spreadsheet is set up to use the Total Direct Labor plus the Fringe Benefits costs as the base for the indirect cost calculation. If your organization calculates indirect costs differently, please use a different base and discuss how you calculate fringe as a comment.

The three rightmost columns allow you to identify how the costs will be spread between the Federal Share and the Match. This information will help the reviewers better understand your program and priorities. The far right column is an "error checking" function to confirm that the estimated cost is equal to the sum of the Federal Share and the Match. If there is a discrepancy, the word "Error" will appear.

Note: The formats and many of the cells for the spreadsheet (which can be downloaded from the HUD Office of Lead Hazard Control website at www.hud.gov/lea/fedshare.xls) are protected. There is no password for the protection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOPE VI REVITALIZATION AND DEMOLITION

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOPE VI PROGRAM

Program Overview

Purpose of the Program. HOPE VI Revitalization Grants. In accordance with section 24(a) of the U.S. Housing Act of 1937 (1937 Act), the purpose of HOPE VI Revitalization grants is to assist public housing agencies (PHAs) to:

(1) Improve the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof);

(2) Revitalize sites (including remaining public housing dwelling units) on which such public housing projects are located and contribute to the improvement of the surrounding neighborhood;

(3) Provide housing that will avoid or decrease the concentration of very low-income families; and

(4) Build sustainable communities.

HOPE VI Demolition Grants. Demolition grants enable PHAs to expedite the demolition of severely distressed public housing units. Any subsequent new construction or revitalization of any remaining units must be funded from other resources, which may include a HOPE VI Revitalization Grant.

Available Funds. Approximately $563.8 million, as allocated in accordance with Section II of this HOPE VI section of the SuperNOFA, below.

Eligible Applicants. PHAs that meet the requirements at Section III(B) of this HOPE VI section of the SuperNOFA, below.

Application Deadlines. Revitalization grant applications are due on **May 18, 2000.**

Demolition grant applications are due on June 14, 2000.

Additional Information

If you are interested in applying for a HOPE VI grant, please review the following information, the **General Section** of this SuperNOFA, and the HOPE VI Application Kit.

I. Application Due Dates, Application Kits, Further Information, and Technical Assistance.

Application Due Dates. Revitalization grant applications are due at HUD Headquarters on or before 12:00 midnight, Eastern time, on May 18, 2000.

Demolition grant applications are due at HUD Headquarters on or before 12:00 midnight, Eastern time, on June 14, 2000.

See Section VII(B)(3) of this HOPE VI section of the SuperNOFA, below, for important information regarding the application deadline and deficiency cure period for Demolition grant applications.

See the General Section of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Send two copies of your completed application to HUD Headquarters, 451 Seventh Street, SW, Room 4130, Washington, DC 20410, Attention: Elinor Bacon, Deputy Assistant Secretary for Public Housing Investments. In addition, send one copy of your completed application to your local HUD Field Office. A list of HUD Field Offices and their hours of operation is included as Appendix A of the **General Section** of this SuperNOFA. HUD will determine whether your application is timely filed based on the date and time of receipt at HUD Headquarters, not the date and time of receipt at your local Field Office.

Applications Submitted to HUD Field Offices. If you wish to hand carry the required copy of your application to your local HUD Field Office, you may do so during normal business hours before the application deadline date. On the application deadline date, HUD Field Office business hours will be extended to 6:00 pm.

Application Kits. HUD will mail an Application Kit to every eligible PHA. To obtain an Application Kit and any supplemental materials, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an Application Kit, please refer to HOPE VI and provide your name, address (including zip code), and telephone number (including area code). The Application Kit also will be available on the HUD Home Page (www.hud.gov).

Further Information and Technical Assistance. You may call, fax or write Mr. Milan Ozdinec, Director, Office of Urban Revitalization, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4130, Washington, DC 20410; telephone (202) 708–2822; fax (202) 401–2370 (these are not toll free numbers). Persons with hearing or speech impairments may call via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Type of assistance	Allocation of funds	Funds available for award in this HOPE VI section of the SuperNOFA
Revitalization Grants	$513,800,000	$513,800,000
Demolition Grants	50,000,000	50,000,000
Technical Assistance	10,000,000	.....
Urban Institute Study	1,200,000	.....
Total	575,000,000	563,800,000

(A) *Revitalization Grants.* (1) *Allocation of Funds.*

(a) Approximately $513 million of the FY 2000 HOPE VI appropriation has been allocated to fund HOPE VI Revitalization grants and will be awarded in accordance with this HOPE VI section of the SuperNOFA.

(b) The total amount you may request is limited to the sum of the amounts in paragraph (2) below or the amount in paragraph (3) below of this Section II(A), whichever is lower.

(2) *Total Grant Amount.* You may submit one Revitalization grant application that requests up to $35 million. If you erroneously submit more

than one application, HUD will require you to identify which application you want HUD to review.

(3) *Revitalization Grant Limitations.*

(a) *Total Development Cost (TDC).* TDCs are limited by the HUD-published TDC Cost Tables, which are issued for each fiscal year for the building type and bedroom distribution for the public housing replacement units. Use the TDCs in force at the time the SuperNOFA is published when making your TDC calculations. The total cost of development, including relocation costs, is limited to the sum of:

(i) HUD's Total Development Costs (TDCs) up to 100 percent of HUD's published TDC limits for the costs of demolition and new construction, multiplied by the number of HOPE VI replacement units; and/or

(ii) 90 percent of the TDC limits, multiplied by the number of public housing units after substantial rehabilitation and reconfiguration.

(b) *Community and Supportive Services.* You may request an amount up to 15 percent of the total HOPE VI grant to pay the costs of community and supportive services, as described in Section IV(C)(2) of this HOPE VI section of the SuperNOFA, below. These costs are in addition to the TDC calculation in paragraph (a) above.

(c) *Demolition and Site Remediation Costs of Unreplaced On-site Units.* You may request an amount necessary for demolition and site remediation costs of units that will not be replaced on-site. This cost is in addition to the TDC calculation in subparagraph (a) above.

(d) *Extraordinary Site Costs.*

(i) You may request a reasonable amount to pay extraordinary site costs necessary to complete the proposed revitalization. These costs are in addition to the TDC calculation in paragraph (a) above. Extraordinary site costs may be incurred in the remediation and demolition of existing property, as well as in the development of new and rehabilitated units. Examples of such costs include, but are not limited to: extraordinary hazard abatement; removal or replacement of extensive underground utility systems; extensive rock and/or soil removal and replacement; construction of streets and other public improvements dealing with unusual site conditions such as slopes, terraces, water catchments, lakes, etc.; and dealing with flood plain and other environmental remediation issues.

(ii) Extraordinary site costs must be justified and verified by an engineer or architect licensed by his or her state licensing board who is not an employee of the housing authority or the city. The engineer or architect must provide his or her license number and state of registration on the certification.

(4) *Revitalization Site and Unit Application Guidelines.*

(a) Your application may request funds for one public housing project (i.e., a project with one development number).

(b) Your application may request funds for more than one project if those projects are immediately adjacent to one another or within a quarter-mile of each other. If you include more than one project in a single application, you must provide a map that clearly indicates that the projects are within a quarter-mile of each other.

(c) Your application may request funds for a scattered site public housing project. An application involving scattered site properties (regardless of whether the scattered sites are under multiple project numbers) must fall within a one square mile area, except that you may identify a larger site if you can show that all of the targeted scattered site units are located within the hard edges (e.g., major highways, railroad tracks, lakeshore, etc.) of a neighborhood.

(d) You may request funds for as few or as many units as you wish in your application. HUD will review requests for small numbers of units on an equal basis with requests for large numbers of units.

(e) You may submit a Revitalization application that targets the same project that was targeted in a previously-funded HOPE VI Revitalization grant. However, you may not apply for new HOPE VI funds for units in that project that were funded in the previous grant, even if the previous grant turned out to be inadequate to fund all of the units originally targeted. For example, if a project has 700 units, and you were awarded a HOPE VI Revitalization grant to revitalize 300 of those units, you may submit a new Revitalization application to revitalize the remaining 400 units. You may not apply for supplemental funds to revitalize the original 300 units.

(f) You may not request HOPE VI Revitalization funds to replace units if you have previously received HOPE VI or other public housing funds to replace those same units.

(g) You may use any non-public housing funds to supplement public housing funds for any project cost.

(h) Your application must disclose all prior HUD public housing grant assistance received for the project(s) you have targeted for the physical revitalization related to the proposed revitalization activities. Do not include Modernization funds used for prior rehabilitation activities unrelated to the proposed HOPE VI revitalization activities.

(B) *Demolition Grants.* (1) *Allocation of Funds.*

(a) Up to $50 million of the FY 2000 HOPE VI appropriation has been allocated to fund HOPE VI Demolition grants and will be awarded in accordance with this HOPE VI section of the SuperNOFA.

(b) If all of these funds are not needed for demolition of severely distressed public housing, unused funds will be reallocated to fund eligible HOPE VI Revitalization applications, in rank order.

(c) HUD reserves the right to carry over unused funds to the next fiscal year if they are inadequate to feasibly fund the next-ranked Demolition or Revitalization application.

(2) *Demolition Grant Limitations.*

(a) *Demolition.* You may request up to $5,000 per unit for demolition and other eligible related costs; and

(b) *Relocation.* You may request up to $3,000 in relocation costs for each unit that is occupied as of the date of HOPE VI Demolition grant application submission, in accordance with Section III(C)(2)(e) of this HOPE VI section of the SuperNOFA, below; and

(c) *Extraordinary Site Costs.*

(i) You may request a reasonable amount to pay extraordinary site costs necessary to complete the proposed demolition. These costs are in addition to the TDC calculation in Section II(A)(3)(a) of this HOPE VI section of the SuperNOFA, above. Examples of such costs include, but are not limited to: extraordinary hazard abatement; extensive rock and/or soil removal and replacement; removal of extensive underground utility systems; dealing with unusual site conditions such as slopes, terraces, water catchments, lakes, etc.; and dealing with flood plain and other environmental remediation issues.

(ii) Extraordinary site costs must be justified and verified by an engineer or architect licensed by his or her state licensing board who is not an employee of the housing authority or the city. The engineer or architect must provide his or her license number and state of registration on the certification.

(d) *Nondwelling Facilities.* You may request reasonable amounts to pay for demolition of significant nondwelling facilities related to the demolition of dwelling units. These costs must be included as part of an application for funding of demolition of public housing units; you may not apply for them by themselves. Examples of such costs include, but are not limited to, the

demolition of heating plants, community buildings, or streets. Such costs must also be verified by an engineer or architect, as described in subparagraph (c)(ii) above.

(3) *Demolition Site and Unit Application Guidelines.* (a) You may submit multiple HOPE VI Demolition grant applications.

(b) You may target units in only one public housing project per application.

(c) You may submit more than one application targeting units in a single housing project.

(d) You may request funds for as many or as few units in an application as you wish.

(e) You may request Demolition grant funds in combination with a previously-awarded Revitalization grant or an FY 2000 Revitalization grant application, in accordance with Section VII(A)(1) (d) and (e) of this HOPE VI section of the SuperNOFA, below. The requested HOPE VI Demolition grant funds, in combination with HOPE VI Revitalization grant funds, may not exceed the TDC limit as provided in Section (II)(A)(3)(a), above.

(C) *Section 8.* (1) If you will need Section 8 assistance in order to carry out necessary relocation in conjunction with proposed revitalization or demolition, you must state the number of certificates needed in your HOPE VI application and include a completed Section 8 Application (HUD–52515) with your HOPE VI application. The Section 8 Application Form is appended to this HOPE VI section of the SuperNOFA, and also can be found in the HOPE VI Application Kit and through HUDCLIPS (www.hudclips.org). If you are selected for HOPE VI funding, the HUD Field Office will detach the Section 8 application and process it in accordance with Section 8 Guidelines. HUD will award Section 8 assistance needed for HOPE VI sites after the HOPE VI selections have been made and the Revitalization Plan is approved.

(2) If you have already applied for Section 8 assistance for the targeted units, you will submit a copy of your Section 8 application with your HOPE VI application.

(3) If you have previously received Section 8 assistance to relocate residents from the targeted severely distressed units, you may still apply for a HOPE VI Revitalization grant to physically replace those same units or a HOPE VI Demolition grant to demolish the units without replacement.

(4) You may request Section 8 assistance to provide either temporary or permanent relocation to families during the demolition, rehabilitation, or construction of the severely distressed project.

(5) You may request Section 8 assistance for all units covered under a HOPE VI Revitalization or Demolition application that will not be replaced with hard units.

(D) *Technical Assistance.* The FY 2000 appropriation for HOPE VI allocated $10 million to provide Technical Assistance in the planning, development, and implementation of the HOPE VI program. Those funds will be administered by the Office of Public Housing Investments.

(E) *Urban Institute Study.* The FY 2000 HOPE VI appropriation allocated $1.2 million to the Urban Institute to conduct an independent study on the long-term effects of the HOPE VI program on former residents of distressed public housing developments. HUD will execute a contract for this study with the Urban Institute in a separate action.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The HOPE VI Program through its revitalization funding component assists PHAs in improving the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof), in revitalizing sites in which public housing sites are located, and providing housing that avoids or decreases the concentration of very low-income families. The demolition funding component of the HOPE VI Program enables PHAs to expedite the demolition of severely distressed public housing units.

(B) *Eligible Applicants.* In accordance with section 24(j) of the 1937 Act, the term ''applicant'' means:

(1) Any PHA that is not designated as ''troubled'' pursuant to section 6(j)(2) of the 1937 Act;

(2) Any PHA for which a private housing management agent has been selected, or a receiver has been appointed, pursuant to section 6(j)(3) of the 1937 Act; and

(3) Any PHA that is designated as ''troubled'' pursuant to section 6(j)(2) of the 1937 Act and that:

(a) Is designated as troubled principally for reasons that will not affect its capacity to carry out a revitalization program;

(b) Is making substantial progress toward eliminating the deficiencies of the agency that resulted in its troubled status; or

(c) Is otherwise determined by HUD to be capable of carrying out a revitalization program.

(C) *Eligible Activities.* (1) *Eligible Revitalization Activities.* HOPE VI Revitalization grants may be used for activities to carry out revitalization programs for severely distressed public housing in accordance with section 24(d) of the 1937 Act. The following is a list of activities that are eligible using HOPE VI Revitalization grant funds. Other activities may also be eligible at future dates as Congress may authorize. If HOPE VI Revitalization grant funds are used for any of the following activities, you must conduct them in accordance with the following program requirements.

(a) Demolition of buildings (dwelling units and nondwelling facilities), in whole or in part, including the abatement of environmentally hazardous materials such as asbestos. Section 24(g) of the 1937 Act provides that severely distressed public housing demolished pursuant to a Revitalization Plan is not subject to the provisions of section 18 of the 1937 Act or regulations at 24 CFR part 970. Instead, if you are selected to receive a HOPE VI Revitalization grant, HUD will use information in your HOPE VI Revitalization application to determine whether the proposed demolition can be approved. If you are not selected to receive a HOPE VI Revitalization grant, the information in your application will not be used to process a request for demolition. Please note that demolition is not a required element of a HOPE VI Revitalization application.

(b) Disposition of a severely distressed public housing site, by sale or lease, in whole or in part, in accordance with section 18 of the 1937 Act and implementing regulations at 24 CFR part 970. A long term lease of one year or more which is not incident to the normal operation of the development is considered a disposition.

(c) Rehabilitation, redesign, or reconfiguration of a severely distressed public housing project, including the site on which the project is located, in accordance with 24 CFR part 968 or successor part, as applicable.

(d) New construction of public housing replacement rental housing, both on-site and off-site, in accordance with 24 CFR part 941 or successor part, including mixed-finance development in accordance with subpart F.

(e) Appropriate replacement homeownership assistance for displaced public housing residents or other public housing-eligible low-income families. Consistent with the general programmatic requirements set forth in

24 CFR part 906 and subject to the 80 percent of Area Median Income (AMI) low-income family limitations under the 1937 Act, assistance may include:

(i) Downpayment or closing cost assistance;

(ii) Provision of second mortgages; and/or

(iii) Construction or permanent financing for new construction, acquisition, or rehabilitation costs related to homeownership replacement units.

(f) Acquisition of rental replacement units in existing or new apartment buildings, single family subdivisions, etc., with or without rehabilitation, in accordance with 24 CFR part 941 or successor part.

(g) Public housing development through the acquisition of land in accordance with 24 CFR part 941 or successor part.

(h) Major rehabilitation, other physical improvements, or new construction of community facilities primarily intended to facilitate the delivery of community and supportive services for residents of the targeted development and residents of off-site replacement housing.

(i) Necessary management improvements, including transitional security activities.

(j) Reasonable costs for administration, planning, technical assistance, and fees and costs which are deemed to be incremental costs of implementing the development as specifically approved by HUD, such as fees for architectural and engineering work, program management (if any), and reasonable legal fees. Please note that your project will be subject to HUD guidance and policies on soft costs when issued.

(k) Community and supportive services, including all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing project involved, including literacy training, job training, day care, transportation, and economic development activities, as further described in Section IV(C)(2) of this HOPE VI section of the SuperNOFA, below.

(l) Economic development activities that promote the economic self-sufficiency of residents under the revitalization program, including the costs of land acquisition for economic development-related activities (provided the PHA enters into a long-term ground lease to govern the development and use of such land is consistent with HUD requirements), and infrastructure and site improvements associated with developing retail/commercial/office facilities. HOPE VI grant funds may not be used to pay hard development costs or to buy equipment for retail or commercial facilities.

(m) Leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the project that will benefit future residents of the site.

(n) Relocation, including reasonable moving expenses, for residents displaced as a result of the revitalization of the project.

(i) Relocation carried out as a result of rehabilitation under a Revitalization Plan is subject to the Uniform Relocation Assistance and Real Property Policies Act (42 U.S.C. 4601 *et seq.*; 49 CFR part 24) (URA) and regulations at 24 CFR 968.108 or successor part.

(ii) Relocation carried out as a result of acquisition under a Revitalization Plan is subject to the URA and regulations at 24 CFR 941.207 or successor part.

(iii) Relocation carried out as a result of disposition under a Revitalization Plan is subject to section 18 of the 1937 Act as amended.

(iv) Relocation carried out as a result of demolition under a Revitalization Plan is subject to the URA.

(o) Rental assistance under Section 8.

(2) *Eligible Demolition Activities.* The following is a list of specific activities that are eligible using HOPE VI Demolition grant funds. If HOPE VI Demolition grant funds are used for any of the following activities, you must conduct them in accordance with the following program requirements.

(a) Demolition of dwelling units in buildings, in whole or in part, including the abatement of environmentally hazardous materials such as asbestos, in accordance with section 18 of the 1937 Act as amended.

(b) Demolition of nondwelling facilities, if demolition is directly related to the demolition of dwelling units.

(c) Minimal site restoration after demolition and subsequent site improvements to benefit the remaining portion of the project in order to provide project accessibility or to make the site more marketable.

(d) Reasonable costs for administration, planning, technical assistance, and fees and costs which are deemed to be incremental costs of carrying out the demolition as specifically approved by HUD.

(e) Relocation and other assistance related to the permanent relocation of families.

(i) You may request up to $3,000 for each family to be displaced by the demolition to carry out relocation activities. HUD recognizes that it is as important to provide relocating families with such services in demolition-only situations as to provide such services in connection with HOPE VI revitalization grants. You are encouraged to partner with other agencies, using alternative funding, for further assistance in achieving relocation objectives.

(ii) The goals of your relocation plan must include helping families to fully understand the choices open to them for alternative housing throughout the jurisdiction, to secure units in neighborhoods of their choice, to participate in programs that will lead to self-sufficiency, to acquire the skills to live in the selected community, and sustain their new living arrangement for the foreseeable future. Programs should be designed to smooth the transition from public to private rental housing, both for relocatees and for members of their new communities. The Office of Public Housing Investments is developing relocation guidance that will pertain to these relocation activities.

(iii) Services should include providing one-on-one move counseling, providing a reasonable time between notification and date to vacate units, and ensuring that Section 8 housing complies with the Section 8 requirements regarding lead-based paint and other hazardous materials. If necessary, HOPE VI funds may be used to modify Section 8 relocation units to make them accessible for residents with disabilities.

(iv) Relocation not pursuant to a HOPE VI Revitalization Plan that is carried out in conjunction with a Section 18 demolition application is subject to the requirements of the URA and section 18 of the 1937 Act.

(v) Relocation not pursuant to a HOPE VI Revitalization Plan that is carried out as a result of demolition in conjunction with a Mandatory Conversion Plan approved by HUD in accordance with 24 CFR part 971 is subject to the requirements of the URA.

(vi) Relocation as a result of demolition pursuant to a HOPE VI Revitalization Plan approved by HUD is subject to the URA.

IV. Program Requirements

(A) *HOPE VI Application Requirements.* In addition to the Fair Housing requirements provided in Section II(B) of the General Section of this SuperNOFA, your HOPE VI application must comply with the following program requirements:

(1) *Severe Distress.* The targeted public housing project or building in a project must be severely distressed. In accordance with section 24(j)(2) of the 1937 Act, the term ''severely distressed public housing'' means a public housing project (or building in a project) that:

(a) Requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project;

(b) Is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(c)(i) Is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; or

(ii) Has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(d) Cannot be revitalized through assistance under other programs, such as the program for capital and operating assistance for public housing under the Act, or the programs under sections 9 and 14 of the 1937 Act (as in effect before the effective date under section 503(a) of the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, approved October 21, 1998, referred to as the Public Housing Reform Act), because of cost constraints and inadequacy of available amounts; and

(e) In the case of individual buildings, is sufficiently separated from the remainder of the project of which the building is part to make use of the building feasible for revitalization; or

(f) That was a project described in paragraphs (a) through (e) above of this Section IV(A) that has been legally vacated or demolished, but for which HUD has not yet provided replacement housing assistance (other than tenant-based assistance).

(2) *Appropriateness.* In accordance with section 24(e)(1) of the 1937 Act, an application for any HOPE VI grant must demonstrate the appropriateness of the proposal in the context of the local housing market relative to other alternatives.

(3) *Litigation.* You may not have any litigation pending which would preclude timely startup of activities.

(4) *Desegregation Orders.* You must be in full compliance with any desegregation or other court order related to Fair Housing (e.g., Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and section 504 of the Rehabilitation Act of 1973) that affects your public housing program and that is in effect on the date of application submission.

(5) *Flood Insurance.* In accordance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), your application may not propose to provide financial assistance for acquisition or construction (including rehabilitation) of properties located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(a) The community in which the area is situated is participating in the National Flood Insurance program (see 44 CFR parts 59 through 79), or less than one year has passed since FEMA notification regarding such hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance is obtained as a condition of execution of a Grant Agreement and approval of any subsequent demolition or disposition application.

(6) *Coastal Barrier Resources Act.* In accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501), your application may not target properties in the Coastal Barrier Resources System.

(B) *HOPE VI Post-Award Requirements.* If you are selected for funding, in addition to the Fair Housing requirements provided in Sections II(C) and (D) of the **General Section** of this SuperNOFA, your HOPE VI program must comply with the following requirements:

(1) *Internet Access.* Grantees must have access to the Internet and provide HUD with email addresses of key staff and contact people.

(2) *Program Income.* Grantees that expect to receive program-related income prior to grant closeout (e.g., from sale of homeownership replacement units or the disposition of improved land), must reflect this income in their HOPE VI budgets, use the program income before requesting additional cash payments from the HOPE VI grant, and use the program income for program purposes, in accordance with 24 CFR 85.25 and the HOPE VI Grant Agreement.

(3) *Labor Standards.* (a) *Revitalization Grants.* Davis-Bacon or HUD-determined wage rates apply to development or operation of revitalized housing to the extent required under section 12 of the 1937 Act. Davis-Bacon wage rates apply to demolition followed by construction on the site

(b) *Demolition Grants.* HUD-determined wage rates apply to demolition followed only by filling in the site and establishing a lawn.

(c) Under section 12 of the 1937 Act, wage rate requirements do not apply to individuals who:

(i) Perform services for which they volunteered;

(ii) Do not receive compensation for those services or are paid expenses, reasonable benefits, or a nominal fee for the services; and

(iii) Are not otherwise employed in the work involved (24 CFR part 70).

(d) If other Federal programs are used in connection with your HOPE VI activities, labor standards requirements apply to the extent required by the other Federal programs on portions of the project that are not subject to Davis-Bacon rates under the Act.

(4) *Section 3.* Grantees must comply with the requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135, including the reporting requirements of subpart E. Section 3 requires that, to the greatest extent feasible, HOPE VI Grantees ensure that training, employment, and other economic opportunities will be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and business concerns which provide economic opportunities to low-and very low-income persons. More information about Section 3 can be found at the following HUD website—www.hud.gov/fhe/sec3over.html.

(5) *MBE/WBE.* Grantees must adopt the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and take appropriate affirmative action to assist resident-controlled and women's business enterprises, in accordance with the requirements of Executive Orders 11246, 11625, 12432, and 12138.

(6) *OMB Circulars and Administrative Requirements.* Grantees and their team members must comply with the following administrative requirements related to the expenditure of Federal funds. OMB Circulars can be found at www.whitehouse.gov/omb/grants/index.htmlıcirculars. The Code of Federal Regulations can be found at www.access.gpo.gov/nara/cfr/index.html.

(a) Administrative requirements applicable to PHAs are:

(i) 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments), as modified by 24 CFR part 941 or successor part, subpart F, relating to the procurement of partners in mixed finance developments, except when inconsistent with the provisions of the FY 2000 HUD Appropriations Act or other applicable Federal statutes. Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) must reflect pertinent language from the HOPE VI section of this SuperNOFA; e.g., seeking diversity, accessibility, fair housing requirements, etc.

(ii) OMB Circular A–87 (Cost Principles for State, Local and Indian Tribal Governments);

(iii) 24 CFR 85.26 (audit requirements).

(b) Administrative requirements applicable to non-profit organizations are:

(i) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations);

(ii) OMB Circular A–122 (Cost Principles for Non-Profit Organizations):

(iii) 24 CFR 84.26 (audit requirements).

(c) Administrative requirements applicable to for profit organizations are:

(i) 24 CFR part 84 (Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations);

(ii) 48 CFR part 31 (contract cost principles and procedures);

(iii) 24 CFR 84.26 (audit requirements).

(7) *Environmental Review.* (a) If you are selected for funding, the responsible entity, as defined in 24 CFR 58.2(a)(7), must assume the environmental review responsibilities for projects being funded by HOPE VI. If you object to the responsible entity conducting the environmental review, on the basis of performance, timing or compatibility of objectives, HUD will review the facts and determine who will perform the environmental review. At any time, HUD may reject the use of a responsible entity to conduct the environmental review in a particular case on the basis of performance, timing or compatibility of objectives, or in accordance with 24 CFR 58.77(d)(1). If a responsible entity objects to performing an environmental review, or if HUD determines that the responsible entity should not perform the environmental review, HUD may designate another responsible entity to conduct the review or may itself conduct the environmental review in accordance with the provisions of 24 CFR part 50. After selection by HUD for Joint Review, you must provide any documentation to the responsible entity (or HUD, where applicable) that is needed to perform the environmental review.

(b) If you are selected for funding, you must have a Phase I environmental site assessment completed in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, for each affected site. A Phase I assessment is required whether the environmental review is completed under 24 CFR part 50 or 24 CFR part 58. The results of the Phase I assessment must be included in the documents that must be provided to the responsible entity (or HUD) for the environmental review. If the Phase I assessment recognizes environmental concerns or if the results are inconclusive, a Phase II environmental site assessment will be required. You may not carry out activities with respect to the Development, or with respect to any off-site replacement public housing, until HUD has approved a request for release of funds or has completed an environmental review on each affected site, in accordance with either 24 CFR part 58 or 24 CFR part 50.

(c) If the environmental review is completed before HUD approval of the HOPE VI Revitalization Plan (RP) and you have submitted your Request for Release of Funds (RROF), the RP approval letter shall state any conditions, modifications, prohibitions, etc. as a result of the environmental review, including the need for any further environmental review. You must carry out any mitigating/remedial measures required by HUD, or select an alternate eligible property, if permitted by HUD. If the remediation plan is not approved by HUD and a fully-funded contract with a qualified contractor licensed to perform the required type of remediation is not executed, HUD reserves the right to determine that the grant is in default.

(d) If the environmental review is not completed and/or you have not submitted the RROF before HUD approval of the RP, the RP approval letter will instruct you to refrain from undertaking, or obligating or expending funds on, physical activities or other choice-limiting actions, until HUD approves your RROF and the related certification of the responsible entity (or HUD has completed the environmental review). The RP approval letter also will advise you that the approved RP may be modified on the basis of the results of the environmental review.

(e) In accordance with the Grant Agreement, the costs of environmental reviews and hazard remediation are eligible costs under the HOPE VI Program.

(8) *Lead-Based Paint Testing and Hazard Reduction.* All property assisted under a HOPE VI grant is covered by the Lead-Based Paint Poisoning Prevention Act (24 U.S.C. 4821 et seq. and regulations at 24 CFR part 35 and 24 CFR part 965, subpart H, as they may be amended from time to time, and 24 CFR 968.110(k) or successor part.

(C) *Revitalization Application Requirements.* Your HOPE VI Revitalization application must comply with the following requirements:

(1) *Public Meetings.* (a) *General Requirements.* (i) You must conduct at least one training session for residents on the HOPE VI development process and at least three public meetings with residents and the broader community to involve them in a meaningful way in the process of planning the revitalization and preparing the application.

(ii) At least two meetings must be held after the publication date of this HOPE VI NOFA, one of which must be held after the plan which will form the basis of the application is established, so that residents and the community are fully informed about the basics of the proposed Revitalization Plan.

(iii) As practical and applicable, the meetings should be conducted in English and the language(s) most appropriate for the community.

(iv) You must ensure that meeting places are accessible for persons with disabilities.

(b) *Issues to be Discussed.* You must cover all of the following issues during the course of the three public meetings:

(i) The HOPE VI planning and implementation process;

(ii) The proposed physical plan, including site and unit design;

(iii) The extent of proposed demolition;

(iv) Planned community and supportive services;

(v) Other proposed revitalization activities;

(vi) Relocation issues, including relocation planning, mobility counseling, and maintaining the HOPE VI community planning process during the demolition and reconstruction phases where temporary relocation is involved;

(vii) reoccupancy plans and policies, including site-based waiting lists; and

(viii) Section 3 and employment opportunities to be created as a result of redevelopment activities.

(2) *Community and Supportive Services.* (a) *General.* Each HOPE VI

Revitalization application must propose community and supportive service (CSS) programs that are designed to help residents achieve self-sufficiency, upward mobility, economic independence with sustainable ''living wage'' jobs, educational achievement, and improved quality of life for the maximum number of public housing residents in the existing project and in the revitalized community. This section lists the requirements for CSS programs, the kinds of programs that should be included in your CSS plan, and the types of organizations that you should consider when developing your CSS team, creating partnerships, and developing resources to fund your CSS programs. You will refer to this section of the NOFA when describing your CSS Capacity and Experience (Rating Factor 1(2)), Quality of CSS Plan (Rating Factor 3(6)), and CSS Resources (Rating Factor 4(2)).

(b) *Subgrant Agreements.* (i) If you wish to form a formal partnership with a private nonprofit agency(ies) for the provision of specific CSS programs or activities, you may do so by entering into a subgrant agreement with the selected agency(ies).

(ii) While you are not required to undertake a competitive procurement under 24 CFR part 85 to select a subgrantee, HUD nevertheless requires your assurance that you have:

(*A*) evaluated alternative service providers for the specific services to be provided,

(*B*) selected the entity that you reasonably believe will most effectively provide such services, and

(*C*) ensured that the amount to be awarded under the subgrant agreement is consistent with the cost principles of OMB Circular A–87.

(iii) HUD encourages you to leverage your HOPE VI grant funds by selecting subgrantees that will provide, in addition to the agreed upon fee-for-service amount, in-kind services on a gratis basis (e.g., leased space at no cost, etc.).

(iv) The selected nonprofit subgrantee must comply with the requirements of 24 CFR part 84.

(v) You may not enter into a subgrant agreement with a for-profit entity or community and supportive services coordinator. Instead, you must conduct a competitive procurement for the services of such entities under 24 CFR part 85. However, if you can demonstrate that the services to be provided by the proposed for-profit entity or by the proposed community and supportive services coordinator can be obtained only from that source, you may request HUD approval to carry out a non-competitive procurement under 24 CFR 85.36(d)(4).

(c) *Requirements of Community and Supportive Services Programs.* (i) Community and Supportive Services (CSS) program objectives must be results-oriented, with quantifiable goals and outcomes that can be used to measure progress, make changes in the program as necessary, and demonstrate the success of the program.

(ii) CSS activities must be developed in response to a rigorous resident needs identification process and directly respond to the identified needs.

(iii) CSS programs must be of an appropriate scale, type, and variety to meet the needs of all residents (including adults and children) of the severely distressed project, including residents remaining on-site, residents who will relocate permanently to other PHA units or Section 8 housing, residents who will relocate temporarily during the construction phase, and new residents of the revitalized units.

(iv) Non-public housing residents may also participate in CSS programs, as long as the primary users of the programs are residents as described in subparagraph (iii) above.

(v) Your plan must include procedures to track HOPE VI site residents who relocate to alternative housing to assure that everything possible is done to support them to become self-sufficient and live successfully in the alternative housing of their choice.

(vi) CSS programs such as life skills training must be designed to begin promptly after grant award so that residents who will be relocated have time to participate and benefit from such programs before leaving the site.

(vii) Resident training programs must begin promptly after grant award and Section 3 firms must be in place quickly so that residents are trained in time to take advantage of employment opportunities such as jobs and other contractual opportunities in the pre-development, demolition, and construction phases of the revitalization.

(viii) Modern computer technology must be integrated into the education program.

(ix) CSS activities must be coordinated with the efforts of other service providers in your locality, including non-profit organizations, educational institutions, and state and local programs.

(x) CSS activities must be consistent with state and local welfare reform requirements and goals. The social and learning environment must encourage and enable low-income residents to achieve long-term self-sufficiency, particularly persons enrolled in welfare-to-work programs. To that end, it is crucial that local welfare agencies and workforce development agencies are active members of your HOPE VI partnership. Many HOPE VI residents are directly affected by Temporary Assistance to Needy Families (TANF), making these self-sufficiency efforts critical to their success.

(xi) CSS activities must be well integrated with the physical development process, both in terms of timing and the provision of facilities to house on-site service and educational programs.

(d) *CSS Programs and Activities* may include, but are not limited to:

(i) Education programs that promote learning and serve as the foundation for young people from infancy through high school graduation, helping them to succeed in academia and the professional world. Such programs, which include after school programs, mentoring, and tutoring, must be created with strong partnerships with public and private educational institutions.

(ii) Adult educational activities, including remedial education, literacy training, tutoring for completion of secondary or post-secondary education, assistance in the attainment of certificates of high school equivalency, and English as a Second Language courses, as needed.

(iii) Job readiness and retention programs which frequently are key to securing private sector commitments to the provision of jobs.

(iv) Employment training programs that include results-based job training, preparation, counseling, development, placement, and follow-up assistance after job placement.

(v) Life skills training on topics such as parenting, consumer education, and family budgeting, aided by the creation and operation of on-site credit unions.

(vi) Motivational and self-empowerment training.

(vii) Homeownership counseling that is designed so that services can begin promptly after grant award so that, to the maximum extent possible, qualified residents will be ready to purchase new homeownership units when they are completed.

(viii) Health care services.

(ix) Substance/alcohol abuse treatment and counseling.

(x) Domestic violence prevention.

(xi) Child care services which provide sufficient hours of operation for parents to achieve self-sufficiency goals; serve appropriate ages as needed to facilitate parental access to education and job

opportunities; and stimulate children to learn.

(xii) Transportation as necessary to enable all family members to participate in available CSS programs and/or to commute to their places of employment.

(xiii) Entrepreneurship training and mentoring, with the goal of establishing resident-owned businesses.

(e) *CSS Partnerships and Resources.* The following is a list of the kinds of organizations and agencies that can provide your CSS program with in-kind, financial, and other types of resources necessary to carry out and sustain your CSS program.

(i) Local Boards of Education, public libraries, local community colleges, institutions of higher learning, non-profit or for-profit educational institutions and public/private mentoring programs that will lead to new or improved educational facilities and improved educational achievement of young people in the revitalized development, from birth through higher education.

(ii) Programs that support HUD's Bridging the Digital Divide policy initiative, as described in Section VI(F) of the **General Section**, such as Neighborhood Networks Centers, which provide on-site access to computer and training resources. These Centers, originally designed for HUD-insured and HUD-assisted properties, have helped hundreds of residents improve computer technology skills which in turn has increased job and education opportunities. If you are awarded a HOPE VI Revitalization grant, you will be required to adapt the Neighborhood Networks Initiative to your HOPE VI project. HUD will make technical assistance available to each PHA where needed. More information on the requirements of the Neighborhood Network Center Program is available on the Neighborhood Networks website (www.hud.gov/nnw/nnwindex.html).

(iii) National corporations, local businesses, and other large institutions such as hospitals that can commit to provide entry-level jobs. Employers may agree to train residents or commit to hire residents after they complete jobs preparedness or training programs that are provided by you, other partners, or the employer itself. Such private sector and non-profit partners must be given the opportunity to participate in the development of your CSS programs to assure that they will result in adequate training to prospective employees.

(iv) Job development organizations which link private sector or non-profit employers with low-income prospective employees.

(v) Workforce Development Agencies.

(vi) Organizations that provide residents with job readiness and retention training and support.

(vii) Economic development agencies such as the Small Business Administration, which provide entrepreneurial training and small business development centers.

(viii) Where applicable, Empowerment Zone and Enterprise Community Boards.

(ix) Programs that integrate employment training, education, and counseling and where creative partnerships with local boards of education, state charter schools, TANF, foundations, and private funding sources have been or could be established, such as:

(*A*) Youthbuild (www.hud.gov:80/cpd/econdev/ythhome.html)

(*B*) Step-Up (www.hud.gov:80/progdesc/stepup.html)

(*C*) AmeriCorps (www.cns.gov/americorps) See Section VI(B) of the **General Section** of this SuperNOFA for more information on AmeriCorps.

(x) Sources of capital such as foundations, banks, and charitable, fraternal, and business organizations.

(xi) TANF Agencies/welfare departments.

(xii) Non-profit organizations such as the Girl Scouts and the Urban League, both of which have Memoranda of Agreement (MOA) with HUD. Copies of MOAs can be found on the HOPE VI Home Page (www.hud.gov/pih/programs/ph/hope6/hope6.html).

(xiii) Civil rights organizations.

(xiv) Local area agencies on aging, if applicable.

(xv) Local agencies and organizations serving persons with disabilities.

(xvi) Faith-based organizations.

(xvii) Federal, state, and local crime prevention programs and policy efforts, such as:

(*A*) Local law enforcement agencies;

(*B*) Your local United States Attorney;

(*C*) HUD's ''One Strike and You're Out'' (www.hud.gov:80/progdesc/1strike.html);

(*D*) HUD's ''Officer Next Door'' initiative (www.hud.gov:80/ond/ond.html);

(*E*) The local the Department of Justice ''Weed and Seed'' Program task force (if the targeted project is located in a designated Weed and Seed area) (www.ojp.usdoj.gov/eows);

(*F*) HUD's ''Operation Safe Home'' Program; and

(*G*) HUD's Drug Elimination Programs.

(f) *Endowment Trust for Community and Supportive Services.* In accordance with Section 24(d)(2) of the 1937 Act, you may deposit up to 15 percent of the HOPE VI grant amount (the maximum amount of the grant allowable for CSS programs) in an endowment trust to provide community and supportive services over such period of time as you determine. The amount you request will be provided to you by HUD in a lump sum. Funds must be invested in a wise and prudent manner, i.e., funds may be invested in deposits, certificates of deposit, and other types of securities that are deposited in an account insured by the United States of America. Endowment funds (together with any interest earned) may only be used for eligible and necessary CSS programs pursuant to Section III(C)(1)(k), above, of this HOPE VI section of the SuperNOFA. You may use amounts in an endowment trust in conjunction with other amounts donated or otherwise made available to the trust for similar purposes.

(D) *Revitalization Post-Award Requirements.* If you are selected for funding, your HOPE VI Revitalization program must comply with the following requirements:

(1) *Match.* (a) *Overall Match.* In accordance with section 24(c) of the 1937 Act, if you are selected for funding, you must supplement your HOPE VI Revitalization grant with funds from other sources equal to not less than 5 percent of the HOPE VI funds provided. You will make this certification by signing the HOPE VI Revitalization Applicant Certifications. The certification form is included in the HOPE VI Application Kit, and the text of the certifications is included as Appendix A to this HOPE VI section of the SuperNOFA, below.

(b) *Additional Community and Supportive Services Match.* In addition to supplemental amounts provided in accordance with subparagraph (a) above, if you are selected for funding and propose to use more than 5 percent of your HOPE VI grant for community and supportive services (you may use up to 15 percent of your grant for such services), you must certify that you will provide supplemental funds from sources other than HOPE VI in an amount equal to not less than 5 percent of the HOPE VI funds budgeted for community and supportive services. You will make this certification by signing the HOPE VI Revitalization Applicant Certifications. The certification form is included in the HOPE VI Application Kit, and the text of the certifications is included as Appendix A to this HOPE VI section of the SuperNOFA, below.

(c) *Matching Funds.* In accordance with section 24(c)(2) of the 1937 Act, in calculating the amount of supplemental

funds provided by a Grantee for purposes of subparagraphs (a) and (b) above, you may include amounts from other Federal sources, any State or local government sources, any private contributions, the value of any donated material or building, the value of any lease on a building, the value of the time and services contributed by volunteers, and the value of any other in-kind services or administrative costs provided. Other Federal sources may include funds provided by the MROP, Comprehensive Grant, CIAP, or Public Housing Capital Fund Programs or other HUD-provided public housing funds, including funds derived from program income.

(2) *Replacement Units.* (a) Rental units will be deemed to be public housing replacement units and qualify for operating subsidy only if:

(i) The units, when combined with any proposed homeownership replacement units, if any, do not exceed the total number of units demolished and/or disposed of at the targeted severely distressed project; and

(ii) The units are to be placed under Annual Contributions Contract and operated as public housing units.

(b) Homeownership units will be deemed replacement units only if they, when combined with ACC rental units, do not exceed the total number of units demolished and/or disposed of at the targeted severely distressed project and otherwise meet the requirements listed in Section III(C)(1)(e), above, of this HOPE VI section of the SuperNOFA.

(c) HOPE VI funds may not be used to develop market rate units or affordable housing units which do not qualify as public housing or homeownership replacement units, as described in subparagraphs (a) and (b) above.

(3) *Timeliness of Construction.* (a) If you are selected for funding, you must proceed within a reasonable timeframe, as indicated below. In determining reasonableness of such timeframe, HUD will take into consideration those delays caused by factors beyond your control.

(b) You must enter into a binding Development Agreement within 12 months from the date of HUD's approval of the Revitalization Plan (RP), as described in Section VIII(A)(4) of this HOPE VI section of the SuperNOFA, below. This time period may not exceed 18 months from the date the Grant Agreement is executed.

(c) You must complete construction within 48 months from the date of HUD's approval of the RP. This time period for completion may not exceed 54 months from the date the Grant Agreement is executed.

(d) In accordance with section 24(i) of the 1937 Act, if you do not proceed within a reasonable timeframe, as described in paragraphs (a) through (c) above, HUD shall withdraw any grant amounts that you have not obligated. HUD shall redistribute any withdrawn amounts to one or more other applicants eligible for HOPE VI assistance or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the Revitalization Plan of the original Grantee.

(4) *Building Standards.* (a) All activities that include construction, rehabilitation, lead-based paint removal, and related activities must meet or exceed local building codes.

(b) New construction must comply with the latest HUD-adopted Model Energy Code issued by the Council of American Building Officials. In addition, HUD encourages you to set higher standards for energy and water efficiency in HOPE VI new construction, which can achieve utility savings of 30 to 50 percent with minimal extra cost. Upon request, HUD will provide technical assistance and training in design and financing to assist your authority, architects, and contractors in improving resource efficiency.

(c) HUD encourages you to design programs that incorporate sustainable construction and demolition practices, such as the dismantling or ''deconstruction'' of public housing units, recycling demolition debris, and reusing salvage materials in new construction. For articles on the concept of deconstruction, go to the U.S. Forest Service website (www.fpl.fs.fed.us/query.asp) and enter deconstruction as the search term.

(d) Your new construction must comply with the accessibility standards of the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Architectural Barriers Act of 1968.

(e) HUD encourages you to use PATH technologies in the construction and delivery of replacement housing. PATH (Partnership for Advancing Technology in Housing) is a voluntary initiative that seeks to accelerate the creation and widespread use of advanced technologies to radically improve the quality, durability, environmental performance, energy efficiency, and affordability of our Nation's housing. Further information about PATH can be found in Section VI.(E) of the **General Section** of this SuperNOFA and on the PATH website (www.pathnet.org/about/about.html).

(f) There must not be any environmental factors such as sewer moratoriums that would preclude development in the requested locality.

(5) *Environmental Justice.* Executive Order 12898 requires that public housing may be developed only in environmentally sound and desirable locations that will avoid disproportionately high and adverse environmental effects on minority and low-income communities.

(E) *Demolition Application Requirements: Eligible Units.* Severely distressed public housing units to be demolished with HOPE VI Demolition grant funds must meet one of the following criteria:

(1) Units targeted in an approved or submitted Conversion Plan (i.e., a plan for removal of units from the public housing inventory in accordance with the requirements at 24 CFR 971.7(b)). Refer to Section VII(A)(1)(a) and (b), below, of this HOPE VI section of the SuperNOFA.

(2) Units targeted in an application for demolition which was developed in accordance with section 18 of the 1937 Act, as amended, and approved by HUD by the HOPE VI Demolition application deadline. Refer to Section VII(A)(1)(c), below, of this HOPE VI section of the SuperNOFA.

(3) Units that were targeted for demolition in a previously-approved HOPE VI Revitalization application, in accordance with Section VII(A)(1)(d), below, of this HOPE VI section of the SuperNOFA, where the use of additional demolition funds will not result in exceeding TDC.

(4) Units that are included in an FY 2000 HOPE VI Revitalization application, in accordance with Section VII(A)(1)(e), below, of this HOPE VI section of the SuperNOFA, where the use of additional demolition funds will not result in exceeding TDC.

(F) *Demolition Post-Award Requirements.* If you are selected for funding, your HOPE VI Demolition program must comply with the following requirements:

(1) *Timeliness of Demolition.* (a) If you are selected for funding, you must complete the proposed demolition within a reasonable timeframe, which is two years from the date of Grant Agreement execution. HUD will take into consideration delays caused by factors beyond your control when enforcing this requirement.

(b) In accordance with section 24(i) of the 1937 Act, if you do not proceed within a reasonable timeframe, in the determination of HUD, HUD shall withdraw any grant amounts that you have not obligated. HUD shall

redistribute any withdrawn amounts to one or more other applicants eligible for HOPE VI assistance or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the activities of the original Grantee.

(2) *Match.* In accordance with section 24(c)(3) of the 1937 Act, if assistance will be used only for demolition of public housing (without replacement), you are exempt from the match requirement.

V. Threshold Criteria

(A) *All HOPE VI Applications.* In addition to the Compliance with Fair Housing and Civil Rights Laws threshold requirement listed in Section II(B) of the General Section of this SuperNOFA, your HOPE VI application must meet the following HOPE VI Threshold Criteria to be considered for funding.

(1) *Eligible Applicant.* You must be an eligible PHA, as defined in Section III(B), above, of this HOPE VI section of the SuperNOFA. If HUD has designated your housing authority as troubled pursuant to section 6(j)(2) of the 1937 Act, HUD's Troubled Agency Recovery Centers will use documents and information available to it to determine whether you qualify as an eligible applicant under Section III(B) of this HOPE VI section of the SuperNOFA.

(2) *Severe Distress.* (a) The targeted public housing project, or buildings in a project, must be severely distressed.

(b) To meet the severe distress requirement, you must certify that the public housing project or building in a project targeted in your HOPE VI application meets the definition of severe distress provided in Section IV(A)(1) of this HOPE VI section of the SuperNOFA (in accordance with section 24(j)(2) of the 1937 Act). You will make this certification by signing the HOPE VI Revitalization Applicant Certifications. The Certifications are included in the HOPE VI Application Kit, and the text of the Certifications is included as Appendix A to this HOPE VI section of the SuperNOFA.

(c) A severely distressed project that has been legally vacated or demolished (but for which HUD has not yet provided replacement housing assistance, other than tenant-based assistance) must also satisfy the requirements of paragraph (b) above as to the condition of the site before vacation or demolition.

(3) *Appropriateness of Proposal.* In accordance with section 24(e)(2) of the 1937 Act, your application must demonstrate the appropriateness of your proposal in the context of the local housing market relative to other alternatives. Examples of inappropriate proposals would be to build on or off-site replacement public housing in isolated or non-residential areas, or in a soft-rental market. Examples of how you can demonstrate appropriateness of your Revitalization proposal follow. However, HUD will carry out the actual determination on a case-by-case basis.

(a) Your application might demonstrate appropriateness of your proposal in terms of marketability if it proposes the maximum range of incomes and housing types (rental vs. homeownership, market rate vs. public housing, townhouse vs. detached house, etc.) possible given local conditions.

(b) Your application might demonstrate that the land is being used for the highest and best use, given market conditions and the social goals of your agency.

(c) Your application might demonstrate that there is a demand for the physical development you propose, including residential public, subsidized and market rate units, community facilities, and economic development and retail structures.

(B) *Revitalization Threshold Criteria.* (1) *Physical Distress.* (a) Your application must include a certification that the project meets the definition of severe physical distress as defined in Section IV(A)(1)(a), above, of this HOPE VI section of the SuperNOFA. The certification must be signed by an engineer or architect licensed by their state licensing board. The engineer or architect must provide his or her license number and state of registration on the certification. The engineer or architect may not be an employee of the housing authority or the city. The certification must be signed on or before the application deadline date. If you have neglected to include this certification in your application, you will have an opportunity to submit the certification, but it must still be signed on or before the application deadline date. You may not submit a certification signed after the deadline date in order to cure this deficiency.

(b) A severely distressed project that has been legally vacated or demolished (but for which HUD has not yet provided replacement housing assistance, other than tenant-based assistance) must also satisfy the requirements of paragraph (a) above as to the condition of the site before vacation or demolition.

(2) *Separability.* In accordance with section 24(j)(2)(A)(v) of the 1937 Act, if you propose to target only individual buildings of a project for revitalization, you must demonstrate to HUD's satisfaction that the severely distressed public housing is sufficiently separated from the remainder of the project of which the building is part to make use of the building feasible for revitalization. You must demonstrate that the site plan and building designs will provide defensible space for the occupants of the revitalized building(s) and that the properties which remain will not have a negative influence on the revitalized buildings(s), either physically or socially. Separations may include a road, berm, catch basin, or other recognized neighborhood distinction.

(3) *Public Meetings.* (a) You must conduct at least one training session and at least three public meetings in accordance with Section IV(C)(1), above, of this HOPE VI section of the SuperNOFA. To demonstrate that you have conducted the required public meetings, you must include the following evidence of each meeting in your application:

(i) The notices announcing the meetings. In addition to other means of notification, at least one notice for each meeting must be placed in a commercial newspaper or journal that serves both the public housing project and the broader community.

(ii) A copy of the first page of the meeting sign-in sheets for each meeting, and a certification of the number of signatures collected for each meeting.

(iii) A signed and notarized copy of the minutes which summarizes the discussion. Do not submit a transcript of the meeting. *Please note that all pages of the minutes will be counted toward your total page limit for attachments, as provided in Section IX(A)(2) of this HOPE VI section of the SuperNOFA.*

(b) Submission of the documentation required of the meetings is a curable item and is not rated. If you fail to properly document that you have conducted all of the required meetings, after being provided with the opportunity to correct any deficiencies in accordance with Section VI(B) of this HOPE VI section of the SuperNOFA, below, your application will not be eligible for funding. You may not conduct a required meeting after the application deadline date in order to cure a deficiency identified by HUD.

(C) *Demolition Threshold Criteria.* Each required element of a HOPE VI Demolition grant application is a threshold requirement. Your application will not be eligible for funding unless each requirement listed in Section IX(B) of this HOPE VI section of the SuperNOFA, below, is included in your application. HUD will give you the opportunity to submit any missing

information up to the application deadline date, as provided in Section VII(B) of this HOPE VI section of the SuperNOFA, below.

VI. Revitalization Application Selection Process

(A) *Revitalization Application Evaluation.* (1) HUD's selection process is designed to ensure that HOPE VI Revitalization grants are awarded to eligible PHAs with the most meritorious applications and serious need.

(2) In accordance with Section III(E)(4) of the **General Section** of this SuperNOFA, in the event that HUD commits an error that, when corrected, would result in the selection of an otherwise eligible applicant, HUD may select that application for funding when sufficient funds become available.

(3) Although Section III(B) of the **General Section** of this SuperNOFA states that only applications that meet all threshold requirements are eligible to be rated, HUD will rate all HOPE VI Revitalization applications submitted by Public Housing Authorities, regardless of whether the applicants are eventually deemed to be eligible applicants in accordance with Section III(B), above, of this HOPE VI section of the SuperNOFA or whether the applications meet the threshold requirements of Sections V(A) and (B) of this HOPE VI section of the SuperNOFA. This will be done:

(a) To provide applicants with the most complete evaluations of their applications as possible;

(b) To provide applicants with technical assistance for any future applications; and

(c) Because HUD will conduct eligibility review, threshold review, completeness review, and rating concurrently, and determinations of threshold eligibility are often not finalized before rating begins.

Regardless of score, however, HUD will not select an application for funding that is submitted by an ineligible applicant or that does not meet all of the threshold requirements of Sections V(A) and (B) above.

(B) *Threshold and Completeness Review.* HUD will screen each application to determine if it is complete and meets the threshold criteria in Sections V(A) and (B), above. In accordance with Section V of the **General Section** of this SuperNOFA, after the application deadline HUD may not consider any unsolicited information that you may want to provide. However, after your application has been screened, HUD may contact you to clarify an item in your application or to give you an opportunity to correct a technical deficiency. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factor. Examples of curable technical deficiencies include your failure to include a required certification or a missing signature. If HUD identifies a technical deficiency, it will notify you by fax of the clarification or deficiency. You must submit information to cure the deficiency to HUD within 14 calendar days from the date of HUD notification. If the deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be eligible for funding. Note, however, that in accordance with Section VI(A)(3), above, of this HOPE VI section of the SuperNOFA, HUD has committed to rate each application, regardless of its eligibility.

(C) *Preliminary Rating and Ranking.* (1) *Rating.* HUD will preliminarily review and rate each eligible application on the basis of the rating factors described in Section VI(F) of this HOPE VI section of the SuperNOFA, below, and assign a score to each application.

(2) *Ranking.* After preliminary review, applications will be ranked in score order. Applications will be deemed ''competitive'' if they have a preliminary score above a base score that encompasses all applications that represent approximately twice the amount of funds available.

(D) *Final Panel Review.* A Final Review Panel will:

(1) Assess each competitive application;

(2) Assign the final scores; and

(3) Recommend for funding the most highly-rated eligible applications up to the amount of available funding.

(4) HUD reserves the right to make adjustments to funding in accordance with Section III(E) of the **General Section** of this SuperNOFA.

(5) In accordance with the FY 2000 HOPE VI appropriation (Title II of Pub. Law 106–74, 113 Stat. 1047, approved October 20, 1999), HUD may not grant competitive advantage to applications that propose to use HOPE VI grant funds to undertake HOPE VI activities in order to settle litigation or pay judgments.

(E) *Tie Scores.* If two or more applications have the same score and there are insufficient funds to select all of them, HUD will select for funding the application(s) with the highest score for Rating Factor 3, Soundness of Approach. If a tie still remains, HUD will select for funding the application(s) with the highest score for the Rating Factor 2, Need. HUD will select further tied applications on the basis of their scores in Capacity, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order.

(F) *Revitalization Application Rating Factors.* The following are the factors HUD will use to rate and rank your HOPE VI Revitalization application and the maximum points for each factor. The maximum number of points for each Revitalization application is 102, which includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points, as described in Section III(C)(1) of the **General Section** of this SuperNOFA.

Rating Factor 1: Capacity (20 Points)

This factor measures the capability and record of your team to manage large-scale redevelopment or modernization projects, manage effective community and supportive service programs, manage private and/or public housing, and obligate funds in a timely manner.

The term ''your team,'' unless otherwise specified, includes the HOPE VI Coordinator and PHA staff; alternative entity(ies) you choose to serve as your representatives(s) to manage the physical redevelopment, administer community and supportive services and management improvements, and manage the property after completion; developers; program managers; property managers; subcontractors; consultants; and any other public and private entities identified and/or proposed to carry out program activities. HUD will also evaluate the diversity of your team and program participants.

For each aspect of the revitalization effort (physical redevelopment, community and supportive services, and property management), HUD will evaluate the extent to which you have (or will have) the capacity to carry out the work yourself and/or select and manage outside entities. HUD will award the most points to applications that demonstrate the highest degree of capacity to implement activities in a timely manner upon grant award, whether the capacity is within the PHA or by members of team with overall management by the PHA.

HUD does not require you to select a developer and/or program manager, if any, prior to submission of your application, although you may choose to do so. Rather, HUD will evaluate your current capacity to implement a large scale revitalization; or your ability to identify needs in your current staffing and fill such gaps internally or externally in order to successfully

implement your proposed program; and/or your proposed method and criteria for securing a program manager and/or development partner to implement your plan; and your current or planned capacity to manage such entity(ies). If you are selected for funding, HUD may require you to use an outside entity as directed by HUD to carry out the revitalization activities.

(1) *Revitalization Capacity and Experience:* **7 Points.** (a) You will receive 5 to 7 points if:

(i) You and/or the outside development team you have procured, or expect to procure, demonstrate, using specific data or other documentation, where applicable, extensive knowledge and recent, successful experience and capacity in planning, implementing, and managing previous large scale revitalization activities, including physical development, financing, leveraging, and partnership activities. Revitalization activities carried out by this team were completed on-schedule and within budget, and you do not have any outstanding capital program audit findings.

(ii) If you have not yet procured an entity to develop the proposed plan, you have a feasible plan for securing such an entity and your description of what you will include in the Request For Proposal (RFP) or Request for Qualifications (RFQ), as appropriate, to secure such services is well articulated and will result in the selection of a highly capable entity.

(iii) If you were awarded a HOPE VI grant(s) previously, you have demonstrated that the progress of activities is on schedule and you have the capacity to manage an additional HOPE VI revitalization project. HUD will evaluate the current status of development, and your explanation of any delays in implementation of your HOPE VI grant(s), including planning or construction delays. HUD will use information on file to verify any information you provide regarding current HOPE VI grant status.

(iv) You have demonstrated that implementation of your plan can begin immediately after grant award.

(b) You will receive 1 to 4 points if you describe and demonstrate that your method and criteria for selecting a team is good, your current HOPE VI activity is mostly on schedule, and you have the ability to begin implementing your plan with minor adjustments and additional planning after grant award.

(c) You will receive 0 points if you cannot describe and demonstrate that you can procure a qualified team, your current HOPE VI grant is behind schedule, and you do not demonstrate your ability to implement your plan quickly upon grant award, or there is inadequate information in your application to rate this factor.

(2) *Community and Supportive Services Capacity and Experience:* **5 Points.**

(a) You will receive 4 to 5 points if you demonstrate, using specific data or other documentation, where applicable, that:

(i) Your team has recent, successful experience in planning, implementing, and managing the types of community and supportive service (CSS) programs proposed in your application;

(ii) PHA staff has the qualifications and experience to manage and coordinate activities of other staff and partners;

(iii) You have strong relationships and commitments with a wide variety of partners, including TANF and Workforce Development Agencies, that have excellent experience providing the kinds of services proposed.

(b) You will receive 2 to 3 points if you demonstrate and document limited experience and capacity in the above elements (paragraphs (a)(i) through (a)(iii) above).

(c) You will receive 1 point if you demonstrate minimal experience and capacity in the above elements (paragraphs (a)(i) through (a)(iii) above).

(d) You will receive 0 points if you demonstrate no experience or capacity in the above elements or if there is inadequate information in the application to score this factor.

(3) *Property Management Capacity and Experience:* **4 Points.** Property management activities may be the responsibility of the PHA, or an entity that is part of the development team. You may also procure a separate entity to carry out property management activities.

(a) You will receive 3 to 4 points if you demonstrate that you and/or your property management entity currently have excellent knowledge and recent, successful experience in property management of market rate, affordable, and/or public housing. If you will procure outside property management expertise, you have demonstrated outstanding capacity to secure an entity with excellent experience by thoroughly describing the qualifications you will include in the RFP to procure such services. HUD will evaluate your team's current property management experience, or your capacity to procure an entity with excellent experience with regard to each of the following elements:

(i) Property maintenance
(ii) Rent collection
(iii) MTCS reporting
(iv) Site-based management experience
(v) Tenant grievances
(vi) Evictions
(vii) Occupancy rate
(viii) Unit turnaround
(ix) Preventive maintenance
(x) Work order completion
(xi) Project-based budgeting

(b) You will receive 1 to 2 points if you demonstrate that you or your management entity currently have moderate management capacity with respect to the above elements. If you will seek outside property management expertise, the qualifications you describe in the RFP to procure such services are likely to result in the procurement of an entity with moderate management capacity with respect to the above elements.

(c) You will receive 0 points if you demonstrate that you or your management entity currently has little management capacity with respect to the above elements, or the qualifications you describe to procure a management team are unlikely to result in the procurement of an entity with moderate management capacity with respect to the above elements, or if there is inadequate information in your application to score this factor.

(4) *Diversity:* **1 Point.** You will receive 1 point if you clearly articulate an achievable plan for including minority(ies), women, and/or individuals with disabilities in the overall planning, development, and management team that will be involved in the HOPE VI revitalization effort. HUD encourages cost-effective joint ventures to provide opportunities for such diverse firms, individuals, and/or employees.

(5) *Obligation of Modernization Funds:* **3 Points.** HUD will evaluate the extent to which you have obligated modernization amounts in a timely manner.

(a) You will receive 3 points if you have obligated at least 90 percent of your FY 1998 and prior year Modernization (e.g., Comprehensive Improvement Assistance Program or Comprehensive Grant Program) amounts by the quarter ending before the HOPE VI Revitalization application deadline date. HUD will use the LOCCS disbursement system as of the quarter ending before the application deadline date to verify your obligation rate.

(b) You will receive 2 points if you have obligated between 70 and 89 percent of your Modernization funds.

(c) You will receive 1 point if you have obligated between 50 and 69 percent of your Modernization funds.

(d) You will receive 0 points if you have obligated less than 50 percent of your Modernization funds or if there is inadequate information in the application to rate this factor.

Rating Factor 2: Need (20 Points)

This factor addresses the extent of the need for the revitalization program; the potential impact of the proposed revitalization on the surrounding neighborhood, the need for funding under the HOPE VI program, the identification of need in the community, and the need for affordable housing in the community.

(1) *Need for Revitalization:* **7 Points.** All applicants must certify that the public housing targeted for revitalization is severely distressed, in accordance with Section V(A)(2) of this HOPE VI section of the SuperNOFA, above. For this rating factor, HUD will evaluate the extent of the severe distress of the targeted units and the urgency of addressing the severe distress. HUD will evaluate your description and documentation of the severity of the physical distress in terms of the deficiencies listed below. If the targeted units have already been demolished, HUD will evaluate your description of the condition of the site before demolition.

(a) You will receive 7 points if you demonstrate that the extent of the distress and the need for revitalization satisfies all 4 of the following criteria:

(i) There are major structural and system deficiencies in its infrastructure, roofs, electrical, plumbing, and mechanical systems, lead based paint, settlement, and other deficiencies in Housing Quality Standards;

(ii) There are major site deficiencies, including poor soil conditions, inadequate drainage, deteriorated laterals and sewers, and inappropriate topography;

(iii) There are design deficiencies, including inappropriately high population density, room, and/or unit size and configurations; isolation; indefensible space; inaccessibility for persons with disabilities with regard to individual units, entrance ways, and/or common areas;

(iv) There are environmental conditions that make the site or a portion of the site and its housing structures unsuitable for residential use.

(b) You will receive 5 to 6 points if you demonstrate that the extent of the distress and the need for revitalization satisfies 3 of the 4 above criteria.

(c) You will receive 0 points if you demonstrate that the extent of the distress and the need for revitalization satisfies less than 3 of the above criteria.

(2) *Impact on Neighborhood:* **6 Points.** HUD will evaluate the extent to which the severely distressed public housing negatively impacts the surrounding neighborhood and how revitalization through HOPE VI, including retail, office, and other economic development, as appropriate, will enhance the neighborhood in which the project is located and enhance economic opportunities for residents. In making this determination, HUD will evaluate your narrative, crime statistics, photographs or renderings, socio-economic data, trends in property values, evidence of property deterioration and abandonment, evidence of underutilization of surrounding properties, and other indications of neighborhood distress and/or disinvestment that you provide in your application to demonstrate your case.

(a) You will receive 5 to 6 points if you can demonstrate that revitalization of the severely distressed project with HOPE VI funds will greatly improve the surrounding neighborhood and community.

(b) You will receive 3 to 4 points if you can demonstrate that revitalization of the severely distressed project with HOPE VI funds will greatly improve the overall health of the surrounding neighborhood and community, i.e., the proposed revitalization has only limited likelihood of spurring significant neighborhood revitalization activities or preventing decline.

(c) You will receive 1 to 2 points if you can demonstrate that revitalization of the severely distressed project will have a minor impact on the surrounding neighborhood and community.

(d) You will receive 0 points if, based on the data submitted, HUD determines that the proposed project and/or the surrounding neighborhood is so severely deteriorated that even if the public housing site is revitalized, it will neither stop the decline nor have any impact on the surrounding neighborhood and community. You will also receive 0 points if there is not enough information in your application to rate this factor.

(3) *Need for Funding:* **3 Points.** HUD will evaluate the extent to which you could undertake the proposed revitalization activities without a HOPE VI grant. HUD will use data from the latest quarterly obligation report available at the time of the application deadline date to confirm the amount of unobligated FY 1998 and prior year Modernization funds currently available that could be used to carry out the proposed revitalization activities.

(a) You will receive 3 points if the unobligated balance of your FY 1998 and prior year Modernization funds is up to 25 percent of the amount of HOPE VI funds requested.

(b) You will receive 2 points if your unobligated balance is 26–50 percent of the amount of HOPE VI funds requested.

(c) You will receive 1 point if your unobligated balance is 51–75 percent of the amount of HOPE VI funds requested.

(d) You will receive 0 points if your unobligated balance is 76 to 100 percent or greater than the amount of HOPE VI funds requested or if there is inadequate information to rate this factor.

(4) *Identification of Need by the Community:* **2 Points**

This factor addresses whether the need for the revitalization of severely distressed public housing is identified in your jurisdiction's Consolidated Plan, and whether severely distressed public housing is identified as an impediment to fair housing choice in your jurisdiction's Analysis of Impediments to Fair Housing Choice (AI). Information on the Consolidated Plan can be found on the HUD Home Page (www.hud.gov/cpd/conplan.html).

(a) You will receive 2 points if: (i) You cite language from your community's Consolidated Plan that identifies revitalization of severely distressed public housing as an urgent need in the community, and you cite language from your community's AI that identifies severely distressed public housing as an impediment to fair housing choice; or

(ii) If the Consolidated Plan/AI are applicable to your jurisdiction but they do not identify severely distressed public housing as an urgent need or an impediment to fair housing choice, you have explained in detail why severe distress of public housing is not identified, described your efforts to alert the jurisdiction to the need for revitalization, and worked with the jurisdiction to amend the Consolidated Plan and AI to include revitalization of severely distressed public housing as an urgent need; or

(iii) If the Consolidated Plan/AI are not applicable to your jurisdiction, you have used other sound and reliable data sources to show that the community has identified the need for revitalization of severely distressed public housing and the urgency in meeting the need. Types of other sources include, but are not limited to, census reports, continuum of care gaps analysis, law enforcement agency crime reports, and your PHA Five-Year and Annual Plan.

(b) You will receive 1 point if your community's Consolidated Plan/AI does not identify the revitalization of severely distressed public housing or

identify the severely distressed public housing as an impediment to fair housing choice, and you have not provided a strong explanation of why they are not included. If the Consolidated Plan/AI are not applicable to you community, you have not thoroughly documented your level and urgency of need through other sound and reliable sources.

(c) You will receive 0 points if you have not made any efforts to include severely distressed public housing in the Consolidated Plan or AI. If the Consolidated Plan/AI are not applicable to your community, you have not documented your level and urgency of need through other data sources. Or, there is not enough information in your application to rate this factor.

(5) *Need for Affordable Housing in the Community:* **2 Points.** HUD will evaluate the extent to which you have demonstrated that there is a need for affordable housing in the community, and there is an inadequate supply of other affordable housing available to accommodate families receiving tenant-based assistance under Section 8.

(a) You will receive 2 points if you have:

(i) Documented the need for affordable housing in the community with statistics and analyses contained in a data source(s) that is sound and reliable, including information on market rental costs as compared to Section 8 fair market rents (FMRs); and

(ii) Provided a thorough analysis that demonstrates that the supply of other affordable housing is inadequate to accommodate families that would be displaced if the targeted severely distressed project was demolished and not replaced. Your analysis must be documented by a comparison of the number of Section 8-eligible rental apartment listings in a newspaper of general circulation in the community over the most recent complete month prior to the HOPE VI application deadline date compared to the number of units needed if the site were to be demolished and residents relocated within the community.

(b) You will receive 1 point if your analysis is less than thorough but nevertheless demonstrates a general need for affordable housing in the community.

(c) You will receive 0 points if your analysis fails to show a need for affordable housing in the community or you do not provide enough information to rate this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This rating factor evaluates the quality of the main components of your plan to revitalize severely distressed public housing. It includes the quality of design, feasibility of activities, your efforts to lessen concentration, and your relocation plan. It also evaluates your community and supportive services plan, your efforts to reach out to residents and members of the community, proposed management principles and policies, and your plans to evaluate your program. HUD will also evaluate your efforts to affirmatively further fair housing.

(1) *Overall Quality of Plan:* **5 Points.** HUD will evaluate your entire application to rate this factor.

(a) You will receive 4 to 5 points if you demonstrate that all aspects of your plan, including your physical, social, and economic approach, are the most appropriate possible given your local conditions, constraints, and opportunities, i.e. your application demonstrates no flaws in each of the following elements:

(i) Design and planning;
(ii) Cost effectiveness of proposed revitalization activities;
(iii) Appropriateness in the context of the broader community;
(iv) Integration of housing and non-housing aspects of your strategy;
(v) Appropriateness in the context of local housing markets;
(vi) The likelihood that a HOPE VI grant will result in a revitalized site that will enhance the neighborhood in which the project is located and enhance economic opportunities for residents.

(b) You will receive 3 points if your plan has flaws in one of the above elements.

(c) You will receive 0 points if your plan has flaws in more than one of the above elements, or there is insufficient information in the application to rate this factor.

(2) *Design:* **3 Points.** HUD is seeking excellence in design. We urge you to carefully select your architects and/or planners and to enlist local affiliates of national architectural and planning organizations and/or the department of architecture at a local college or university to assist you in assessing qualifications of design professionals and/or participating on a selection panel that will result in the procurement of excellent design services.

Your proposed site plan, new units, and other buildings must be designed to blend into and enrich the surrounding neighborhood and promote mixed-income, mixed-use communities. Local architecture and design elements and amenities should be incorporated into the new or rehabilitated homes so that the revitalized sites and structures will blend into the broader community and appeal to the market segments for which they are intended. Housing, community facilities, and economic development space must be well integrated. You must select a design team that has the ability to produce such design and/or demonstrate that you have the capacity to secure such a team.

HUD encourages you to propose enhancements to the natural environment such as tree and shrub planting to address natural resource issues such as erosion, stormwater management, and water quality that will result in physical improvements to the site; convert public open space now devoid of green vegetation to a natural, inviting, and more livable environment; and plan for the sustainability of such resources after the revitalization activities are completed. Through an MOU between the Department of Agriculture and HUD, technical assistance to develop a natural resource stewardship program is available to public housing authorities. See the **General Section** of the SuperNOFA for more information on Urban Forestry. Further information can be found on the Forest Service website (www.fs.fed/us/research/rvur/urban/urbanforestry/urbanforest.htm).

(a) You will receive 3 points if your proposed site plan, new units, and buildings demonstrate that:

(i) You have proposed a plan that incorporates design elements and amenities into the revitalized homes that will enable them to blend into and enrich the neighborhood and appeal to intended market segments;

(ii) Your proposed housing, community facilities, and economic development space are thoroughly integrated into the community; and

(iii) Your plan proposes extensive and appropriate enhancements of the natural environment.

(b) You will receive 2 points if your proposed site plan, new units, and buildings demonstrate design that adequately addresses the elements above.

(c) You will receive 1 point if your proposed design addresses the above elements in only a perfunctory manner.

(d) You will receive 0 points if your proposed design does not address the above elements or there is inadequate information to rate this factor.

(3) *Feasibility of Plan:* **5 Points.** In awarding points under this rating factor, HUD will consider the following:

(a) *Market.* You will receive 1 point if you demonstrate that there is a market for the revitalized and/or replacement units of the type, number, and size proposed.

(i) Your demonstration of the need for non-public housing units will be based on a preliminary market assessment letter prepared by an independent, third party, credentialed market resource firm or professional.

(ii) Your demonstration of the need for public housing units will be based on the number and percentage of existing families on site that are projected to return and the number of families on your public housing and Section 8 waiting list(s).

(b) *Hard Development Costs.* You will receive 1 point if: (i) Your projected hard development costs are realistic and developed through the use of technically competent methodologies, including cost estimating services;

(ii) Your cost estimates represent an economically viable preliminary plan for designing, planning and carrying out your proposed activities in accordance with local costs of labor, materials, and services; and

(iii) Your proposed hard costs are comparable to industry standards for the kind of construction to be performed in the proposed geographic area.

(c) *Soft costs.* You will receive 1 point if your projected soft costs (developer's fees, PHA administration costs, legal fees, program manager's fees, consultants' fees, etc.) are comparable to industry standards, justified, and you have demonstrated how you will control such costs. HUD is particularly concerned that soft costs be minimized and will review carefully the proposed soft cost structure. HUD will review your means of keeping soft costs at a minimum so that the maximum HOPE VI resources go into physical development and transforming the lives of the residents.

(d) *Coherence and Consistency.* You will receive up to 2 points if the information and strategies described in your application are coherent and internally consistent, particularly the data provided for types and numbers of units, budgets and other financial estimates, and other numerical information. It is critical that you carefully review all numbers for unit mix, costs, etc. to make sure that all numbers are consistent throughout the application. HUD will make this determination based on your entire application.

(4) *Lessen Concentration:* **3 Points.** This factor addresses how the activities you propose are designed to lessen concentration of low-income households, create opportunities for desegregation and accessibility, and offer viable housing choices to displaced residents. In awarding points under this rating factor, HUD will consider the following:

(a) *On-site housing.* You will receive 1 point if your proposed unit mix (i.e., rental vs. homeownership, public housing, market, and subsidized units) will significantly reduce the isolation and/or concentration of low-income residents and/or significantly achieve a mixed-income, well functioning community on the revitalized site.

(b) *Off-site housing.* You will receive 1 point if your plans for off-site housing will lessen concentration of low-income residents and create opportunities for desegregation by locating such housing in neighborhoods with low levels of poverty and/or concentrations of minorities. You are encouraged to maximize off-site hard units as replacement housing and to locate such units such that they do not cause an over-concentration of low-income housing. You do not have to identify the precise location of off-site units in your application to receive full points for this subfactor, but you must identify the types of neighborhoods where such housing will be planned and demonstrate the feasibility of such off-site development (i.e., land is available at a price which allows economic feasibility, community acceptance is likely, etc.).

(c) *Access to Services.* You will receive 1 point if, for both on-site and any off-site units, your overall plan will result in increased access to municipal services, jobs, mentoring opportunities, transportation, and educational facilities; i.e., the physical plan and self-sufficiency strategy are well integrated and strong linkages will be established with the appropriate Federal and state and local agencies, non-profits, and the private sector to achieve such access.

(5) *Relocation and Section 8:* **5 Points.** In order to receive any points for this rating factor, you must propose to use Section 8 assistance as a means of temporary and/or permanent relocation of families currently living in the targeted units. To receive points, you must go beyond the requirements of the Uniform Relocation Act and propose a comprehensive, results-based plan in which residents are actively involved. In awarding points under this rating factor, HUD will consider the following:

(a) *Relocation Support.* You will receive up to 2 points if you thoroughly describe your team's plan and capacity to effectively implement the following elements of relocation support:

(i) Provide counseling to residents who choose Section 8 assistance that will help them to fully understand the full range of housing opportunities available to them in neighborhoods throughout the jurisdiction and to find housing in non-poverty areas.

(ii) Conduct programs designed to prepare residents for the transition to private rental housing, including one-on-one move counseling and life skills training, so that they may sustain their new living arrangement for the foreseeable future.

(iii) Ensure that Section 8 housing complies with the Section 8 requirements regarding lead-based paint and other hazardous materials.

(iv) If necessary, propose to use HOPE VI or other funds to modify Section 8 relocation units to make them accessible for residents with disabilities.

(b) *Community Outreach.* You will receive 1 point if you thoroughly describe your plan and your team's capacity to effectively involve faith-based, non-profit and/or other institutions, organizations, and/or individuals in the community to which relocatees choose to move, in order to ease the transition and minimize the impact on the neighborhood. HUD will view favorably innovative programs such as community mentors, support groups, and the like.

(c) *Self-sufficiency.* You will receive 1 point if you thoroughly describe your team's plan and capacity to provide effective, results-based community and supportive service program support to Section 8 relocatees to achieve and maintain self-sufficiency.

(d) *Tracking.* You will receive 1 point if you thoroughly describe your team's plan and capacity to develop an effective tracking system that will enable you (and/or your CSS partners) to identify and track relocatees from the site to be revitalized and make regular follow-up services available to families receiving Section 8 assistance.

(6) *Community and Supportive Services:* **5 Points.** This factor evaluates the quality of your proposed CSS plan. It is important that you review Section IV(C)(2)(c) of this HOPE VI section of the SuperNOFA, above, for a detailed description of the requirements of a CSS program, and Section IV(C)(2)(d) for a list of possible CSS programs and activities. You are encouraged to go beyond these lists and create CSS programs that break new ground by responding to unique needs in your community and which may serve as national models for self-sufficiency and educational achievement.

(a) You will receive 4 to 5 points if: (i) You propose a high-quality, results-

oriented plan that includes strong components of the basic elements of education, job training, and services that will enable all affected residents to transform their lives;

(ii) The plan is well coordinated with strong, experienced service providers;

(iii) The plan was developed using an effective needs assessment; and

(iv) Mechanisms are in place to effectively measure the goals of the program and evaluate success.

(b) You will receive 2 to 3 points if your plan has a flaw in one of the elements listed in paragraphs (i) through (iv) above.

(c) You will receive 1 point if your plan has a flaw in more than one of the elements listed above.

(d) You will receive 0 points if you merely repeat information from the NOFA or if there is inadequate information to rate this factor.

(7) *Resident and Community Outreach and Involvement:* **4 Points.** In addition to the Threshold requirement for public meetings provided in Section V(B)(3) of this HOPE VI section of the SuperNOFA, above, this rating subfactor evaluates the extent of involvement of residents and the broader community in the development and proposed implementation of your revitalization program. HUD will evaluate the nature, extent, and quality of the resident and community outreach and involvement you have achieved by the time your application is submitted, as well as your plans for continued and/or additional outreach and involvement. HUD will evaluate your efforts to include affected residents and members of the surrounding community in the planning, implementing, and management of your proposed revitalization activities. In awarding points under this factor, HUD will consider the following:

(a) *Collaboration and Inclusiveness.* You will receive 1 point if you demonstrate that you have communicated regularly and significantly with affected residents and members of the surrounding community about your application that and you have:

(i) Provided affected residents with substantive opportunities to participate in the development of your HOPE VI plan;

(ii) Included all other interested parties, especially members of the surrounding community, in the development of your plans and application; and

(iii) Developed specific plans for continued involvement and participation of residents and the broader community in the planning and implementation of revitalization activities if your application is successful.

(b) *Logistics.* You will receive 1 point if you demonstrate that you have:

(i) Scheduled informational and planning meetings with affected residents and other interested parties during the development of your application at frequent and convenient times, meeting at least the requirements of Section IV(C)(1) of this HOPE VI section of the SuperNOFA, above;

(ii) Announced meetings (consistent with Section IV(C)(1), above) in ways that are designed to generate the most participation. Methods of announcing upcoming meetings include, but are not limited to:

(*A*) Publishing notices of meetings in newspapers of local distribution;

(*B*) Hand distributing flyers to residences and locations likely to attract notice;

(*C*) Posting meeting information in adequate time to allow residents and other interested parties to plan to attend.

(iii) Provided day care and, where necessary, transportation to and from the meetings.

(c) *Communication.* You will receive 1 point if you demonstrate that you have communicated effectively with affected residents and members of the surrounding community by:

(i) Providing reasonable training and technical assistance on the HOPE VI development process and general principles of development to affected residents to enable them to participate meaningfully in the development of your application, and developing plans to provide further training and technical assistance if your application is successful;

(ii) Providing information to and receiving input from affected residents and other interested parties about your planned revitalization;

(iii) Incorporating input and recommendations of interested parties, especially affected residents, to the extent possible, into your application;

(iv) Generating support for your application among interested parties;

(v) Providing status reports on the development of your application to residents; and

(vi) Providing that appropriate HUD communications are made available to affected residents and the broader community (i.e., a copy of the NOFA; notification of any HUD video conferences regarding the NOFA; computer access to the HUD website, etc.

(d) *Dissention.* You will receive 1 point if you have acknowledged and attempted to address any dissenting viewpoints among affected residents and other interested parties. If there has been no opposition to your plan you will automatically earn this point. You will not earn this point if you do not acknowledge that any such opposition has been raised and/or you do not make efforts to address such opposition. Where there is resident or community opposition to the plan, HUD will evaluate your analysis of the reasons for and extent of the opposition, and your current and proposed plans for dealing with the opposition. *HUD will only consider letters of dissent that are received by HUD at least ten days before the HOPE VI application deadline date and which indicate that copies have been sent to you.*

(8) *Operation and Management Principles and Policies:* **3 Points**. Revitalization activities using HOPE VI Revitalization grant funds must be for severely distressed public housing projects. Accordingly, certain proposed activities are subject to statutory requirements applicable to public housing projects under the 1937 Act, other statutes, and the Annual Contributions Contract (ACC). Within such restrictions, HUD seeks innovative solutions to the long-standing problems of severely distressed public housing projects. You may request, for the revitalized development, a waiver of HUD regulations (that are not statutory requirements) governing rents, income eligibility, or other areas of public housing management that will permit you to undertake measures that enhance the long-term viability of a development revitalized under this program.

(a) You will receive 3 points if you demonstrate your team's plan and capacity to carry out each of the following 10 elements listed in the ''Self-Sufficiency and Economic Diversity'' and ''Safety and Security'' categories below.

(b) You will receive 2 points if you demonstrate your team's plan and capacity to carry out 7 of the 10 elements, which must include the first three elements in the ''Self-Sufficiency and Economic Diversity'' category.

(c) You will receive 1 point if you demonstrate your team's plan and capacity to carry out 5 of the 10 elements.

(d) You will receive 0 points if demonstrate your team's plan and capacity to carry out fewer than 5 elements, and the operation and management principles you propose to implement at the revitalization site are not likely to result in improved management, or there is insufficient

information in the application to rate this factor.

Self-Sufficiency and Economic Diversity. You must propose operation and management principles and policies to be applied to on-and/or off-site public housing and any on-site or adjacent assisted housing that will encourage residents to move in, move up, and move on. Such principles must:

1. Reward work and promote family stability by promoting positive incentives such as income disregards and ceiling rents;

2. Promote economically and demographically diverse living patterns, e.g., inclusion of persons of different races/ethnic groups, families with or without children, persons with disabilities and able-bodied persons, and the elderly, by:

—Instituting a system of local preferences adopted in response to local housing needs and priorities, e.g., preferences for victims of domestic violence, residency preferences, disaster victims;
—Aggressively pursuing affirmative marketing which attracts individuals with a broad spectrum of incomes and attracts all segments of the eligible population to the project on a nondiscriminatory basis; and
—Reaching out to persons with disabilities;

3. Encourage self-sufficiency by including lease requirements that promote resident involvement in the tenants association, community service, self-sufficiency, and transition from public housing;

4. Complement self-sufficiency programs and result in a mix of residents in the revitalized development who have a range of incomes;

5. Create strong, stable, well-run communities by implementing site-based waiting lists for the redeveloped public housing and/or following project-based management principles.

Safety and Security. You must demonstrate that your proposed operation and management principles and policies will provide greater safety and security for residents and community by:

1. Instituting strict screening requirements such as credit checks, references, home visits, and criminal records checks;

2. Strictly enforcing lease and eviction provisions;

3. Enhancing on-going efforts to eliminate drugs and crime from neighborhoods through collaborative efforts with local law enforcement agencies, the local United States Attorney, and Federal, state, and local crime prevention programs, and program policy efforts such as ''One Strike and You're Out'' (www.hud.gov:80/progdesc/1strike.html), the ''Officer Next Door'' initiative (www.hud.gov:80/ond/ond.html), the local the Department of Justice ''Weed and Seed'' Program task force if the targeted project is located in a designated Weed and Seed area (www.ojp.usdoj.gov/eows); HUD's ''Operation Safe Home'' Program, and/or HUD's Drug Elimination Programs;

4. Improving the safety and security of residents through the implementation of defensible space principles, anti-crime measures, and the installation of physical security systems such as surveillance equipment, control engineering systems, etc.;

5. Improving the safety of children by promoting the principles of Healthy Homes. Healthy Homes activities are described in Section VI(D) of the **General Section** of this SuperNOFA, the HOPE VI Application Kit, and on HUD's Healthy Homes website at www.hud.gov/hhchild.html.

(9) *Affirmatively Furthering Fair Housing:* **5 Points.** You must affirmatively further fair housing through the physical design of the revitalized units, the location of new units, marketing of housing that will encourage diversity, and tenant selection and assignment strategies that promote fair housing choice. You are strongly encouraged to work with local advocacy groups which represent individuals with disabilities, the elderly, and other special needs populations to further these goals.

Definitions of accessibility and adaptability can be found at 24 CFR 8.3. This section can be found at www.access.gpo.gov/nara/cfr/cfr-retrieve.html. In awarding points under this rating factor, HUD will consider the following:

(a) *Accessibility*: **2 points.** The design of your proposed site plan, non-residential structures and facilities, and the new construction and/or rehabilitation of housing must conform to the civil rights statutes and regulations required in Section II(B) of the **General Section** of this SuperNOFA. Information on accessibility can be found on HUD's Fair Housing Home Page (www.hud.gov/fairhsg1.html). Over and above the accessibility requirements:

(i) You will receive 2 points if you propose to implement all of the following suggested accessibility priorities:

(*A*) Make at least 5 percent of for-sale units accessible to individuals with mobility disabilities and 2 percent of for-sale units accessible to individuals who have visual or hearing disabilities;

(*B*) Provide one-bedroom accessible rental units for single individuals with disabilities so that they can live in the revitalized community;

(*C*) Provide for accessibility modifications, where necessary, to Section 8 units of residents who relocate from the targeted project due to revitalization activities;

(*D*) Where playgrounds are planned, propose ways to make them accessible to children with disabilities, over and above statutory and regulatory requirements;

(*E*) Where possible, design units with accessible front entrances.

(ii) You will receive 1 point if you do not propose to implement all of the accessibility priorities above but you provide a detailed description why you cannot implement one or more of the priorities;

(iii) You will receive 0 points if you do not propose to implement all of the accessibility priorities and you do not describe in detail why you cannot implement one or more of the priorities; or there is insufficient information in your application to rate this factor.

(b) *Adaptability.* You will receive 1 point if your physical plan meets the adaptability standards adopted by HUD at 24 CFR 8.3 that apply to those units not otherwise covered by the accessibility requirements. The elements of adaptability are included in the HOPE VI Application Kit Glossary.

(c) *Visitability.* You will receive 1 point if your physical plan meets the visitability standards adopted by HUD that apply to units not otherwise covered by the accessibility requirements. The elements of visitability are described in Section VI(C) of the **General Section** of this SuperNOFA and in the HOPE VI Application Kit Glossary.

(d) *Diversity.* You will receive 1 point if your program activities aid a broad range of eligible residents, including the elderly, persons with disabilities, etc. In addition, HUD will evaluate your efforts to increase community awareness of the need for and benefits from diversity, in a culturally sensitive manner through education and outreach, as applicable. Your marketing and outreach activities must be targeted to all segments of the population on a nondiscriminatory basis, promote housing choice and opportunity throughout your jurisdiction, and contribute to the deconcentration of minority and low-income neighborhoods.

HUD will evaluate your description of specific steps you will take to:

(i) Address the elimination of impediments to fair housing that were identified in your jurisdiction's Analysis of Impediments to Fair Housing Choice or in any examination of your own programs you may have carried out that identified impediments to fair housing choice within those programs;

(ii) Remedy discrimination in housing; or

(iii) Promote fair housing rights and fair housing choice.

(10) *Evaluation:* **2 Points.** In order to earn points under this rating factor, you must propose to work with local university(ies) and/or other institutions of learning, foundations, and/or others to evaluate the performance and impact of your proposed HOPE VI revitalization. Where possible, HUD encourages you to form partnerships with Historically Black Colleges and Universities (HBCUs); Hispanic-Serving Institutions (HBIs); Community Outreach Partnership Centers (COPCs); the Alaskan Native/Native Hawaiian Institution Assisting Communities Program (as appropriate); and others in HUD's University Partnerships Program.

(a) *Documentation.* You will receive 1 point if you provide a support letter(s) to document the willingness of an institution(s) to participate, and its proposed approach to carry out the evaluation. The letter must address the following areas for evaluation:

(i) The impact of your HOPE VI effort on the lives of the residents;

(ii) The nature and extent of economic development generated in the community;

(iii) The effect of the revitalization effort on surrounding communities, including spillover revitalization activities, property values, etc.; and

(iv) Your success at integrating the physical and social aspects of your strategy and achieving the goals stated in your application.

(b) *Oversight.* You will receive 1 point if you:

(i) Provide a comprehensive description of your team's evaluation plan;

(ii) Demonstrate excellent capacity to be involved and/or support the evaluation; and

(iii) Indicate how the evaluation will be funded.

Rating Factor 4: Leveraging Resources (10 Points)

Match vs. Leverage. There is an important difference between the terms match and leverage. In accordance with Section IV(D)(1) of this HOPE VI section of the SuperNOFA, above, all HOPE VI Revitalization grant funds are subject to a matching requirement. By signing the HOPE VI Revitalization Applicant Certifications (Appendix A to this program section, below), you will certify that, if selected for funding, you will provide matching funds which, combined with HUD funds, will enable you to carry out revitalization activities, including community and supportive services programs. If selected for funding, you will be required to show evidence of matching resources through your quarterly reports as your project proceeds. Evidence of match is not required up front in your application.

Leverage, on the other hand, consists of firm and projected commitments of funds that you can demonstrate now, at the application stage. While you are not required to provide any evidence that you have leveraged funds, you will not receive points for the leveraging rating factor unless you provide evidence of currently-available or projected funds to be leveraged.

HUD will rate your application based on the amount of funds and other resources that will be leveraged by the HOPE VI Grant, as measured by the ratio of HOPE VI dollars requested to the value of the financial, in-kind, and/or other assistance for proposed activities which can be added to HUD funds to achieve program purposes, in specific amounts that are committed or projected from your partners and other entities if HOPE VI funds are awarded. Endorsements or general letters of support from organizations or vendors alone will not count as leverage.

In your application, you must provide evidence of each proposed resource by including a letter of commitment, memorandum of understanding, and/or agreement to participate, including any conditions to which the leverage may be subject. HUD recognizes that in some cases, firm commitments cannot be made at the application stage. In such a case, the entity must describe why the firm commitment cannot be made at the current time and must affirm that your PHA and your HOPE VI project meet eligibility criteria for receiving the resource. This is particularly important with regard to Low Income Housing Tax Credits (LIHTC), where forward commitments are typically not possible. All letters of commitment must include the donor organization's name, the specific resource proposed, the dollar amount of the financial or in-kind resource, and the purpose of that resource. The commitment must be signed by an official of the organization legally authorized to make commitments on behalf of the organization. HUD will evaluate the strength of commitment that the letters articulate and calculate the ratio of HUD funds to leveraged funds that HUD deems acceptably documented.

(1) *Physical Development Resources:* **6 Points**. HUD seeks to fund mixed-finance developments that use HOPE VI funds to leverage the maximum amount of other physical development funds, particularly from private sources, that will result in revitalized public housing, other types of assisted and market rate housing, and retail and economic development.

(a) *Types of funds. Physical development funds may include, but are not limited to:* (i) Equity (including syndication proceeds);

(ii) Mortgage secured loans and other debt;

(iii) Insured loans;

(iv) Donations and contributions;

(v) Housing trust funds;

(vi) Homeowner loans;

(vii) Funds committed to build private sector housing in connection with the HOPE VI revitalization program;

(viii) Low Income Housing Tax Credits (LIHTC). If you proposed to use tax credits as a part of your financing, you must include in your application a letter from your State or local Housing Finance Agency that provides information from the allocation plan regarding the total amount and type (4 percent vs. 9 percent) of tax credits available, any setasides available for PHAs, per project funding limits, the schedule of funding rounds, verification that your project meets eligibility criteria, phasing, and other pertinent information that will enhance your project's likelihood to receive the desired tax credits. If your application includes a letter from a Housing Finance Agency which addresses these issues, the tax credits will be considered documented and you may count it in your development resources leverage ratio. If your application does not include such a letter, the amount of tax credit dollars you propose will not be counted as leverage.

(b) *Sources of funds.* You must actively enlist other stakeholders who are vested in and can provide significant financial assistance to your revitalization effort. Sources of development resources may include:

(i) Public, private, and non-profit entities;

(ii) State and local Housing Finance Agencies;

(iii) Local governments, which may provide commitments of funds for the physical development costs of schools, libraries, economic development and/or commercial facilities;

(iv) The city's housing and/or redevelopment agency or other functioning agency. HUD will consider this to be a separate entity with which you are partnering if your PHA is also a redevelopment agency or otherwise has citywide responsibilities;

(*A*) You are strongly urged to seek a pledge of Community Development Block Grant (CDBG) funds from your city or county for improvements to public infrastructure work such as streets, water mains, etc. related to the revitalization effort. Information on CDBG can be found on the HUD Home Page (www.hud.gov/cpd/cpd/cpdprog.html);

(*B*) The city or county may provide HOME funds to be used in conjunction with HOPE VI funds, but HOME funds may not be used in conjunction with Public Housing Capital Program funds. Information about the HOME Program can be found on the HOME website (www.hud.gov/cpd/home/homeweb.html);

(v) Foundations;

(vi) Financial institutions, banks or insurers.

(c) *Other HUD Public Housing Funds.* Although you may commit other Federal public housing funds such as Capital Fund grants, Comprehensive Grant Program, MROP, etc. to meet your match requirement if you are selected for funding, your commitment of these types of funds will not count towards your leverage ratio for the purposes of rating your application.

(d) *Rating.* You will receive 6 points if the ratio of requested HOPE VI funds to documented, committed leveraged development funds is at least 1:4.

You will receive 5 points if the ratio is 1:3.

You will receive 4 points if the ratio is 1:2.5.

You will receive 3 points if the ratio is 1:2.

You will receive 2 points if the ratio is 1:1.5.

You will receive 1 point if the ratio is 1:1.

You will receive 0 points if the ratio is less than 1:1 or if there is inadequate information in the application to rate this factor.

(2) *Community and Supportive Services Resources:* **4 Points.** In order to achieve quantifiable self-sufficiency results, you must form partnerships with organizations that are skilled in the delivery of services to residents of public housing and that can provide commitments of resources to support those services. Leveraging scarce HOPE VI CSS funds with other funds and services is critical to the sustainability of CSS programs so that they will continue after the HOPE VI funds have been expended.

(a) *Types of resources.* Resources may include financial resources such as Federal, State, or local government grants or private contributions. Resources may also include in-kind contributions such as the value of any donated material or building; the value of any lease on a building; the value of the time and services contributed by volunteers, and the value of any other in-kind services or administrative costs, such as staff salaries and benefits, supplies, and municipal or county government services or infrastructure which are critical to the successful transformation of the project and of the lives of its residents.

(b) *Sources of resources.* (i) See Section IV(C)(2)(e) of this HOPE VI section of the SuperNOFA for a list of the kinds of organizations, agencies, and other possible resource providers that you may form partnerships or other relationships with to obtain resources for your CSS programs.

(ii) In accordance with Section IV(C)(2)(b) of this HOPE VI section of the SuperNOFA, above, you may enter into subgrantee agreements with organizations, provided that the costs, if any, are verified by an outside entity and the subgrantee is also bringing significant resources to the project.

(c) *Rating.* The number of points you receive will depend on the amount of funds and other resources to be leveraged by the grant, as measured by the leverage ratio of HOPE VI dollars requested for CSS programs to the dollar value of the resources committed from other sources for CSS programs. A letter of general commitment without a dollar figure of committed resources included will not be counted as a resource for this rating factor.

You will receive 4 points if the ratio of HOPE VI funds requested for CSS programs to documented, committed CSS funds leveraged from other sources is 1:2 or higher.

You will receive 3 points if the ratio is between 1:1.5 and 1:1.9.

You will receive 2 points if the ratio is between 1:1 and 1:1.49.

You will receive 0 points if the ratio is less than 1:1 or if there is inadequate information in your application to rate this factor.

Rating Factor 5: Coordination and Community Planning (10 Points)

This factor evaluates your efforts to address the need for revitalized public housing in a holistic and comprehensive manner by coordinating the revitalization of public housing with the overall plans for revitalization and related activities in the broader community, and participating in or committing to participate in the community's Consolidated Planning process.

(1) *Coordination of Revitalization Activities:* **5 Points.** (a) This factor evaluates your efforts to coordinate with other agencies, not to provide services, but to ensure that your activities are consistent with other revitalization, development, economic development, transportation, and other similar activities in the neighborhood, surrounding community, and the city or county at large. Public housing revitalization must not happen in a vacuum, and it is critical that all parties work together to share information and coordinate activities in order to develop plans that complement and reinforce other activities, both ongoing and planned for the future.

(b) HUD will evaluate your efforts to take specific steps to:

(i) Coordinate your proposed activities with related activities of other agencies, groups, or organizations outside the scope of those covered by the Consolidated Plan.

(ii) Develop comprehensive solutions that best complement, support and coordinate other revitalization and related activities, such as plans for changes in transportation, infrastructure, land use, and other issues that may affect the planned public housing revitalization plans.

(iii) Participate in planning efforts to share information about solutions and outcomes with relevant agencies through meetings, information networks, planning processes or other mechanisms.

(c) *Rating.* (i) You will receive 3 to 5 points if you provide letters, memoranda of agreement, or other documentation from organizations and agencies that describe your relationships and coordination efforts and indicate that you have made extensive efforts to coordinate with a variety of related groups.

(ii) You will receive 2 points if you document that you have made some efforts to coordinate your proposed activities with related groups, but your overall effort does not include a variety of different kinds of groups and/or you do not show strong evidence of active coordination.

(iii) You will receive 1 point if your efforts to coordinate with related groups are not comprehensive and/or your relationships are not well documented or committed.

(iv) You will receive 0 points if you have not provided evidence that you have coordinated with related groups, or there is insufficient information in the application to rate this factor.

(2) *Participation in Consolidated Plan AI Process:* **5 Points**.

This factor evaluates your efforts to participate in your community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) and to include the revitalization of severely distressed public housing as a need identified in the Consolidated Plan. (A certification of consistency with the Consolidated Plan is a required element of each HOPE VI Revitalization application.)

(a) You will receive 4 to 5 points if you demonstrate that:

(i) You have actively participated in the Consolidated Planning process, as evidenced by citing the inclusion of the need for revitalized public housing from the Consolidated Plan in your application.

(ii) Your participation in the Consolidated Planning process has ensured that your HOPE VI revitalization plans are tied to other revitalization planned in the broader community and the jurisdiction as a whole, and that they are consistent with plans or organizing efforts in the immediate, surrounding neighborhood. If not, you have provided an adequate description of why they are not.

(iii) If the Consolidated Plan is not applicable to your community, you have demonstrated that you have participated in other community-wide planning efforts.

(b) You will receive 1 to 3 points if you have demonstrated that you have participated in the Consolidated Planning process, but the Plan does not address the revitalization of severely distressed public housing.

(c) You will receive 0 points if you have demonstrated some understanding of the Consolidated Planning process, but have made only marginal or no effort to participate. If the Consolidated Plan is not applicable to your community, you have demonstrated only marginal or no effort to participate in other community-wide planning efforts. You also will receive 0 points if there is inadequate information in the application to rate this factor.

Empowerment Zone/Enterprise Community Bonus (2 Points)

You will receive up to 2 bonus points if you propose to revitalize severely distressed public housing that is located in a Federally-designated Empowerment Zone (EZ), Enterprise Community (EC), or Urban Enhanced Enterprise Community (also referred to as EC). To be eligible for the bonus points, activities must serve EZ/EC residents and the application must include a certification that activities are consistent with the strategic plan for the EZ or EC. A listing of eligible EZs and ECs is appended to the **General Section** of the SuperNOFA, and also can be found on the HUD Home Page (www.hud.gov). Note that if the public housing project is located in a similar economic development area designated by your state or city, but is not located in a Federally-designated EZ or EC, your application will not be eligible for these bonus points.

VII. HOPE VI Demolition Grant Application Selection Process

(A) *HOPE VI Demolition Grant Funding Categories.* HUD will select HOPE VI Demolition grant applications on a first-come, first-served basis, by an application's Priority Group and Ordinal. HOPE VI Demolition grant applications are not rated.

(1) *Priority Groups.* You must identify each HOPE VI Demolition grant application by its appropriate Priority Group, as described below. Each application must target units of a single Priority Group, *e.g.*, do not include Priority Group 1 units in the same application as Priority Group 2 units.

(a) *Priority Group 1*: A HOPE VI Demolition grant application that targets units included in an approved Conversion Plan (i.e., plan for removal of units from the public housing inventory in accordance with the requirements at 24 CFR 971.7(d)). Please note that the term ''Conversion Plan'' used in this HOPE VI section of the SuperNOFA is the plan required by 24 CFR part 971. The Conversion Plan must be approved by HUD on or before the HOPE VI Demolition grant application deadline date under this HOPE VI section of the SuperNOFA.

(b) *Priority Group 2*: A HOPE VI Demolition grant application that targets units included in a Conversion Plan that you have submitted to HUD on or before the HOPE VI Demolition grant application deadline date, or targets units that, at HUD's sole determination under section 537(b) of the Public Housing Reform Act of 1998, are subject to the removal requirements of 24 CFR part 971 and can be expected to be demolished in accordance with the time schedule required by Section IV(F)(1) of this HOPE VI section of the SuperNOFA, above.

(i) If you submit a HOPE VI Demolition grant application for units that are targeted in a Conversion Plan that was submitted under 24 CFR part 971 but not yet approved (Priority Group 2), and HUD subsequently approves the Conversion Plan before the HOPE VI Demolition grant application deadline date, you may submit a revised application and it will be reclassified as Priority Group 1. HUD will change the Ordinal to the Ordinal corresponding to the date that the revised application was received.

(ii) If you submit a Conversion Plan but HUD determines that the targeted project does not qualify for conversion under 24 CFR part 971, your HOPE VI Demolition grant application will not be eligible for funding. Please check with your local HUD Office to confirm that your targeted project is eligible for conversion under part 971 before submitting a HOPE VI Demolition grant application based on submission of a Conversion Plan.

(c) *Priority Group 3*: A HOPE VI Demolition grant application that targets units included in a HUD-approved application for demolition that was developed in accordance with section 18 of the 1937 Act, as amended.

(i) Your Section 18 demolition application must be approved by HUD by the HOPE VI Demolition Application deadline. You are advised that in order to allow for sufficient time for a Section 18 demolition application to be processed, you should submit your Section 18 demolition application to HUD's Special Application Center (SAC) no later than March 14, 2000. If your Section 18 demolition application does not meet the statutory requirements of Section 18, including the requirement for HUD Field Office approval of the Interim or PHA Plan as required by 24 CFR part 903, HUD will not approve the Section 18 demolition application and your HOPE VI Demolition grant application will not be eligible for funding.

(ii) If you have submitted a Section 18 demolition application to the SAC but it has not yet been approved by HUD when you submit your HOPE VI Demolition grant application, your HOPE VI application will not be considered complete and you will not receive an Ordinal until your Section 18 demolition application is approved.

(iii) If HUD has previously approved your Section 18 demolition application but HUD later rescinded the approval, your Section 18 demolition application will not be considered approved by HUD and your HOPE VI Demolition grant application will not be eligible for funding.

(d) *Priority Group 4*. (i) A HOPE VI Demolition grant application that requests funds for the demolition of units that were targeted for demolition

in a previously-approved HOPE VI Revitalization application but for which supplemental funds are needed qualifies as a Priority Group 4 application.

(ii) A HOPE VI Demolition grant application that requests funds for the demolition of units that were not originally targeted for demolition in a previously-approved HOPE VI Revitalization application but that are located in the same project and at the same site that will be revitalized using an existing Revitalization grant qualifies as a Priority Group 4 application.

(iii) The requested HOPE VI Demolition grant funds, in combination with the existing HOPE VI Revitalization grant funds, may not exceed the TDC limit as provided in Section II(A)(3)(a) of this HOPE VI section of the SuperNOFA, above.

(iv) If a Priority Group 4 HOPE VI Demolition application is selected for funding, HUD will approve the planned demolition in its approval of your Revitalization Plan (RP) for the Revitalization grant. If the RP has already been approved, HUD will amend the existing RP approval to include approval of the proposed demolition.

(v) A Section 18 demolition application is not required for a Priority Group 4 HOPE VI Demolition application.

(e) *Priority Group 5.* (i) A HOPE VI Demolition grant application that requests supplemental funds in conjunction with an FY 2000 Revitalization application for a site that has not previously been covered by a HOPE VI Revitalization Plan qualifies as a Priority 5 application. The units identified for demolition in the HOPE VI Demolition application may be the same or different units from those budgeted in the FY 2000 HOPE VI Revitalization application.

(ii) The requested HOPE VI Demolition grant funds, in combination with the requested HOPE VI Revitalization grant funds, may not exceed the TDC limit as provided in Section II(A)(3)(a) of this HOPE VI section of the SuperNOFA, above.

(iii) If your HOPE VI Revitalization application is not approved, the corresponding HOPE VI Priority Group 5 Demolition application will be ineligible for funding.

(iv) If your HOPE VI Demolition application is not approved but your HOPE VI Revitalization application is selected for funding, you must be able to show that the Revitalization activities are feasible without the requested HOPE VI demolition funds.

(v) A Section 18 demolition application is not required for a Priority Group 5 HOPE VI Demolition grant application.

(vi) If you choose, you may also submit a separate HOPE VI Demolition application for the same units identified in your Priority Group 5 Demolition grant application, accompanied by an approval of a Section 18 demolition application. This separate HOPE VI Demolition application would be assigned Priority Group 3. You are cautioned, however, that if your HOPE VI Revitalization application is not selected for funding but your Priority 3 HOPE VI Demolition application is selected for funding, your Section 18 demolition application will be processed and you will be expected to carry out the demolition despite the lack of revitalization funds, since you have identified them as severely distressed.

(2) *Ordinals.* Upon receipt, HUD will assign each HOPE VI Demolition grant application an Ordinal (*i.e.*, ranking number) that reflects the date HUD Headquarters received the application. Ordinals correspond to business days, starting with the date HUD receives the first Demolition grant application and ending on the application deadline date, as specified in Section I of this HOPE VI section of the SuperNOFA, above. HUD will consider all applications received on the same date as received at the same time on that date, and those applications will all be assigned the same Ordinal.

(B) *Demolition Screening.* (1) Within a day after HUD receives your HOPE VI Demolition grant application, HUD will screen the application to ensure that it:

(a) Meets each HOPE VI threshold criterion listed in Section V(A) of this HOPE VI section of the SuperNOFA, above; and

(b) Includes each application submission requirement listed in Section IX(B) of this HOPE VI section of the SuperNOFA, below.

(2) If HUD determines that an application is not eligible for funding (e.g., the applicant is not a PHA), HUD will not consider the application further and will immediately notify the applicant that the application has been rejected.

(3) If HUD determines that an application is eligible but incomplete, within one day of receipt of the application, HUD will contact you in writing by fax (followed up with a hard copy by mail) to request the missing information. If HUD finds your application and other applications received on the same day to be incomplete, HUD will notify all such applicants of their missing items on the same day. Since HOPE VI Demolition grant applications are not rated, you may submit information to complete your application at any time before the HOPE VI Demolition grant application deadline date. However, if your application is received on the deadline date and it is missing a required submission, you will have no opportunity to submit any missing item after the deadline date and your HOPE VI Demolition grant application will be ineligible for funding.

PLEASE NOTE: This provision means that the nearer to the deadline date you submit your application, the less time you will have to correct any deficiencies, and if HUD receives your application ON the deadline date and there is a deficiency, that application will NOT be eligible for funding. You are advised to submit your application as soon as possible, in the event that HUD identifies a deficiency that you need to correct.

(4) If HUD determines that the information you submit in response to a notification of deficiency is correct and completes the application, HUD will change the application's Ordinal to the Ordinal corresponding to the date that HUD received the information.

(5) If HUD determines that the information submitted does not make the application complete, HUD will notify you of the remaining deficiency. You will have the opportunity to submit information in response to notifications of deficiency up until the HOPE VI Demolition application deadline date.

(6) If you do not submit the requested information by the HOPE VI Demolition grant deadline date, your application will be ineligible for funding.

(C) *Funding.* HUD will award HOPE VI Demolition grants in the following order, based on fund availability.

(1) HUD will fund Priority Group 1 applications by Ordinal.

(2) If funds remain after HUD has funded all eligible Priority Group 1 applications, HUD will fund Priority Group 2 applications by Ordinal.

(3) If funds remain after HUD has funded all eligible Priority Group 2 applications, HUD will fund Priority Group 3 applications by Ordinal.

(4) If funds remain after HUD has funded all eligible Priority Group 3 applications, HUD will fund Priority Group 4 applications by Ordinal.

(5) If funds remain after HUD has funded all eligible Priority Group 4 applications, HUD will fund Priority Group 5 applications by Ordinal.

(6) At any stage, if there are insufficient funds to fund all applications with the next Ordinal, HUD will conduct a lottery among the applications sharing the Ordinal to determine funding. HUD reserves the

right to partially fund the last lottery winner chosen if insufficient funds remain to fund the entire amount requested, but HUD determines that, based on the application, partial funding will be a viable alternative to full funding.

(7) If funds remain after all eligible HOPE VI Demolition grant applications have been funded, the remaining funds will be reallocated for HOPE VI Revitalization grants in accordance with Section II(B)(1)(b) of this HOPE VI section of the SuperNOFA, above.

VIII. Grant Award Procedures

(A) *Revitalization Grants.* (1) *Notification of Funding Decisions.* The HUD Reform Act prohibits HUD from notifying you as to whether or not you have been selected to receive a Revitalization grant until it has announced all HOPE VI Revitalization grant recipients. If your Revitalization application has been found to be ineligible or if it did not receive enough points to be funded, you will not be notified until the successful applicants have been notified. HUD will provide written notification to all HOPE VI applicants, whether or not they have been selected for funding.

(2) *Preliminary Approval.* HUD notification that you have been selected to receive a HOPE VI grant constitutes only preliminary approval. Grant funds may not be released until the following activities have been completed:

(a) You and HUD must execute a HOPE VI Revitalization Grant Agreement in accordance with paragraph (3) below;

(b) The responsible entity must complete an environmental review and you must submit and obtain HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with 24 CFR part 58 and Section IV(B)(7) of this HOPE VI section of the SuperNOFA, above (or HUD has completed an environmental review under 24 CFR part 50 where HUD has determined to do the environmental review).

(3) *Revitalization Grant Agreement.* When you are selected to receive a Revitalization grant, HUD will send you a HOPE VI Revitalization Grant Agreement, which constitutes the contract between you and HUD to carry out and fund public housing revitalization activities. Both you and HUD will sign the cover sheet of the Grant Agreement, and it is effective on the date of HUD's signature. The Grant Agreement sets forth:

(a) The amount of the grant;

(b) Required submissions;

(c) Procedures for amendments and approvals;

(d) Program Requirements;

(e) Required schedules for the completion of activities;

(f) Environmental assessment requirements;

(g) Covenants and conditions;

(h) Drawdown procedures;

(i) Reporting requirements;

(j) Recordkeeping requirements;

(k) Grant closeout procedures;

(l) Conflict of interest provisions;

(m) Other Federal requirements; and

(n) Default provisions.

(4) *Revitalization Plan.* Each new Revitalization Grantee will be required to submit supplemental information, including a budget, Community and Supportive Services Plan, program schedule, and other information as requested by HUD. When approved by HUD, this information, along with the original grant application, constitutes the HOPE VI Revitalization Plan for the severely distressed project.

(5) *Mixed Finance Proposal.* A Grantee proposing mixed-finance development must submit to HUD a Mixed Finance Proposal in accordance with 24 CFR 941.606 or successor part (subpart F). (B) *Demolition Grants.* (1) *Notification of Funding Decisions.* Because the HOPE VI Demolition grants are awarded on a first-come, first-served basis, HUD reserves the right to award funds to Priority 1 applications as soon as they are determined to be eligible for funding, or announce all awards after the application deadline date has passed. HUD will notify ineligible applicants of their ineligibility immediately after that determination has been made. HUD will provide written notification to all HOPE VI applicants, whether or not they have been selected for funding.

(2) *Preliminary Approval.* HUD notification that you have been selected to receive a HOPE VI demolition grant constitutes only preliminary approval. Grant funds may not be released until the following activities have been completed:

(a) You and HUD must execute a HOPE VI Demolition Grant Agreement in accordance with paragraph (3) below;

(b) The responsible entity must complete an environmental review and you must submit and obtain HUD approval of a request for release of funds and the responsible entity's environmental certification in accordance with 24 CFR part 58 and Section IV(B)(7) of this HOPE VI section of the SuperNOFA, above.

(3) *Demolition Grant Agreement.* If you are selected to receive a Demolition grant, HUD will send you a HOPE VI Demolition Grant Agreement. Both you and HUD will sign the Cover Sheet of the Grant Agreement, and it is effective on the date of HUD's signature. The Grant Agreement sets forth:

(a) The amount of the grant;

(b) Procedures for amendments and approvals;

(c) Required schedules for the completion of activities;

(d) Program requirements;

(e) Environmental assessment requirements;

(f) Covenants and conditions;

(g) Drawdown procedures;

(h) Reporting requirements;

(i) Recordkeeping requirements;

(j) Grant Closeout procedures;

(k) Conflict of interest provisions;

(l) Other Federal requirements; and

(m) Default provisions.

IX. Application Submission Requirements

(A) *Revitalization Application Requirements.* (1) *Application Kit.* The HOPE VI Application Kit provides explicit, specific instructions as to the format of a HOPE VI Revitalization application. Your application must conform to the requirements of this HOPE VI section of the SuperNOFA and follow the format described in the Kit. If you fail to adhere to the requirements of this NOFA, as detailed in the Kit, and omit critical requirements, your application may lose points. In addition to the narrative exhibits that respond to the rating criteria in this HOPE VI section of this SuperNOFA, your application will also include attachments that provide HUD with detailed information about your proposed revitalization, including forms and other documentation.

(2) *Application Page Limits.* Each Revitalization application must contain no more than 75 pages of narrative exhibits and 100 pages of attachments. Any pages after the first 75 pages of narrative exhibits and first 100 pages of attachments will not be reviewed. Although submitting pages in excess of the page limitations will not disqualify an application, *HUD will not consider the information on any excess pages, which may result in a lower score or failure of a threshold.*

(3) *Narrative Exhibits.* The following is a summary of the narratives required in a HOPE VI Revitalization application:

(a) An Executive Summary.

(b) A list of revitalization team members and a description of team experience in development, delivery of community and supportive service programs, and property management.

(c) Your need for the HOPE VI grant, including a description of existing site

conditions which demonstrates the extent of need for physical revitalization, the impact of the proposal on the neighborhood, your need for funding, the market for the proposed housing types, the need for affordable housing in the community, and whether the need has been identified by the community.

(d) All predevelopment activities, including relocation, hazard abatement, demolition, disposition, and site improvements.

(e) Elements of the proposed physical revitalization, including design; accessibility, visitability, and adaptability; and a description of how the plan will lessen concentration.

(f) Proposed community and supportive services programs.

(g) Your plan for resident and community outreach and involvement.

(h) Current or planned coordination with the revitalization or other related activities of other agencies or organizations, and the relationship of the proposed revitalization to the city or county's Consolidated Plan.

(i) Proposed operation and management principles and policies which will foster self-sufficiency and economic diversity, increase safety and security for residents, and address the elimination of impediments to fair housing.

(j) Your plan to evaluate the program.

(4) *Attachments*. The following is a summary of the attachments that will be required in a HOPE VI Revitalization application:

(a) Photographs of distressed public housing and representative photographs of the neighborhood.

(b) Maps of the current site, the neighborhood, and the city.

(c) Map of the proposed site.

(d) Conceptual site plan.

(e) Conceptual design illustrations of proposed units and non-dwelling facilities.

(f) Certification of severe physical distress.

(g) Program schedule.

(h) Public meeting documentation.

(i) Copies of letters or other documentation of objection to the proposed plan.

(j) Staffing and time allocation plan and organizational chart.

(k) Commitments from selected or proposed team members.

(l) Preliminary market assessment letter.

(m) list and documentation of resources; TDC worksheet; certification of extraordinary site costs, if applicable.

(n) Documentation of coordination with related groups.

(o) Letter of commitment to perform evaluation.

(5) *HOPE VI Application Forms*. The following HOPE VI forms are appended to this HOPE VI section of the SuperNOFA and are also included in the HOPE VI Application Kit. Electronic versions also can be obtained from HUDCLIPS (www.hud.clips.org).

(a) HOPE VI Revitalization Application Data Form (HUD–52860–A)

(b) HOPE VI Budget (HUD–52825–A, Parts I and II)

(c) Section 8 Application (HUD–52515)

(d) HOPE VI Revitalization Applicant Certifications (HUD–52820–A). See Appendix A of this HOPE VI section of the SuperNOFA for the text of these certifications.

(6) *General Section Certification Forms*. The following forms are appended to the General Section of the SuperNOFA and are also included in the HOPE VI Application Kit. Electronic versions of these forms also can be obtained from HUDCLIPS (www.hudclips.org). Additional forms that are required for the HOPE VI application can be found in Appendix C to this program section of the SuperNOFA.

(a) Application for Federal Assistance (SF–424)

(b) Assurances—Construction Programs (SF–424D)

(c) Certification for a Drug-Free Workplace (HUD–50070)

(d) Certification of Payments to Influence Federal Transactions (HUD–50071)

(e) Disclosure of Lobbying Activities (SF–LLL) (if applicable)

(f) Recipient Disclosure/Update Report (HUD–2880)

(g) Certification Regarding Debarment and Suspension (HUD–2992)

(h) Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990)

(i) Certification of Consistency with the Consolidated Plan (HUD–2991)

(j) Acknowledgment of Application Receipt (HUD–2993)

(B) *Demolition Application Requirements*. (1) *Application Kit*. The HOPE VI Application Kit provides specific instructions as to the format of a HOPE VI Demolition application. Your application must conform to the requirements of this HOPE VI section of the SuperNOFA and follow the format described in the kit.

(2) *Application Information*. The following is a summary of the information required in a HOPE VI Demolition application. Items (h) (Section 8 application) and (i) (HOPE VI Budget form) are available at www.hudclips.org.

(a) Applicant, site, and unit information

(b) Priority group

(c) Narrative of proposed activities, including a demonstration of the appropriateness of the proposal in the context of the local housing market relative to other alternatives

(d) Program schedule

(e) Certification of reasonable and accurate costs

(f) Certification of extraordinary site costs, if applicable, and grant limitations

(g) Documentation of unit eligibility

(h) Section 8 application, if applicable (HUD–52515)

(i) Program budget (HUD–52825–A, parts I and II)

(j) HOPE VI Demolition Applicant Certifications (HUD–52820–B). See Appendix B of this HOPE VI section of the SuperNOFA for the text of these certifications.

(3) *General Section Certification Forms*. The following forms are appended to the **General Section** of the SuperNOFA and are also included in the HOPE VI Application Kit. Electronic versions of these forms also can be obtained from HUDCLIPS (www.hudclips.org).

(a) Application for Federal Assistance (SF–424)

(b) Assurances—Construction Programs (SF–424D)

(c) Certification for a Drug-Free Workplace (HUD–50070)

(d) Certification of Payments to Influence Federal Transactions (HUD–50071)

(e) Disclosure of Lobbying Activities (SF–LLL)

(f) Recipient Disclosure/Update Report (HUD–2880)

(g) Certification Regarding Debarment and Suspension (HUD–2992)

X. Authority

(A) The funding authority for HOPE VI Revitalization and Demolition grants under this HOPE VI section of the SuperNOFA is provided by the FY 2000 HUD Appropriations Act under the heading ''Revitalization of Severely Distressed Public Housing (HOPE VI).''

(B) The program authority for the HOPE VI Program is section 24 of the U.S. Housing Act of 1937 (42 USC 1437v), as added by section 535 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, 112 Stat. 2461, approved October 21, 1998).

Appendix A—HOPE VI Revitalization Certifications

Acting on behalf of the Board of Commissioners of the Housing Authority listed below, as its Chairman, I approve the submission of the HOPE VI Revitalization application of which this document is a part

and make the following certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Applicant Certifications

1. The public housing project or building in a project targeted in this HOPE VI Revitalization application meets the definition of severe distress provided in Section IV.(A)(1) of the HOPE VI section of the FY 2000 HOPE VI NOFA, in accordance with Section 24(j)(2) of the U.S. Housing Act of 1937 (''the Act'').

2. The PHA has not received assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities for which funding is requested in the HOPE VI Revitalization application.

3. The PHA does not have any litigation pending which would preclude timely startup of activities.

4. The PHA is in full compliance with any desegregation or other court order related to Fair Housing (*e.g.*, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973) that affects the PHA's public housing program and that is in effect on the date of application submission.

5. PHA has returned any excess advances received during development or modernization, or amounts determined by HUD to constitute excess financing based on a HUD-approved Actual Development Cost Certificate (ADCC) or Actual Modernization Cost Certificate (AMCC), or that HUD has approved a pay-back plan.

6. There are no environmental factors, such as sewer moratoriums, precluding development in the requested locality.

7. The application is consistent with Environmental Justice Executive Order 12898, in that the proposed public housing will be developed only in environmentally sound and desirable locations and will avoid disproportionately high and adverse environmental effects on minority and low-income communities.

8. In accordance with the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), the property targeted for acquisition or construction (including rehabilitation) is not located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(a) The community in which the area is situated is participating in the National Flood Insurance program (see 44 CFR parts 59 through 79), or less than one year has passed since FEMA notification regarding such hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance is obtained as a condition of execution of a Grant Agreement and approval of any subsequent demolition or disposition application.

9. The application does not target properties in the Coastal Barrier Resources System, in accordance with the Coastal Barrier Resources Act (16 U.S.C. 3501).

Grantee Certifications

If selected for HOPE VI Revitalization funding:

10. The PHA will comply with all policies, procedures, and requirements prescribed by HUD for the HOPE VI program, including the implementation of HOPE VI revitalization activities in a timely, efficient, and economical manner.

11. The PHA will not receive assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities funded by the HOPE VI Revitalization grant. The PHA has established controls to ensure that any activity funded by the HOPE VI Revitalization grant is not also funded by any other HUD program, thereby preventing duplicate funding of any activity.

12. The PHA will not provide to any development more assistance under the HOPE VI Revitalization grant than is necessary to provide affordable housing after taking into account other governmental assistance provided.

13. The PHA will supplement the aggregate amount of the HOPE VI Revitalization grant with funds from sources other than HOPE VI in an amount not less than 5 percent of the amount of HOPE VI grant.

14. In addition to supplemental amounts provided in accordance with Certification 11 above, if the PHA uses more than 5 percent of the HOPE VI grant for community and supportive services, it will provide supplemental funds from sources other than HOPE VI in an amount equal to the amount used in excess of 5 percent.

15. Disposition activity under the grant will be conducted in accordance with Section 18 of the Act.

16. The PHA will carry out acquisition of land, or acquisition of off-site units with or without rehabilitation to be used as public housing, in accordance with 24 CFR part 941, or successor part.

17. The PHA will carry out major rehabilitation and other physical improvements of housing and non-dwelling facilities in accordance with 24 CFR 968.11 2(b), (d), (e), and (g)-(o), 24 CFR 968.130, and 24 CFR 968.135(b) and (d) or successor part.

18. The PHA will carry out construction of public housing replacement housing, both on-site and off-site, and community facilities, in accordance with 24 CFR part 941 or successor part, including mixed-finance development in accordance with subpart F.

19. The PHA will carry out replacement homeownership activities in general conformance with the requirements of 24 CFR part 906 and the income limitations of the Act.

20. The PHA will administer and operate rental units in accordance with all existing public housing rules and regulations, as those requirements now exist or as they may be amended from time to time.

21. The PHA will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601–19) and regulations pursuant thereto (24 CFR part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR part 107); the fair housing poster regulations (24 CFR part 110) and advertising guidelines (24 CFR part 109); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations pursuant thereto (24 CFR part 1).

22. The PHA will address the elimination of impediments to fair housing choice relating to its public housing and particularly to the revitalization of distressed public housing that were identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice, remedy discrimination in housing, and promote fair housing rights and fair housing choice.

23. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and regulations issued pursuant thereto (24 CFR part 146); the prohibitions against discrimination against, and reasonable modification and accommodation and accessibility requirements for, handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR part 8); the Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) and regulations issued pursuant thereto (28 CFR Part 36); and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151) and regulations issued pursuant thereto (24 CFR Part 40).

24. The PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises in accordance with the requirements of Executive Orders 11246, 11625, 12432, and 12138.

25. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135, including the reporting requirements of subpart E.

26. The PHA will comply with Davis-Bacon or HUD-determined prevailing wage rate requirements to the extent required under Section 12 of the U.S. Housing Act of 1937.

27. As applicable, the PHA will comply with the relocation assistance and real property acquisition requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and government-wide implementing regulations at 49 CFR part 24; relocation regulations at 24 CFR 968.108 or successor part (rehabilitation, temporary relocation); 24 CFR 941.207 or successor part (acquisition); and 24 CFR Section 18 of the 1937 Act as amended (disposition).

28. The PHA will comply with the HOPE VI requirements for reporting and access to records as required in the HOPE VI Revitalization Grant Agreement.

29. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821, *et seq.*) and is subject to 24 CFR part 35 and 24 CFR part 965 (subpart H), as they may be amended from time to time, and Section 968.110(k) or successor part.

30. The PHA will comply with the policies, guidelines, and requirements of OMB

Circular A–87 (Cost Principles Applicable to Grants, Contracts, and Other Agreements with State and Local Governments).

31. The PHA will comply with 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments), as modified by 24 CFR 941 or successor part, subpart F, relating to the procurement of partners in mixed finance developments, except when inconsistent with the provisions of the 2000 Appropriations Act or other applicable Federal statutes. Requests for Proposals (RFPs) and Requests for Qualifications (RFQs) will reflect pertinent language from the program section of FY 2000 HOPE VI NOFA; *e.g.*, seeking diversity, accessibility, fair housing requirements, etc.

32. The PHA will keep records in accordance with 24 CFR 85.20 that facilitate an effective audit to determine compliance with program requirements, and comply with the audit requirements of 24 CFR 85.26.

33. The PHA will enter into a binding Development Agreement within 12 months from the date of HUD's approval of the Revitalization Plan. In no event may this time period exceed 18 months from the date the Grant Agreement is executed.

34. The PHA will complete construction within 48 months from the date of HUD's approval of the RP. In no event may the time period for completion exceed 54 months from the date the Grant Agreement is executed.

35. All activities that include construction, rehabilitation, lead-based paint removal, and related activities will meet or exceed local building codes. New construction will comply with the latest HUD-adopted Model Energy Code issued by the Council of American Building Officials.

Appendix B—HOPE VI Demolition Applicant Certifications

Acting on behalf of the Board of Commissioners of the Public Housing Authority (PHA) listed below, as its Chairman, I approve the submission of the HOPE VI Demolition funding application of which this document is a part and make the following certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Applicant Certifications

1. The public housing project or building in a project targeted in this HOPE VI Demolition application meets the definition of severe distress provided in Section IV.(A)(1) of the program section of the FY 2000 HOPE VI NOFA, in accordance with Section 24(j)(2) of the U.S. Housing Act of 1937 (''the Act'').

2. The PHA has not received assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific demolition activities for which funding is requested in the HOPE VI Demolition application.

3. The PHA is in full compliance with any desegregation or other court order related to Fair Housing (*e.g.*, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Section 504 of the Rehabilitation Act of 1973) that affects the PHA's public housing program and that is in effect on the date of application submission.

4. The PHA does not have any litigation pending which would preclude timely startup of activities.

5. PHA has returned any excess advances received during development or modernization, or amounts determined by HUD to constitute excess financing based on a HUD-approved Actual Development Cost Certificate (ADCC) or Actual Modernization Cost Certificate (AMCC), or that HUD has approved a pay-back plan.

Grantee Certifications

If selected for HOPE VI Demolition funding:

6. The PHA will comply with all policies, procedures, and requirements prescribed by HUD for the HOPE VI program, including the implementation of HOPE VI Demolition activities in a timely, efficient, and economical manner.

7. The PHA will procure a demolition contractor within six months from the date of Grant Agreement execution, and complete the demolition within two years from the date of Grant Agreement execution.

8. The PHA will not receive assistance from the Federal government, State, or unit of local government, or any agency or instrumentality, for the specific activities funded by the HOPE VI Demolition grant. The PHA has established controls to ensure that any activity funded by the HOPE VI Demolition grant is not also funded by any other HUD program, thereby preventing duplicate funding of any activity.

9. The PHA will not provide to any development more assistance under the HOPE VI Demolition grant than is necessary to perform demolition activities after taking into account other governmental assistance provided.

10. The PHA will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601–19) and regulations pursuant thereto (24 CFR part 100); Executive Order 11063 (Equal Opportunity in Housing) and regulations pursuant thereto (24 CFR part 107); the fair housing poster regulations (24 CFR part 110) and advertising guidelines (24 CFR part 109); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations pursuant thereto (24 CFR part 1).

11. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and regulations issued pursuant thereto (24 CFR part 146); the prohibitions against discrimination against, and reasonable modification and accommodation and accessibility requirements for, handicapped individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR part 8); the Americans with Disabilities Act (42 U.S.C. 12101 *et. seq.*) and regulations issued pursuant thereto (28 CFR part 36); and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151) and regulations issued pursuant thereto (24 CFR part 40).

12. The PHA will address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments to Fair Housing Choice; remedy discrimination in housing; and promote fair housing rights and fair housing choice.

13. The PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the HOPE VI contracts to be awarded during subsequent fiscal years to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises in accordance with the requirements of Executive Orders 11246, 11625, 12432, and 12138.

14. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and its implementing regulation at 24 CFR part 135, including the reporting requirements of Subpart E.

15. The PHA will comply with HUD-determined prevailing wage rate requirements to the extent required under section 12 of the Act.

16. As applicable, the PHA will comply with the relocation assistance and real property acquisition requirements of section 18 of the Act, as amended (demolition approved by a Section 18 demolition application; and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and government-wide implementing regulations at 49 CFR part 24 (demolition pursuant to a Section 18 demolition application; demolition approved pursuant to a Mandatory Conversion Plan).

17. The PHA will comply with the HOPE VI requirements for reporting and access to records as required in the HOPE VI Demolition Grant Agreement.

18. The PHA will keep records in accordance with 24 CFR 85.20 that facilitate an effective audit to determine compliance with program requirements, and comply with the audit requirements of 24 CFR 85.26.

19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular A–87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).

BILLING CODE 4210–32–P

Appendix C

The non-standard forms, which follow, are required for your HOPE VI application.

HOPE VI Revitalization Application Data Form

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB Approval No. 2577-0208 (exp. 00/00/00)

Public Reporting Burden for this collection of information is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Response to this collection of information is mandatory to obtain a benefit. The information requested does not lend itself to confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Attachment 20: *Application Data Form: Cover Sheet*

Development Name: _____

Applicant Information

PHA Number: __ __ - __ __ __

PHA Name: _____

PHA Street Address: _____

City, State, Zip: _____ *Main Telephone #:* _____

PHA Executive Director: _____ *Telephone:* _____ *Fax:* _____

Email Address: _____

HOPE VI Coordinator: _____ *Telephone:* _____ *Fax:* _____

Email Address: _____

HOPE VI Developer (if any): _____ *Telephone:* _____ *Fax:* _____

HOPE VI Developer Contact: _____ *Email Address:* _____

Program Manager (if any): _____ *Telephone:* _____ *Fax:* _____

Email Address: _____

Additional Partner: _____ *Functional Title:* _____

Additional Partner: _____ *Functional Title:* _____

Existing Development Name: _____

Street Address/Zip: _____

Existing Project Number(s): _____ *Neighborhood name/Area of town:* _____

New Development Name: _____ *Congressional District:* _____

Mixed Income Proposed? _____ *Mixed Finance Proposed?* _____

Data Summary

	Existing	*Post-Development*
Number of replacement Public Housing units (on/off-site, including homeownership units - excluding rehabilitated units)		
Number of non-Public Housing, subsidized units (on/off-site, including homeownership)		
Number of market-rate units (no income restrictions)		
TOTAL NUMBER OF UNITS		
Number of units to be rehabilitated (excluding acquisition with rehab)		
Number of newly constructed on-site units (incl. acquisition with rehab)		
Number of newly constructed/off-site units (incl. acquisition with rehab)		
Number of occupied units (at time of application)		
Number of vacant units (at time of application)		

HUD-52860-A

Attachment 21: *Application Data Form: Existing Units, Occupancy, Vacancy*

Development Name: _____

Existing Units at Time of Grant Application

Building Type	*Size*	*Number Occupied*	*Number Vacant*	*Total Units*	*Converted to non-dwelling*	*Demo Planned*
Row	0 BR					
	1 BR					
	2 BR					
	3 BR					
	4 BR					
	5 BR					
	6 BR					
	Total					
Detached/	0 BR					
Semi detached	1 BR					
	2 BR					
	3 BR					
	4 BR					
	5 BR					
	6 BR					
	Total					
Walkups	0 BR					
	1 BR					
	2 BR					
	3 BR					
	4 BR					
	5 BR					
	6 BR					
	Total					
Elevator	0 BR					
	1 BR					
	2 BR					
	3 BR					
	4 BR					
	5 BR					
	6 BR					
	Total					
Grand Total						

Attachment 22: *Application Data Form: Relocation, Income, and Non-Dwelling Structures*

Development Name: _____

Relocation/Occupancy

Relocation Strategy:	*Planned*
To be provided Section 8 certificates/vouchers:	
To be moved within public housing (on and off-site):	
To move to non-assisted housing/unknown:	
Total	

Number of Section 8 certificates/vouchers requested/received from HUD for this project:	***Requested***	***Received***

Number of occupied units at grant application: _____

Projected number of occupied units at time of demolition application approval: _____

Families to be rehoused	*Planned*
Number of original families to be returned to the HOPE VI development (both on and off-site):	
Number of these families to be housed in new construction	

Family Income	*Existing*	*Post Development*
Average income (as percentage of Median) of Public Housing Residents in Development:		
Average income (as percentage of Median) of otherwise subsidized residents in Neighborhood:		
Average Income (as percentage of Median) of market-rate residents in the Neighborhood:		
Resident Profile:		
Total Number of Residents:		
Number of children under 18 years of age:		
Number of children under 6 years of age:		
Number of senior citizens:		
Number of individuals with disabilities		

Non-Dwelling Structure Summary

Proposed Non-Dwelling Structures (Please Describe, including type of facility and whether proposing new construction or rehabilitation	*New or Rehab*	*Square Footage*	*Total Cost*	*Cost per Sq. Ft.*

Attachment 23: *Application Data Form: Proposed Unit Mix Post-Revitalization*

Development Name: _____

Proposed Unit Mix Post-Revitalization

New Construction (include any acquisition w/rehab) *Rehabilitation*

Row: New Construction					*Row: Rehabilitation*				
Size	*Sq. Ft.*	*ACC Units**	*Non- ACC Units***	*Other Home-ownership*	*Size*	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*
0 BR					0 BR				
1 BR					1 BR				
2 BR					2 BR				
3 BR					3 BR				
4 BR					4 BR				
5 BR					5 BR				
6 BR					6 BR				
Total					*Total*				

Detached/Semi-detached: New Construction					*Detached/Semi-detached: Rehabilitation*				
Size	*Sq. Ft.*	*ACC Units**	*Non- ACC Units***	*Other Home-ownership*	*Size*	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*
0 BR					0 BR				
1 BR					1 BR				
2 BR					2 BR				
3 BR					3 BR				
4 BR					4 BR				
5 BR					5 BR				
6 BR					6 BR				
Total					*Total*				

Walkups: New Construction						*Walkups: Rehabilitation*			
Size	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*	*Size*	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*
0 BR					0 BR				
1 BR					1 BR				
2 BR					2 BR				
3 BR					3 BR				
4 BR					4 BR				
5 BR					5 BR				
6 BR					6 BR				
Total					*Total*				

Elevator: New Construction					*Elevator: Rehabilitation*				
Size	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*	*Size*	*Sq. Ft.*	*ACC Units**	*Non-ACC Units***	*Other Home-ownership*
0 BR					0 BR				
1 BR					1 BR				
2 BR					2 BR				
3 BR					3 BR				
4 BR					4 BR				
5 BR					5 BR				
6 BR					6 BR				
Total					*Total*				

Grand Total									

***ACC units include PH rental, PH/LIHTC, and Part 906 lease purchase.**
**** Non-ACC units have no PH or HOPE VI funds and will not be under ACC.**

Attachment 24: *Application Data Form: Planned Units, Accessibility, and Concentration*

Development Name: _____

Planned Units

Rental Units: ACC							
PH/Only		*PH/LIHTC*		*PH/Other*		*Total ACC*	
On Site	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*

Rental Units: Non-ACC							
LIHTC		*HOME*		*No Income Restrictions*		*Total Non ACC*	
On Site	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*

Homeownership Units									
Part 906 Homeownership (PH Funds Included)		*Other Homeownership (PH Funds Included)*		*Other Subsidized Homeownership with Income Restrictions (No PH Funds)*		*Unsubsidized Homeownership with No Income Restrictions*		*Total Homeownership*	
On Site	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*	*On Site*	*Off Site*

Of the homeownership units, how many are rent to own?

Grand Total	

Accessibility

New Construction	*# Rental Units*	*# Homeownership Units*	*# Lease/Purchase Units Part 906*	*Total*
Handicap				
Hearing Impaired				
Sight Impaired				

Rehabilitation	*# Rental Units*	*# Homeownership Units*	*# Lease/Purchase Units Part 906*	*Total*
Handicap				
Hearing Impaired				
Sight Impaired				

Concentration

	Pre Development	*Post Development*
Density of on-site development (Units per Acre):		
Percent of very low income families in the development (30% of median or below)		

Attachment 25: *Application Data Form: Self-Sufficiency*

Development Name: _____

	During Last 12 Months	At Time of Application	At Grant Award	One Year after Grant Award	Two Years after Grant Award	At Close of Grant
A. Graduation from Public Assistance						
Number of households whose primary monthly source of income is:						
Wages/Salary						
TANF						
Other						
B. Employment/Obstacles to Employment						
Number of TANF participants enrolled in jobs training programs						
Number of non-TANF participants enrolled in jobs training programs						
Number of unemployed residents placed in:						
Section 3 jobs						
Non-Section 3 Jobs						
C. Economic Development						
Number of resident-owned businesses						
D. Section 3						
Dollar amount of HOPE VI contracts going to Section 3 firms						
E. Education						
Number of residents without a high schoold diploma or G.E.D.						
F. Homeownership						
Number of residents in homeownership counciling						
G. Case Management						
If you have a Family Supportive Services program:						
Number of residents enrolled in FSS program						
Dollar amount in escrow accounts						
H. Youth Programs						
Number of youth participating in youth programs						
Number of children participating in day care programs						
I. Health						
Number of partnerships with healthcare agencies (e.g., clinics, hospitals, universities)						
J. Transportation						
Number of residents who use public transportation to get to work or services						

Application Data Form: Self-Sufficiency, Page 2

Development Name: _____

K. Self Sufficiency Projected Spending

Planned Spending	HOPE VI funds	Other funds	Total
Day Care			
Health Care			
Education			
Job Training			
Business Development Training			
Case Management			
Other, (specify)			
Other, (specify)			
Other, (specify)			
Other, (specify)			
Other, (specify)			
Other, (specify)			

TOTAL			

L. Self-Sufficiency: Programs and Partners

List of Self-Sufficiency (CSS) Programs	*List of Self-Sufficiency (CSS) Partners*

Attachment 26: *Application Data Form: Sources and Uses*

Development Name: _____

Uses ($)*	HOPE VI Uses ($) +	Non-HOPE VI Uses =	Total
Administration			
Administration			
Management Improvements			
Management Improvements - Dev			
Management Improvements - CSS			
Acquisition			
Site Acquisition			
Building Acquisition, Turnkey			
Building Acquisition, Rehabilitation			
Building Acquisition, Non-Dwelling			
Building Remediation/Demolition			
Remediation, Dwelling Units			
Demolition, Dwelling Units			
Remediation, Non-Dwelling Units			
Demolition, Non-Dwelling Units			
Demolition, Other			
Site Improvements			
Site Remediation			
Site Infrastructure			
Off-site improvements			
Construction			
Dwelling Structures - hard costs			
Non-Dwelling - hard costs			
General Requirements			
Builder's Profit			
Builder's Overhead			
Bond Premium			
Hard cost contingency			
Equipment			
Dwelling Equipment			
Non-Dwelling Equipment			
Professional Fees/Consultant Services			
Program Management Services			
Architectural			
Engineering			
Construction Management Services			
Appraisal			
Environmental			
Market Study			
Historic preservation documentation			
Other			
Legal			
Organizational			
Syndication			
PHA outside counsel			
Other			
Tax Credit			
Accounting			
Tax credit application			
Tax credit monitoring fee			
Consultant			
Other			

Application Data Form: Sources and Uses, Page 2

Development Name: _____

Uses ($)*	HOPE VI Uses ($) +	Non-HOPE VI Uses =	Total
Other Development Costs (Soft Costs)			
Accounting Fees			
Financing Fees			
Permit Fees			
Title/Recording/Settlement Fees			
Real Estate taxes during construction			
Insurance during construction			
Interest during construction			
Bridge loan interest			
Marking/Rent-up expenses			
Initial operating deficit			
Soft cost contingency			
Other			
Relocation			
Relocation Costs			
Developer Fee			
Developer Fee			
Reserves			
Operating reserve			
Other reserves			
Non-Development Costs			
Self-Sufficiency (CSS)			
Other non-development costs			
Planning			
Planning Grant			
TOTAL USES:	$	$	
		Total Uses	$

Sources ($)	
Grants	
HOPE VI:	
Modernization:	
PH Development:	
MROP:	
HOPE VI Planning Grant	
HOPE VI Demolition Grant	
Other HUD Funds	
HUD HOME:	
HUD CDBG:	
Total HUD Funds	$
Non-HUD Public Funds	
State Funds	
Local Funds	
Other Funds	
PHA Funds	
Total Non-HUD Public Funds	$
Private Funds	
Tax Exempt Bonds	
Taxable Bonds	
Private LIHTC	
Other Equity	
Homebuyer down payment	
Donations/Grants	
Private Lender	
Other	
Total Private Funds	$
Total Sources	$

Total Uses must Equal Total Sources

HOPE VI Budget
Part I: Summary

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0208 (exp. 5/31/2000)

Public Reporting Burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This information is necessary to provide details on the funds requested by Housing Authorities. The form displays the amount requested, broken down by budget line item, with each use explained on Part II. The requested information will be reviewed by HUD to determine if the amount requested is reasonable and whether the required percentages of capital and supportive services funds are met. Responses to the collection are required by the appropriation under which the HOPE VI grant was funded. The information collected does not lend itself to confidentiality.

HUD may not conduct or sponsor, and a person is not required to respond to collection of information unless it displays a currently valid OMB control number.

PHA Name

HOPE VI Grant Number

☐ Original HOPE VI Budget ☐ Revised HOPE VI Budget ☐ Predevelopment Budget

Line No.	Summary by Budget Line Item	Capital Costs	Supportive Services Costs	Total Funds Requested	HUD Approved Funds
1	Total Non-HOPE VI Funds				
2	1408 Management Improvements				
3	1410 Administration				
4	1430 Fees and Costs				
5	1440 Site Acquisition				
6	1450 Site Improvement				
7	1460 Dwelling Structures				
8	1465 Dwelling Equipment—Nonexpendable				
9	1470 Nondwelling Structures				
10	1475 Nondwelling Equipment				
11	1485 Demolition				
12	1495 Relocation Cost				
13	**Amount of HOPE VI Grant** (Sum of lines 2-12)				

Signature of PHA Executive Director

Date (mm/dd/yyyy)

HUD Certification: In approving this budget and providing assistance to a specific housing development(s), I hereby certify that the assistance will not be more than is necessary to make the assisted activity feasible after taking into account assistance from other government sources (24 CFR 12.50).

Signature of Authorized HUD Official

Date (mm/dd/yyyy)

Previous editions are obsolete

Page ___ of ___

form **HUD-52825-A** (12/96)
ref Handbook 7485.1

HA Name

HOPE VI Budget
Part II: Supporting Pages

Work Item Number 1	Budget Line Item Number 2	Statement of Need 3	Description of Proposed/Approved Action and Method of Accomplishment 4	Individual Project Number 5	Total Funds Requested 6	HUD-Approved Funds 7

Previous editions are obsolete

Page ___ of ___

form **HUD-52825-A** (12/96)
ref Handbook 7485.1

Instructions for Preparation of Form HUD-52825-A,

HOPE VI Budget Submission:

When requested by HUD, prepare a separate form HUD-52825-A (Parts I and II) for the HOPE VI program, describing the activities which are planned to be undertaken with the HOPE VI funds. Submit the original and two copies (or any lesser number of copies as specified by HUD) of this form to the HUD Field Office. On an as-needed basis, submit a revised form when the HUD-established threshold requires prior HUD approval to revise the HOPE VI Budget.

Part I: Summary

HA Name - Enter the name of the Housing Authority (HA).

HOPE VI Grant Number - Enter the unique HOPE VI Grant number assigned by HUD upon grant approval.

FFY of Grant Approval - Enter the Federal Fiscal Year (FFY) in which the HOPE VI grant is being approved/was approved. (last 2 digits of HOPE VI Grant Number).

Type of Submission - Check the appropriate box and indicate whether the submission is the Original HOPE VI Budget or a Revised HOPE VI Budget (and revision number).

Total Funds Approved:

Line 1 - Enter the amount rounded to the nearest ten dollars, for all work that will be undertaken from non-HOPE VI funds. Enter zero if no work will be undertaken from non-HOPE VI funds.

Lines 2 through 12 - For each line, enter the appropriate amount rounded to the nearest ten dollars, or zero if no work will be undertaken in a particular HOPE VI budget line item.

Line 13 - Amount of HOPE VI Grant - Enter the sum of lines 2 through 12.

Part II: Supporting Pages

1. **Work Item Number** - Number each work item sequentially.
2. **Budget Line Item Number** - Enter the appropriated HOPE VI budget line item which corresponds to the work item described.
3. **Statement of Need**
4. **Description of Proposed/Approved Action and Method of Accomplishment** - For each HOPE VI budget line item listed, provide a statement of need and a description of all work items (physical or management, as applicable) that will be funded with HOPE VI funds, including management improvements, supportive services, administrative costs, equipment, etc. Enter the quantity of the work as a percentage or whole number, Describe administrative costs in sufficient detail to clearly identify items.
5. **Individual Project Number** - Enter the abbreviated (e.g., VA-36-1) of the development where the work items will be undertaken.
6. **Total Funds Requested** - For each work item and HA-wide activity described, enter the total funds requested. Where appropriate, add a reasonable contingency amount to each work item and indicate the percentage.

Funding Application

Section 8 Tenant-Based Assistance
Rental Certificate Program
Rental Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp.9/30/2002)

Send the original and two copies of this application form and attachments to the local HUD Field Office

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Eligible applicants (HAs) must submit this information when applying for grant funding for tenant-based housing assistance programs under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). HUD will use the information to evaluate an application based on selection criteria stated in the Notice of Funding Availability (NOFA). HUD will notify the HA of its approval/disapproval of the funding application. Responses are required to obtain a benefit from the Federal Govenment. The information requested does not lend itself to congidentiality.

Name and Mailing Address of the Housing Agency (HA) requesting housing assistance payments

Application/Project No. (HUD use only)

Do you have an ACC with HUD	No	Yes	Date of Application	Legal Area of Operation (area in which the HA has authority under State and local law to administer the program)
for Section 8 Certificates?	☐	☐		
for Section 8 Vouchers?	☐	☐		

A. Area(s) From Which Families To Be Assisted Will Be Drawn.

Locality (city, town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units. (Complete this section based on the unit sizes of the applicants at the top of the waiting list)

	Number of Dwelling Units by Bedroom Size							Total Dwelling Units
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates								
Vouchers								

C. Average Monthly Adjusted Income. Complete this section based on actual incomes of current participants by unit size. Enter average monthly adjusted income for each program separately and only for the unit sizes requested in Section B.

	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR
Certificates	$	$	$	$	$	$	$
Vouchers	$	$	$	$	$	$	$

D. Need for Housing Assistance. Demonstrate that the project requested in this application is responsive to the condition of the housing stock in the community and the housing assistance needs of low-income families residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

E. Housing Quality Standards (HQS). (Check applicable box)

☐ HUD's HQS will be used with no modifications ☐ Attached for HUD approval are HQS acceptability criteria variations

F. New HA Information. Complete this section if HA currently does not administer a tenant-based certificate or voucher program.

Financial and Administrative Capability. Describe the experience of the HA in administering housing or other programs and provide any other relevant information which evidences present or potential management capability for the proposed rental assistance program. Submit this narrative on a separate page.

Qualification as an HA. Demonstrate that the applicant qualifies as an HA and is legally qualified and authorized to administer the funds applied for in this application. Submit the relevant enabling legislation and a supporting legal opinion.

Note: If this application is approved, the HA must submit for HUD approval a utility allowance schedule and budget documents.

G. Certifications. The following certifications are incorporated as a part of this application form. The signature on the last page of this application of the HA representative authorized to sign the application signifies compliance with the terms of these certifications.

Equal Opportunity Certification

The Housing Agency (HA) certifies that:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).

(4) The HA will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(6) The Housing Agency will comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

The following provisions apply only to housing assisted with Project-Based Certificates:

(7) The HA will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1) which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity.

(8) The HA will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u) and regulations issued pursuant thereto (24 CFR Part 135), which require that, to the greatest extent feasible, opportunities for training and employment be given to low-income persons residing within the unit of local government for metropolitan area (or nonmetropolitan county) in which the project is located.

Certification Regarding Lobbying

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated 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 Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Certification Regarding Drug-Free Workplace Requirements

Instructions for Drug-Free Workplace Requirements Certification:

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All *direct charge* employees; (ii) All *indirect charge* employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees or subrecipients or subcontractors in covered workplaces).

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Housing Agency Signature

Signature of HA Representative	Print or Type Name of Signatory	
	Phone No.	Date

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION - TECHNICAL ASSISTANCE (DETAP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR PUBLIC AND INDIAN HOUSING DRUG ELIMINATION TECHNICAL ASSISTANCE PROGRAM (DETAP)

Program Overview

Purpose of the Program. The purpose of the Public and Indian Housing Drug Elimination Technical Assistance Program (DETAP) is to provide no more than thirty (30) billable days of technical assistance (TA) consultant services to assist public housing agencies (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs), Resident Management Corporations (RMCs), incorporated Resident Councils (RCs), and Resident Organizations (ROs) to improve the management and effectiveness of the Public Housing Drug Elimination Program. The TA services may be conducted over a period of not more than 90 days.

Available Funds. Approximately $500,000.

Eligible Applicants. Public Housing Authorities (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs); incorporated Resident Management Corporations (RMCs), incorporated Resident Councils (RCs), and Resident Organizations (ROs).

Application Deadline. **June 9, 2000**.

Match. None.

Additional Information

If you are interested in applying for Public Housing Drug Elimination Technical Assistance funding, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and one copy) is due on or before 12:00 midnight, Eastern time, on June 9, 2000, at the address shown below. The only exception to this deadline is for HUD-Initiated Public Housing Drug Elimination Technical Assistance, for which there is no application deadline.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail applications, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Your application consists of one original signed application and two copies. Submit one original application and one copy to the Community Safety and Conservation Division (CSCD), Room 4206 at the HUD Headquarters Building located at 451 Seventh Street, SW, Washington, DC 20410.

Submit the second copy of your application to the appropriate HUD Field Office or HUB with delegated public housing responsibilities for your organization. See Appendix A for a list of HUD offices with delegated responsibilities. You may also call the SuperNOFA Information Center at 1–800–HUD–8929 if you have a question regarding where you should submit your application (persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209).

You must submit with your application(s) to CSCD, a Confirmation Form documenting that the appropriate HUD Field Office or Hub received your TA application (this form is a threshold requirement).

HUD will review and accept DETAP applications on a first come first serve basis until June 9, 2000, or until funds available under this program are expended. Due to the reduced availability of funds in FY 2000, HUD encourages you to submit early.

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Public Housing Drug Elimination Technical Assistance Program, and provide your name, address (including ZIP Code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at http://www.hud.gov/pih/programs/ph/de/cscd.html.

For Further Information and Technical Assistance. You may contact the local HUD Field Office or Hub where you will be submitting your application or you my call the Public Housing Drug Elimination TA Support Center at 1–800–578–3472, option 3. For further information on how to initiate an application for technical assistance, please contact LaWanda Young of the Community Safety and Conservation Division on (202) 708–1197, extension 4209.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http:///www.hud.gov.

II. Amount Allocated

For FY 2000, approximately $500,000 is available for Public Housing Drug Elimination Technical Assistance.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) The purpose of this program is to provide not more than thirty (30) billable days of technical assistance (TA) consultant services to assist public housing agencies (PHAs), Indian tribes and Tribally Designated Housing Entities (TDHEs), Resident Management Corporations (RMCs), incorporated Resident Councils (RCs) and Resident Organizations (ROs) to improve the administration and effectiveness of the Public Housing Drug Elimination Program (PHDEP) grants. The TA services may be conducted over a period not to exceed 90 days. Housing Authorities are encouraged to use this program as a tool to evaluate, monitor and administer the Public Housing Drug Elimination Program grants.

(2) HUD may also initiate TA under this program to identify areas of high risk among HAs and to improve administration of PHDEP grants nationally. HUD initiated TA requires an application with a letter of support from the HUD Field Office. HUD initiated TA is also short-term assistance.

(3) The program will fund the use of consultants having demonstrated knowledge of or specialized experience in providing the following services:

(a) Crisis Intervention/Mediation;
(b) Defensible Space/Crime Prevention through Environmental Design;
(c) Guidance on the development of Five-year PHA Plans;
(d) Assistance in the development or evaluation of PHDEP performance indicators for each PHDEP activity;
(e) Tools and techniques for gathering crime statistics;
(f) Crime mapping techniques;
(g) Technology Assessments: Determination of how computer software and hardware may be used to improve grant administration (e.g., establishment of a crime statistics database);
(h) Training on Best Practices (e.g., Peacemakers/Building Tolerance and Youth Violence Prevention, Wellness Training, Development and Implementation of Kobans, Development of Gun-Buyback programs);
(i) Establishment of Partnerships with Law enforcement agencies;
(j) Drafting memoranda of understanding with partners;

(k) Translation of the strategic plan components into measurable and attainable goals for the PHDEP Semi-Annual Performance Reporting System;
(l) Plan versus Performance Assessments;
(m) Internet-based computer training as it specifically relates to the administration of the PHDEP.

(B) *Eligible Applicants.* PHAs, Indian tribes and TDHEs, RCs, ROs in the case of Indian tribes and TDHEs, and RMCs are eligible to receive short-term technical assistance services under DETAP. Specific eligibility requirements are:

(1) If you are an RC or RO, you must be an incorporated nonprofit organization or association that meets all seven of the following requirements:

(a) You must be representative of the residents you purport to represent.

(b) You may represent residents in more than one development or in all of the developments of a PHA or Indian tribe or TDHE, but you must fairly represent residents from each development that you represent.

(c) You must adopt written procedures providing for the election of specific officers on a regular basis, but at least once every 3 years.

(d) You must have a democratically elected governing board. The voting membership of your board must consist of residents of the development or developments that you represent.

(e) You must be supported in your application by a PHA or an Indian tribe or TDHE.

(f) You must provide evidence of incorporation.

(g) You must provide evidence of adopted written procedures for electing officers.

(2) If you are an RMC, you must be an entity that proposes to enter into, or that enters into, a management contract with a PHA under 24 CFR part 964, or a management contract with an Indian tribe or TDHE. You must have all seven of the following characteristics:

(a) You must be a nonprofit organization incorporated under the laws of the State or Indian tribe where you are located.

(b) You may be established by more than one RO or RC, so long as each: approves the establishment of your corporation; and has representation on the Board of Directors of your corporation.

(c) You must have an elected Board of Directors.

(d) Your by-laws must require the Board of Directors to include representatives of each RO or RC involved in establishing the corporation.

(e) Your voting members must be residents of the development or developments you manage. (f) You must be approved by the RC. If there is no organized resident organization, a majority of the households of the development must approve the establishment of your organization to determine the feasibility of establishing a corporation to manage the development.

(g) You may serve as either an RMC or RC, so long as your corporation meets the requirements of 24 CFR part 964 for a RC. (In the case of a RMC for an Indian tribe or TDHE, you may serve as both the RMC and the RO, so long as your corporation meets the requirements of this program for a RO.)

(3) You can only submit one application per award period. A PHA and its eligible resident groups, and an Indian tribe and its TDHE may apply during the same award period as long as there is no conflict or overlap in your proposed activities. You are eligible to apply to receive technical assistance even if you are already receiving technical assistance under this program, as long as your request creates no scheduling conflict with other DETAP requests. If HUD initiates TA with your organization, you may not receive more than one type of technical assistance concurrently unless HUD, in consultation with your organization, determines that the TA will not negatively affect the quality of the DETAP.

(4) You are eligible to apply to receive technical assistance whether or not you are already receiving drug elimination funds under the Public and Indian Housing Drug Elimination Program.

(5) You must comply with the laws, regulations, and Executive Orders applicable to the Drug Elimination TA Program, including applicable civil rights laws.

(C) *Eligible Activities.* (1) *Eligible activities under this funding.* Funding is limited to technical assistance for carrying out activities authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et. seq.), as amended by section 581 of the National Affordable Housing Act of 1990 (Pub.L. 101–625, approved November 28, 1990), and section 161 of the Housing and Community Development Act of 1992 (Pub.L. 102–550, approved October 28, 1992). The following circumstances are eligible for HUD-Initiated Technical Assistance under the Public and Indian Housing Drug Elimination Technical Assistance Program. HUD-Initiated technical assistance may be requested by HUD staff for one or more of the following circumstances:

(a) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that are unable to document their drug and/or crime problems through crime statistics;

(b) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that do not have the expertise to develop effective drug and crime prevention programs;

(c) Housing authorities that need assistance in using the PHDEP Semi-Annual Performance Reporting System to evaluate their program.

(d) Housing Authorities that need assistance in developing performance indicators; Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs that need assistance in developing evaluation mechanisms for drug elimination programs and strategies.

(e) Housing authorities, Indian tribes, TDHEs, RCs, ROs, and RMCs with special circumstances whose needs fit under the scope of this program section of the SuperNOFA.

(2) *Ineligible Activities.* Funding is not permitted for: (a) Any type of monetary compensation for residents.

(b) Any activity that is funded under any other HUD program, including TA and training for the incorporation of RCs or RMCs, and other management activities;

(c) Any type of resident or PHA staff member training and technical assistance that does not relate to crime, drug reduction/elimination, risk management or technical assistance to improve the overall administration and management of PHDEP grants and performance goals;

(d) Salary or fees to your staff, or your former staff within a year of their employment;

(e) Underwriting conferences;

(f) Grant Writing Training and Funding Research/Development;

(g) Graffiti Removal/Prevention;

(h) Resident Patrols;

(i) Peer Support;

(j) Alternative Programs;

(k) Leadership Training for Resident Organizations;

(l) Conference speakers;

(m) Program implementation, proposal writing, financial support for existing programs, or efforts requiring more than 30 billable days of technical assistance over a 90 day period or assistance that will require more than 90 days to complete; the purchase of hardware or equipment, or any activities deemed ineligible in the Drug Elimination Program, excluding consultant's fees.

IV. Program Requirements

Except as stated below in this section, you must meet the requirements listed

in Section II of the **General Section** of this SuperNOFA. You must also meet these additional requirements:

(A) *Individual Award Amounts.* You may not submit an application for more than $15,000.

(1) Applications for short-term technical assistance may be funded up to $15,000, with HUD providing payment directly to your authorized consultant for the consultant's fee, travel, room and board, and other approved costs at the government rate approved by HUD.

(2) Technical assistance initiated by HUD may be for any amount up to $25,000 when HUD staff determine that more than 30 billable days of technical assistance over a 90-day period is justified.

(B) *Receipt of More than One Application.* If HUD receives more than one application from a HA, or a group of RCs, ROs, or RMCs, or an Indian tribe and a TDHE, in proximity to one another, HUD may exercise discretion to consider any two or more applications as one, recommending one or more consultants and executing contracts for any combination of applications.

(C) *Affirmatively Furthering Fair Housing.* Section II(D) of the **General Section** does not apply to this NOFA because its purpose is to address specific and targeted problems faced by Public Housing Authorities, Indian tribes, Tribally Designated Housing Entities, Resident Management Corporations, Resident Councils, or Resident Organizations in their management of the Public Housing Drug Elimination Program and to assist the applicants in the improvement of the effectiveness of that program.

(D) *Eligible Consultants.* HUD is seeking individuals or entities who have experience working with public or Tribal housing or other low-income populations to provide short-term technical assistance under this DETAP section of the SuperNOFA. Consultants who have previously been deemed eligible and are part of HUD's TA Consultant Database need not reapply, but must update their file with more recent experience and rate justification.

(1) To qualify as an eligible consultant, you should have demonstrated knowledge and specialized experience in one or more of the following general areas:

(a) PHA/Indian tribe or TDHE-related experience with: (i) Agency organization and management;

(ii) Facility operations;

(iii) Strategic plan development, and

(iv) Prevention and intervention programs;

(b) Experience as an independent consultant, or as a consultant working with a firm with related experience and understanding of on-site work requirements, contractual, reporting and billing requirements;

(c) Crisis Intervention/Mediation;

(d) Defensible Space/Crime Prevention through Environmental Design Guidance on the development of Five-year PHA Plans;

(e) Assistance in the development or evaluation of PHDEP performance indicators for each PHDEP activity;

(f) Tools and techniques for gathering crime statistics;

(g) Crime mapping;

(h) Technology Assessments: Determination of how computer software and hardware may be used to improve grant administration (e.g. establishment of a crime statistics database; Training on Best Practices (e.g. Peacemakers/Building Tolerance and Youth Violence Prevention, Wellness Training, Development and Implementation of Kobans, Development of Gun-Buyback programs);

(i) Establishment of Partnerships with Law enforcement partnerships;

(j) Drafting memoranda of understanding with partners;

(k) Translation of the strategic plan components into measurable and attainable goals for the PHDEP Semi-Annual Performance Reporting System;

(l) Plan versus Performance Assessments;

(m) Internet-based computer training as it specifically relates to the administration of the PHDEP.

(2) Additional requirements for consultants include the following:

(a) In addition to the conflict of interest requirements in 24 CFR part 85, no person who is an employee, agent, officer, or appointed official of an eligible applicant may be funded as a consultant to that organization by this Drug Elimination Technical Assistance Program.

(b) If you are a consultant who wishes to provide drug elimination technical assistance services through this program, you must not have had any involvement in the preparation or submission of any DETAP proposal. Your involvement will be considered a conflict of interest, making you ineligible for providing consulting services to the eligible applicant and will disqualify you from future consideration. This prohibition shall also be invoked for preparing and distributing prepared generic or sample applications to entities eligible to apply for funding under this program. If HUD determines that any application submitted by a PHA, Indian tribe or TDHE, RC, RO or RMC duplicates a sufficient amount of any prepared sample to raise issues of possible conflict of interest, and HUD determines you provided and distributed the sample, you will be disqualified from receiving HUD funds.

(c) Consultants accepted into the DETAP are prohibited from soliciting their services to eligible applicants.

(d) HUD-registered consultants are eligible to receive funds to be reimbursed for up to $15,000 for conducting short-term technical assistance. Long-term results are expected from each job. After your work is completed, evaluations from recipients of the technical assistance services will be submitted to HUD on your work performance. The evaluations will be carefully reviewed to make sure the recipients of TA are satisfied with your services. If your performance receives a satisfactory rating, you will be reimbursed by HUD. In extreme cases of technical assistance needs, staff members of HUD Headquarters and field offices may recommend specialized technical assistance for which you can receive up to $25,000 in funds.

You may not have any more than two contracts or purchase orders at one time nor be involved with more than one company at a time that has active technical assistance contracts. You may not have any more than four contracts or purchase orders within the calendar year. If you are working as a member of a multi-person firm, the key individual for the specific contract must be listed on each contract as the point of contact. The point of contact must be on-site more hours than any other contracted staff billing to the purchase order, and that individual may have no more than two purchase orders active at the same time.

(E) *Ineligible Consultants.* Consultants and/or companies currently debarred or suspended by HUD are not eligible to perform services under this program. Also, consultants that are not in the official Consultant database are considered ineligible for this program.

(F) *Application Process for Consultants.* (1) If you are an individual or entity interested in being listed in the DETAP Consultant Database, you must prepare your application and send it to the address specified in the application kit. Before you can be entered into the Consultant Database, you must submit an application that includes the following information:

(a) The Consultant Resource Inventory Questionnaire, including at least three written references, all related to the

general areas listed in this DETAP section of the SuperNOFA. One or two of the written references must relate to work for a PHA, Indian tribe or TDHE, RC, RO or RMC;

(b) A resume;

(c) Documented evidence of the standard daily fee previously paid to you for technical assistance services similar to eligible activities under this DETAP. If you can justify up to the equivalent of $462.00 per day, your evidence must include an accountant's statement, W–2 Wage Statements, or payment statements, supplemented with a signed statement or other evidence from the employer of days worked in the course of the particular project (for a payment statement) or the tax year (for a W–2 Statement).

(2) HUD will determine your specific fee based upon the evidence you submitted under this DETAP.

(3) If you are an employee of a housing agency (HA), Indian tribe, or TDHE, you may not serve as a consultant to your employer. If you serve as a consultant to other than your employer, you must be on annual leave to receive the consultant fee.

(i) Applicants are prohibited from selecting consultants by name from HUD's consultant database.

(ii) Consultants will be recommended to an organization seeking TA, based on factors including previous experience, reasonableness of the fee, and geographic proximity to the site where TA will be provided. Section V of this DETAP section of this SuperNOFA explains this further.

V. Application Selection Process

(A) *General.* HUD will review applications on a first-come, first-served basis, until funds under this DETAP section of the SuperNOFA are no longer available. Eligible applications will be funded in the order in which negotiations for a statement of work are completed. HUD-Initiated applications will be received throughout the year with no deadline or until funds are expended.

(B) *Threshold Submission Requirements for Funding Consideration.* In addition to required forms, certifications and assurances, found in the **General Section** of the SuperNOFA, the following requirements must be included in your application to be considered and approved for funding:

If you are requesting TA services, you must meet the following requirements:

(1) The applicant must answer the following questions: Note: You cannot request technical assistance under DETAP by answering ''to conduct a needs assessment or survey.'' You must be able to discuss what prevents you from identifying, describing, and/or measuring the problems for which you are requesting technical assistance.

(a) Describe in detail the problem, issue or weakness that hinders the proper administration or effectiveness of PHDEP.

(b) Identify what technical assistance you would like to receive.

(c) Explain how the technical assistance sought will improve the administration of the grant or the effectiveness of the PHDEP grant program.

(d) Describe how the technical assistance will be used in assisting you in strategic planning. You may wish to address any or all of the following:

(i) Establishment of a framework for annual program evaluation of PHDEP activities;

(ii) Scheduling data collection for evaluation;

(iii) Identification of appropriate performance indicators, interpretation of results of data collection;

(iv) Improving data collection and data elements;

(v) Guidance on the development of your 5-year plan;

(vi) Preparation assistance meeting your PHDEP semiannual performance reporting requirements; or

(vii) Crime mapping and identification of appropriate hardware and software.

(e) Specify what outcome you expect to achieve and how it will benefit PHDEP over the next five years.

(f) How will the proposed assistance allow you to develop an anti-drug, anti-crime strategy; or how will the proposed assistance fit into your current strategy?

(g) The application must include the form, ''HUD Field Office/AONAP Confirmation Form.''

(h) If your application does not meet the requirements described above it will not be considered for funding.

(C) *Application Awards.* (1) If your application is deemed eligible for funding and sufficient funds are available, you will be contacted by HUD or its agent to confirm the work requirements.

(2) Only one application will be accepted from an HA, Indian tribe or TDHE; or group of RCs, ROs or RMCs in proximity to one another. HUD may exercise its discretion to consider any two or more applications as one, assuming that the applications are received at the same time, or before approval by the Office of Finance and Accounting and the Office of Procurement and Contracts, executing the contract, and providing notification to the consultant to proceed to work. If two or more applications from HAs or resident groups are combined, the consultant to provide the combined technical assistance should have the capability to administer both or all types of technical assistance being requested by each applicant.

(3) Once your application for TA has been reviewed and found acceptable by HUD, the TA Consultant Database will be searched for consultants who have:

(a) A principal place of business or residence located within the same geographic area as the applicant. For purposes of this program section of the SuperNOFA, the term ''geographic area'' refers to, in order of priority: city, state, region, and country;

(b) The requisite knowledge, skills, and abilities to respond to the request ; and

(c) The most reasonable (least expensive) fees.

(4) HUD will then forward to you a list of suggested consultants from the consultant database. From this list, you must select a consultant to provide your requested TA.

(5)(a) From the list provided by HUD, you must contact three TA consultants. HUD may request confirmation from each contacted consultant that they were contacted. If HUD determines that any consultant was not contacted, HUD (Headquarters) may consider your selection by the applicant void, and can choose a consultant for you.

(b) After contacting each consultant, you must send a written justification for your recommended selection in order preference. If any are unacceptable, you must also indicate the consultant and the reasons you find them unacceptable.

(c) If you find that all referred consultants lack the requisite expertise, you must provide written detailed documentation justifying this decision. If HUD determines that your justification is adequate, you will be provided with a second list of potential consultants.

(d) If you do not provide HUD the written justification of consultant choice within 30 calendar days, HUD reserves the right to cancel your TA request.

(6)(a) HUD or its agent will work with your selected consultant and you to develop a ''statement of work.'' The statement of work should include:

(i) A time line and estimated budget;

(ii) A discussion of the kind of technical assistance and skills needed to address the problem, and how the technical assistance requested will address these needs; and

(iii) A description of the current crime and drug elimination strategy, and how the requested technical assistance will

assist in improving the management and oversight of the PHDEP Grant Program.

(b)(i) When HUD has completed the authorization to begin work, your selected consultant will be contacted to start work. Your consultant must receive written authorization from HUD or its authorized agent before beginning to provide technical assistance. The requesting organization and the relevant Field Office or Area Office of Office of Native American Programs will also be notified that authorization to begin work has been given.

(ii) Work begun before the authorized date will be considered unauthorized and will not be compensated by HUD.

(iii) Consultants will only be reimbursed for a maximum of 30 days of work, which must be completed in fewer than 90 days from the date of the approved statement of work. The exception to this will be for HUD-Initiated technical assistance.

VI. Application Submission Requirements

(A) *General.* In addition to the program requirements listed in the **General Section** of this SuperNOFA, each DETAP application must include both the descriptive letter and certification statement to be eligible for funding.

(B) *Forms, Certifications and Assurances.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA. The items are as follows:

(1) Applications must be signed and certified by both the Executive Director or Tribal Council or authorized TDHE official and a resident leader.

(2) The certification must indicate that:

(a) A copy of the application was sent to the local HUD Field Office, Public Housing Directors, or Administrator, Office of Native American Programs;

(b) The application was reviewed by both the housing authority Executive Director or Tribal Council or authorized TDHE official, and a resident leader of your organization; and

(c) Any technical assistance received will be used in compliance with all requirements in the SuperNOFA.

(3) The application must contain a four page (or fewer) application letter responding to each of the requirements listed in Section V(B) of the DETAP section of the SuperNOFA.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9), the assistance provided under this program relates only to the provision of technical assistance and therefore is categorically excluded from the requirements of the National Environmental Policy Act and is not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing, or repair for HUD assistance under this program.

IX. Authority

The FY 2000 HUD Appropriations Act under the heading, ''Drug Elimination Grants for Low-Income Housing.''

Appendix A—HUD's Public Housing Area Offices

NEW ENGLAND REGION

Boston
Donna Ayala, Office of Public Housing, HUD—Massachusetts State Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 553, Boston, MA 02222–1092, (617) 565–5197 Fax (617) 565–5257

Hartford
Raymond Jordan, Office of Public Housing, HUD—Connecticut State Office, 19th Floor, One Corporate Center, Hartford, CT 06103–3220, (860) 240–4800 or (860) 240–4850

Manchester
Robin Gagnon, Office of Public Housing, HUD—New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7674 or Fax (603) 666–7714

Providence
Marlene Piekarsky, Office of Public Housing, HUD—Rhode Island State Office, 10 Weybosset Street, 6th Floor, Providence, RI 02903–3234, (401) 528–5366 or (401) 528–5370

NEW YORK/NEW JERSEY REGION

New York
Mirza Del Rosario, Office of Public Housing, HUD—New York State Office, 26 Federal Plaza Suite 32–116, New York, New York 10278–0068, (212) 264–8931 Fax (212) 264–9834

Buffalo
Joan Spilman, Office of Public Housing, HUD—Buffalo State Office, Lafayette Court, 465 Main Street, Fifth Floor, Buffalo, New York 14203–5755, (716) 551–5755 ext. 5050 Fax (716) 551–4789

New Jersey
Carmen Valenti, Office of Public Housing, HUD—New Jersey State Office, One Newark Center, 13th Floor, Newark, NJ 07102–5260, (973) 622–7900 ext. 3600 Fax (973) 645–6239

MID-ATLANTIC REGION

Philadelphia
Malinda Roberts, Office of Public Housing, HUD—Pennsylvania State Office, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390, (215) 656–0576 or 0579, ext. 3308, Fax (215) 656–3433

Baltimore
Dana Johnson, Office of Public Housing, HUD—Maryland State Office, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, Maryland 21201–2505, (410) 962–2520 ext. 3102 Fax (410) 962–0668

West Virginia
Henry Miller, Office of Public Housing, HUD—West Virginia State Office, Kanawha Valley Building, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, (304) 347–7057 Fax (304) 347–7045

Pittsburgh
Office of Public Housing, HUD—Pittsburgh Area Office, 339 Sixth Avenue, 6th Floor, Pittsburgh, PA 15222–2515, (412) 644–6571 Fax (412) 644–6499

Virginia
Pat Anderson, Office of Public Housing, HUD—Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, VA 23230–0331, (804) 278–4500 ext. 3217 Fax (804) 278–4603

District of Columbia
Lee Palman, Office of Public Housing, HUD—District of Columbia Office, 820 First Street, NE, Suite 450, Washington, DC 20002–4205, (202) 275–7965 ext 3175 Fax (202) 275–0779

SOUTHEAST REGION

Atlanta
Boyce Norris, Office of Public Housing, HUD—Georgia State Office, Richard B. Russell Federal Building, 40 Marietta Street, Atlanta, GA 30303, (404) 331–4766 Fax (404) 730–2365

Alabama
Debra Pippen, Office of Public Housing, HUD—Alabama State Office, Beacon Ridge Tower, 600 Beacon Parkway West, #300, Birmingham, AL 35209–4144, (205) 290–7601 ext 1101 Fax (205) 290–7593

Columbia
Larry Knightner, Office of Public Housing, HUD—South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, (803) 765–5831 or (806) 765–5515

Greensboro
Ledford Austin, Office of Public Housing, HUD—North Carolina State Office, Koger Building, 2306 West Meadowview Road,

Greensboro, NC 27407–3707, (336) 547–4038 Fax (336) 547–4015

Mississippi

George Smith, Office of Public Housing, HUD—Mississippi State Office, Doctor A. H. McCoy Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1016, (601) 965–4761 Fax (601) 965–4773

Miami

Karen Cato-Turner, Office of Public Housing, HUD—Florida State Office, 909 SE First Avenue, Suite 500, Miami, FL 33131, (305) 536–4443 Fax (305) 536–5663

Jacksonville

John Niesz, Office of Public Housing, HUD—Jacksonville Area Office, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, (904) 232–1777 ext. 2142 Fax (904) 232–3759

Kentucky

Arthur Wasson, Office of Public Housing, HUD—Kentucky State Office, 601 West Broadway, Post Office Box 1044, Louisville, KY 40201–1044, (502) 582–6163 ext. 370 Fax (502) 582–6558

Knoxville, TN

Shelley Day, Office of Public Housing, HUD—Knoxville Area Office, John J. Duncan Federal Building, 710 Locust Street, Third Floor, Knoxville, TN 37902–2526, (423) 545–4402 ext. 4 Fax (423) 545–4569

Nashville, TN

Michael Farley, Office of Public Housing, HUD—Tennessee State Office, 235 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, (615) 736–5063 ext. 6132 Fax (615) 736–2886

San Juan, PR

Hildamar Ortiz, Office of Public Housing, HUD—Caribbean Office, Administracion de Terrenos Building, 171 Carlos E. Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400 ext. 2031 Fax (787) 766–6504

MID-WEST REGION

Chicago

Office of Public Housing, HUD—Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–1915 or (312) 353–6236 ext. 2302, Fax (312) 353–0121

Cincinnati

Larry Dempsey, Office of Public Housing, HUD—Cincinnati Area Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, (513) 684–2654 Fax (513) 684–6224

Cleveland

Tom Marshall, Office of Public Housing, HUD—Cleveland Area Office, Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–2700 Fax (216) 522–2975

Columbus

David Kellner, Office of Public Housing, HUD—Ohio State Office, 200 North High Street, Columbus, OH 43215–2499, (614) 469–5787, ext. 8224 or (614) 469–2949, Fax (614) 469–2432

Detroit

Joann Adams, Office of Public Housing, HUD—Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–6880, ext. 8111 Fax (313) 226–5611

Grand Rapids

Joann Adams, Office of Public Housing, HUD—Grand Rapids Area Office, 50 Louis Street, NW, 3rd Floor, Grand Rapids, Michigan 49503, (616) 456–2100 Fax (616) 456–2187

Indianapolis

Forrest Jones, Office of Public Housing, HUD—Indiana State Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2556, (317) 226–6557 Fax (317) 226–5594

Milwaukee

John Finger, Office of Public Housing, HUD—Wisconsin State Office, Henry S. Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 600, Milwaukee, WI 53203–2289, (414) 297–3214 ext. 8200 Fax (414) 297–1180

Minneapolis

Diane Cmiel, Office of Public Housing, HUD—Minnesota State Office, 220 South Second Street, Minneapolis, Minnesota 55401–2195, (612) 370–3135 Fax (612) 370–3003

SOUTHWEST REGION

Fort Worth

Roman Palamores, Office of Public Housing, HUD—Texas State Office, 1600 Throckmorton, Post Office Box 2905, Fort Worth, TX 76113–2905, (817) 978–5700, ext. 3332 Fax (817) 978–9289

Albuquerque

Carmella Herrera, Office of Public Housing, HUD—New Mexico State Office, 625 Silver Avenue, S.W., Suite 100, Albuquerque, N.M. 87102–3185, (505) 346–7355 Fax (505) 346–6604

Houston

Debbie Alexander, Office of Public Housing, HUD—Houston Area Office, Norfolk Tower 2211 Norfolk, Suite 200, Houston, TX 77098–4096, (713) 313–2274 (alt. 2280) Fax (713) 313–2319

Little Rock

Janie Allen, Office of Public Housing, HUD—Arkansas State Office, TCBY Tower 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, (501) 324–5933 Fax (501) 324–5900

New Orleans

Jed Drozdowski, Office of Public Housing, HUD—Louisiana State Office, 501 Magazine Street, Ninth Floor, New Orleans, LA 70130, (504) 589–7235 Fax (504) 589–6619

Oklahoma City

Office of Public Housing, HUD—Oklahoma State Office, 500 West Main Street, Oklahoma City, OK 73102, (405) 553–7454 Fax (405) 553–7588

San Antonio

Diana Armstrong, Office of Public Housing, HUD—San Antonio Area Office, Washington Square 800 Dolorasa Street, San Antonio, TX 78207–4563, (210) 475–6865 Fax (210 472–6816

GREAT PLAINS REGION

Kansas City

Andrew Boeddeker, Office of Public Housing, HUD—Kansas/Missouri State Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5582 or (913) 551–6916, Fax (913) 551–5416

Des Moines

Kathy Winter, Office of Public Housing, HUD—Iowa State Office, Federal Building, 210 Walnut Street, Room 29, Des Moines, IA 50309–2155, (515) 284–4315, Fax (515) 284–4895

Omaha

Charlie Hill, Office of Public Housing, HUD—Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3137, Fax (402) 492–3163

St. Louis

Patricia Straussner, Office of Public Housing, HUD—St. Louis Area Office, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6505, Fax (314) 539–6508

ROCKY MOUNTAIN REGION

Denver

John DiBella, Office of Public Housing, HUD—Colorado State Office, First Interstate Tower North, 633—17th Street, 12th Floor, Denver, CO 80202–3607, (405) 672–5380, Fax (405) 672–5065

PACIFIC HAWAII REGION

San Francisco

Joyce Lee, Office of Public Housing, HUD—California State Office, Phillip Burton Federal Building/Courthouse, 450 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102–3448, (415) 436–8375, Fax (415) 436–6440

Phoenix

(Denver Office handles resident initiatives), Office of Public Housing, HUD—Arizona State Office, Two Arizona Center, 400 North 5th Street, Suite 1600, Phoenix, AZ 85004–2361, (602) 379–3045, Fax (602) 379–3985

Los Angeles

Bob Cook, Office of Public Housing, HUD—Los Angeles Area Office, AT&T Center, 611 West 6th Street, Suite 800, Los Angeles, CA 90017–3127, (213) 894–8000, ext 3500, Fax (213) 894–8096

Sacramento

Bill Armstead, Office of Public Housing, HUD—Sacramento Area Office, 925 ''L'' Street, Sacramento, CA 95814, (916) 498–5220, ext. 421 Fax, (916) 498–5247

NW/ALASKA REGION

Seattle

Lynn Martin, Office of Public Housing, HUD—Washington State Office, Seattle Federal Office Building, 909 1st Avenue, Suite 360, Seattle, WA 98104–1000, (206) 220–5290, ext. 3694, Fax (206) 220–5133

Portland

Elizabeth Santone, Office of Public Housing, HUD—Oregon State Office, 400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1596, (503) 326–2619, Fax (503) 326–2568

BILLING CODE 4210–32–P

APPENDIX B

The non-standard forms, which follow, are required for your DETAP application.

FY 2000 Request for Technical Assistance

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Community Safety and Conservation Division
Public Housing Drug Elimination Technical Assistance (DETAP) Program

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Application Letter

Applicants for Public Housing Drug Elimination Technical Assistance are required to complete this application by addressing each of the questions listed below. Please use this application and attach up to four additional sheets if necessary.

Date: _____

Contact Person and Title: _____

Name of Organization: _____

Mgmt. Contact Person:
(For Resident Councils Only) Management Office Contact and Phone & Fax Numbers:

_____

Street or P.O. Box Address: _____

City, State and Zip Code: _____

Phone Number: ( ) _____ Fax Number: ( ) _____

E-mail Address (if applicable): _____

Drug Elimination Technical Assistance Submission Requirements

1. Describe in detail the problem, issue or weakness that hinders the proper administration or effectiveness of PHDEP.
2. Identify what technical assistance you would like to receive.
3. Explain how the technical assistance sought will improve the administration of the grant or the effectiveness of the PHDEP grant program.
4. Describe how the technical assistance will be used to assist you in strategic planning. You may wish to address any or all of the following: (1) establishment of a framework for annual program evaluation of PHDEP activities; (2) scheduling data collection for evaluation; (3) identification of appropriate performance indicators, interpretation of results of data collection; (4) improving data collection and data elements; (5) guidance on the development of your 5-year plan; (6) preparation assistance meeting your PHDEP semiannual performance reporting requirements; (7) crime mapping and identification of appropriate hardware and software.
5. Specify what outcome you expect to achieve and how it will benefit the PHDEP program over the next 5 years.
6. How will the proposed assistance allow you to develop an anti-drug, anti-crime strategy; or how will the proposed assistance fit into your current strategy?

CERTIFICATION STATEMENT
PHDE TECHNICAL ASSISTANCE PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that this application has been reviewed by both the Executive Director or Tribal Council or authorized TDHE official *and* the resident leader. I certify that the application letter responds to each of the requirements **listed in Section V (B)** of the DETAP section of the SuperNOFA and that any technical assistance received will be used in compliance with all requirements in the Super NOFA. I also certify that a copy of this application was sent to the local HUD Field Office or Office of Native American Programs.

Executive Director/Tribal Council/TDHE official (Print Name and Title)

_____ _____
Name Title

Signature: _____

Signed this _____ day of _____ 2000

Authorized Representative of the RMC/RC/RO (Print Name and Title)

_____ _____
Name Title

Signature: _____

Signed this _____ day of _____2000

HUD Field Office/AONAP

Confirmation Form
DETAP

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

The appropriate HUD Field Office or the Area Office of Native American Programs (AONAP) must confirm receipt of a copy of this application. **The Field Office or AONAP must fax or mail this copy back to the applicant in time for the application to meet the deadline.**

This form confirms receipt of a copy of the applicant's Fiscal Year 2000 Drug Elimination Technical Assistance Application in the HUD Field Office.

This immediately follows the 2000 Drug Elimination Technical Assistance Application.
There should be three copies of this application.

The Original and Copy 1 should be sent to the Drug Elimination Technical Assistance Program, U.S. Department of Housing and Urban Development, Community Safety and Conservation Division, 451 Seventh Street, SW, Room 4206, Washington, DC 20401.

Copy 2 should be kept on file at the local HUD Field Office (see attached for locations) or the Area Office of Native American Programs (AONAP). All applicants must mail a copy of the application to the Field Office. This **Confirmation Form must be completed and sent back to the applicant in time to include it as the last page of the TA application letter.** This means preparation should be made ahead of time to make sure that the Field Office has confirmed receipt of your application.

Copy 3 should be kept on file in the applicant's office. (If the applicant is any form of a resident organization, another copy should be filed with the executive director of the housing authority).

Person Completing TA Application:

Name: _____
Title: _____
Phone No.: _____
Date Mailed/Faxed to HUD Field Office/AONAP: _____

To Be Completed by HUD Field Office or AONAP By signing below, you certify that you received a copy of the applicant's Fiscal Year 2000 Drug Elimination Technical Assistance Application to be sent by the applicant to HUD headquarters in Washington, DC.

The Field Office or AONAP must fax or mail this copy back to the applicant in time for the application to meet the June 9, 2000 deadline.

HUD Field Office/AONAP Representative:

Name: _____

Title: _____

Phone No.: _____

Date Received: _____

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC HOUSING DRUG ELIMINATION - TECHNICAL ASSISTANCE FOR SAFETY AND SECURITY (DETASS)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR PUBLIC AND INDIAN HOUSING DRUG ELIMINATION TECHNICAL ASSISTANCE FOR SAFETY AND SECURITY (DETASS)

Program Overview

Purpose of the Program. The purpose of the Public and Indian Housing Drug Elimination Technical Assistance for Safety and Security is to provide professional long-term technical assistance and training expertise to implement effective strategies to combat drugs and drug related crime in public housing and Native American communities. This competition has three technical assistance components:

Public Housing Authority and Public Housing Police Department Technical Assistance. To provide technical assistance and training to designated public housing authority police departments that are in the process of certification or certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA), and community base police training and technical assistance.

Public Housing Resident Patrol Technical Assistance for Safety and Security. To provide resident patrol technical assistance and training to housing authority staff, residents, Resident Councils (RC), Resident Management Corporations (RMC), housing authority security staff, and local law enforcement personnel to increase the understanding of the effectiveness of resident patrols in reducing crime and drug activity, and to assist in creating resident patrols.

Public and Indian Housing Crime Prevention through Environmental Design and Youth Violence Prevention Technical Assistance for Safety and Security. To provide Crime Prevention through Environmental Design (CPTED) training and technical assistance to Public Housing Authorities, Resident Councils (RCs), Resident Management Corporations (RMCs), and local law enforcement personnel. The technical assistance will be for and on behalf of local government officials, architects, youth leaders, youth violence prevention practitioners, educators and other community leaders.

Available Funds.

Approximately $1.140 million.

Eligible Applicants. Non-profit organizations, for profit-organizations, public or private educational or other institutions. Contractors or Consultants that can provide technical assistance (TA) and training to public and Native American Housing Authorities, Resident Councils (RCs), Resident Management Corporations (RMCs), local law enforcement personnel, local government officials, architects, youth leaders, youth violence prevention practitioners, educators and other community leaders who provide technical assistance in law enforcement and crime prevention techniques, electronic mapping systems, environmental design for safety and security, youth violence and youth leadership activities. Many organizations are eligible to apply for more than one DETASS component and are encouraged to do so to the extent they have the requisite skills, experience, expertise and capability to perform the work.

Application Deadline. **June 2, 2000.**

Match.

None.

Additional Information

If you are interested in applying for the Public Housing Drug Elimination Technical Assistance for Safety and Security Grants, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your application on or before 12:00 midnight, Eastern time, on June 2, 2000, at HUD Headquarters.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail applications, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Submit an original and two copies of your application to HUD Headquarters, 451 Seventh Street, SW, Washington DC, 20410, to the Community Safety and Conservation Division (CSCD), Room 4206, before the application due date and time by mail or hand delivered. When submitting please refer to Public and Indian Housing Drug Elimination TA for Safety and Security and include your name (including zip code) and telephone number (including area code).

For Application Kits. For an application kit and any supplemental material, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Public Housing Drug Elimination Technical Assistance Grants for Safety and Security, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact Marvin Klepper on (202) 708–1197, this is not a toll free number. Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $1.140 million is available for Public Housing Drug Elimination Technical Assistance Grants for Safety and Security.

The amount allocated for each Public and Indian Housing Drug Elimination Technical Assistance for Safety and Security grant is as follows:

For the Public Housing Authority and Public Housing Police Department Technical Assistance for Safety and Security grant approximately $380,000 is available for the base year.

(2) For the Public Housing Resident Patrol Technical Assistance for Safety and Security grant approximately $380,000 is available for the base year.

(3) For the Public and Indian Housing Crime Prevention through Environmental Design and Youth Violence Prevention Initiatives Technical Assistance for Safety and Security grant approximately $380,000 is available for the base year.

The funding for these three grants through a single funding availability announcement will not affect the ability of eligible applicants to seek DETASS funding. Eligible applicants are able to apply for funding under as few as one, and as many as all three, separate DETASS components. It is not HUD's intent to fund a single applicant in all three categories; however, if there are no other qualified candidates in a category and a single applicant has already been selected in two categories then HUD reserves the right to fund the single applicant in all three categories.

(B) *Award Period.* Successful applicants will receive a cost-reimbursable performance based cooperative agreement with a twelve

month base period. Your award may be renewed annually for a period not to exceed four years based upon an evaluation of your performance as funding is available from the appropriation for PHDEP technical assistance funds.

HUD will judge performance based upon your ability to provide technical assistance on time and within budget and to produce tangible results in the community as a result of the technical assistance efforts such as reductions in crime rates or incidents of vandalism, the number of community patrols initiated. HUD reserves the right to not provide additional funding based upon a determination of poor performance by the TA provider in delivering TA services. Funding amounts per annual renewals may be increased or decreased subject to tasking levels and availability of funding.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Funding under the Public and Indian Housing Drug Elimination Technical Assistance for Safety and Security grant will provide professional long-term technical assistance and training expertise to implement effective strategies to combat drugs and drug related crime in public housing and Native American communities. The grant has three technical assistance components:

(1) *Public Housing Authority and Public Housing Police Department Technical Assistance for Safety and Security.* To provide technical assistance and training to designated public housing authority police departments that are in the process of certification or certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA) to:

(a) Facilitate effective relationships between the public housing and law enforcement communities and improve law enforcement service delivery;

(b) Create law enforcement service agreements between housing authorities and local government;

(c) Increase use of Geographic Information Systems to enhance law enforcement and safety and security efforts by Public Housing Authorities and local police Departments; and

(d) Assist Public Housing Authorities, Police Departments, Resident Councils and Resident Management Organizations to assess community safety and security needs based upon analyses of crime data and statistics, location of crime and drug activity and concerns of public housing residents.

(e) Provide community base police training and technical assistance.

(2) *Public Housing Resident Patrol Technical Assistance for Safety and Security.* To provide resident patrol technical assistance and training to housing authority staff, residents, Resident Councils (RC), Resident Management Corporations (RMC), housing authority security staff, and local law enforcement personnel to increase the understanding of the effectiveness of resident patrols in reducing crime and drug activity, and to assist in creating resident patrols.

(3) *Public and Indian Housing Crime Prevention through Environmental Design and Youth Violence Prevention Technical Assistance for Safety and Security.* To provide Crime Prevention through Environmental Design (CPTED) training and technical assistance to Public Housing Authorities, Resident Councils (RCs), Resident Management Corporations (RMCs), local law enforcement personnel. The technical assistance will be for and on behalf of local government officials, architects, youth leaders, youth violence prevention practitioners, educators and other community leaders to:

(a) Increase their knowledge of how environmental design effects safety and security and can be used to reduce incidents of criminal activity, vandalism and drug trafficking;

(b) Assess the impacts of environmental design techniques in creating a sense of community at public housing developments;

(c) Increase their knowledge of effective youth violence prevention and abatement strategies and work with the community to undertake youth violence prevention and abatement strategies.

(B) *Eligible Applicants.* Non-profit organizations, for profit-organizations, public or private educational or other institutions. Contractors or Consultants that can provide technical assistance (TA) and training to public and Native American Housing Authorities, Resident Councils (RCs), Resident Management Corporations (RMCs), local law enforcement personnel, local government officials, architects, youth leaders, youth violence prevention practitioners, educators and other community leaders who provide technical assistance in law enforcement and crime prevention techniques, electronic mapping systems, environmental design for safety and security, youth violence and youth leadership activities. Many organizations are eligible to apply for more than one DETASS component and are encouraged to do so to the extent they have the requisite skills, experience, and capability to perform the work.

A consortia of organizations may apply for one or more DETASS components, but HUD will require that one organization be designated as the legal (lead) applicant.

All eligible TA providers may propose assistance using in-house staff, consultants, sub-contractors and sub-recipients, networks of private consultants and/or local organizations with requisite experience and capabilities. Whenever possible, applicants should have a cadre of resources either on staff or through these networks, available throughout the country so that resources can be effectively deployed in a most cost efficient manner and which are familiar with local issues and opportunities.

All applicants must meet the threshold requirements for each component under which they are seeking funds and the threshold requirements in Section II(B) of the **General Section** of the SuperNOFA.

(C) *Eligible Activities.* (1) *All Three Technical Assistance Components.* For all three technical assistance components of this competition, eligible activities include, but are not limited to the following:

(a) Technical assistance to enhance the effective use of security personnel, security guards, housing authority police, local law enforcement agencies who are provided services to the housing authority and residents over and above those normally provided to the public housing community to achieve DETASS goals and objectives;

(b) Technical assistance and training on geographic mapping software, analysis of local geographic mapping systems and how it can be used in conjunction with other state or local crime and drug data bases to assist the public housing authority, local police department, Resident Management organization or Resident Council, local community leaders and elected officials, youth leaders and violence prevention organizations to use the existing data and map where drug and crime activity is occurring in the community, as well as what resources are available in the community to address these incidents.

(c) Analysis and use of drug related crime and drug trafficking or use statistics to increase the effectiveness of anti-drug and security related efforts of the public housing community; Technical Assistance improve communications between the public housing community and local law enforcement officials and community leaders;

(d) Technical assistance for the creation and improvement of tenant patrols and community watch programs

for public housing residents in an effort to improve or enhance safety and security in the neighborhood;

(e) Training programs for public housing staff and management, Resident Management Organizations, Resident Councils, Youth leaders, or local law enforcement officials, state and local agency officials, non-profit organizations engaged in work to reduce crime, drug use or youth violence, in HUD's anti-drug programs, environmental design, resident organization, community policing, and other tools that can be used to increase the safety and security of public housing residents;

(f) Training programs for youth leaders, non-profit organizations working with youth to stem the violence, channel youth gangs to productive, non-violent activities which are designed to increase self-esteem, reduce community tensions and increase a sense of belonging to and giving back to community for youth living in or adjacent to public housing;

(g) Providing training and technical assistance to work with local school officials and teachers to develop after school and in-school programs, including technology based programs to channel violent youth into more productive lives by training them for future careers in the information technology (IT) industry; and

(h) Providing related technical assistance and training at the direction of the HUD GTR.

(2) *Public Housing Authority and Public Housing Police Department Technical Assistance.* For this funding component, the eligible activities are:

(a) Assisting public housing agencies in the implementation and use of a computerized mapping system to track drug use and criminal activity in and around the public housing community to assist public housing security and local police in their efforts to combat drug and drug-related crime;

(b) Assisting local police departments in the use of crime mapping software to improve law enforcement strategies to combat drug use, trafficking and criminal activity in and around the public housing community;

(c) Assisting local police departments and members of the public housing community in assessing mapping software to determine the best product available that is compatible with their existing systems and their anticipated needs; and

(d) Facilitating law enforcement service agreements between housing authorities and local government and provide technical assistance for program implementation.

(e) Providing community base police training and technical assistance.

(3) *Public Housing Resident Patrols Technical Assistance for Safety and Security.* For this funding component, eligible activities include:

(a) Instituting and implementing resident patrols and neighborhood watch and safety and security programs in public housing communities by providing technical assistance training and services to public housing authorities, residents, Resident Management Organizations, Resident Councils, Indian Tribes and Tribally Designated Housing Entities to:

(b) Assisting housing authority staff and residents in understanding the concept, organizational requirements to implement Resident Patrols;

(c) Assisting resident organizations in preparing a tenant patrol strategy, methods for recruiting members, training patrol members in how to handle themselves while on patrol and basic tips and techniques for members of the patrol, identifying funding sources for patrol administration and operations and ensuring that there will be the opportunity for diversity among the members of the resident patrols representative of the diversity of residents living at the housing sites;

(d) Preparing training and informational materials (such as brochures, fact sheets, manuals, videotapes) to explain the concept of Resident Patrols, organizational requirements, roles and responsibilities of various member of the community to achieve a successful resident patrol or neighborhood watch program;

(e) Preparing a training manual on how to establish and operate a resident patrol which includes such topics as:

(i) Legal issues and requirements;
(ii) Insurance coverage;
(iii) Roles and responsibilities;
(iv) How to prepare a budget;
(v) Financial management; etc.
(vi) Deportment of patrol members;
(vii) Clothing and equipment needs;
(viii) Community relations;
(ix) How to train new members;
(x) Group cohesion and group dynamics;
(xi) Conflict management and conflict resolution;
(xii) Team decision-making processes; and
(xiii) Impact/process evaluation.

(e) Providing training and technical assistance to improve and coordinate the administration of a Resident Patrol, or Neighborhood Watch and Safety and Security Program by resident groups, housing authorities, and police departments;

(f) Providing a number of technical assistance and training packages and materials to Housing Authority and residents interested in developing or improving their patrols.

(g) Designing and develop an evaluation methodology that can be employed by the housing authority community to measure their progress in combating drugs and crime after implementing resident patrols or neighborhood watch programs and in coordinating activities with local law enforcement agencies.

(h) Providing related technical assistance and training at the direction of the HUD GTR.

(4) *Public and Indian Housing Crime Prevention through Environmental Design (CPTED) and Youth Violence Prevention Technical Assistance for Safety and Security.* For this funding component, the eligible activities are undertaken to provide technical assistance and training to housing authority (HA) staff, residents, Resident Councils (RC) Resident Management Corporations (RMCs), housing authority directors, local law enforcement officials, local government officials, and other community leaders to increase their understanding of how Crime Prevention Through Environmental Design can be an effective tool in fighting drug usage, trafficking, youth violence, and other behavior that decreases the safety of the community in public housing developments and the surrounding community. Eligible activities for TA providers include:

(a) Helping public housing authorities, Resident Management Organizations, Resident Councils, Indian Tribes and Tribally Designated Housing Entities, to prepare strategies and plans which incorporate environmental design for crime prevention in their public housing neighborhoods and communities. CPTED include plans for the redesign, renovation, or rehabilitation of existing housing, community facilities, including, but not limited to, neighborhood centers, sidewalks, streets, parks, playgrounds, which may contribute to instances of crime; and

(b) Providing technical assistance services and training to public housing authorities, Resident Management Organizations, Resident Councils, Indian Tribes and Tribally Designated Housing Entities, and non-profit organizations dealing with youth violence prevention and mitigation; youth leaders, educators and others on effective ways to address, prevent and mitigate youth violence, including ways CPTED can be a tool in addressing youth violence issues.

(D) *Ineligible Activities.* The following activities are ineligible for funding under all three of Public and Indian Housing Drug Elimination Technical Assistance for Safety and Security grants. Funding is not permitted for:

(1) Developing your application;

(2) Construction of security systems, barriers, hiring of security personnel or guards or other hard construction costs or related items that are eligible for assistance and could be paid for with formula grant funds under the Public Housing Drug Elimination Grant Program.

(3) Consortia of eligible applicants may not apply for this grant unless it establishes one legal lead applicant.

(4) Salary or fees to your staff, or your former staff within a year of their your employment.

(5) An organization selected for funding may not provide technical assistance to itself.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, applicants under all three technical assistance components are subject to the following requirements:

(A) *Demand/Response Delivery System.* (1) As an awardee, you must operate within the structure of the demand/response system described in this section. You must coordinate your plans with, and operate under the direction of the HUD GTR. When so directed by the HUD GTR, you will coordinate your activities through a lead DETASS provider or other organization designated by the HUD GTR.

(2) If selected as the lead DETASS provider, the HUD GTR, as an awardee you may be asked by the HUD GTR or Director of the Drug Elimination Grant Program in HUD Headquarter's Washington, DC, to coordinate the activities of other DETASS providers selected under this DETASS section of the SuperNOFA. When directed by any of the above persons, joint activities by DETASS providers may be required.

(3) Under the demand/response system, as directed, DETASS providers will be required to:

(a) Market the availability of their services to existing and potential public housing authorities, police departments and Indian tribes nationwide.

(b) Respond to requests for assistance from the HUD GTR with oversight of the geographic service area for which the technical assistance will be delivered on a first come first serve basis, including responding to priorities established by the HUD GTR.

(c) Conduct a Needs Assessment to identify the type and nature of the assistance needed by the recipients of the assistance. These needs assessments should typically identify the nature of the problem to be addressed by the technical assistance services; the plan of action to address the need including the type of technical assistance services to be provided, the duration of the service, the staff assigned to provide the assistance, anticipated products and/or outcomes, and the estimated cost for the provision of services; and the relationship of the proposed services to the HUD-wide objectives of the Annual Performance Plan and Business Operating Plan;

(d) Address new issues or techniques that can be used to reduce drug use or drug related crime in public housing developments.

(B) *Technical Assistance Delivery Plan.* (1) After selection for funding but prior to award, you must develop a technical assistance delivery plan in consultation with the GTR. The plan must be national in scope.

(2) Your nationwide plan must conform to the provisions of the Business Operating Plan (BOP). You may use these BOP/management strategies/workplans in determining your priority work activities, location of activities, and organizations to be assisted during the cooperative agreement performance period.

(3) Your plan must delineate all the tasks and sub-tasks you will undertake nationally. It must show how the grant performance will improve other results expected from the DETASS, and the methodology to be used for measuring the success of the DETASS. A time schedule for delivery of the activities, budget-by-task and staffing plan must be included in the technical assistance delivery plan.

(C) *Active Participation.* The HUD GTR will actively participate in the delivery of all technical assistance by funded DETASS providers throughout the term of the DETASS Cooperative Agreement;

(D) *Eligible and Ineligible Costs.* (1) If you are awarded a DETASS Cooperative Agreement, costs associated with facilities, training materials, training staff costs of travel, lodging and per diem at governmental rates are eligible costs.

(2) Costs for participant travel, per diem and miscellaneous expenses to attend or when attending a DETASS training session are ineligible costs.

(E) *Section 3 Economic Opportunities.* Please see Section II(E) of the **General Section** of this SuperNOFA. Recipients of funding under DETASS program must comply where applicable.

(F) *Affirmatively Furthering Fair Housing.* Section II(D) of the **General Section** does not apply to funding under DETASS because the purpose of this funding is to address specific and targeted problems faced by Public Housing Authorities, Indian tribes, Tribally Designated Housing Entities, Resident Management Corporations, Resident Councils, or Resident Organizations in their management of the Public Housing Drug Elimination Program and to assist the applicants in the improvement of the effectiveness of that program.

(G) *Negotiation.* After all applications have been rated and ranked and a selection has been made, HUD may require the awardees to participate in negotiations to determine the specific terms of the plan and the budget. HUD will follow the negotiation procedures described in the General Section of the SuperNOFA.

(H) *Financial Management and Audit Information.* After selection for funding, but prior to award, you may be required to submit a certification from a Certified Public Accountant or the cognizant government auditor.

V. Application Selection Process

(A) *Rating and Ranking.* Applications will be evaluated competitively and ranked. HUD will review each application to determine that it meets the requirements of this SuperNOFA and the requirements under each DETASS component. Applicants must have a minimum score of 10 points under Rating Factor 1, Capacity, to receive funding under the DETASS component they are requesting funding. Applicants that do not meet this minimum score requirement will not be ranked further. Applicants that meet the minimum score requirement will be evaluated under the rating Factors for Award and will be assigned points in accordance with the rating factors.

Applications will be funded in rank order for each DETASS component. In the event of a tie, HUD will select the highest ranking application that can be fully funded. In the event that two or more eligible applications receive the same score, and both cannot be funded because of insufficient funds, the applicant with the highest score in rating factor one will be funded. If rating factor one is scored identically, the scores in rating factors two, three, four and five will be used in that order, until one of the applications receives a higher score. If both applications still score the same then the application which requests the least funding will be

selected in order to promote the more efficient use of resources. Each application submitted will be evaluated on the basis of the selection criteria set forth below.

(B) *Factors For Award to Evaluate and Rank Applications.* The factors for rating and ranking applicants and maximum points for each factor, are provided below. The maximum number of points for this grant component is 100. EZ/EC Bonus points as described in the **General Section** of this SuperNOFA are not available under DETASS.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which your organization and the staff assigned to your DETASS activities has the skills and experience to successfully implement your proposed activities. In rating this factor, HUD will consider the extent to which your application demonstrates in relation to the DETASS activities you are seeking funds that your organization and staff have:

(1) **(10 points)** Recent, relevant and successful experience in providing technical assistance in all eligible activities and to all eligible entities for the DETASS TA component, particularly those requirements specified under the component requirements section of this DETASS section of this SuperNOFA. HUD will consider the experience of your overall project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing programs for which funding is being requested and their knowledge of public housing programs, particularly the Public Housing Drug Elimination Grant Program.

In rating this factor, HUD will consider experience within the last five years to be recent; experience pertaining to the specific component and activities being proposed to be relevant. You should clearly specify the staff assigned to the TA component, their years of experience and provide a listing of similar or related experiences that they have undertaken in the recent past, providing dates for each experience. When describing your organization's experience you should also describe the work activity, when it occurred who the project manager was, and if any of the staff on that project will be assigned to this project.

(a) For the Public Housing Authority and Public Housing Police Department Technical Assistance component, an applicant must demonstrate that they have sufficient capacity and technical expertise to:

(i) Serve a population of 500,000 or more;

(ii) Conduct law enforcement assessments in cities of a population 500,000 or more;

(iii) Conduct law enforcement assessments of public housing police departments and the private sector;

(iv) Design, develop and deliver training and technical assistance programs for law enforcement agencies, to include community policing and related training in public housing and the private sector;

(v) Develop and implement law enforcement policies, procedures and manuals, personnel management systems, fiscal tracking systems, dispatch systems, records management, patrol strategy and crime prevention programs in public housing and the private sector;

(vi) Manage the accreditation and re-accreditation process of law enforcement agencies in public housing and private sector;

(viii) Develop and implement law enforcement policies, procedures and manuals and other endemic systems to public housing agencies, public housing law enforcement agencies, and municipal law enforcement agencies;

(ix) Develop technical and physical security systems in public housing and the private sector;

(x) Develop security guard plans in public housing and the private sector;

(xi) Work with Federal, State and local law enforcement agencies;

(xii) Evaluate Public Housing Drug Elimination Program grants for both programmatic effectiveness and efficiency as well as administrative compliance;

(xiii) Conduct security assessments of troubled PHAs; and

(x) Develop or manage law enforcement computerized systems, such as, Community 2020-HUD Community Planning Software (C2020), other Geographic Information Systems (GIS), Networking, Software development, police records management systems, interdepartmental communications systems, and mainframe/PC Systems support.

(b) For the Public Housing Resident Patrol Technical Assistance component, an applicant must demonstrate experience in managing projects of similar type and scope, including proven ability to manage the performance of complex multi-site projects within time and resource limits, the required technical expertise and have had the following law enforcement experiences:

(i) Conducted law enforcement or security assessments in cities with a population of 500,000 or more;

(ii) Had experience in design, development, and delivered training and technical assistance for public housing resident patrol programs, and community crime reduction teams;

(iii) Provided technical assistance to troubled and/or near troubled PHAs;

(iv) Completed multi-security assessments as a single tasking;

(v) Developed and implemented policies, procedures and manuals for resident groups and PHAs;

(vi) Developed and implemented crime prevention programs in public housing;

(vii) Developed technical and physical security systems in public housing;

(viii) Worked with Federal, State and local law enforcement agencies;

(ix) Evaluated Public Housing Drug Elimination Program grants for programmatic effectiveness and efficiency as well as administrative; and

(x) Evaluated crime patterns for adults and juveniles.

(c) For the Public and Indian Housing Crime Prevention through Environmental Design and Youth Violence Prevention Technical Assistance for Safety and Security component, an applicant must demonstrate extensive executive and managerial experience in CPTED concepts and implementation, or possession of like experience in youth violence prevention and training.

(i) For CPTED TA, the applicant must have the skills and knowledge in CPTED, particularly as it has been used in areas of high density populations, areas experiencing youth violence, drug activities and other crime;

(ii) For CPTED TA, the applicant must have developed CPTED assessments in a variety of PHA communities ranging from rural areas to large urban population centers of 500,000 or more.

(iii) For CPTED TA, the applicant must have skills and recent experience in designing methodologies to assess the impacts of CPTED in modifying behavior patterns among youth and residents to create a greater sense of community and reduce violence and criminal and drug activity;

(iv) For CPTED TA, the applicant must have designed and implemented CPTED programs in public housing agencies, to include troubled public housing agencies.

(2) **(3 Points)** For all three funding components, you must show the relevant experience and competence of your key personnel in managing complex, multi-faceted, or multi-

disciplinary programs that require coordination with other technical assistance providers or multiple organizations or community leaders;

(3) **(5 points)** For all three funding components, you must show you have personnel or access to qualified experts or professionals that deliver the proposed level of technical assistance in each proposed service areas in a timely and effective manner;

(4) **(2 points)** For all three funding components, you must show that your organization has a financial management system that is in compliance with the requirements specified in OMB Circular A–127, and that you can demonstrate your ability to manage and maintain financial records for multiple activities in multiple locations by each location and can relate costs to each activity and task at each location technical assistance services are being provided.

Rating Factor 2: Potential Effectiveness of the Application in Meeting Needs of Target Populations, Technical Assistance Target Objectives for Each TA Component for Which Funds Are Requested (20 Points)

In rating this factor, HUD will consider the extent to which your application:

(1) **(10 points)** Identifies high priority needs and issues for the component for which funding is requested. Priority needs should be expressed in terms of the degree of the drug problem, and the extent the target population identified in your application has an unmet demand for technical assistance services. In evaluating this sub-factor, HUD will consider your ability to establish priority areas, the basis for your making the determination of which target populations and activities should receive priority attention and your order of precedence in determining what TA topic should be addressed first.

(2) **(10 Points)** Demonstrates knowledge of the extent of the need for the DETASS component for which funding is requested and the extent that you can demonstrate knowledge of the local public housing authority's plan or the local communities HUD approved Consolidated Plan documenting the need in areas which you propose to provide technical assistance services.

Rating Factor 3: Soundness of Approach—(Quality of your Technical Assistance Work Plan) (40 Points)

This factor addresses the quality and effectiveness of your proposed work plan and the DETASS component for which you are seeking funding. There must be a relationship between the proposed activities, the community's needs and the purpose of the TA. In rating this factor, HUD will consider the impact of the activity on the target population identified in your application.

In evaluating this factor, HUD will consider the extent to which your proposed work plan:

(1) **(10 Points)** Provides a work plan of suggested technical assistance activities, tasks and product deliverables to address the objectives of the DETASS component, the needs of a broad diversity of eligible TA recipients.

(a) A sound work plan under the Public and Indian Housing Crime Prevention through Environmental Design Technical Assistance must include the following activities:

(i) Providing training and technical assistance services on CPTED techniques and strategies, including identification of designs which best stem criminal activity as opposed to designs which support or create opportunities for criminal or violent behavior;

(ii) Identifying funding resources to implement CPTED in public housing, particularly funding options for Indian Tribes and Tribally Designated Housing Entities;

(iii) Preparing case studies, manuals, illustrations explaining elements of CPTED, and similar activities, which can be used by public housing authorities, Resident Management Organizations, Resident Councils, Tribes and Tribally Designated Housing Entities, Youth Violence Prevention and Abatement Organizations and others as design guides to create housing and neighborhoods which feature CPTED.

(iv) Preparing of case studies which illustrate the successful combination of CPTED elements and other crime prevention activities such as resident patrols, and community policing; in public housing and low-income communities and neighborhoods to reduce criminal activity;

(v) Conducting site visits or creating opportunities for TA recipients to meet one-on-one with expert advisors to review and discuss specific plans and to obtain technical assistance on specific design and implementation plans;

(vi) Creating an impact/process evaluation instrument to assist housing authorities in tracking outcome measures for their CPTED strategies;

(vii) Creating assessment instruments that allow public housing authorities, Resident Management Organizations, Resident Councils, Tribes and Tribally Designated Housing Entities, Youth Violence Prevention and Abatement Organizations and others to do their own CPTED assessment to determine what areas in the community or development would benefit from CPTED treatment;

(viii) Creating cost calculation sheets that would allow public housing authorities, Resident Management Organizations, Resident Councils, Tribes and Tribally Designated Housing Entities, Youth Violence Prevention and Abatement Organizations and others to do their own estimations of what it would cost to implement CPTED design changes.

(b) A sound work plan under the Public and Indian Housing Youth Violence Prevention Technical Assistance must include the following activity: implementing a methodology to modify behavior patterns among youth and residents to create a greater sense of community and reduce violence and criminal and drug activity.

(2) **(10 points)** Demonstrates an effective outreach and assistance program to specifically identified communities, target populations and/or organizations and identifies the basis on which these groups or organizations were selected.

(3) **(10 Points)** Proposes a feasible plan for demonstrating the anticipated effectiveness of the proposed activities for TA in reducing or eliminating drug-related crime problems immediately and over an extended period, including the extent to which you propose a plan of action that will allow the targeted population identified in your application to successfully implement and show tangible results in undertaking an activity that the DETASS objective was designed to address, within the period of performance; or will result in a plan of action being undertaken by an organization during the following year.

(4) **(10 points)** Demonstrates that your proposed budget and timetable for delivering the technical assistance services and product deliverables is cost effective, feasible and is based on a understanding of the number of staff persons and hours are needed to conduct the suggested TA activities, the number of on-site hours devoted to the activities vs. development of training materials and classroom hours, and the basis for your making those staffing and costing judgments. Your budget should also specify the dollar value of any in-kind or cash resources that are being applied to your work program as a result of leveraging your resources. The leveraging amount will be taken into account when rating under Rating Factor 4: Leveraging Resources.

Rating Factor 4: Leveraging Resources—(Involvement of Local Government Agencies and the Community in Implementing the Proposed Activities) (10 Points)

This factor addresses your ability to secure community public and private resources, which can be combined with HUD program resources to achieve the purposes of the DETASS component for which you are seeking funds and to improve the effectiveness of your proposed program of technical assistance activities. In evaluating this factor, HUD will consider:

The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program of activities will be taken into account in evaluating this factor. HUD will award a higher number of rating points to those that leverage the greater amount of resources. Points under this Rating Factor will be allocated according to the percentage the leverage amount is against the total dollar amount requested. The greater the leverage of resources, the higher number of points you will receive.

Resources may include funding or in-kind contributions such as services or equipment allocated to the purposes of the award you are seeking. The additional resources may be used to assist your organization in providing the TA services or may be directed to target recipients of the technical assistance services to enable them to implement a local program for which the TA was provided. Resources may be provided by government entities, public or private non-profit organizations, or other entities willing to partner with you. You may also partner with other funding recipients to coordinate the use of resources in the target area.

To receive points for this factor you show evidence of the partner's participation in your program as evidenced by your work activities with the partner as described in your work plan submitted in response to Rating Factor 3 above; the budget you have provided must also reflect the leveraging/partnerships by stipulating the leverage source and the dollar equivalent of the leveraged resources. You must also provide documentation of the commitment by the organization to provide the leveraged resources. Such evidence must be a letter from the organization, individual or entity providing the resources, the name of the entity, the proposed level of commitment and responsibilities that they will undertake as part of the work plan; the dollar value estimated for the proposed in-kind goods or services and/or the actual cash provided. The letter must be signed by an official of the organization legally able to make commitments on behalf of the organization, individual or entity.

If you do not provide the letter documenting the leveraged resources as outlined above, you will receive (0) points for this factor.

Rating Factor 5: Comprehensiveness and Coordination (10 Points).

This factor addresses the extent to which the applicant coordinated its activities with other known organizations, participates in a Community's Consolidated Planning Process, is aware of the Public Housing Authority's Strategic Plan and Drug Elimination Grant Program goals and objectives, and is working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. In evaluating this factor, HUD will consider the extent to which the applicant demonstrates it has:

(1) Coordinated its proposed activities with those of other groups or organizations prior to submission in order to best complement, support and coordinate all known activities and if funded, the specific steps you will take if funded, to share information on solutions and outcomes with others. Describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Taken or will take steps to work with recipients of technical assistance services to enable them to become actively involved in the local Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) to enable them to bring to the attention of local government officials and others outstanding needs/issues/problems/opportunities related to your achieving the program objectives of your DETASS component.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with: Other HUD funded projects/activities outside the scope of those covered by the Consolidated Plan or within the context of the Public Housing Authority's Strategic Plan; and other Federal, State or local government funded activities or activities funded by the private sector, including foundations and universities, that are proposed or on-going in the community that would further the objectives of the DETASS component for which you are requesting funding.

VI. Application Submission Requirements

(A) *General.* (1) Applicants may submit applications for one or two or all three of the DETASS components. However, applicants may not submit more than one application for any one of the DETASS components. If HUD receives more than one application from the same applicant for the same DETASS component, HUD will treat this as a curable deficiency under the terms of the curable deficiencies in the General Section of the SuperNOFA. Applicants will be asked to identify which application should be reviewed by the Department. If the applicant does not respond within the cure period, both applications will be rejected. To be considered for funding, your application must receive a minimum score of 70 out of the possible total of 100 possible points for Factors 1 through 5.

(2) In addition to the submission requirements listed in Section IV of the **General Section** of this SuperNOFA, each application must conform to the requirements of the Public and Indian Housing Drug Elimination Safety and Security Technical Assistance Program. When submitting your application please be sure to mark the following sections for ease of the reviewer and to put them in the following order: Cover letter specifying the you are applying for Drug Elimination Technical Assistance for Safety and Security and the program component(s) for which you are seeking funding. If you are applying for all three components you must specify which two are priority components for funding. If submitting your application in conjunction with another applicant, or as a consortia you must specify which is the lead applicant and your application must be submitted as joint application.

(B) *Application Forms and Information.* The following forms and information must be submitted with your application and signed by the authorized official of the applicant or lead applicant organization. The standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the *General Section* of the SuperNOFA. (Some programs in this SuperNOFA, in addition to the standard forms, use additional forms (i.e., excluding such items as narratives to the rating factors, letters, etc.) that are referred to as the ''non-standard forms.'' This program

does not use any non-standard forms). The application items are as follows:

(1) Standard Form 424, Application for Federal Assistance;

(2) HUD Form 424M, Federal Assistance Funding Matrix;

(3) Standard Form 424A, Summary Budget Information

(4) Standard Form 424B for Assurances Non-Construction Programs

(5) Drug Free Workplace Certification (HUD–50070);

(6) Certification of Payments to Influence Federal Transactions (HUD 50071. If Federal funds were used to lobby on your behalf, you must also submit the Certification and Disclosure Form Regarding Lobbying (SF–LLL);

(7) Applicant/Recipient Disclosure/ Up-Date Report (HUD 2880);

(8) Certification Regarding Debarment and Suspension (HUD 2992);

(9) Narrative Statement Responding to the following Factors for Award:

(a) Factor 1—Capacity

(b) Factor 2—Need

(c) Factor 3—Soundness of Approach including your work plan and detailed budget identifying activities and tasks and associated budget. This budget should identify items by cost category for each DETASS component you are seeking funding in accordance with the following:

(i) Direct Labor by position or individual, indicating the estimate hours per position, the rate per hour, estimated cost per staff position and the total estimated direct labor cost;

(ii) Fringe benefit by position or individual identifying the rate, the salary base the rate was computed on, estimated cost per position, and the total estimated fringe benefit cost;

(iii) Material costs indicating the item, quantity, unit cost per item, estimated cost per item, and the total estimated material cost;

(iv) Transportation Cost, including the estimated number of trips, number of persons traveling per trip, airline or other travel cost (gasoline costs should be figured on the government per mile rate), per diem rate and total estimated travel costs;

(v) Equipment charges, if any. Equipment charges should identify the type of equipment, quantity, cost, and total estimated equipment costs;

(vi) Consultant costs, if applicable. Indicate the type, estimated number of consultant days, rate per day, total estimated consultant cost and total estimated costs for all consultants;

(vii) Subcontract costs, if applicable. Indicate each individual subcontract and amount;

(viii) Direct costs listed by item, quantity, unit cost, total for each item listed, total other direct costs for the award;

(ix) Indirect costs should indicate the type, approved indirect cost rate, base to which the rate applies and total indirect costs.

These line items should total the amount requested for each DETASS component and also the grand total for all DETASS components. The budget dollars should reflect the funding requested on your HUD–424M—Federal Assistance Funding Matrix.

(d) Factor 4—Leveraging Resources including required documentation

(e) Factor 5—Comprehensiveness and Coordination

VII. Corrections to Deficient Applications

The General Section of this SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(9), the assistance provided under this program relates only to the provision of technical assistance and therefore is categorically excluded from the requirements of the national Environmental Policy Act and is not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under this program.

IX. Authority

Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 USC 11901 *et seq.*) as amended by section 581 of the National Affordable Housing Act of 1990 (Pub. L. 101–625, approved November 28, 1990), and section 161 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992). The regulations for this program are found in 24 CFR part 761, Drug Elimination Programs.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NEW APPROACH ANTI-DRUG PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE NEW APPROACH ANTI-DRUG PROGRAM (Formerly known as the Safe Neighborhood Grant Program)

Program Overview

Purpose of the Program. The purpose of this program is to provide funding to owners or managers of certain housing developments to: (1) Augment security; (2) assist in the investigation and prosecution of drug-related criminal activity in and around the housing developments; and (3) provide for the development of capital improvements directly relating to the security of the developments. With these grants, HUD is taking a comprehensive neighborhood/community-based approach to crime prevention. In applying, you will be required to demonstrate that you have formed a partnership with units of general local government, including the local law enforcement agency, to play key roles in this partnership.

Available Funds. Approximately $27 million.

Eligible Applicants. Eligible applicants include: units of general local government, public housing agencies (PHAs), Indian tribes or Tribally Designated Housing Entities (TDHEs), and owners of assisted housing developments. To be an eligible applicant, you must be an owner of an assisted housing development, as defined in this program section of the SuperNOFA. A unit of general local government may qualify if it operates an assisted housing development. PHAs, TDHEs and Indian tribes are eligible applicants if they own a development with project-based Section 8 assistance, as defined in the U.S. Housing Act of 1937, and that development is included in the proposed plan and is located in the ''project area'' targeted to receive grant funds.

Application Deadline. **June 7, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time on June 7, 2000, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application on or before the application deadline at the local HUD Field Office, Attention: Director of Multifamily Housing Programs or, in the case of the Native American population, to the local HUD Administrator, Area Offices of Native American Programs (AONAPs), as appropriate. See Appendix A to the Drug Elimination Grants for Multifamily Low Income Housing program section of the SuperNOFA and Appendix A to the General Section of the SuperNOFA for lists of local HUD Field Offices.

For Application Kits. For an application kit and any supplemental information, please call the SuperNOFA Information Center at 1–800–HUD–8929. When requesting an application kit, please refer to the New Approach Anti-Drug Program, and provide your name, address (including zip code) and telephone number (including area code). Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.HUD.gov.

For Further Information and Technical Assistance. If you are located East of the Mississippi River, you may contact Darlene Fete, Resident Initiative Specialist, U.S. Department of Housing and Urban Development, North Carolina State Office, 2306 West Meadowview Road, Greensboro, North Carolina 27407, telephone (336) 547–4034 or (336) 547–4131 (the TTY number), or email Darlene__B.__Fete@hud.gov. If you are located West of the Mississippi River, you may contact Deanna Beaudoin, Resident Initiatives Specialist, U. S. Department of Housing and Urban Development, Colorado State Office, 633–17th Street, Denver, Colorado 80202–3607, telephone (303) 672–5343 extension 1162 or email Deanna__E.__Beaudoin@hud.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $27 million is available for funding under the New Approach Anti-Drug Program, as provided in the FY 2000 HUD Appropriations Act, including FY 1999 carryover funding.

(B) *Maximum Grant Award.* The maximum grant award amount is limited to $250,000 per application. The amount of funding requested must be within this maximum grant award.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if: (1) HUD determines that some elements of the proposed action plan are ineligible for funding;

(2) HUD determines the amount requested for an eligible activity and/or any budget line item is not cost effective;

(3) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(4) HUD determines that a reduced grant would prevent duplicative Federal funding.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* (1) *Purpose.* The purpose of these competitive grants is to assist entities managing or operating Federally assisted multifamily housing developments, public and Indian housing developments (including those Indian housing units formerly defined as public housing under section 3 of the U.S. Housing Act of 1937 and now counted as current assisted stock under the Indian Housing Block Grant Program), or other multifamily-housing developments for low-income families supported by non-Federal governmental housing entities or similar housing developments supported by nonprofit private sources, to augment security (including personnel costs), to solve security problems in the long-term; assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and provide for capital improvements that comprehensively enhance security at these developments.

Drug-and crime-fighting activities, if only directed to a single assisted housing development, may have the unfortunate effect of simply moving the problem to nearby housing and businesses. The long term solution to the crime problems of assisted housing developments and their surrounding neighborhoods rest in a comprehensive approach that changes the conditions—and the culture that exists. HUD believes that crime fighting efforts are most effective when partnering takes place with law-enforcement agencies at various levels and with a full range of

community stakeholders (such as PHAs and TDHEs). Therefore, to address crime in a comprehensive manner to receive funding, you must take the following actions:

(a) Have a subgrantee or subrecipient relationship with the local police department and the local district attorney or prosecutor's office. If the local police department, local district attorney or prosecutor's office does not have the legal authority to accept program funds or enter into a binding agreement with you, then you must provide funds through the unit of general local government—city or county.

(b) Enter into partnerships with the owners of, and resident organizations in, assisted housing developments that receive grant funds from you.

Multifamily housing developments that may lack the ability to oversee grant functions may delegate this task to a public housing authority or TDHE by making them a ''fiduciary agent'', by signed agreement, which must be part of the application.

(c) Encourage other neighborhood based entities to participate in your program of activities through partnership arrangements. Such entities are community residents; neighborhood businesses; and non-profit providers of support services, including faith-based organizations and their affiliates.

(2) *Implementation Principles.* HUD has established the following principles in implementing the New Approach Anti-Drug Program Grants:

(a) *Comprehensive Approach.* With these grants, HUD is taking a comprehensive neighborhood/community-based approach to crime. The long term solution to the crime problems of assisted housing developments and their surrounding neighborhoods rests in changing the conditions—and the culture that exists.

(b) *Required Partnerships.* You will be required to demonstrate that partnerships have been formed with units of general local government, with the local police department and the local district attorney or prosecutor's office playing key roles in this partnership. You must also form partnerships with the following entities, if they are to receive funding from you:

(i) Owners of assisted housing developments in the targeted neighborhood, and

(ii) Resident organizations of these assisted housing developments.

(c) *Encouraging Partnerships.* HUD encourages the use of effective working partnerships in new locations to leverage the many Federal resources that are available to eliminate crime in and around public and assisted housing developments through the Drug Elimination Grant, Operation Safe Home, and Weed and Seed programs; and partnering with the U.S. Attorney's Office, the Federal Bureau of Investigation, and the Drug Enforcement Agency. HUD now wishes to encourage these successful partnerships to address similar problems in and around privately-owned, Federally assisted housing. In addition to providing points for applications which have established these partnerships, HUD requires that at least one project in each targeted neighborhood be multifamily housing with either:

(i) A HUD-insured, held, or direct mortgage and Rental Assistance Payments (RAP), Rent Supplement, or interest reduction payments, or

(ii) Section 8 project-based assistance with or without HUD interest in the project mortgage.

This emphasis on HUD assisted privately-owned housing does not negate the eligibility of other low-income housing developments assisted by Federal, State, and local government, and not-for-profit sources to apply for the New Approach Anti-Drug Program. By awarding points for neighborhoods with high concentrations of assisted housing, HUD is encouraging you to address the needs of multiple assisted housing developments which may consist of a mix of ownership types and subsidy sources.

(d) *Complying with Civil Rights Requirements.* With the very real need to protect occupants of HUD-sponsored housing and the areas around the housing, the civil rights of all citizens must be protected. Your proposed strategies should be developed to ensure that crime-fighting and drug prevention activities are not undertaken in such a manner that civil rights or fair housing statutes are violated. Profiling on any prohibited basis is not allowed. In addition, all segments of the population should be represented in developing and implementing crime-fighting strategies.

(e) *Coordination with Other Law Enforcement Efforts.* In addition to working closely with residents and local governing bodies, it is critically important that owners establish ongoing working relationships with Federal, State, and local law enforcement agencies in their efforts to address crime and violence in and around their housing developments. HUD firmly believes that the war on crime and violence in assisted housing can only be won through the concerted and cooperative efforts of owners and law enforcement agencies working together in cooperation with residents and local governing bodies. HUD encourages owners to participate in Departmental and other Federal law enforcement agencies' programs such as: Operation Safe Home, Operation Weed and Seed through the Department of Justice and the Safe Neighborhood Action Program (SNAP). The use of New Approach Anti-Drug funds, however, must be part of a comprehensive approach. These funds may indirectly support other Federal law enforcement activities provided that use is consistent with the comprehensive approach.

(f) *Safe Neighborhood Action Program (SNAP) Grants.* (i) The New Approach Anti-Drug Program was formerly known as the Safe Neighborhood Action Program, announced June 12, 1994 by HUD, the National Assisted Housing Management Association (NAHMA), and the U.S. Conference of Mayors (USCM). The New Approach Anti-Drug Program was expanded from the SNAP Program to include funds to augment security; assist in the investigation and prosecution of drug related criminal activity in and around the housing developments; and provide for the development of capital improvements directly related to the security of the developments. SNAP is an anti-crime and empowerment strategies initiative in HUD assisted housing neighborhoods in 14 SNAP cities. The major thrust of SNAP is the formation of local partnerships in 14 targeted cities where ideas and resources from government, owners and managers of assisted housing, residents, service providers, law enforcement officials, and other community groups are used to meet to work on innovative, neighborhood anti-crime strategies.

(ii) There is no funding associated with SNAP, which relies on existing ideas and resources of the participants. Some common initiatives from these SNAP teams have included the following: community policing, crime watch programs, tenant selection policies, leadership training, individual development or job skills training, expansion of youth activities, police tip line or form, community centers, anti-gang initiatives, police training for security officers, environmental improvements, and a needs assessment survey to determine community needs.

(iii) In addition, a HUD-sponsored initiative to increase the presence of AmeriCorps' Volunteers in Service to America (VISTAs) in assisted housing units has led to the placement of 25 VISTAs on 12 SNAP teams. The AmeriCorps VISTA program, which incorporates a theme of working within the community to find solutions to

community needs, has provided additional technical assistance to the SNAP teams.

(iv) The cities participating in the SNAP initiative include: Atlanta, GA; Boston, Mass; Denver, CO; Houston, TX; Newark, NJ; Philadelphia, PA; Baltimore, MD; Columbus, OH; Detroit, MI; Los Angeles, CA; New Orleans, LA; Little Rock and North Little Rock, AR; Richmond, VA; and Washington, DC.

(v) For more information on SNAP, contact Henry Colonna, National SNAP Coordinator, Virginia State Office, 3600 West Broad Street, Richmond, VA 23230–4920; telephone (804) 278–4500, extension 3027; or (804) 278–4501 (TTY). For more information on AmeriCorps' VISTAs in Assisted Housing, contact Deanna E. Beaudoin, National VISTAs in Assisted Housing Coordinator, Colorado State Office, First Interstate Tower North, 633 17th Street, Denver, CO 80202; telephone (303) 672–5291, extension 1068; or (303) 672–5248 (TTY). These numbers are not toll-free.

(3) *Definitions. Assisted Housing Development.* For purposes of this program, the term ''assisted housing development'' means five or more dwelling units in a building or five or more adjoining, adjacent, or scattered site (within a single neighborhood) dwelling units, having common ownership and project identity. Some or all of the units must be receiving a project-based subsidy from a unit of government at the Federal, State, or local level, or from a private nonprofit entity. This subsidy must be associated with a requirement and/or contractual agreement that all or a portion of the units be occupied by households with incomes at or below those of families at the low-income limit as defined by the United States Housing Act of 1937.

Assisted Housing Unit. For purposes of this program, the term ''assisted housing unit'' means a unit within an assisted housing development for which occupancy is restricted to households with incomes at or below that of ''low-income families'' as defined by the U.S. Housing Act of 1937, and rents are restricted to amounts that the owner/operator entity determines to be affordable.

Augmented Services. For purposes of this program, augmented services are activities which exceed current levels of services or ''baseline'' services provided by any other parties signing the memorandum of understanding required for this program.

Drug-related crime. For purposes of this New Approach Anti-Drug Program, the term ''drug-related crime'' means drug-related crime as defined in 42 U.S.C. 11905(2) and Part I Crime and Part II Crime as defined by the Uniform Crime Reporting System.

Eligible project area. For purposes of the New Approach Anti-Drug Program, the term ''neighborhood'' means a geographic area within a jurisdiction of a unit of general local government designated in comprehensive plans, ordinances, or other local documents as a neighborhood, village, or similar geographical designation. If, however, the unit of general local government has a population of less than 25,000 persons, then ''neighborhood'' means the entire jurisdiction of the unit of general local government. A project area must include at least one assisted housing development under:

(i) Section 221(d)(3), section 221(d)(4), or section 236 of the National Housing Act (12 U.S.C. 1715l, 1715z–1), provided that such development has been provided a Below Market Interest Rate mortgage, interest reduction payments, or project-based assistance under Rent Supplement, Rental Assistance Payments (RAP) or Section 8 programs. An FHA-insured project that has no project-based subsidy does not qualify as an assisted housing unit for eligibility even if it houses tenants receiving tenant-based assistance, such as Section 8 rental vouchers or certificates.

(ii) Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

(iii) Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). This includes housing with project-based Section 8 assistance, whether or not the mortgage was insured by HUD-FHA. This does not include projects which receive only Section 8 tenant-based assistance (i.e., certificates or vouchers).

Project-based Subsidies. For purposes of this program, the term ''project-based subsidies'' means financial assistance that is initially designated and assigned by the funding source specifically for the project rather than to eligible assisted resident households which might also benefit from these subsidies, and provided on a one time up-front or on a periodic basis to the project or its owner to write down, subsidize, or waive project development costs, costs of financing, project operating costs (which include but are not limited to the following types of expenses: utilities, taxes, fees, maintenance and debt service payments), owner taxes, unit rent levels, or tenant rent payments.

(B) *Eligible Applicants.* (1) *General.* (a) Eligible applicants are as follows: (i) The owner of a federally-assisted housing development. If you are a unit of general local government you do not need to be the owner, but must be the operator of such housing. (A TDHE is not a unit of general local government.);

(ii) The owner of an assisted housing development that is assisted by a non-Federal governmental entity or similar housing development supported by nonprofit sources. If you are a unit of general local government, you do not need to be the owner, but must be the operator of such housing;

(iii) PHAs, TDHEs, and Indian tribes are eligible applicants if they own a development with project-based Section 8 assistance, as defined in the U.S. Housing Act of 1937, and that development is included in the proposed plan and is located in the ''project area'' targeted to receive grant funds. If you do not own such an assisted housing development, you may still participate in the New Approach Anti-Drug Program as a subgrantee or subrecipient of an eligible applicant; or

(b) The development that makes you eligible must be in the neighborhood to be assisted; and

(c) You may not have any outstanding findings of civil rights violations. (See Section II(B) of the **General Section** of this SuperNOFA.)

(2) *Lead Applicant.* Two or more eligible applicants may file a joint application. If filing jointly, you must designate one entity to be the lead applicant. The lead applicant will be the grantee if HUD funds your application.

(C) *Memorandum of Understanding.* You must include with your application a Memorandum of Understanding (MOU) that you have entered into with each required party. (See Section III(B) of this program section of the SuperNOFA). A draft MOU may be acceptable in only a few circumstances. You must provide a detailed explanation why a draft MOU is being presented in your application. You must indicate that the draft MOU is contingent upon HUD funding the grant. If a draft MOU is submitted in the grant application, the finalized MOU must be submitted to the local HUD Field Office within 15 calendar days after HUD's announcement of the award. The finalized MOU must be exactly the same as the draft MOU included in your application. The MOU may indicate the agreement is subject to the actual receipt of funds from HUD.

(1) *Required Parties to the MOU.* In addition in order to receive full points in the Rating Factor for a New Approach Anti-Drug grant:

(a) You MUST sign a MOU that provides funds through a subgrantee or subrecipient relationship with the following two entities:

(i) The local police department; and

(ii) The local the local prosecutor's office (district attorney).

(b) The two parties signing the MOU must have the legal authority to enter into a binding agreement with you. These two entities must have jurisdiction in your project area

(2) *Content of MOU.* This MOU must commit these entities to actively support the grant project in partnership with you. The MOU must also describe:

(a) The level of current services (baseline) being provided by these entities;

(b) The level of services above this baseline which the entities are committed to providing in support of your grant;

(c) The amount of time to be devoted to the activities by each party;

(d) The skills each party brings to assist in implementation of your specific action plan activities.

Your MOU will be taken into account in reviewing and rating your application, so you should strive to be as specific as possible in your MOU document.

(3) *Partnerships are encouraged.* We encourage you to partner with other appropriate neighborhood and community stakeholders, including: neighborhood businesses and business associations; nonprofit service providers; neighborhood resident associations; and faith communities or religious institutions. You are encouraged to enter into MOUs with these entities however an MOU is not required.

(D) *Eligible Project Areas.* (1) HUD will award one grant per project neighborhood. The project area must be a ''neighborhood.''

(2) The project area must include at least one assisted housing development. See definition in Section III(A)(1) of this program section of the SuperNOFA.

(3) You must provide documentation of the population used to define eligibility as a neighborhood. The documentation may include census data or documentation provided by local government officials or by HUD's Community 2020 program, available by calling 1–800–998–9999, (there may be a charge to you for this information).

(E) *Eligible Activities.* The following is a listing of eligible activities under this program and guidance as to their parameters: (1) *Augmenting Security (Including Personnel).*

(a) *General.* You must document in your MOU(s) all security services above baseline established in your MOU. Anyone providing augmented security services must have liability insurance.

(b) *Baseline Services.* Additional security services are permitted but must be over and above the local police department's current level of baseline services. If you are seeking funding for augmenting security, you must describe the local police department's current level of baseline services to the neighborhood (including ordinary and routine services, patrols, police officer responses to 911 communications and other calls for services, and investigative follow-up of criminal activity). Your description of baseline services must include the number of officers and the actual percent of their time assigned to the development(s) proposed for funding. For a proposed activity to be considered eligible as an augmented security activity, you must demonstrate to what extent the proposed funded activity will represent an increase over and above the baseline.

(c) *Police Presence.* You may reimburse local law enforcement entities for the costs of additional police presence (police salaries and other expenses directly related to additional police presence or security that is over and above baseline services) in and around assisted housing developments in the neighborhood. Of the funds devoted to additional police presence, at least 70 percent of such reimbursed costs must be for police presence in assisted housing developments served and the remaining 30 percent must be for police presence around the assisted housing neighborhood area.

HUD is strongly encouraging that additional law enforcement in the assisted housing developments and surrounding neighborhoods be targeted to implementing an overall proactive crime fighting strategy, rather than merely responding to crime emergencies. Two potentially effective anti-crime strategies that can benefit from additional police presence are:

(i) Combined multi-agency task force initiatives, in which local and Federal law enforcement agencies pool resources, first, to infiltrate organizations that promote violent and/or drug-related crime in the neighborhood and, second, to initiate strategic and coordinated mass arrests to break up these organizations; and

(ii) Community policing (*i.e.*, sustained proactive police presence in the development or neighborhood, often conducted from an on site substation or mini-station, that involves crime prevention, citizen involvement, and other community service activities, as well as traditional law enforcement).

If reimbursement is provided for community policing activities that are committed to occur over a period of at least 3 years and/or are conducted from a police substation or administration within the neighborhood, the costs during the grant period of constructing such a station or of equipping the substation with communications and security equipment to improve the collection, analysis and use of information about criminal activities in the properties and the neighborhood may be reimbursed.

(d) *Security Services Provided by Other Entities (such as the Owner of an Assisted Housing Development).* (i) The activities of any contract security personnel funded under this Program must be coordinated with other law enforcement and crime prevention efforts under your proposed action plan. You must describe in your action plan your efforts to achieve this coordination. The coordination efforts must include frequent periodic scheduled meetings of security personnel with housing project management and residents, local police and, as appropriate, with other public law enforcement personnel, neighboring residents, landlords, and other neighborhood stakeholders. Any contract security personnel funded under this Program must meet State and local licensing requirements.

(ii) You may only contract with a security service provider that has a policy manual that directs the activities of its personnel and contains the policies, procedures, and general orders that regulate conduct and describe in detail how jobs are to be performed. If you use your own staff to provide security services, then you must have such a policy manual.

(2) *Enhancing the Investigation and Prosecution of Drug-Related Crime.* (a) *Reimbursement of State and Local Law Enforcement Agencies.* As the grantee, you may reimburse local or State prosecuting offices and related public agencies for activities, other than salaries or ineligible activities in Section III(G) of this program section of the SuperNOFA, related to the prosecution or investigation of crime committed in the neighborhood identified in your application. These costs are subject to a cost reimbursement agreement. Reimbursement must be for costs over and above what the office or agency incurred for such purposes for crimes committed in the same neighborhood during the period equal in length and immediately before the period of reimbursement. For any grant, at least 70 percent of reimbursed costs must be in connection with crimes committed in and around the assisted housing developments and the remainder of reimbursed costs directly related to

crime committed within the neighborhood.

(b) *Hiring of Private Investigator Services.* You may use grant funds to hire private investigator services to investigate crime in and around an assisted housing development and the surrounding neighborhood. You must explain why local law enforcement services are inadequate and justify the need for hiring private investigator services.

(3) *Capital Improvements to Enhance Security.* You may use grant funds for capital improvements to enhance security. You should, however, consider using other sources of funding for this purpose. These improvements must be accessible to persons with disabilities. For example, locks or buzzer systems that are not accessible to people with restricted or impaired strength, mobility, or hearing may not be funded by your grant. Capital improvements to implement defensible space concepts in the design and implementation of your enhanced security measures are eligible provided such design elements permit accessibility and visibility by persons with disabilities. Capital improvements to enhance security or crime prevention through environmental design, must comply with civil rights requirements and cannot exclude or segregate persons based upon their race, color, or national origin from benefits, services, and other terms and conditions of housing. Under the selection criterion entitled ''Quality of Plan,'' HUD will reward capital improvements to enhance the security of an entire neighborhood as opposed to specific projects at the expense of other dwellings in the neighborhood. The capital improvements may include, but are not limited to:

(a) New construction or rehabilitation of structures housing police substations or mini-stations;

(b) Installation of barriers (including speed bumps and fences) and appropriate use of close circuit television (CCTV), provided any barriers make reasonable accommodations for persons with disabilities;

(c) Improved door or window security such as locks, bolts, or bars;

(d) Landscaping or other reconfiguration of common areas to discourage drug-related criminal activities; and

(e) Establishment of a Neighborhood Networks center and augmenting existing centers. The costs to develop and establish a new Neighborhood Network center must not exceed $25,000 of the grant funds awarded by HUD.

If there is an established Neighborhood Networks center you may include up to $15,000 for the center for further crime prevention activities, such as additional mentoring and/or tutorial education programs, improving job skill programs, home buyer education, and resident participation in law enforcement community outreach activities such as DARE days and the local office of the FBI's Race Against Drugs activities, etc. No grant funds will be approved for expenditure until the local HUD Field Office approves the Neighborhood Network business plan for the Neighborhood Networks center. A sample of the Neighborhood Network business plan may be found on the Neighborhood Networks web page at www.neighborhoodnetworks.org.

(F) *Ineligible Activities.* In addition to the ineligible activities mentioned elsewhere in this program section of the SuperNOFA, New Approach Anti-Drug Program Grant funding is not permitted for any of the activities listed below, unless otherwise specified in this program section of the SuperNOFA:

(1) Treatment or intervention activities;

(2) Costs incurred before the effective date of the grant agreement, including but not limited to consultant fees related to the development of your application or the actual writing of your application;

(3) Purchase of controlled substances for any purpose. Controlled substance has the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802);

(4) Compensating informants, including confidential informants. These should be part of the baseline services provided and budgeted by local law enforcement agencies; or

(5) Although participation in activities with Federal drug interdiction or drug enforcement agencies is encouraged, these grant funds may not be transferred to any Federal agency.

In addition, profiling on any prohibited basis is not allowed.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements. These requirements apply to all activities, programs, or functions used to plan, budget, implement, and evaluate the work funded under this program.

(A) *Grant Agreement.* After applications have been ranked and selected, HUD and a successful applicant will enter into a grant agreement setting forth the amount of the grant, the physical improvements or other eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violation of the agreement. The Grant Agreement will incorporate your HUD approved application as may be amended by any special condition in the Grant Agreement. HUD will monitor your grant using your Grant Agreement to ensure that you have achieved commitments set out in your approved grant agreement. Failure to honor such commitments would be the basis for HUD determining your default of the Grant Agreement, and exercising available sanctions, including grant suspension, termination, and/or the recapture of your grant funds.

(B) *Requirements Governing Grant Administration, Audits and Cost Principles.* The policies, guidelines, and requirements of this program section of the SuperNOFA, 48 CFR part 31, 24 CFR parts 44, 45, 84 and/or 85, OMB Circulars A–87 and/or A–122, other applicable administrative, audit, and cost principles and requirements, and the terms of grant/special conditions and subgrant agreements apply to your acceptance and use of funds. The requirements cited above, as applicable, must be followed in determining procedures and practices related to the separate accounting of grant funds from other grant sources, personnel compensation, travel, procurement, the timing of drawdowns, the reasonableness and allocation of costs, audits, reporting and closet, budgeting, and preventing conflict of interests or duplicative charging of identical costs to two different funding sources. All costs must be reasonable and necessary.

(C) *Term of Grant.* Your grant funds must be expended within 24 months after HUD executes a Grant Agreement with you. There will be no extensions or waivers of this grant term. Any remaining grant funds will be recaptured.

(D) *Subgrants and Subcontracting.* (1) In accordance with your approved grant agreement, you may directly undertake any of the eligible activities under this program section of the SuperNOFA, you may contract with a qualified third party, or you may make a subgrant to any entity approved by HUD as a member of the partnership, provided such entity is a unit of government, a prosecutor's office, a police department or a TDHE; is incorporated as a not-for-profit organization; or is an incorporated for-profit entity that owns and/or manages an assisted housing project benefiting from the grant. Multifamily housing agents/owners are authorized to make a PHA or THDE their Fiduciary Agent, if the PHA and/or the THDE has the capacity to implement, oversee and close out the grant activities. Resident

groups that are not incorporated may participate in the implementation of the program, but may not receive funds as subgrantees. For-profit organizations other than owners or managers of an assisted housing development benefiting from the grant that have been approved by HUD as part of the partnership may only receive grant funds subject to the applicable Federal procurement procedures (See 24 CFR parts 84 or 85).

(2) Subgrants may be made only under a written agreement executed between you, the grantee, and your subgrantee. The agreement must include a program budget that is acceptable to you, and that is consistent with the eligible activities and requirements. The agreement must require the subgrantee to permit you to inspect your subgrantee's work and to follow applicable OMB and HUD administrative requirements, audit requirements, and cost principles, including those related to procurement, drawdown of funds for immediate use only, and accounting for the use of grant funds and implementation of program activities. In addition, your subgrant must describe the nature of the activities to be undertaken by the subgrantee, the scope of the subgrantee's authority, and the amount of any insurance to be carried by you and the subgrantee to protect your respective interests.

(3) You are responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with applicable HUD and OMB requirements. You must also ensure that subgrantees have appropriate insurance liability coverage.

(E) *Ineligible Contractors.* The provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status apply to this grant.

(F) *Section 3 Economic Opportunity.* See Section II(E) of the **General Section** of the SuperNOFA. The requirements of section 3 of the Housing and Urban Development Act of 1968 apply to some of the activities that may be funded under this program section of the SuperNOFA.

(G) *Drawdown of Grant Funds.* You will be required to access your grant funds through HUD's Line of Credit Control System-Voice Response System in accordance with procedures for minimizing the time lapsing between drawdowns and use of funds for eligible purposes as described in 24 CFR parts 84 and/or 85, as applicable. If HUD changes the procedures for the draw of grant funds, HUD will notify you through the issuance of a grant amendment.

(H) *Reports and Closeout.* If you receive a grant, you will be required to submit to HUD a semi-annual progress report (Form 269). The narrative of the Form 269 must be sent in a format prescribed by HUD that indicates program expenditures and measures performance in achieving goals. At grant completion, you will be required to participate in a closeout process which shall include a final report in a format prescribed by HUD that reports final program expenditures and measures performance in achieving program goals. Closeout will culminate in a closeout agreement between you and HUD and, when appropriate, in the return of grant funds which have not been expended in accordance with applicable requirements, or which may be remaining after all activities have been completed and paid for.

(I) *Suspension or Termination of Funding.* HUD may suspend or terminate funding if you fail to undertake the approved program activities on a timely basis in accordance with your grant agreement, adhere to grant agreement requirements or special conditions, or submit timely and accurate reports.

(J) *Affirmatively Furthering Fair Housing.* You must address Section II(D) of the **General Section** of the SuperNOFA. You must also reference the certifications listed in Section II (G) the General section of the SuperNOFA.

V. Application Selection Process

(A) *Rating and Ranking.* Your application can only be rated if you are an eligible applicant and you are in compliance with the requirements of the **General Section** of the SuperNOFA.

(1) HUD will evaluate all eligible applications based on the factors for award identified in this Section V.

(2) After the applications have been scored, HUD will rank them on a national basis. An application must receive a score of at least 70 points, excluding the EZ/EC and Dallas bonus points to be eligible for funding. Awards will be made in ranked order until all funds are expended.

(3) In the event of a tie, HUD will select the applicant with the highest score in Rating Factor 1. If Rating Factor 1 is scored identically, the scores in Rating Factors 2, 3 and 4 will be compared in that order, until one of the applications receives a higher score. If both applications still score the same then the application which requests the least funding will be selected to promote the more efficient use of resources.

(B) *Factors For Award To Evaluate and Rank Applications.* The maximum number of points for this program is 102 (except for an application submitted by the City of Dallas, Texas which would be eligible for a maximum of 104 points in accordance with Rating Factor 3, paragraph (7), below. This includes two EZ/EC bonus points, as described in the General Section of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have proper organizational resources necessary to successfully implement the proposed New Approach Anti-Drug Program activities in an effective, efficient, and timely manner. In rating this factor, HUD will consider the extent to which the application demonstrates the capabilities described below:

(1) (**5 Points**) *The applicants' administrative capacity to implement the grant.* HUD will award points based on the quality and amount of staff allocated to the grant activity by you; the anticipated effectiveness of your systems for budgeting, procurement, drawdown, allocation, and accounting for grant funds and matching resources in accordance with OMB administrative requirements; and the lines of accountability for implementing your grant activity, coordinating your partnerships, measuring the effect of the expenditure of grant funds and ensuring that you and your MOU partners' commitments will be met. You must include in your narrative a discussion of financial capacity, staff resources, and prior experience that will enable you to effectively administer the grant and meet reporting requirements. This narrative must not exceed five pages. For an owner of an assisted housing development that is HUD-insured, HUD will consider the most recent Management Review (including Rural Housing Management Review), HUD's Uniform Physical Condition Standards review (as codified in 24 CFR part 5 subpart G), State Agency review and such other relevant information available to HUD on the capacity of the owner and manager to undertake the grant. You must include a copy of the most recent management review (not a physical inspection report) for the development to be served by your grant. These documents will not be counted against your 5 page narrative limitation.

(2) (**15 points**) *The applicant's performance in administering Drug Elimination grants and/or other Federal,*

State, or local grants of similar size and complexity during the last 3 years. In assessing this factor, HUD will verify you and your partners' successful experience and performance based on information on file with HUD and will consider the following factors with the indicated total available points:

(a) (**5 Points**) *Your successful experience combined with your MOU partners' successful experience in utilizing similar strategies to alleviate crime.* You must identify your participation in HUD grant programs within the last three years and discuss the degree of your success in implementing planned activities measuring progress towards achieving program goals and objectives; timely drawdown of funds; timely submission of required reports and ability to complete activities on time and within budget; what if any audit findings were noted; whether there was audit compliance; whether there are and the extent of any unresolved findings and/or outstanding recommendations from prior HUD reviews or audits undertaken by HUD, HUD-Office of Inspector General, the General Accounting Office (GAO) or independent public accountants (IPAs). To receive maximum points under this section, you must have worked in partnership with one or more of your MOU partners (or two or more of your MOU partners may have worked together in partnership) using similar strategies to reduce crime in and around assisted housing developments. To demonstrate success in implementing past projects, you must identify the reduction in the occurrence of the types of crime as indicated in Rating Factor 2 of this program section of the SuperNOFA. In the absence of previous partnerships, your capacity will weigh more heavily than the experience of any of your partners, in HUD's assignment of points under this subfactor.

(b) (**4 Points**) *Your performance in administering other Federal, State or local grant programs.* You must identify your participation in HUD grant programs within the preceding three years, and discuss the degree of your success in implementing and managing these grant programs. This includes implementation, timely drawdown of funds, timely submission of required drawdown of funds, timely submission of required reports with satisfactory outcomes related to the plan and timetable, audit compliance and other HUD reviews.

(3) (**6 Points**) *The strength of the applicants' partnership as it relates to eliminating the crime problem identified in Rating Factor 2.* HUD will award points in this area based on the strength of resource commitments identified in your MOUs in terms of the amount of staff, time, money, or other assets committed by each MOU party toward implementing your program. Your description should include the following:

(a) Identification of the skills each party will bring to help successfully implement your program and the firmness of the commitments;

(b) evidence of your MOU partners' (and project tenants') pre-application role in developing the plan and prospective role in program implementation;

(c) Indications of the capacity of the assisted housing developments' ownership and management (based on available management reviews by governing public entities) to undertake their share of responsibilities in the partnership (including evidence of whether management carefully screens applicants for units and takes appropriate steps to deal with tenants known to exhibit or suspected of exhibiting criminal behavior) and to cooperate with law enforcement actions on their project premises;

(d) The willingness of the unit of general local government to use its prosecutor's office as its lead agency in implementing the grant;

(e) Participation of additional partners other than those required to sign MOUs (for example, neighborhood business organizations); and

(f) The effectiveness of the partnership structure.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address the documented degree of the severity of the drug-related crime problem in the project area proposed for funding. Any collection of data should include summaries at the beginning of the data. In responding to this factor, HUD will evaluate the extent to which you have explained a critical level of need for your proposed activities and have indicated the urgency of meeting the need in the target area. You must include a description of the extent and nature of drug-related crime ''in and around'' the housing units or developments proposed for funding.

To the extent that you can provide objective crime data specific to the community or targeted development proposed for funding, your application is eligible to be awarded up to the full 25 points. If you do not provide documented objective crime data specific to the community or targeted development proposed for funding, your application is only eligible to receive up to 15 points for this factor.

You will be evaluated on the following:

(1) (**25 points**) ''Objective Crime Data'' relevant to the target area. Your application must include the most current and specific Part I Crime data and relevant Part II Crime data available from the FBI's Uniform Crime Reporting Program (UCR) system or the local law enforcement's crime statistics. Part I Crimes include: homicide; rape; robbery; aggravated assault; burglary; larceny; auto theft; and arson. Part II drug-related crimes include: drug abuse violations; simple assault; vandalism; weapons violations; and other crimes which you are proposing to be targeted as part of your grant. In assessing this subfactor, HUD will consider the extent of specificity that the statistical data is provided (*e.g.,* data specific to the neighborhood covered by your application). These data must consist of verifiable records and not anecdotal reports. Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (*e.g.,* 20 arrests in a two-year period for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). These data may include:

(a) Police records or other verifiable information from records on the types or sources of drug related crime in your targeted developments and surrounding area;

(b) The number of lease termination's or evictions for drug-related crime at your targeted developments; and

(c) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police departments and/or fire departments, emergency medical service agencies and hospitals. The number of police calls for service from housing authority developments that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

For PHAs, such data should include housing authority police records on the types and sources of drug related crime ''in and around'' developments as reflected in crime statistics or other supporting data from Federal, State, Tribal or local law enforcement agencies.

If you submit objective data you do not need to submit other crime data. You should include summaries with the objective data that establish the drug related crime problem.

(2) (**15 Points**) Other Crime Data—*Other supporting data on the extent of drug-related crime.* To the extent that objective data as described above may not be available, you must use data from other verifiable sources that have a direct bearing on drug related crime in the developments proposed for assistance under this program. You must use data from other verifiable sources that have a direct bearing on drug-related crime in the developments proposed for assistance under this program. However, to qualify for points your application must indicate the reasons why you could not obtain objective data and what efforts you made to obtain it and what efforts you will make during the grant period to begin obtaining the data. Examples of the data should include (but are not necessarily limited to):

(a) Surveys of residents and staff in your targeted developments surveyed on drug-related crime or on-site reviews to determine drug/crime activity; and government or scholarly studies or other research in the past year that analyze drug-related crime activity in the targeted developments.

(b) Vandalism cost at your targeted developments, including elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime.

(c) Information from schools, health service providers, residents and Federal, State, local, and Tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime and the nature and frequency of these problems in developments proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, substance abuse, treatment (dependency/remission) or counseling professionals, or other social service providers.)

(d) The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime. If crime or other statistics are not available at the development or precinct level, you must use other verifiable, reliable and objective data; and

(e) To the extent that your community's Consolidated Plan identifies the level of the problem and the urgency in meeting the need, references to the Consolidated Plan should be included in your response. HUD will review more favorably those applicants who used the Consolidated Plan to identify need, when applicable.

Rating Factor 3: Soundness of Approach (Quality of the Plan) (35 Points)

This factor addresses the quality and anticipated effectiveness of your proposed action plan using grant funds and other resources in taking a comprehensive community-based approach toward the problem of drugs and drug-related crime in the neighborhood identified in your application.

Your application must include an action plan for crime reduction and elimination efforts, describing in detail: the specific activities to be undertaken; the parties responsible for or involved in the activities for each development proposed for assistance; and the dollar amount and extent of resources committed to each activity or service proposed.

In evaluating this factor, HUD will consider the following:

(1) (**25 Points**) The quality and comprehensiveness of your action plan to address the drug-related crime problem and the problems associated with drug-related crime in the developments proposed for funding. You must includes a description of your plan's anticipated effectiveness in reducing or eliminating drug-related crime problems immediately and over an extended period, as evidenced by:

(a) The extent to which your proposed activities provide services over the existing baseline of services currently provided to the project area;

(b) The extent to which the activities of the two required MOU entities are comprehensive and, as result of collective actions, will effectively work together. If you provide for a comprehensive approach, you will receive a higher number of rating points. HUD will provide only one-half of the eligible points under this subfactor if your application only includes an MOU with either:

(i) The local law enforcement entity; or

(ii) The local prosecutor (district attorney) with jurisdiction over the neighborhood identified in your application. If you include no MOUs with either party, you will receive zero points.

(c) The extent to which you have partnered with appropriate neighborhood and community stakeholders;

(d) The extent to which the resources allocated and the budget proposed are adequate to conduct the work plan as proposed; and

(e) Your rationale for the proposed activities and methods and why you believe the activities will be effective in reducing drug use and drug-related crime. If you are proposing new methods for which there is limited knowledge of the effectiveness, you should provide the basis for modifying past practices and rationale for why you believe the modification will yield more effective results.

(2) (**10 Points**) The adequacy of the process you will use to collect, maintain, analyze and report Part I and II crimes as defined by the Uniform Crime Reporting (UCR System), as well as police workload data. The process must include the collection of police workload data such as, but not limited to, all calls for service at the housing authority by individual development, patterns over a period of time, type of crime, and plans to improve data collection and reporting. Your proposed analysis of the data collected should include a method for assessing the impact of grant activities on the collected crime statistics on an on-going basis during the award period.

(3) Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of this subfactor will consider the extent to which the applicant's plan for the use of New Approach Anti-Drug funds will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order.

Rating Factor 4: Leveraging Resources (Support of Residents, the Local Government and the Community in Planning and Implementing the Proposed Activities and Interagency Activities) (10 Points)

This factor addresses your ability to secure community and government resources, in-kind services from local governments, non-profit entities, including resident organizations, for-profit entities, or private organizations to be combined with HUD's program resources to achieve program purposes. To be considered as documented evidence of leveraging, you must submit a letter signed by the organization head authorized to commit the organization which details the amount of funds or type of services to be provided. The letter also must identify the dollar value

of any services or goods in lieu of a cash contribution. Therefore, in responding to the factor you must translate the time or services provided into a dollar value. This dollar value will be added to any cash funding commitments identified as part of your leveraging of funds. For example, if you are receiving a donation of security alarm systems, you should indicate the number of security systems to be provided and give a dollar value for those alarm systems. The value will be added to any cash contributions you have noted from others. The letter may indicate that the commitment is predicated on the applicant receiving the grant from HUD. In assessing this factor, HUD will consider the following:

(1) Evidence of the extent and amount of the commitment of funding, staff, or in-kind resources, partnership agreements, and on-going or planned cooperative efforts with law enforcement agencies, memoranda of understanding, or agreements to participate. Such commitments must be signed by an official of the organization legally able to make commitments for the organization. This evidence of commitment must include organization name, resources, and responsibilities of each participant. This also includes interagency activities already undertaken, participation in local, state, Tribal, or Federal anti-drug related crime efforts such as: education, training and employment provision components of Welfare Reform efforts, Operation Weed and Seed, Operation Safe Home, local law enforcement initiatives and/or successful coordination of its law enforcement, or other activities with local, state, Tribal, or Federal law enforcement agencies.

(2) HUD may award more points for applications with a higher percentage of these resources as compared to New Approach Anti-Drug funds requested.

Rating Factor 5: Comprehensiveness and Coordination (10 points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, participants or have promoted participation in a community's Consolidated Planning process. You should demonstrate that you are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which: (1) You have coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support, and coordinate all known activities and if funded, the specific steps you will take to share information on solutions and outcomes with others. Describe any written agreements and memoranda of understanding currently in place, or that will be in place after award. (2) You have taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities the applicant proposes.

(3) You have shared and coordinated information on solutions and outcomes with other law-enforcement and governmental agencies, and have described any written agreements in place or that will be put in place.

(4) You have taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded project/activities outside the scope of those covered by the Consolidated Plan, and

(b) Other Federal, State, or locally funded activities, including those proposed or on-going in the community.

VI. Application Submission Requirements

Each New Approach Anti-Drug application must provide the items listed in this Section VI of this program section of the SuperNOFA. Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, or letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(A) Application Cover Letter;

(B) Congressional Summary—Summary of your proposed program activities in five (5) sentences or less:

(C) A Neighborhood Description. The neighborhood description must include a basic description (e.g., boundaries and size), population, number of housing units in the neighborhood, a map, a population profile (e.g., relevant census data on the socio-economic, ethnic and family makeup of neighborhood residents), and the basis on which the area meets the definition of ''neighborhood'' as described in this program section of the SuperNOFA (i.e., describe and include a copy of the comprehensive plan, ordinance or other official local document which defines the area as a neighborhood, village, or similar geographical designation). If the entire jurisdiction is defined as a neighborhood by virtue of having a population at less than 25,000, indicate the jurisdiction's population under the 1990 census and describe/include more recent information which gives the best indication as to the current population.

(D) The description of the assisted housing development(s) in the neighborhood. This must include the name of the project; the name of the project owner; the nature, sources, and program titles of all project-based subsidies or other assistance provided to the development by units of government or private nonprofit entities. Any names of public or nonprofit assisted housing programs other than programs sponsored by HUD should be accompanied by a description of the program and the name and business phone number of a contact person responsible for administering the program. For the subsidy provider, you must include the number of housing units in the development, and the number of housing units in the development that meet the definition of ''assisted housing units'' in this funding announcement, and a description of the restrictions on rents and resident incomes that, in combination with the subsidy provided to the development, qualify the units as assisted/affordable in accordance with the definition in this program section of the SuperNOFA; and the number, geographic proximity (adjoining, adjacent, or scattered site, and if scattered site, the distance between the two buildings which are furthest apart), and type (single family detached, townhouse, garden, elevator) of buildings in the development.

(E) Application for Federal Assistance, Standard Form (SF) 424, signed by the chief executive officer of your organization.

(F) An action plan which describes the activities and roles to be undertaken by you and each subgrantee or subrecipient of program funds. This action plan may be attached to and referenced in your MOU.

(G) Narrative responses to the factors for award including any required documentation identified under each factor.

(H) A line item budget which identifies salaries, fringe benefits, consultants or subgrantees, equipment, supplies, travel, and general and

administrative expenses; as well as an estimated dollar amount for each activity to be undertaken as part of your action plan.

(I) Overall budget and timetable that includes separate budgets, goals, milestones, and timetables for each activity and addresses milestones towards achieving the goals described above; and indicates the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

(J) The number of staff years, the titles and professional qualifications, and respective roles of staff assigned full or part-time to grant implementation by the applicant/grantee.

(K) Your plan and lines of accountability (including an organization chart) for implementing your grant activity, coordinating the partnership, and assuring that your and your subgrantees' commitments will be met. There must be a discussion of the various agencies of the unit of government that will participate in grant implementation (which must include the prosecutor's office and the police department.

VII. Corrections to Deficient Applications

The **General Section** of this SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Prior to the award of grant funds under the program, HUD will perform an environmental review to the extent required under the provisions of 24 CFR part 50. Should the environmental review indicate adverse environmental impacts, your application may be downgraded or rejected. The **General Section** of this SuperNOFA provides additional guidance on Environmental Reviews.

IX. Authority

This program is authorized under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Pub.L. 106–74, approved October 20, 1999), under the heading ''Drug Elimination Grants for Low-Income Housing.''

APPENDIX A—HUD FIELD OFFICE LIST FOR MULTIFAMILY HOUSING

Please see Appendix A to the Multifamily Housing Drug Elimination Program section of this SuperNOFA for a list of the HUD Field Offices for Multifamily Housing.

BILLING CODE 4210–32–P

APPENDIX B

The non-standard forms, which follow, are required for your New Approach Anti-Drug application.

NEW APPROACH ANTI-DRUG PROGRAM
1999 DATA INPUT FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Project number _____ / _____

IRS Employer Identification Number (EIN) _____ (from Item 6. of the SF-424)

Lead Applicant _____

Lead Applicant Type (Please Check One)

Owner ☐ PHA ☐ Local Government ☐

Indian Tribe ☐ TDHE ☐

Lead Applicant Address _____

_____

Lead Applicant Official _____ Phone _____

Total Grant Amount Requested $_____

Project to be funded _____

Project Address _____

_____

Project Owner_____

Neighborhood to be funded_____

Sub-Applicant Name (If applicable)_____

HUD Area Office or NONAP _____ State _____

Field Office or AONAP _____

NEW APPROACH ANTI-DRUG PROGRAM 1999 NEIGHBORHOOD AND ASSISTED HOUSING INFORMATION FORM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

You must provide the following information. For narratives and other submission requirements please attach pages directly behind this form.

Provide a description of the neighborhood.

1. A basic description of the neighborhood (i.g. boundaries and size).
   a. Population _____
   b. Number of Housing units in neighborhood _____

   Please also attach a map showing the location of these housing units.

   c. Population profile (e.g. relevant census data on socio-economic, ethic and family makeup of neighborhood.

   d. Describe how the area meets the definition of "neighborhood" (i.e. describe and include a copy of the comprehensive plan, ordinance or other official local document which defines the area as a neighborhood, village, or similar geographical designation). If the entire jurisdiction is defined as a neighborhood by virtue of having a population at less than 25,000, indicate the jurisdiction's population under the 1990 census and describe/include more recent information which gives the best indication as to the current population (please attach).

2. Provide a description of the Assisted housing development(s) in the neighborhood.
   a. Name of Project_____
   b. Name of the Project Owner _____

   c. Nature, source, and program titles of all project based subsidies or other assistance provided to the projects by units of government or private nonprofit entities (any names of public or nonprofit programs other than programs sponsored by HUD should be accompanied by a description of the program and the name and business phone number of a contact person responsible for administering the program for the subsidy provider);

   d. The number of housing units in the project and the number of housing units in the project that meet the definition of "assisted housing units" in this NOFA, and a description of the restrictions on rents and resident incomes that, in combination with the subsidy provided to the project, quality the units as assisted/affordable in accordance with the definition in this NOFA.

   e. The number, geographic proximity (adjoining, adjacent, or scattered site, and if scattered site, the distance between the two buildings which are furthest apart), and type (single family detached, townhouse, garden, elevator) of buildings in the project.

PROJECT SUMMARY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONGRESSIONAL NOTIFICATION INFORMATION SHEET

FY 2000 NEW APPROACH ANTI-DRUG PROGRAM

A narrative (one paragraph only) must be completed by each applicant. HUD will use this narrative for congressional notifications.

PLEASE INCLUDE IN YOUR NARRATIVE:

1. Components or elements of your comprehensive plan.
2. Major activities and/or programs.
3. Use specific names of targeted developments including location of developments.
4. Identify population to be assisted and projected number of residents served (if applicable).

NAME(S) OF CONGRESSIONAL REPRESENTATIVE(S)	CONGRESSIONAL DISTRICT
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

BUDGET SUMMARY

FEDERAL FUNDS REQUESTED FY 2000 NEW APPROACH ANTI-DRUG PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Name and Address of Applicant: _____

_____

_____

Program: _____

Field Office: _____

Detailed Description of Budget

Budget Line Item No.	Activities	Funds Requested
9110	Reimbursement of local law enforcement Agencies over and above baseline services	$
9120	Security Personnel	
	1. Employment of Security Personnel	$
	2. Contracted Security Guards	$
	Sub-Total: (1-2)	$
9130	Employment of Investigator(s) and/or prosecution	$
9140	Physical Improvements	$
	HA Total funding requested:	$
	HUD Official Use: Total funding approved by HUD	$

CERTIFICATION OF CONSISTENCY WITH THE CONSOLIDATED PLAN FOR THE NEW APPROACH ANTI-DRUG PROGRAM

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan. I Certify that a description of the neighborhood has been provided in accordance with the definitions and requirements provided in *Section III A (4)* of the New Approach Anti-Drug Program NOFA.

Applicant Name: _____

Project Name: _____

Location of the Project: _____

_____

_____

Name of the Federal Program(s) to which the applicant is applying: _____

Name of Certifying Jurisdiction: _____

Title: _____

Signature: _____

Date: _____

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and **implementing** regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975.*

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2000.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MULTIFAMILY HOUSING DRUG ELIMINATION

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR DRUG ELIMINATION GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING (MULTIFAMILY HOUSING DRUG ELIMINATION)

Program Overview

Purpose of the Program. The purpose of this Multifamily Housing Drug Elimination Grant Program is to enable owners of federally assisted low-income housing developments to deal effectively with drug-related criminal activity in and around their developments, through a plan of activities including enhanced security measures, support of tenant patrols, and drug-abuse prevention, intervention, referral, and treatment programs.

Available Funds. Approximately $16.25 million.

Eligible Applicants. Only owners of eligible developments may apply for and become the recipient of grant funds. Property management companies may administer grant programs, but are not eligible applicants.

Application Deadline. **May 25, 2000.**

Match. None.

ADDITIONAL INFORMATION

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original and two copies) is due on or before 6:00 pm, local time, on May 25, 2000, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Appendix A to this program section contains a list of HUD Field Offices where you must send your application by the deadline. Please address your application to the Director, Multifamily Housing Hub or Program Center in your local HUD Field Office.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to Multifamily Housing Drug Elimination Grants, and provide your name, address (including zip code) and telephone number (including area code). An application kit also will be available on the Internet at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact your local HUD Field Office staff for questions you have regarding this program section of the SuperNOFA and your application kit. Please contact the Resident Initiatives Specialist or Drug Elimination Grants contact person in your local office. If you have a question that the Field staff are unable to answer, please call Carissa Janis, Housing Project Manager, Office of Portfolio Management, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6176, Washington, DC 20410; (202) 708–3944, extension 2484 (this number is not toll free). If you are hearing or speech impaired, you may access this number via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* HUD is allocating funds under this Multifamily Drug Elimination Grant Program section of the SuperNOFA to the eighteen Multifamily Housing Hub Offices, in accordance with the following schedule:

Hub Offices and Field Office Jurisdictions

Atlanta Hub (Atlanta, Caribbean, Knoxville, Nashville, Louisville)—$1,219,019
Baltimore Hub (Baltimore, Richmond, Washington, DC)—$801,213
Boston Hub (Boston, Hartford, Manchester, Providence)—$1,310,033
Buffalo Hub—$329,658
Chicago Hub (Chicago, Indianapolis)—$989,691
Columbus Hub (Columbus, Cincinnati, Cleveland)—$945,259
Denver Hub—$757,497
Detroit Hub (Detroit, Grand Rapids)—$619,184
Ft. Worth Hub (Ft. Worth, Albuquerque, Houston, Little Rock, New Orleans, San Antonio, Shreveport)—$1,161,687
Greensboro Hub (Greensboro, Columbia)—$811,246
Jacksonville Hub (Jacksonville, Birmingham, Jackson)—$1,006,891
Kansas City Hub (Kansas City, Des Moines, Oklahoma City, Omaha, St. Louis, Tulsa)—$1,183,903
Los Angeles Hub—$761,080
Minneapolis Hub (Minneapolis, Milwaukee)—$999,008
New York Hub—$599,118
Philadelphia Hub (Philadelphia, Pittsburgh, Charleston, Newark)—$1,138,754
San Francisco Hub (San Francisco, Honolulu, Las Vegas, Phoenix, Sacramento)—$909,427
Seattle Hub (Seattle, Portland, Anchorage)—$707,332
Grand Total—$16,250,000

The Multifamily Housing Hub offices will select applicants for award according to the process discussed in Section V of this program section of the SuperNOFA.

(B) *Maximum Grant Award.* The maximum amount of funds you may receive for an application with one development is $125,000 and the maximum for an application for two or more developments is $200,000.

(C) *Reduction of Requested Grant Amounts.* You may be awarded an amount less than requested if:

(1) HUD determines that some elements of your proposed action plan are ineligible for funding;

(2) Insufficient amounts remain under the allocation to fund the full amount you requested, and HUD determines that partial funding is a viable option; or

(3) HUD determines that a reduced grant would prevent duplicative Federal funding.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The Federally Assisted Low-Income Housing Drug Elimination Grant program is designed to assist property owners to reduce or eliminate drug-related criminal activity in and around their developments and to provide programs to prevent or eliminate drug use and abuse among their residents. While this program is centered in and around the premises of one or more HUD assisted multifamily housing sites, you are expected to work closely with other community social service and law enforcement organizations to achieve specific program objectives to reduce or eliminate drug-related criminal activity. The development of these strong working partnerships is an essential part of this program and is seen by the Department as necessary for long-term strategies to fight crime and drug abuse. Thus, while your activities are targeted in and around one or more developments, HUD expects you to link your activities with services available in your community. In particular, HUD is seeking plans that provide successful,

proven, and cost-effective deterrents to drug-related crime and drug abuse that are designed to address the realities of federally assisted low-income housing environments.

Changes to This Year's Program. This year's application selection process has changed from last year. Multifamily Hub Offices, rather than Award Offices, will be selecting applications based on score ranked order. See Section V(B) of this program section for details. This program section of the SuperNOFA also clarifies that Section 221(d)(4) developments are eligible to apply only if they receive project-based Section 8 assistance.

(B) *Eligible Applicants.*

(1) To be eligible for funding, you must meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA and must be owners of developments assisted under the following programs:

(a) Sections 221(d)(3) below market interest rate, or 236 of the National Housing Act;

(b) Section 101 of the Housing and Urban Development Act of 1965; or

(c) Any development receiving project-based assistance under Section 8 of the United States Housing Act of 1937. This includes Section 202, Section 515, State Housing Finance Agency, Moderate Rehabilitation, Section 8 New Construction and Substantial Rehabilitation, 221(d)(3), 221(d)(4), and 236 developments.

(2) If you are a management agent, you may prepare applications and sign application documents if you provide written authorization from the owner as part of your application.

(3) If your eligibility status changes during the course of the grant term, making you ineligible to receive a grant (e.g. due to prepayment of mortgage, sale of property, or opting out of a Section 8 Housing Assistance Payment (HAP) contract), HUD has the right to terminate your grant.

(4) To be eligible, developments must also meet the following criteria:

(a) Are current in mortgage payments or are current under a workout agreement;

(b) Meet HUD's Uniform Physical Conditions Standards (codified in 24 CFR part 5, subpart G), based on the most recent physical inspection report and responses thereto, as evidenced by a score of 60 or better or an approved plan for developments scoring less than 60, and

(C) Are in compliance with your regulatory agreement, HAP Contract, and other outstanding directives.

(5) Eligible owners may apply for and receive both Multifamily Housing Drug Elimination Grants and New Approach Anti-Drug grants.

(C) *Eligible Activities.* Your proposed drug elimination program should foster interrelationships among the residents, the housing owner and management, the local law enforcement agencies, and other community groups affecting your development. Resident participation in the determination of programs and activities to be undertaken is critical to the success of all aspects of your program. In addition to working closely with the development's residents, your program must include working with community groups, the neighborhood law enforcement precinct, residents of adjacent developments, and the community as a whole to enhance and magnify the effect of your specific program activities. HUD seeks result-oriented programs that promote stability, positive and lasting changes in and around your development and the surrounding community, and which use proven cost-effective measures to reduce drug use or prevent criminal activity.

With the very real need to protect occupants of HUD-assisted housing and the areas around the housing, the civil rights of all citizens must be protected. Your proposed strategies should be developed to ensure that crime-fighting and drug prevention activities are not undertaken in such a manner that civil rights or fair housing statutes are violated. You may not use race, color, sex, religion, national origin, disability, or familial status to profile persons as suspects or otherwise target them in conducting these activities. In addition, all segments of the population should be represented in developing and implementing your crime-fighting strategies.

(1) *Physical Improvements To Enhance Security.* All physical improvements must be accessible to persons with disabilities and must meet the accessibility requirements of 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development. In addition, such physical improvements must support or enhance visitability for people with mobility impairments.

Your physical improvements may include systems to limit building access to development residents; installation of barriers, lighting systems, fences, bolts, locks; landscaping or reconfiguration of common areas to discourage drug-related crime; or other physical improvements that enhance security and discourage drug-related activities. Rehabilitation of existing space for use by drug-related intervention and prevention programs is an eligible activity.

(2) The provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials is an eligible activity.

(3) *Programs to Reduce the Use of Drugs.* Programs to reduce the use of drugs in and around your development, including drug-abuse prevention, intervention, referral, and treatment are eligible for funding. Where appropriate, you must establish a confidentiality policy regarding medical and disability-related information. Funding is permitted for reasonable, necessary, and justified leasing of vehicles for resident youth and adult education and training activities directly related to ''programs to reduce the use of drugs'' under this section. All such services and educational and training programs must be fully accessible to people with disabilities.

(a) *Drug Prevention.* Your drug prevention activities should provide a comprehensive drug prevention approach that will address the individual resident and his or her relationship to family, peers, and the community. Prevention activities should identify and change the conditions in federally assisted low-income housing that lead to drug-related problems and lower the risk of drug usage. Many components of a comprehensive approach, such as refusal and restraint skills training or drug-related family counseling, may already be available in your community. Your plan should include bringing program components already available in the community onto the premises. Proposed activities may include the following:

(i) *Drug Education Opportunities for Residents.* Activities should provide both young people and adults with the working knowledge and skills needed to avoid the potential and immediate dangers of illegal drugs. You may contract (in accordance with 24 CFR 85.36) with drug education professionals to provide training or workshops. Contracted drug education services must reflect or be tied to your program plan.

(ii) *Family and Other Support Services.* Prevention programs should be designed to help foster successful family relationships that may inhibit or reduce drug use. Examples of services include parenting skills workshops, short-term family counseling, child care, or family, cultural or educational programs. You

may provide these programs directly or refer residents to such services already available in your community.

(iii) *Youth Services.* If you propose drug prevention services in your plan and your development has a substantial number of young residents, HUD strongly encourages you to include youth in your prevention programs. Your proposed prevention activities for youth must involve the active participation of youth in planning programs and service delivery. Such youth-oriented drug prevention programs may include youth leadership skills training; events incorporating dissemination of drug education information; and sports, recreational, cultural, and general education activities.

(iv) *Economic/Educational Opportunities.* Eligible economic or educational programs should have the objectives of assisting residents in improving their educational status, vocational and job readiness skills, and opportunities for obtaining employment. The ultimate goal of services should be to assist residents in obtaining suitable lifelong employment and self-sufficiency to deter drug use, abuse, and related crime.

(b) *Intervention.* The aim of intervention is to provide residents with substance abuse/dependency remission services to assist them in modifying their behavior; obtaining early treatment and structured aftercare; and maintaining remission. Your program should also be designed to prevent drug problems from continuing once detected. If you propose any intervention program that seeks to accomplish the above objectives, you must describe how you expect the activities to assist residents in reducing or ceasing their use of illicit drugs and involvement in drug-related crime.

(c) *Drug Treatment.* If your program provides treatment services, they must be targeted to the development and its residents. Your program should be conducted in and around the premises of the development, or residents must be referred to receive treatment from other available sources within the community. You may include implementing new drug referral treatment or aftercare services, or improve or expand currently available services. Your proposed drug treatment program should aim to reduce illicit drug use among residents by increasing resident accessibility to, and effective participation in, drug treatment activities, and decreasing criminal activity in and around your development. Your proposed plan must demonstrate a working partnership with your Single State Agency (or State license provider or authority with drug program coordination responsibilities in your State) to coordinate, develop, and implement your drug treatment program. In particular, you and the appropriate agency must confirm that your proposed drug treatment provider(s) has provided these services to similar populations for two prior years and your drug treatment program is consistent with the State treatment plan, meeting all State licensing requirements. Services eligible for funding may include:

(i) Drug treatment supportive services designed for youth and/or maternal drug abusers. Examples of services are: prenatal/postpartum care; specialized counseling for women; or, parenting classes. You are encouraged to draw upon approaches that have proven effective with similar populations.

(ii) Formal referral arrangements to treatment programs not in and around the development when treatment costs from sources other than this program are available.

(iii) Transportation for residents to out-patient treatment and/or support programs.

(iv) Family/collateral counseling.

(v) Linking programs with educational/vocational counseling.

(vi) Coordinating services with appropriate local drug agencies, HIV-related service agencies, and mental health and public health programs.

(D) *Ineligible Activities.* The following activities are not eligible for funding:

(1) Hiring of, or contracting for, employment of security guards to provide security services in and around the development.

(2) Any activity or improvement that is normally funded from project operating revenues for routine maintenance or repairs, or those activities or improvements that may be funded through reasonable and affordable rent increases;

(3) The acquisition of real property or those physical improvements that involve the demolition of any units in your development or displacement of tenants;

(4) Costs incurred prior to the effective date of your grant agreement, including consultant fees for surveys related to your application or its preparation;

(5) Reimbursement of local law enforcement agencies for additional security and protective services;

(6) Employment of one or more individuals to investigate drug-related crime in and around federally-assisted low-income developments and/or to provide evidence relating to such crime in any administrative or judicial proceeding;

(7) Treatment of residents at any in-patient medical treatment programs or facilities;

(8) Detoxification procedures designed to reduce or eliminate the presence of toxic substances in body tissues of a patient;

(9) Maintenance drug programs; [Maintenance drugs are medications that are prescribed regularly for a long period of supportive therapy (e.g., methadone maintenance), rather than for immediate control of a disorder.]

(10) Programs to treat alcoholism; and

(11) Funding of police informants who provide information about drug-related activity.

IV. Program Requirements

In addition to the requirements listed in Section II of the **General Section** of this SuperNOFA, you must also meet the additional requirements in Section IV of this program section of the SuperNOFA. These requirements apply to all activities, programs, and functions used to plan, budget, and evaluate the work funded under your program.

(A) *Administrative Costs.* Administrative costs cannot exceed 10% of your proposed program's total cost. HUD will look more favorably upon proposals that target grant funds to hard program costs and propose minimal, if any, administrative expenses.

(B) *Term of Funded Activities.* Your grant term cannot exceed twelve months.

(C) *Multiple Developments.* There is no limit to the number of developments that can be included in your application. However, if you include more than one development in your application, all developments must be eligible and located in the same Field Office jurisdiction. In addition, you must demonstrate in your response to Rating Factor 3 ''Soundness of Approach—(Quality of the Plan)'' that your program will be feasible to implement among all proposed developments.

(D) *Subgrants and Subcontracting.* You may directly undertake or subcontract for any of the eligible activities under this Multifamily Drug Elimination Program section of the SuperNOFA. Resident groups that are not incorporated may work with you in the implementation of your program, but may not receive funds as subgrantees.

(E) *Collection of Crime Data.* If you receive a grant, you will be required to collect and report on Parts I and II crime data. Parts I and II crime data are

defined by the Uniform Crime Reporting (UCR) System (see Rating Factor 2, paragraph (1)(d)).

(F) *Forms, Certifications and Assurances.* See the **General Section** of the SuperNOFA for the applicable forms, certifications and assurances that you must submit. This includes a certification that you are in compliance with Federal Civil Rights laws, as specified in Section II(G)(7) of the **General Section** of this SuperNOFA.

(G) *Affirmatively Furthering Fair Housing.* You must comply with Section II(D) of the **General Section** of this SuperNOFA.

V. Application Selection Process

(A) *Rating and Ranking.* All applications will be evaluated competitively and ranked against applications in the same Field Office.

The maximum number of points for this program is 102. This includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points, as described in the **General Section** of the SuperNOFA. For bonus points related to activities located in Empowerment Zones or Enterprise Communities, you must demonstrate that there is a connection between such EZ or EC and tenant, local government, and local community support and participation in the design and implementation of the proposed activities to be funded under this program.

(B) *Distribution of Funds.* This year HUD will distribute funds to each Multifamily Housing Hub Office, in proportion to the number of eligible developments in that area. Each Multifamily Hub Office may recommend a total number of awards up to the dollar amount allocated for the area covered by the Hub Office. Hub Offices will receive the scores from each HUD Field Office which has received, rated, and ranked its applications.

The Hub Offices will conduct the selection process as follows: Where a Multifamily Hub covers more than one Field Office jurisdiction, the Hub Office will first select the highest ranked application in each Field Office for funding. After this selection, the Hub will use remaining funds to fully fund as many applications as possible in rank order, regardless of Field Office. Hub Offices representing only one Field Office shall use their distribution of funds to fully fund in rank order as many applications as possible. Any funds still remaining after the Hub Office distribution by rank will be forwarded to Headquarters, which shall make awards to fund as many remaining applications as possible by national rank order. All applications must receive a score equal to or greater than the minimum score of 70 without bonus points to be considered for funding.

This year's revised process balances a geographic distribution with a process that gives priority to the most highly rated applications. Your application will primarily compete for funding with other applications submitted within that same Hub Office jurisdiction.

(C) *Procedure to Resolve Tied Scores.* If two or more applications have the same score and there are insufficient funds to fund all of them, the application with the highest score for the Soundness of Approach rating factor shall be selected for funding. If a tie still remains, the application with the highest score for the Capacity of the Applicant and Relevant Organizational Experience rating factor shall be selected. Further tied applications will be selected by their scores in the Need/Extent of Problem, Leveraging Resources, and Comprehensiveness and Coordination rating factors, in that order. If the applications received the same score for each of the five factors, the Multifamily Hub Office or Headquarters will break the remaining tie by selecting the application whose developments(s) are in most financial need based on a per unit negative cash flow analysis of the most recent Annual Financial Statement (AFS).

(D) *Factors for Award Used to Evaluate and Rate Applications.* The five factors in this section total 100 points. An application must receive a score of at least 70 points to be eligible for funding under this competition. Each application submitted will be evaluated using the following selection criteria set forth below.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have organizational resources necessary to successfully implement your proposed activities in a timely manner. In rating this factor, HUD will consider the extent to which you demonstrate the capabilities described below.

(1) **(20 points)** Administrative Capacity.

(a) The knowledge and experience of your staff and your administrative capacity to manage grants, including administrative support functions, procurement, lines of authority, and fiscal management capacity. Your narrative must include a discussion of financial capacity, staff resources, and prior experience that will enable you to effectively administer a grant and meet reporting requirements. Your narrative should not exceed five pages.

(b) HUD's evaluation approach. (i) For Public Housing Authorities (PHAs) and tribally designated housing entities (TDHEs) that had previously applied as IHAs, HUD will also consider such measurements as the uniform crime index, physical inspections, agency monitoring of records, Line of Credit Control System (LOCCS) Reports, audit and such other relevant information available to HUD on the capacity of the owner or manager to administer the grant.

(ii) For owners of federally-assisted low income housing, HUD will also consider the most recent Management Review (including Rural Housing Management Review), HUD's Uniform Physical Conditions Standards review, State Agency review, physical inspection, and other relevant information available to HUD on the capacity of the owner and manager to undertake the grant.

(2) (Deduct up to 5 points for prior poor performance) Your performance in administering Drug Elimination funding in the previous 5 years. HUD will consider your participation in HUD grant programs within the preceding five years and evaluate the degree of your success in implementing and managing these grant programs. HUD will look at program implementation, timely drawdown of funds, timely submission of required reports with satisfactory outcomes related to the plan and timetable, audit compliance, whether there are any unresolved findings from prior HUD reports (e.g., performance or finance) reviews of audits undertaken by HUD, the Office of Inspector General, the General Accounting Office or independent public accountants).

For PHAs, your past experience will be evaluated in terms of your ability to attain demonstrated measurable progress in tracking drug related crime, enforcement of screening and lease procedures in implementation of the ''One Strike and You're Out Initiative'' (as applicable), the extent to which you have formed a collaboration with Tribal, State and local law enforcement agencies and courts to gain access to criminal conviction records of potential tenants to determine their suitability for residence in public housing. Such data will be measured and evaluated based on your Public Housing Management Assessment Program (PHMAP) score (24 CFR part 901).

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area (i.e., the degree of the severity of the drug-related crime problem in the development(s) proposed for funding). In responding to this factor, HUD will evaluate your application based on the extent to which a critical level of need for your proposed activities is explained and you provide a justification for the urgency of meeting the need in your development(s) and the area around your development(s). Your application must include a description of the extent and nature of drug-related crime ''in and around'' the housing units or development(s) you propose for funding.

(1) *Drug-Related Crime Statistics.* **(23 Points)** You will receive up to 23 points for this factor if your statistics and explanation of need establish critical crime problems and an urgency to address these problems in and around your development(s). To receive the maximum number of points, you must provide statistics for both the premises of your development(s) and the smallest geographic area surrounding your development(s) for which objective statistics are available in your community, town, or city. If you use statistics from institutions (*e.g.*, hospitals or schools), the institutions must directly serve the residents of the targeted development(s). If the statistics you provide do not indicate a critical need, urgency to meet this need, or you do not provide statistics that document the need within your development(s) or the area around your development(s), you will not receive the maximum number of points. If you do not submit the letter or documentation for the ''non-objective'' data, indicated in paragraph 2(a), below, you will also receive fewer points.

The statistics and information you provide must include the following:

(a) *''Objective Crime Data'' relevant to the target area.* Such data should consist of verifiable records and not anecdotal reports. Where appropriate, the statistics should be reported both in real numbers and as an annual percentage of the residents in each development (*e.g.*, 20 arrests in a one-year period for distribution of heroin in a development with 100 residents reflects a 20% occurrence rate). Such data may include:

(i) Police records or other verifiable information from records on the types or sources of drug related crime in the targeted development and surrounding area;

(ii) The number of lease terminations or evictions for drug-related crime at the targeted development; and

(iii) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police Departments and/or fire departments, emergency medical service agencies and hospitals. The number of police calls for service from your development that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

(iv) To the extent possible, you should obtain statistics on Part I and Part II crimes, as defined by the Uniform Crime Reporting (UCR) System. Part 1 crimes include: criminal homicide, forcible rape, robbery, aggravated assault two (including domestic violence through use of a weapon or by means likely to produce death or great bodily harm), burglary-breaking or entering, larceny-theft (except motor vehicle theft), motor vehicle theft, and arson. Part II crimes include: assaults, forgery and counterfeiting, fraud, embezzlement, vandalism, weapons (carrying or possessing), prostitution and commercialized vice, sex offenses (except forcible rape, prostitution, and commercialized vice), drug abuse violations, gambling, offenses against the family and children, driving under the influence, violation of liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses related to curfew and loitering laws and runaways.

For PHAs, such data should include housing authority police records on the types and sources of drug related crime ''in and around'' developments as reflected in crime statistics or other supporting data from Federal, State, Tribal, or local law enforcement agencies.

(b) *Other Crime Data.* If you are unable to attain objective crime statistics as mentioned above, you may submit other supporting, verifiable data on the extent of drug-related crime in the target area. If you submit other relevant information in place of objective data, you must provide the following to receive the maximum number of points:

(i) A letter or supporting documentation from your local law enforcement agency or another relevant neighborhood organization explaining why the objective data mentioned above is not available, and

(ii) A narrative explanation of the reasons why objective data could not be obtained, what efforts were made to obtain it, and what efforts will be made (if possible) during the grant period to begin obtaining the data. Such data may include the following:

—Surveys of residents and staff in the targeted development surveyed on drug-related crime or on-site reviews to determine drug/crime activity; and government or scholarly studies or other research in the past year that analyze drug-related crime activity in your targeted development.

—Vandalism cost at your targeted development, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime.

—Information from schools, health service providers, residents and Federal, State, local, and Tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime, and the nature and frequency of these problems in your development proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, substance abuse, treatment (dependency/remission) or counseling professionals, or other social service providers.)

—The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime.

—To the extent that the community's Consolidated Plan identifies the level of the drug abuse and related crime problems in and around your targeted development, and the urgency in meeting the need, references to these documents should be included in your response. You will receive more points if you use these documents to identify need.

(2) *Development Need Based on Prior Award.* **(2 points)** If you have not received an award for the development(s) submitted in your FY 2000 application in the FY 1997, 1998, or 1999 competitions, you will receive two points. If you submit an application with multiple developments and one or more developments did not receive an award in FY 1997, 1998, or 1999, you will receive one point.

Rating Factor 3: Soundness of Approach—(Quality of the Plan) (35 Points)

This factor addresses the quality and effectiveness of your proposed work plan. In rating this factor, HUD will consider the impact of your proposed activities and the tangible benefits that can be attained by the community and by the target population. Your application must include a detailed narrative describing each proposed activity for crime reduction and elimination efforts for each development proposed for assistance, the amount and extent of resources committed to each activity or service proposed, and process used to collect, maintain, analyze and report Part I and II crimes as defined by the Uniform Crime Reporting (UCR System, as well as police workload data.

In evaluating this factor, HUD will consider the following:

(1) **(14 points)** Your plan's approach to address the drug-related crime problem and associated problems in the development proposed for funding, the resources allocated, and the extent to which your proposed activities are targeted to residents, provide for linkages with existing community resources, and are likely to have long term impacts on reducing drug use and drug-related crime in and around your targeted development. Also, you must include the rationale for the proposed activities and methods to be used in developing your program and approach to reducing drug-related crime and drug abuse. If you propose drug prevention or intervention activities, these services must constitute a continuing and comprehensive approach to deter drug use or abuse among your residents and their neighbors. Your proposal must demonstrate how your activities work together with other on-going activities in the community and how these activities rely upon each other to form a holistic plan. Your plan must include the following items. If these are not included, you will receive fewer points under this subfactor:

(a) An explanation of how any proposed physical improvements, services, and training programs will be accessible and visitable to persons with disabilities and a statement that they will meet the accessibility requirements of 24 CFR part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development;

(b) A discussion of how any drug education services that you propose to undertake directly or through a subcontract will reflect the objectives of your program plan;

(c) A specific explanation of how you plan to incorporate the active participation of youth in planning prevention programs and services targeted to their needs; and

(d) If you propose drug treatment activities, you must provide a letter from your Single State Agency (or State license provider or authority with drug program coordination responsibilities in your State) that states that your program is effectively coordinating, developing, and implementing drug treatment programs in partnership with that entity.

(2) **(10 points)** The anticipated effectiveness of your plan and proposed activities in reducing or eliminating drug-related crime problems immediately and over an extended period. This should include the following:

(a) A description of established performance goals for the results to be achieved during the period of your grant. The goals must be objective, quantifiable, and measurable, and they must be outcome or result-oriented. Outcomes include accomplishments, results, impact and the ultimate effects of the program on the drug or crime problem in the target/development area.

(b) An explanation of how your proposed activities enhance and are coordinated with on going or proposed programs sponsored by HUD, such as Neighborhood Networks, Campus of Learners, Operation Safe Home, ''One Strike and You're Out'', Department of Justice Weed and Seed efforts, or any other prevention/intervention/treatment activities in your community. Explain the specific steps you will take to share and coordinate information on solutions and outcomes with other law-enforcement and governmental agencies, and a description of any written agreements in place or that will be put in place by you with these entities.

(3) **(3 points)** Evidence and explanation of how proposed activities have been effective in similar circumstances in controlling drug-related crime. If you are proposing new methods for which there is limited knowledge of effectiveness, you should provide the basis for modifying past practices and rationale for why you believe the modification will yield more effective results.

(4) **(3 points)** The process you will use to maintain, analyze, and report Part I and II crimes, as well as police workload data. Police workload data may include, but are not limited to: all calls for service by residents of your development, crime pattern over a period of time by type of crime, and plans to improve data collection and reporting. Your proposed analysis of the data collected must include a method for assessing the impact of activities on the collected crime statistics throughout your award period. The results of your activities and the effect on statistics is of much greater importance than the method you will use to collect such data, so you should pay attention to the benchmarks you establish for measuring and evaluating your performance, particularly measuring changes in crime rates by Part I and Part II crime data.

(5) **(1 point deducted if not addressed)** The extent to which your program to eliminate crime in your development or neighborhood will expand fair housing choice and will affirmatively further fair housing. Provide a brief statement outlining the benchmarks you will use to measure your success in affirmatively furthering fair housing through this program. This may include such items as making physical improvements accessible to persons with disabilities, lower vacancy and turnover rates and increased new applications for housing in your development and in other rental properties in your neighborhood, new businesses and other community development initiatives in your area, or increased rates of homeownership in your community.

(6) **(5 points)** *Resident Support.* The extent to which you have sought the support of residents in planning and implementing the proposed activities.

(a) You must provide evidence that you actively sought comments, suggestions, and support from residents for your proposed plan. State the steps you took to obtain this information and support. Demonstrate that you made your proposed plan available and that you requested comments in the language(s) of the tenants residing in your development(s).

(b) Describe and provide written documentation of these comments, suggestions, and support. HUD needs clear evidence that the residents agree with, support, and will work with your proposed program. If applicable, you must explain why you do not have written documentation of such support or did not receive any comments or suggestions.

(c) Describe how residents will be involved in implementing your program. If involvement would be minimal or not appropriate, please state and explain why.

Rating Factor 4: Leveraging Community Resources (10 Points)

To receive points under this rating factor, you must provide evidence of the level and type of participation and support by the local government or law enforcement agency for your proposed activities. This should include the level of assistance received from local government, community organizations, and/or law enforcement agencies. If a community organization is providing you with staff or supporting services, you must include a letter from each organization providing staff or support in order to receive maximum points. Each letter must specify what type of participation or contributions the organization will make to your program. Such letters must be from businesses, non-profit or public agencies within your unit of general local government (*i.e.* county, town, city) or incorporated resident organizations. Letters stating general support or from people or organizations not in and around your development are not relevant and you should not include them in your application.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinate your activities with other known organizations, participate or promote participation in your community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider your prior efforts and future plans to coordinate with other local agencies and organizations as follows:

(1) **(3 points)** Describe past efforts to coordinate your proposed activities with those of other groups or organizations prior to submission of your application in order to best complement, support, and coordinate all known activities. Explain what specific steps you will take to share information on solutions and outcomes with others. Please describe any written agreements or memoranda of understanding that are or will be in place after award.

(2) **(6 points)** Explain what specific steps you have taken or will take to develop linkages or coordinate comprehensive solutions through meetings, information networks, planning processes, or other mechanisms. Explain your past efforts or planned efforts for involvement with such programs or other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and/or other Federal, State, or locally funded activities, including those proposed or on-going in the community.

(3) **(1 point)** Explain specific steps you have taken or will take to become active in your community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

VI. Application Submission Requirements

(A) There is no limit to the number of developments per application. However, all developments in one application must be eligible and located in the same Field Office jurisdiction. You must demonstrate in Rating Factor 3 ''Soundness of Approach—(Quality of the Plan)'' that your program will be feasible to implement among all proposed developments. In addition, you must provide pertinent information for each Rating Factor for each proposed development.

(B) Your application must contain the items listed in this Section V(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.,* excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA: The items are as follows:

Standard Forms

(1) *Standard Form 424*—Application for Federal Assistance and Standard.

(2) *Form HUD–424M*—Federal Assistance Funding Matrix.

(3) *Standard Form 424A*—Budget Information with Budget Narrative(s) and Supporting Documentation.

(4) *Standard Form 424B*—Assurances—Non-Construction Programs.

(5) *Form HUD–2880*—Applicant/Recipient Disclosure/Update Report.

(6) *Form HUD–50070*—Drug Free Workplace Certification.

(7) *Standard Form-LLL*—Disclosure of Lobbying Activities Certification (if applicable).

(8) *Form HUD–2992*—Debarment and Suspension Certification.

(9) *Form HUD–2994*—Client Comments and Suggestions.

(10) *Certification of Consistency and Compliance* with the General Section of the SuperNOFA Threshold Requirements.

(11) *Form HUD–2993*—Acknowledgment of Application Receipt.

Other Application Items

(1) *Application Cover Letter* that outlines and explains the application structure; includes the name of a contact person and a number where he/she can be reached, and provides any other information you feel would assist HUD in reviewing your application.

(2) *Applicant Data Input Form*.

(3) *Abstract of Proposed Program*, consisting of one paragraph which summarizes your proposed program.

(4) *Rating Factor 1 Narrative*. A narrative, not to exceed five pages, which includes a discussion of your organization's financial capacity, staff resources, and prior experience that will enable you to effectively administer a grant and meet reporting requirements.

(5) *Rating Factor 2 Narrative and Statistics*. The narrative and data must describe critical level of need for your proposed activities and a justification for the urgency of meeting the need in your development(s) and the area around your development(s). The description must indicate the extent and nature of drug-related crime.

(a) ''Objective Crime Data'' (*i.e.* statistics and other information) relevant to the target area, or

(b) Other supporting, verifiable data on the extent of drug-related crime in the target area. If you submit other relevant information in place of objective data, you must also provide the following:

(i) A letter or supporting documentation from your local law enforcement agency or another relevant neighborhood organization explaining why objective data are not available, and

(ii) A narrative explanation of the reasons why objective data could not be obtained, what efforts were made to obtain them, and what efforts will be made (if possible) during the grant period to begin obtaining the data.

(6) *Rating Factor 3 Narrative*. A narrative describing your plan's approach to address the drug-related crime problem and associated problems in the development proposed for funding. The narrative must include:

(a) An explanation of the anticipated effectiveness of your plan and proposed activities in reducing or eliminating drug-related crime problems immediately and over an extended period.

(b) Evidence and explanation of how proposed activities have been effective in similar circumstances in controlling drug-related crime.

(c) A description of the process you will use to maintain, analyze, and report Part I and II crimes, as well as police workload data.

(d) An explanation of the extent to which your program to eliminate crime in your development or neighborhood will expand fair housing choice and will affirmatively further fair housing.

(e) Evidence that you actively sought comments, suggestions, and support from residents for your proposed plan. Provide written documentation of these comments, suggestions, and support. If applicable, you must explain why you do not have written documentation of such support or did not receive any comments or suggestions. Describe how residents will be involved in implementing your program.

(f) Drug Treatment Program Certification (if applicable).

(7) *Rating Factor 4 Narrative and Letters*. The narrative and letters must provide evidence of the specific type of participation, assistance, or other support received from local government, community organizations, and/or law enforcement agencies for your proposed activities. If a community organization is providing you with staff or supporting services, you must include a letter from each organization providing staff or support.

(8) *Rating Factor 5 Narrative*. The narrative must describe your past efforts to coordinate your proposed activities with those of other groups or organizations prior to submission of your application. The narrative must include:

(a) An explanation of the specific steps you have taken or will take to develop linkages or coordinate comprehensive solutions through meetings, information networks, planning processes, or other mechanisms. Explain your past efforts or planned efforts for involvement with relevant community activities.

(b) An explanation of the specific steps you have taken or will take to become active in your community's Consolidated Planning process.

VI. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VII. Environmental Requirements

It is anticipated that most activities under this program are categorically excluded under 24 CFR 50.19 (b)(4), (b)(12), or (b)(13). If grant funds will be used to cover the cost of any non-exempt activities, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

VIII. Authority

This program is authorized under Chapter 2, subtitle C, title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et seq.*), as amended by section 581 of the National Affordable Housing Act of 1990 (Pub. L. 102–550) and section 161 of the Housing and Community Development Act of 1992, (Pub. L. 102–550), and further amended by Title V, Subtitle F, section 586 of the Fiscal Year 1999 HUD Appropriations Act (Pub. L. 105–276, approved October 21, 1998). The regulations for the program are found in 24 CFR part 761, Drug Elimination Programs.

APPENDIX A—HUD FIELD OFFICE LIST FOR MULTIFAMILY HOUSING

ALABAMA

Multifamily Housing Program Center, HUD—Birmingham Office, 600 Beacon Parkway West, Rm. 300, Birmingham, AL 35209–3144, OFC Phone: (205) 290–7611, FAX: (205) 290–7632

ALASKA

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–OAHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

ARIZONA

Multifamily Housing Program Center, HUD Phoenix Office, 400 North Fifth Street, Suite 1600, Phoenix, AZ 85004–2361, OFC Phone: (602) 379–4434, FAX: (602) 379–3985

ARKANSAS

Multifamily Housing Program Center, HUD Little Rock Office, 425 West Capitol Avenue #900, Little Rock, AR 72201–3488, OFC Phone: (501) 324–5401, FAX: (501) 324–6142,

CALIFORNIA

Multifamily Housing Hub, HUD—San Francisco Office, 450 Golden Gate Avenue, PO Box 36003, San Francisco, CA 94102–3448, OFC Phone: (415) 436–6505, FAX: (415) 436–8996

Los Angeles Multifamily Hub, 611 West Sixth Street, Suite 800, Los Angeles, CA 90017, OFC Phone: (213) 894–8000 x 3634, Fax: (213) 894–8255,

COLORADO

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 11th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

CONNECTICUT

Multifamily Housing Program Center, HUD—Hartford Office, One Corporate Center, 19th floor, Hartford, CT 06103–3220, OFC Phone: (860) 240–4800 Ext. 3068, FAX: (860) 240–4850

DELAWARE

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

DISTRICT OF COLUMBIA

Multifamily Housing Program Center, HUD Washington, DC Office, Suite 300, 820 First Street, N.E., Washington, DC 20002–4205, OFC Phone: (202) 275–9200, FAX: (202) 275–9212

FLORIDA

Multifamily Housing Hub, HUD—Jacksonville Office 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, OFC Phone: (904) 232–1777 x2144, FAX: (904) 232–2731

GEORGIA

Multifamily Housing Hub, HUD—Atlanta Office, Five Points Plaza Building, 40 Marietta Street, S.W., Atlanta, Georgia 30303–2806, OFC Phone: (404) 331–4976, FAX: (404) 331–4028

HAWAII

Multifamily Housing Program Center, HUD Honolulu Office 7 Waterfront Plaza, 500 Ala Moana Blvd. #500, Honolulu, HI 96813–4918, OFC Phone: (808) 522–8185 Ext. 244, FAX: (808) 522–8194

IDAHO

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–OAHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

ILLINOIS

Multifamily Housing Hub, HUD—Chicago Office, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, OFC Phone: (312) 353–6236 Ext. 2202, FAX: (312) 886–2729

INDIANA

Multifamily Housing Program Center, HUD Indianapolis Office, 151 North Delaware Street, Suite 1200, Indianapolis, IN 46204–2526, OFC Phone: (317) 226–6303, FAX: (317) 226–7308

IOWA

Multifamily Housing Program Center, HUD Des Moines Office, 210 Walnut Street, Room 239, Des Moines, IA 50309–2155, OFC Phone: (515) 284–4736, FAX: (515) 284–4743

KANSAS

Multifamily Housing Hub, HUD Kansas City Office 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469

KENTUCKY

Multifamily Housing Program Center, HUD—Louisville Office, 601 West Broadway, PO Box 1044, Louisville, KY 40201–1044, OFC Phone: (502) 582–6124, FAX: (502) 582–6547

LOUISIANA

Multifamily Housing Program Center, HUD New Orleans Office, Hale Boggs Bldg.—501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, OFC Phone: (504) 589–7236, FAX: (504) 589–6834

MAINE

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

MARYLAND

Multifamily Housing Hub, HUD Baltimore Office, 5th Floor 10 South Howard Street, Baltimore, MD 21201–2505, OFC Phone: (410) 962–2520 Ext. 3474, FAX: (410) 962–1849

MASSACHUSETTS

Multifamily Housing Hub, HUD—Boston Office, O'Neil Federal Building, 10 Causeway Street, Rm. 375, Boston, MA 02222–1092, OFC Phone: (617) 565–5162, FAX: (617) 565–6557

MICHIGAN

Multifamily Housing Hub, HUD Detroit Office, 477 Michigan Avenue, Detroit, MI 48226–2592, OFC Phone: (313) 226–7900, FAX: (313) 226–5611,

Multifamily Housing Program Center, HUD Grand Rapids, Trade Center Building, 50 Louis Street, N.W., Grand Rapids, MI 49503–2648, OFC Phone: (616) 456–2100, FAX: (616) 456–2191

MINNESOTA

Multifamily Housing Hub, HUD Minneapolis Office, 220 Second Street, South, Minneapolis, MN 55401–2195, OFC Phone: (612) 370–3051 Ext. 0, FAX: (612) 370–3090

MISSISSIPPI

Multifamily Housing Program Center, HUD Jackson Office—McCoy Federal Building 100 W. Capitol Street, Room 910, Jackson, MS 39269–1096, OFC Phone: (601) 965–4738, FAX: (601) 965–4773

MISSOURI

Multifamily Housing Hub, HUD Kansas City Office, 400 State Avenue, Room 200, Kansas City, KS 66101–2406, OFC Phone: (913) 551–6844, FAX: (913) 551–5469,

Multifamily Housing Program Center, HUD St. Louis Office, Robert A. Young Federal Building, 1222 Spruce Street—Third Floor, St. Louis, MO 63103–2836, OFC Phone: (314) 539–6382, FAX: (314) 539–6356

MONTANA

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

NEBRASKA

Multifamily Housing Program Center, HUD Omaha Office, 10909 Mill Valley Road, Suite 100, Omaha, NE 68154–3955, OFC Phone: (402) 492–3113, FAX: (402) 492–3184

NEVADA

Multifamily Housing Program Center, HUD Las Vegas Office, 333 N. Rancho Drive—Atrium Bldg. Suite 700, Las Vegas, NV 89106–3714, OFC Phone: (702) 388–6525, FAX: (702) 388–6244

NEW HAMPSHIRE

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

NEW JERSEY

Multifamily Housing Program Center, HUD—Newark Office—13th Floor, One Newark Center, Newark, NJ 07102–5260, OFC Phone: (973) 622–7900 Ext. 3400, FAX: (973) 645–2271

NEW MEXICO

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

NEW YORK

Multifamily Housing Hub, HUD—New York Office, 26 Federal Plaza—Room 3214, New York, NY 10278–0068, OFC Phone: (212) 264–0777 Ext. 3713, FAX: (212) 264–1277

Multifamily Housing Hub, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, NY 14203–1780, OFC Phone: (716) 551–5755 Ext. 5509, FAX: (716) 551–3252

NORTH CAROLINA

Multifamily Housing Hub, HUD Greensboro Office—Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407, OFC Phone: (336) 547–4034, FAX: (336) 547–4121

NORTH DAKOTA

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

OHIO

Multifamily Housing Hub, HUD Columbus Office, 200 North High Street, Columbus, OH 43215–2499, OFC Phone: (614) 469–5737, Ext. 8111, FAX: (614) 469–2432

Multifamily Housing Program Center, HUD Cincinnati Office, 525 Vine Street, Suite 700, Cincinnati, OH 45202–3188, OFC Phone: (513) 684–2350, FAX: (513) 684–6224

Multifamily Housing Program Center, HUD Cleveland Office, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, OFC Phone: (216) 522–4058 Ext. 7000, FAX: (216) 522–4067

OKLAHOMA

Multifamily Housing Program Center, HUD Oklahoma City Office, 500 W. Main Street, Suite 400, Oklahoma City, OK 73102–2233, OFC Phone: (405) 553–7410, FAX: (405) 553–7406

OREGON

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–OAHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

PENNSYLVANIA

Multifamily Housing Hub, HUD Philadelphia Office, The Wanamaker Building, 100 Penn Square, East, Philadelphia, PA 19107–3380, OFC Phone: (215) 656–0609 Ext. 3533, FAX: (215) 656–3427

Multifamily Housing Program Center, HUD Pittsburgh Office, 339 Sixth Avenue—Sixth Floor, Pittsburgh, PA 15222–2515, OFC Phone: (412) 644–6639, FAX: (412) 644–5872

PUERTO RICO

Multifamily Housing Program Center, HUD Caribbean Office, 171 Carlos E. Chardon Avenue, San Juan, PR 00918–0903, OFC Phone: (787) 766–5401, FAX: (787) 766–5522

RHODE ISLAND

Multifamily Housing Program Center, HUD—Providence Office, 10 Weybosset Street, Sixth Floor, Providence, RI 02903–2808, OFC Phone: (401) 528–5230, FAX: (401) 528–5097

SOUTH CAROLINA

Multifamily Housing Program Center, HUD Columbia Office, 1835 Assembly Street, Columbia, SC 29201–2480, OFC Phone: (803) 765–5162, FAX: (803) 253–3043

SOUTH DAKOTA

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

TENNESSEE

Multifamily Housing Program Center, HUD—Knoxville Office, 710 Locust Street, SW, Knoxville, TN 37902–2526, OFC Phone: (423) 545–4411, FAX: (423) 545–4578

Multifamily Housing Program Center, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, TN 37228–1803, OFC Phone: (615) 736–5748, FAX: (615) 736–2018

TEXAS

Multifamily Housing Hub, HUD Ft. Worth Office, 801 Cherry Street, PO Box 2905, Ft. Worth, TX 76102–2905, OFC Phone: (817) 978–5764, FAX: (817) 978–5520

Multifamily Housing Program Center, HUD Houston Office, 2211 Norfolk, #200, Houston, TX 77098–4096, OFC Phone: (713) 313–2274 Ext. 7015, FAX: (713) 313–2319

Multifamily Housing Program Center, HUD San Antonio Office, 800 Dolorosa, San Antonio, TX 78207–4563, OFC Phone: (210) 475–6831, FAX: (210) 472–6897

UTAH

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver,

CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

VERMONT

Multifamily Housing Program Center, HUD—Manchester Office, Norris Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03101–2487, OFC Phone: (603) 666–7684, FAX: (603) 666–7697

VIRGINIA

Multifamily Housing Hub, HUD Richmond Office, 3600 West Broad Street, Richmond, VA 23230–4920, OFC Phone: (804) 278–4500 Ext. 3146, FAX: (804) 278–4613

WASHINGTON

Multifamily Housing Hub, HUD Seattle Office, 909 First Avenue, Suite 190, MS–OAHM, Seattle, WA 98104–1000, OFC Phone: (206) 220–5228 ext. 3250, FAX: (206) 220–5206

WEST VIRGINIA

Multifamily Housing Program Center, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, WV 25301–1795, OFC Phone: (304) 347–7000 Ext. 103, FAX: (304) 347–7050

WISCONSIN

Multifamily Housing Program Center, HUD Milwaukee Office, 310 West Wisconsin Avenue, Room 1380, Milwaukee, WI 53203–2289, OFC Phone: (414) 297–3214 Ext. 8662, FAX: (414) 297–3204

WYOMING

Multifamily Housing Hub, HUD Denver Office, 633 17th Street, 14th Floor, Denver, CO 80202–3607, OFC Phone: (303) 672–5343, FAX: (303) 672–5153

BILLING CODE 4210–32–P

APPENDIX B

The non-standard forms, which follow, are required for your Multifamily Housing Drug Elimination Program application.

Multifamily Housing Drug Elimination Grant Program
Applicant Data Input Sheet

Owner (Funds Recipient)

Name _____

Address _____

_____

_____

City _____ State _____ Zip _____

Phone (Include Area Code) _____

Grant Contact Person (Name) _____

Phone (Include Area Code) _____

e-mail address _____

List the specific development(s) targeted for assistance under this grant.
Use additional sheets as needed.

Development Name _____

Address _____

_____

City _____ State _____ Zip _____

FHA/Project Number _____ Sec.8 Number _____ No. of Units ___

Project Type (e.g., 236) _____

Location (Urban, suburban, or rural) _____

Senators 1. _____ 2. _____

Congressional Representative Name _____ District _____

Detailed Description of Budget

Budget Line Item Number	Activities	Funds Requested
9140	Support for Tenant Patrols	$
9150	Physical Improvements to enhance security	$
Programs to reduce the use of illegal drugs		
9160	Drug Prevention	$
9170	Drug Intervention	$
9180	Drug Treatment	$
Total Amount Requested		$

CERTIFICATION OF DRUG TREATMENT PROGRAM (SINGLE STATE AGENCY OR LOCAL TRIBAL COMMISSION)

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Applicable only if applying for Treatment Activities.

The administrator/director or designee for the single state agency or tribal commission hereby certifies:

The proposal drug treatment activity is appropriate and consistent with the State plan; and that the service(s) meets all Federal, State, Tribal and local government medical licensing, training, bonding, and certification requirements;

The applicant has notified and consulted with the relevant single state agency or authority with drug coordination responsibilities concerning its application; and

The administrator/director or designee understands that the application deadline date is on or before _____, **1999,** _____ **P.M.,** local time.

State or local agency Administrator/Director/Designee

Signed this _____ day of _____, 1999

Administrator/Director/Designee (Print Name and Title)

_____ _____

Name Title

✗ _____

Signature

❑ Check if comments by residents are attached.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RESIDENT OPPORTUNITY AND SELF-SUFFICIENCY (ROSS) PROGRAM

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR PUBLIC HOUSING RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY (ROSS) PROGRAM

Program Overview

Purpose of Program. The purpose of the Public Housing Resident Opportunities and Self Sufficiency (ROSS) Program is to link services to public housing residents by providing grants for supportive services, resident empowerment activities and activities to assist residents in becoming economically self-sufficient.

Available Funds. Approximately $55 million.

Eligible Applicants. Public Housing Agencies (PHAs), resident management corporations, resident councils, resident organizations, Intermediary Resident Organizations (IROs), City-Wide Resident Organizations (CWROs) and nonprofit entities supported by residents.

Application Deadline. **June 15, 2000**, for Resident Management and Business Development; **May 9, 2000**, for Capacity Building or Conflict Resolution; **May 9, 2000**, for Resident Service Delivery Models; and After publication of this SuperNOFA grant renewals will be accepted until all funds are awarded for Service Coordinators.

Match. At least 25% of the grant amount. This match does not have to be a cash match. The match can be in-kind and/or cash contributions.

Additional Information

If you are interested in applying for funding under any of these programs, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance.

Application Due Date. Your completed application (one original and two copies) is due on or before 12:00 midnight, Eastern time, on the following application due dates to HUD Headquarters at the address shown below.

June 15, 2000, for Resident Management and Business Development; **May 9, 2000,** for Capacity Building or Conflict Resolution; **May 9, 2000,** for Resident Service Delivery Models; and

After publication of this SuperNOFA, grant renewals will be accepted until all funds are awarded for Service Coordinators.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mail application, express mail, overnight delivery, or hand-carried).

Address for Submitting Applications. Submit your completed application (the original and one copy) to Grants Management Center (GMC), 501 School Street, SW, Suite 800, Washington, DC 20024.

Submit your second copy of your application to the local HUD Field Office with delegated public or assisted housing responsibilities attention: Director, Office of Public Housing. See Appendix A of the SuperNOFA for a list of HUD offices with delegated responsibility. The original application and one copy must be sent to the GMC. You may also call the SuperNOFA Information Center at 1–800–HUD–8929 if you have a question regarding where you should submit your application. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

On the application due date, hand carried applications will be accepted until 12:00 midnight in the South Lobby at HUD Headquarters, 451 Seventh Street, SW, Washington DC 20410.

For Application Kits. For an application kit and any supplemental material, please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the ROSS Program, and provide your name, address (including zip code) and telephone number (including area code). An application kit is also available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact the local HUD field office where you will be submitting your application or you may call the Public and Indian Housing Information and Resource Center at 1–800–955–2232.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

(A) *Total Amount.* For FY 2000, approximately $55 million is available for the Resident Opportunities and Self Sufficiency Program.

(B) *Allocation.* To the extent that there are a sufficient number of qualified applications, not less than 25 percent of funds available for ROSS shall be provided directly to resident councils, resident organizations, resident management corporations, Intermediary Resident Organizations (IROs), and City-Wide Resident Organizations (CWROs). This requirement will be implemented by the awards made to resident organizations for the Technical Assistance/Training Support for Resident Organizations and the Resident Service Delivery Models funding categories.

(C) *Funding Categories and Funds Allocated to Each Category.* There are three funding categories under ROSS. The funding categories and the amount allocated for each funding category and any subcategories are as follows:

(1) *Technical Assistance/Training Support for Resident Organizations.* A total of $11 million is allocated for this first funding category.

(a) *Resident Management and Business Development (RMBD).* A total of $6 million is allocated for this funding subcategory.

(i) Grants will be made directly to resident organizations to: increase resident involvement and participation in their housing developments; develop resident management opportunities; provide resident-led business or cooperative development opportunities; and obtain necessary supportive services for self-sufficiency.

(ii) The maximum grant award for this funding category is $100,000 per applicant.

(b) *Capacity Building or Conflict Resolution (CB/CR).* A total of $5 million is allocate for this funding subcategory. These are two separate funding categories that are described below:

(i) *Capacity Building (CB).* Grants to Intermediary Resident Organizations (IROs) for assistance to site-based resident associations who do not yet have the capacity to administer a welfare-to-work program or conduct management activities and non-profits which operate associations and networks that administer programs benefiting resident organizations. You may apply for funding that will be used to assist public housing residents in establishing a new resident organization or you may apply for funds to help or enhance the capacity of existing resident organizations to enable residents to participate in housing agency decision-making, manage all or a portion of their housing developments, and/or apply for and administer grants.

(ii) *Conflict Resolution (CR).* This funding category is designed to provide grants to Intermediary Resident Organizations (IROs) and non-profits which operate associations and

networks administering programs that benefit public housing residents, or resident organizations, and to partner with professional mediators or groups with grass roots intervention experience to resolve conflicts involving public housing residents, and/or site-based resident associations. (See Section IV of this ROSS competition for specific requirements for this funding category).

(iii) The maximum amounts for CB/CR are as follows: $100,000 for City-Wide Resident Organizations (CWROs) per applicant, and $240,000 per applicant for all other eligible applicants in these funding categories. Applicants are required to allocate two-thirds of the total grant to direct funding of CB or CR activities for Site-Based Resident Associations (RAs). CWROs are required to serve a minimum of 3 RAs. All other applicants are required to serve a minimum of 10 RAs.

(2) *Resident Service Delivery Models (RSDM).* A total of $24 million is allocated for this second category of funding.

(i) The Resident Service Delivery Models (RSDM) funding category provides grants to Public Housing Agencies (PHAs), or directly to resident management corporations, resident councils, or resident organizations, and nonprofit entities supported by residents. There are two sub-categories of grants under this funding category: Family—Grants for program-related activities and supportive services to establish and implement comprehensive programs that achieve resident self-sufficiency for families; and Elderly and Disabled—Grants for independent living for the elderly and persons with disabilities.

(iii) For RSDM, the maximum grant awards are as follows:

(*A*) For PHAs, the maximum grant application award will be based on the number of occupied units for family or the elderly and persons with disabilities, as applicable. For the RSDM category, PHAs must use the number of occupied units to determine the maximum grant amount in accordance with the categories listed below for families:

—For PHAs with 1 to 780 occupied family units, the maximum grant award is $150,000.
—For PHAs with 781 to 7,300 occupied family units, the maximum grant award is $500,000.
—For PHAs with 7,301 or more occupied family units, the maximum grant award is $1,000,000.

(*B*) For Elderly and Disabled RSDM grants, PHAs may apply for the below listed maximums:

—For 1 to 217 units occupied by elderly residents or persons with disabilities, the maximum grant award is $54,250.
—For 218 to 1,155 units occupied by elderly residents or persons with disabilities, the maximum grant award is $200,000.
—For 1,156 or more units occupied by elderly residents or persons with disabilities, the maximum grant award is $300,000.

(*C*) The maximum grant award for RAs is $100,000.

(*D*) Nonprofit entities supported by residents or RAs are limited to $100,000 for each RA. A non-profit may submit a single application for no more than three different RAs for a maximum grant award of $300,000.

(3) *Service Coordinator Renewals.* A total of $20 million is allocated for this third funding category.

(i) The Service Coordinator Renewal category provides grants to PHAs to address the needs of public housing residents who are elderly and disabled persons. Service coordinators help residents obtain supportive services that are needed to maintain independent living. Only renewals of prior FY 1995 Public Housing Elderly and Disabled Service Coordinator grants will be funded under this ROSS competition; no applications for new Service Coordinator grants will be accepted.

(ii) These funds may only be used as follows:

—Renewal of existing Service Coordinator (SC) grants from prior years. This limitation is imposed to achieve Congressional intent to renew all service coordinator and congregate services grants. No applications for new elderly Service Coordinator grants will be accepted under this funding category.
—For the Elderly and Persons with Disabilities Service Coordinators category, award amounts cannot be higher than your highest funding and staffing level for any one-year period that was approved for their last funded Service Coordinator Grant. An increase of up to 2 percent over this amount will be allowed if supported by a narrative justification.

(iii) The application period for SC renewals is open until all funds are awarded.

(D) *Transfer of Funds.* If all funds are not awarded in one funding category, funds are transferable to other ROSS funding categories in this competition.

(E) *Number of Applications Permitted.* You may submit no more than one application under this ROSS competition. The only exception is that PHAs applying for Service Coordinator Renewal grants under this program section of the SuperNOFA may apply for one renewal grant and one additional grant in another category. A PHA and one of its RAs may not both submit an application to serve the same development. Please read each funding category carefully for additional limitations.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* The purpose of ROSS is to assist residents to become economically self sufficient by providing supportive services and resident empowerment activities. This program is consistent with the Department's goal to most effectively focus resources on ''welfare to work'' and on independent living for the elderly and persons with disabilities. HUD is looking for applications which implement practical solutions within the grant term, and result in improved economic self-sufficiency for public housing residents. HUD seeks holistic solutions that involve the support of the entire community in providing self sufficiency opportunities for residents. Therefore, HUD encourages you to involve elderly and disabled residents in activities which support self sufficiency, such as child care, mentoring, or after school care. This philosophy should be reflected in your proposed grant activities for all funding categories within this ROSS competition. A description of each of the funding categories was provided in Section II of this program section. This section describes the eligible applicants and eligible activities of each funding category.

(B) *Definitions.*

City-Wide Resident Organization consists of members from Resident Councils, Resident Management Corporations, and Resident Organizations who reside in housing developments that are owned and operated by the same PHA within a city.

Community Facility means a non-dwelling structure that provides space for multiple supportive services for the benefit of public housing residents and others eligible for the services provided. Services that may include but are not limited to:

(1) Child care;
(2) After-school activities for youth;
(3) Job training;
(4) Twenty/20 Education Communities (TECs) (formerly Campus of Learners) activities; and
(5) English as a Second Language (ESL) classes.

Contract Administrator means an overall administrator and/or a financial

management agent that oversees the financial aspects of a grant and assists in the entire implementation of the grant. A signed Contractor Administrator Partnership Agreement must be included in your application. This agreement may be contingent upon you receiving a grant award and adherence to PHA procurement policies. The contract administrator must assure that the financial management system and procurement procedures fully comply with 24 CFR part 84. The Contract Administrator may be: Local Housing Agencies; community-based organizations such as Community Development Corporations (CDC), churches; non-profits; State/Regional associations and organizations. Troubled PHAs are not eligible to be Contract Administrators.

Firmly Committed means there must be a written agreement to provide resources. This written agreement may be contingent upon receiving an award.

Elderly person means a person who is at least 62 years of age.

Jurisdiction-Wide Resident Organization means an incorporated nonprofit organization or association that meets the following requirements:

(1) Most of its activities are conducted within the jurisdiction of a single housing agency;

(2) There are no incorporated Resident Councils or Resident Management Corporations within the jurisdiction of the single housing agency;

(3) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(4) Public housing residents representing unincorporated Resident Councils within the jurisdiction of the single housing agency must comprise the majority of the board of directors.

Intermediary Resident Organizations means Jurisdiction-Wide Resident Organizations, City-Wide Resident Organizations, State-Wide Resident Organizations, Regional Resident Organizations, and National Resident Organizations.

National Resident Organization (NRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Person with disabilities means an adult person who:

(1) Has a condition defined as a disability in section 223 of the Social Security Act;

(2) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act; or

(3) Is determined to have a physical, mental, or emotional impairment which:

(a) Is expected to be of long-continued and indefinite duration;

(b) Substantially impedes his or her ability to live independently; and

(c) Is of such a nature that such ability could be improved by more suitable housing conditions.

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. In addition, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

The definition provided above for persons with disabilities is the proper definition for determining program qualifications. However, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.

Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving the overall grant goals and objectives.

Project is the same as ''low-income housing project'' as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (1937 Act).

Resident Association (RA) means any or all of the forms of resident organizations as they are defined elsewhere in this Definitions section and includes Resident Councils (RC), Resident Management Corporations (RMC), Regional Resident Organizations (RRO), Statewide Resident Organizations (SRO), Jurisdiction-Wide Resident Organizations, and National Resident Organizations (NRO).

Resident Council (RC) means (as provided in 24 CFR 964.115) an incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the PHA/HUD, and be eligible to receive funds for RC activities and stipends for officers for their related costs for volunteer work in public housing. (Although 24 CFR part 964 defines an RC as an incorporated or unincorporated nonprofit organization, HUD requires RC applicants for ROSS grants to be registered with the State at the time of application submission.) The following also applies to resident councils:

(1) The RMC must adopt written procedures such as by-laws, or a constitution which provides for the election of residents to the governing board by the voting membership of the public housing residents. The elections must be held on a regular basis, but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression of the voting membership's desire for a recall election, and set the percentage of voting membership which must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(2) The RMC must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appear on a lease for the unit in the public housing that the resident council represents.

(3) The RMC may represent residents residing in:

(a) Scattered site buildings in areas of contiguous row houses;

(b) One or more contiguous buildings;

(c) A development; or

(d) A combination of the buildings or developments described above.

Regional Resident Organization (RRO) means an incorporated nonprofit organization or association for public housing that meets each of the following requirements:

(1) The RRO is regional (i.e., not limited by HUD Areas);

(2) The RRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Resident Management Corporation (RMC) (see 24 CFR 964.7, 964.120) means an entity that consists of

residents residing in public housing and must have each of the following characteristics in order to receive official recognition by the PHA and HUD:

(1) The RMC shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) The RMC may be established by more than one RC, so long as each such council:

(a) Approves the establishment of the corporation; and

(b) Has representation on the Board of Directors of the corporation.

(3) The RMC shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) The RMC's by-laws shall require the Board of Directors to; include resident representatives of each RC involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall; and term limits if desired;

(5) The RMC's voting members shall be heads of households (any age) and other residents at least 18 years of age and whose name appears on the lease of a unit in public housing represented by the RMC;

(6) Where an RC already exists for the development, or a portion of the development, the RMC shall be approved by the RC board and a majority of the residents. If there is no RC, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) The RMC may serve as both the RMC and the RC, so long as the corporation meets the requirements of 24 CFR part 964 for an RC.

Secretary means the Secretary of Housing and Urban Development.

Site-Based Resident Associations means Resident Councils and Resident Management Corporations.

Statewide Resident Organization (SRO) means a Site-Based incorporated nonprofit organization or association for public housing that meets the following requirements:

(1) The SRO is Statewide;

(2) The SRO has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public housing residents representing different geographical locations in the State must comprise the majority of the Board of Directors.

(C) *Resident Management and Business Development (RMBD).*

(1) *Eligible applicants.* Site-Based Resident Associations (RAs) and City-Wide Resident Organizations (CWROs). If you are an RA that is a beneficiary or recipient of proposed grant activities by a CWRO, then you cannot also apply under this category. You may only submit one application under this funding category.

(2) *Eligible participants.* At least 75 percent of the persons participating and receiving benefits from RMBD activities must be residents of conventional public housing; any other persons (up to 25 percent per grantee) participating or receiving benefits from these programs must be recipients of Section 8 assistance. In addition, you must provide a certification that at least 51 percent of those served by your proposed activities are residents affected by welfare reform.

(3) *Eligible Activities.* Funding is limited to the following activities below:

(a) Training related to resident-owned business or cooperative development and technical assistance for job training and placement in housing developments;

(b) Technical assistance and training in resident managed business development through: feasibility and market studies; development of business plans; outreach activities; and innovative financing methods including revolving loan funds and the development of credit unions; and legal advice in establishing a resident-managed business entity or cooperative. Revolving loan funds can not be used for acquisition, disposition, or physical development.;

(c) Establishing and funding revolving loan funds. Revolving loan funds can not be used for acquisition, disposition, or physical development;

(d) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a development;

(e) Training residents with respect to fair housing requirements; and

(f) Gaining assistance in negotiating management contracts and designing a long-range planning system.

(g) Providing social support needs (such as self sufficiency and youth initiatives) including:

(h) Feasibility studies to determine training and social services needs;

(i) Training in management-related trade skills, computer skills, and similar skills;

(j) Management-related employment training and counseling including job search assistance, job development assistance, job placement assistance, and follow up assistance;

(k) Supportive services including: child care services; educational services, remedial education, literacy training, ESL instruction, assistance in attaining a GED; vocational training including computer training; health care outreach and referral services; meal services for the elderly or persons with disabilities; personal assistance to maintain hygiene/appearance for the elderly or persons with disabilities; housekeeping assistance for the elderly or persons with disabilities; transportation services; congregate services for the elderly or persons with disabilities; and case management;

(l) Training for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(m) Training programs on health, nutrition, safety and substance abuse; Food costs that are directly attributable to the nutrition and health training are eligible grant expenditures. These are not food costs associated with entertainment.

(n) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, and goal planning. The workshops can be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire, and Big Brother/Big Sisters;

(o) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations and resident councils on youth initiatives and program activities;

(p) Physical improvements to facilities at public housing developments to provide space for self-sufficiency activities for residents, i.e. to provide cosmetic improvements and repairs to space to conduct community activities; or to expand existing community space for your proposed ROSS activities. Your physical improvements may not exceed 50% of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments;

(i) Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare

architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements.

(ii) The renovation, conversion, or combination of vacant dwelling units in a PHA development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvements.

(iii) The renovation of existing common areas in a PHA development to accommodate the provision of supportive services.

(iv) The renovation or repair of facilities located near the premises of one or more PHA developments to accommodate the provision of supportive services.

(v) If renovation, conversion, or repair is done off-site, the PHA or owner must provide documentation that it has control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation, or other appropriate documentation.

(vi) All renovations must meet appropriate accessibility requirements.

(q) Establishing and operating centers that use technology and telecommunications for job training, after-school youth programs and educational activities.

(4) *Ineligible Resident Management and Business Development Activities and Costs.*

(a) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel performed in connection with implementing the Work Plan. (See HUD Travel Notice 99–24 for more specific guidance.)

(b) Purchase or rental of land.

(c) Activities not directly related to the welfare-to-work initiatives (e.g., lead-based paint testing and abatement and operating capital for economic development activities).

(d) Purchase of any vehicle (car, van, bus, etc.).

(e) Payment of salaries for routine project operations, such as security and maintenance, or for applicant staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the Resident Management and Business Development grant activities or coordinate on-site social services.

(f) Payment of fees for lobbying services.

(g) Any expenditures that are fraudulent, wasteful or otherwise incurred contrary to HUD or OMB directives.

(h) Any cost otherwise eligible under this program section of the SuperNOFA for which funds are being provided from any other source.

(i) Entertainment equipment such as televisions, radios, stereos, and VCRs. An exception to this item may be granted by the HUD Field Office if funding is being utilized specifically for the purposes of establishing a business directly related to radio, television or film or some other form of technical communication, and equipment is being utilized for training of residents or RAs. All such exceptions must be authorized in writing by the HUD Field Office before purchases may be made.

(j) The cost of application preparation is not eligible.

(5) *Supporting Information.* The following information may be useful in developing proposed grant activities and costs:

(a) *Training.* Training activities may include training on HUD regulations and policies governing the operation of low-income public housing including contracting/procurement regulations; financial management; job and business development training; capacity building to develop the necessary skills to assume management responsibilities at the project and property management; and training in accessing other funding sources.

(b) *Hiring trainers or other experts.* Resident grantees must ensure that all training is provided by a qualified public housing or management specialist (Consultant/Trainer), HUD Headquarters, Field staff or the local PHA. To ensure the successful implementation of the grant Work Plan activities, you are required to determine the need to contract for outside consulting/training services. You and the PHA must jointly select and approve the consultant/trainer. Your application should make maximum use of your PHA, non profit, or other Federal, State, or local government resources for technical assistance and training needs. The amount allowed for hiring an individual consultant for this purpose shall not exceed 30% of your total grant amount or $30,000, whichever is less. The amount available for all consultants and contracts should not exceed 50% of your grant amount or $50,000 whichever is less. HUD Field Offices will monitor this process to ensure compliance with program and OMB requirements, and particularly the requirement for competitive bidding. Where it is necessary to exceed the 50% limitation you must use performance based contracting. Performance based contracts require that fees be paid in exchange for goods and services actually delivered. For example, a trainer would be paid for the number of residents that were trained, *i.e.* performance, regardless of the maximum dollar amount quoted in the contract.

(c) *Stipends.* Trainees and program participants of an RA, or CWRO, may receive stipends for participating in or receiving training under Resident Management to cover reasonable costs related to participation in training and other activities in your program, subject to the availability of funds. The stipends should be used for additional costs incurred during the training programs, such as child care and transportation costs. The cost of stipends may not exceed $200 per month per trainee without written HUD Field Office authorization.

(d) *Reimbursement of Reasonable Expenses.* Reimbursement of reasonable expenses incurred by Officers and Board members in the performance of their fiduciary duties and/or training related to the performance of their official duties.

(e) *Travel.* Travel directly related to the successful completion of your required Work Plan. You must adhere to the travel policy established by HUD Notice 99–24. This policy sets travel costs at a maximum amount of $5,000 per RA without special HUD approval.

(f) *Child-Care Expenses.* Child care expenses for individual staff, board members, or residents in cases where those who need child care are involved in training-related activities associated with your grant activities.

(g) *Costs incurred by a RA in applying for 501(c) tax exempt status with Internal Revenue Service.* Please refer to the Internal Revenue Service (IRS) Publication 557, which describes the requirements for section 501(c) tax exempt organizations and list the applicable forms required.

(h) *Administrative costs.* These costs are necessary for the implementation of your grant activities. Administrative costs are not to exceed 20% of the grant. Appropriate administrative costs include, but are not limited to, the following reasonable costs or activities:

(i) *Space and equipment.* Maintenance, utility costs, postage, building lease/rental costs, purchase or lease of telephone, computer, printing, copying, and sundry non-dwelling equipment (such as office supplies, software, and furniture). You must justify the need for this equipment or space based on services being delivered in relationship to implementing your approved grant activities.

(ii) *Rental or lease of vehicles.* Rental or lease of a car, van, or bus by resident grantees to attend training;

(6) *Grant term*. The grant term for Resident Management and Business Development grants is thirty-six months from the execution date of your grant agreement.

(D) *Capacity Building or Conflict Resolution*.

(1) *Eligible applicants*. (a) Intermediary Resident Organizations (IROs) on behalf of public housing residents, which include Public Housing Site-Based Resident Councils and Resident Management Corporations may apply for Capacity Building and/or Conflict Resolution grants. IROs include National Resident Organizations, Statewide Resident Organizations, Regional Resident Organizations, City-Wide Resident Organizations, and Jurisdiction-Wide Resident Organizations.

(b) Eligible applicants cited above may submit either one application for conflict resolution or one application for capacity building under this funding category.

(c) Non-profits that operate as associations or networks that administer programs that benefit public housing resident organizations are also eligible for this funding category.

(2) *Eligible activities*. (a) *Conflict resolution*. Conflict resolution grant activities may include, but are not limited to:

(i) Establishing violence-free zones to enhance the quality of living environment for public housing residents. The eligible activities for your proposed program must address one or more of the following areas: violent crime, youth violence, and/or violent gang activity in your housing development or living environment. These areas must be addressed in your application. You must at a minimum focus on one of these areas, but may include the others where appropriate. Your grant application must include specific processes or techniques to prevent and reduce violent crime that are measurable within the grant term. Implementation strategies may include training at the grass roots level, resident employment; resident partnership with local law enforcement; personal skill-building to strengthen individual character development; and management techniques for preventing violence. You must identify the public housing development(s) that will serve as the focus for proposed grant activities. Any other areas, (e.g., negatively impacted neighborhoods and assisted/insured housing developments) which benefit from your proposed grant activities must be adjacent to the public housing development;

(ii) Training programs on mediation and communication skills;

(iii) Training programs on dispute resolution and reconciliation, including training addressing racial, ethnic and other forms of diversity;

(iv) Workshops for youth services including: child abuse and neglect prevention, tutorial services, youth leadership skills, youth mentoring, peer pressure reversal, life skills, social skills, goal planning, health, wellness and nutrition. The workshops may be held in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc. Food costs that are directly attributable to the actual nutrition, wellness and health training are an eligible grant expenditure. These are not food costs associated with entertainment.

(v) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of youth, improving youth initiatives that are currently active, and training youth, housing agency staff, resident management corporations and resident councils on youth initiatives and program activities.

(b) *Capacity Building*. Eligible activities for CB grants may include, but are not limited to:

(i) Training Board members in community organizing, Board development, and leadership training;

(ii) Conducting the feasibility of training existing resident groups for resident management or for a specific resident management project;

(iii) Assisting in the creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter;

(iv) Developing the management capabilities of existing resident organizations;

(v) Determining the feasibility of homeownership by residents, including assessing the feasibility of other housing (including HUD-owned or held single or multi-family) affordable for purchase by residents.

(3) *Ineligible Activities*. Ineligible activities are the same as those listed in Section III(C)(7) of this program section of the SuperNOFA, above.

(a) In addition, physical development activities are not eligible for funding under CB or CR grants.

(b) The cost of application preparation is not eligible.

(4) *Administrative costs* may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(5) *Grant term*. The grant term for both Conflict Resolution and Capacity Building grants is thirty-six months from the execution date of the grant agreement.

(D) *Resident Service Delivery Models (RSDM)*.

(1) *Eligible Applicants*. (a) *Family*. This funding category provides grants to PHAs, resident management corporations, resident councils, or resident organizations, and nonprofit entities supported by residents, to enable them to establish and implement comprehensive programs that assist residents in becoming self-sufficient and/or enable independent living and aging in place.

(b) *Elderly and Disabled*. PHAs and non-profits supported by a duly elected resident council are the only eligible applicants in providing supportive services for the elderly and disabled.

(c) IROs with 501(c) status may apply as non-profit entities under this funding category.

(2) *Number of RSDM Applications Permitted*. (a) *General*. PHAs must submit an application either for a family or an elderly grant. ROs must submit one application for a family grant; and non-profits may submit one application for a family or elderly grant representing up to three public housing resident groups.

(b) *Joint applications*. Two or more applicants may join together to submit a joint application for proposed grant activities. Joint applications must designate a lead applicant. All parties in a joint application (lead or non-lead) are considered to be applying for ROSS and are therefore subject to the limit of one ROSS application per applicant, with the exception of those Public Housing Service Coordinator renewal applicants that may also apply in one additional ROSS category. Joint applications may include PHAs/IROs, nonprofit entities on behalf of residents and resident organizations. Joint applications must also provide evidence of resident support. The maximum funding for joint applications cannot exceed the sum of the individual grants as specified above. Any eligible applicant can serve as a lead applicant.

(3) *Eligible participants*. At least 75 percent of the persons participating and receiving benefits from these activities must be residents of conventional public housing. Any other persons (up to 25 percent per grantee) participating or receiving benefits from these programs must be recipients of Section 8 assistance.

(4) *Eligible activities.* Funds may be used for the activities described below for the family category.

(a) *Program Coordinator.* You are encouraged to include a Program Coordinator for proposed RSDM activities for the entire term of your grant. A Program Coordinator is a person who is responsible for coordinating various proposed activities to ensure that their accomplishment will assist in achieving overall grant goals and objectives.

(b) *Physical improvements.* Physical improvements to provide space for self-sufficiency activities for residents (i.e., to provide cosmetic repairs for space to conduct community activities; or to expand existing community space for proposed ROSS activities). Physical improvements may not exceed 50% of the total grant amount and must be directly related to providing space for self-sufficiency activities for residents. Physical improvements include the following:

(i) Renovation, conversion, and repair costs may be essential parts of physical improvements. In addition, architectural, engineering, and related professional services required to prepare architectural plans or drawings, write-ups, specifications or inspections may also be part of the cost components to implement physical improvements;

(ii) The renovation, conversion, or combination of vacant dwelling units in a housing development to create common areas to accommodate the provision of supportive services is an eligible activity for physical improvement;

(iii) The renovation of existing common areas in a housing development to accommodate the provision of supportive services is an eligible activity for physical improvements;

(iv) The renovation or repair of facilities located near the premises of one or more housing developments to accommodate the provision of supportive services is an eligible activity for physical improvements;

(v) If renovation, conversion, or repair is done off-site, you must provide documentation that you have control of the proposed property for not less than 2 years and preferably for 4 years or more. Control can be evidenced through a lease agreement, ownership documentation or other appropriate documentation.

(vi) All renovations must meet appropriate section 504 accessibility requirements.

(c) *Entrepreneurship training.* Entrepreneurship training includes literacy training, computer skills training, business development planning.

(d) *Entrepreneurship development.* Entrepreneurship development includes entrepreneurship training curriculum, entrepreneurship courses.

(e) *Micro/Loan fund.* Developing a strategy for establishing a revolving micro/loan fund and/or capitalizing a loan fund, including licensing, bonding, and insurance needed to operate a business. Revolving loan funds can not be used for acquisition, disposition, or physical development;

(f) *Developing credit unions.* Developing a strategy to establish and/or create on-site credit union(s) to provide financial and economic development initiatives to PHA residents. (RSDM grant funds cannot be used to capitalize a credit union.) The credit union can support the normal financial management needs of the community (i.e., check cashing, savings, consumer loans, micro-businesses money management, home buyer counseling, educational loans, and other revolving loans).

(g) *Employment training and counseling* (e.g., job training (such as apprenticeship programs), preparation and counseling, job search assistance, job development and placement, and continued follow-up assistance).

(h) *Employer linkage and job placement.*

(i) *Family only—supportive services activities.* The provision of services to assist eligible residents to become economically self-sufficient, particularly families with children where the head of household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job-training or educational programs. Eligible supportive services may include, but are not limited to:

(i) Child care, of a type that provides sufficient hours of operation and serves appropriate ages as needed to facilitate parental access to education and job opportunities.

(ii) Computer-based educational opportunities, skills training, and entrepreneurial activities.

(iii) Homeownership training and counseling, development of feasibility studies and preparation of homeownership plans/proposals.

(iv) Education including but not limited to: remedial education; computer skills training; career counseling; literacy training; assistance in the attainment of certificates of high school equivalency; two-year college tuition assistance; trade school assistance; youth leadership skills and related activities (activities may include peer leadership roles training for youth counselors, peer pressure reversal, life skills, and goal planning). Academic support shall not be limited to TANF recipients.

(v) Youth mentoring of a type that mobilizes a potential pool of role models to serve as mentors to public housing youth. Mentor activities may include after-school tutoring, help with problem resolution issues, illegal drugs avoidance, job counseling, or mental health counseling.

(vi) Transportation costs, as necessary to enable any participating family member to receive available services to commute to his or her training or supportive services activities or place of employment.

(vii) Personal well-being (e.g., family/parental development counseling, parenting skills training for adult and teenage parents, self-development counseling, support groups/counseling for victims of domestic violence, and/or families with a mentally ill member, etc.).

(viii) Supportive health care services (e.g., outreach and referral services to substance and alcohol abuse treatment and counseling, mental health services, wellness programs). Food costs that are directly attributable to the actual nutrition and health training are an eligible grant expenditures. These are not food costs associated with entertainment.

(ix) Contracting for case management services or employment of case managers, which must ensure confidentiality about resident's disabilities.

(x) Establishing and/or operating centers that use technology and telecommunications for job training, after-school youth programs and educational activities.

(xi) Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(xii) Stipends. No more than $200 per participant per month of the grant award may be used for stipends for active trainees and program participants to cover the reasonable costs related to participation in training and other activities.

(j) *Elderly and disabled—supportive services activities* may include, but are not limited to:

(i) Meal service adequate to meet nutritional need;

(ii) Assistance with daily activities;

(iii) Housekeeping aid;

(iv) Transportation services;

(v) Wellness programs, preventive health education, referral to community resources;

(vi) Personal emergency response;

(vii) Congregate services—includes supportive services that are provided in a congregate setting at a conventional public housing development; and

(viii) Case management.

(5) *Ineligible Activities.* Activities for which costs are ineligible for funding under the RSDM funding category include:

(i) Elderly Service Coordinator salary funding;

(ii) Payment of wages and/or salaries to participants receiving supportive services and/or training programs, except that grant funds under family RSDM may be used to hire a resident(s) as a Program Coordinator or to provide training program activities;

(iii) Purchase or rental of land;

(iv) New construction, materials, costs;

(v) Purchase of vehicles; and

(vi) Cost of application preparation is not eligible.

(6) *Grant term.* The grant term for Resident Service Delivery Models grants is thirty-six months from the execution date of the grant agreement.

(E) *Service Coordinators for Elderly and Persons with Disabilities.*

(1) *Eligible Applicants.* This funding category provides grants to PHAs with developments designated for the elderly and persons with disabilities which were initially awarded in FY 1995.

(2) *Joint Applications.* Two or more PHAs may join together to share a service coordinator and so submit joint applications. Joint applicants must designate a lead applicant. All joint applicants must be existing service coordinator grantees.

(3) *Eligible developments.* To be eligible, a development must have elderly residents and/or non-elderly residents with disabilities who together total at least 25 percent of the building's residents.

(4) *Eligible Activities.* Under this funding category, funds may be used for the following activities:

(a) *Service Coordinator.* To pay for the salary, fringe benefits, and related administrative costs for employing a service coordinator. A service coordinator is a social service staff person hired or contracted by the PHA. The coordinator is responsible for assuring that elderly residents, especially those who are frail or at risk, and those non-elderly residents with disabilities are linked to the supportive services they need to continue living independently in that development. The service coordinator, however, may not require any elderly person or person with disabilities to accept the supportive services. For the purposes of this program, a service coordinator is any person who is responsible for one or more of the following functions:

(i) Working with community service providers to coordinate the provision of services and to tailor the services to the needs and characteristics of eligible residents;

(ii) Establishing a system to monitor and evaluate the delivery, impact, effectiveness and outcomes of supportive services under this program;

(iii) Coordinating this program with other independent living or self-sufficiency, education and employment programs;

(iv) Performing other duties and functions to assist residents to remain independent, and to prevent unnecessary institutionalization; and

(v) Mobilizing other national and local public/private resources and partnerships.

(b) *Administrative costs.* Administrative costs may include, but are not limited to, purchase of furniture, office equipment and supplies, training, quality assurance, travel, and utilities. Administrative costs must not exceed 20% of the total grant costs.

(5) *Ineligible Activities/Costs.* (a) Applicants may not use these monies to replace current funding from other sources for a Service Coordinator or for some other staff person who performs service coordinator functions; and

(b) The cost of application preparation is not eligible.

(6) *Grant term.* The grant term for Elderly or Persons with Disabilities Service Coordinator grants is 12 months.

IV. Program Requirements

The requirements of this section are applicable to all applicants, and grantees under this announcing of funding availability.

(A) *Compliance with Fair Housing and Civil Rights Laws.* Your application must meet all the applicable threshold requirements found in Section II(B) of the General Section of the SuperNOFA, as well as the following requirements.

(B) *Affirmatively Furthering Fair Housing.* You must adhere to the requirement as provided in Section II(D) of the General Section of the SuperNOFA.

(C) *Certifications and Assurances.* You must comply with the certifications and assurances contained in Section II(G) of the **General Section** of the SuperNOFA.

(D) *Applicant Internet Access.* Prior to the initial draw down, all grantees must have secured online access to the Internet as a means to communicate with HUD on grant matters.

(E) *ROSS Evaluation and Assessment.* All applicants selected for award must be willing to participate in the evaluation and assessment that HUD intends to conduct for the ROSS Program. At grant award HUD will provide additional information on the evaluation and assessment for applicants who receive awards.

V. Application Selection Process

(A) Application Selection Process for Resident Management and Business Development

Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. HUD will accept for funding the first five eligible applications from each of the ten federal regions on a first-come, first-serve basis for 120 days after publication of this SuperNOFA. Any funds remaining after making awards to the first five eligible applications from each region will be awarded to the next eligible application from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region, the eligible applications will then be funded in the order in which they were received regardless of region. Where physical development activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected. If all funds are not awarded in one funding category, funds are transferable to other ROSS funding categories in this ROSS competition.

(B) Application Selection Process for Capacity Building or Conflict Resolution

Applicants for Conflict Resolution or Capacity Building grants are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section IV of this program section of the SuperNOFA. HUD will accept for funding the first two eligible applications from each of the ten federal regions on a first-come, first-serve basis for 90 days after this SuperNOFA is published. Any funds remaining after making awards to the first two eligible applications from each region will be awarded to the next eligible application

from each region, then the next, and so forth until funds are exhausted. If sufficient funds are not available in any round to fund an eligible application from each region, the eligible applications will then be funded in the order in which they were received regardless of region. If all funds are not awarded in one funding category, funds are transferable to the other ROSS funding categories in this ROSS competition.

(C) Application Selection Process for Resident Service Delivery Models

(1) Three types of reviews will be conducted: a screening to determine if your application submission is complete and on time; a threshold review to determine applicant eligibility; and a technical review to rate your application based on the five rating factors provided in this section. A minimum score of 55 is required to be considered for funding. If you are not the PHA, where physical development activities are proposed, HUD will perform an environmental review, to the extent required by 24 CFR part 50, prior to award. The results of the environmental review may require that proposed activities be modified or proposed sites rejected.

(2) The selection process is designed to achieve geographic diversity of grant awards throughout the country. HUD will first select the highest ranked application from each of the ten federal regions for funding. After this ''round,'' HUD will select the second highest ranked application in each of the ten federal regions for funding (the second round). HUD will continue this process with the third, fourth, and so on, highest ranked applications in each federal region until the last complete round is selected for funding. If available funds exist to fund some but not all eligible applications in the next round, HUD will make awards to those remaining applications in rank order regardless of region and will fully fund as many as possible with remaining funds. In addition, if all funds are not awarded in this funding category, funds are transferable to other funding categories in this ROSS Competition.

(D) Factors for Award Used to Evaluate and Rate RSDM Applications

The factors for rating and ranking applicants and maximum points for each factor are provided below. The maximum number of points available for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA. The application kit contains a certification that must be completed for the applicant to be considered for EZ/EC bonus points and a listing of federally designated EZs and ECs. A RSDM application must receive a total of 55 points out of 100 to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which the applicant has the organizational resources necessary to successfully implement the proposed activities in a timely manner. In rating this factor HUD will consider the extent to which the proposal demonstrates:

(1) Proposed Program Staffing **(7 Points)**

(a) *Experience.* **(4 Points)** The knowledge and experience of your proposed project director and staff, including the day-to-day program manager, sub-recipients and partners in planning and managing programs for which funding is being requested. Your experience will be judged in terms of recent, relevant and successful experience to undertake eligible program activities.

(b) *Sufficiency.* **(3 Points)** You and your sub-recipients, and partners have sufficient personnel or will be able to quickly access qualified experts or professionals, to deliver the proposed activities in each proposed service area in a timely and effective fashion, including your readiness and ability to immediately begin the proposed work program. To demonstrate sufficiency, you must submit the proposed number of staff years to be allocated to your program by employees and experts, the titles and relevant professional background and experience of each employee and expert proposed to be assigned to your program, and the roles to be performed by each identified employee and expert.

(2) Program Administration and Fiscal Management **(7 Points)**

(a) *Program Administration.* **(4 Points)** The soundness of the proposed management of your proposed RSDM program. To receive a high score, you must provide a comprehensive description of your project management structure. Your narrative must provide a description of how any co-applicants, sub-grantees, and other partner agencies relate to the program administrator as well as the lines of authority and accountability among all components of your proposed program.

(b) *Fiscal Management.* **(3 Points)** The soundness of your proposed fiscal management. To receive a high score you must provide a comprehensive description of the fiscal management structure, including, but not limited to, budgeting, fiscal controls, and accounting. The application must identify the staff responsible for fiscal management, and the processes and timetable for implementation during the proposed grant period.

(3) Applicant/Administrator Track Record **(6 Points)**

To receive a high score, you must demonstrate your (or your proposed Administrator's) program compliance and successful implementation of any resident self-sufficiency, security or independence oriented grants (including those listed below) awarded to you or overseen by your Administrator. If you or your Administrator has no prior experience in operating programs that foster resident self-sufficiency, security or independence you will receive a score of 0 on this factor. Your past experience may include, but is not limited to, administering the following grants: Family Investment Center Program; Youth Development Initiative under Family Investment Center Program; Youth Apprenticeship Program; Apprenticeship Demonstration in the Construction Trades Program; Urban Youth Corps Program; HOPE I Program; Public Housing Service Coordinator Program; Public Housing Drug Elimination Program; Tenant Opportunities Program; Economic Development and Supportive Services; and Youth Sports Program.

Rating Factor 2: Need/Extent of the Problem (20 Points)

This factor addresses the extent to which there is a need for funding your proposed program activities to address a documented problem in the target area. You will be evaluated on the extent to which they document a critical level of need in the development or your proposed activities in the area where activities will be carried out. In responding to this factor, you will be evaluated on:

(1) A Needs Assessment Document **(18 Points)**

HUD will award up to 18 points based on the quality and comprehensiveness of the needs assessment document.

(a) To obtain maximum points for Family RSDM applications, this document must contain statistical data which provides:

(i) A thorough socioeconomic profile of the eligible residents to be served by your program, in relationship to PHA-wide and national public and assisted housing data on residents who are on TANF, SSI benefits, or other fixed

income arrangements; in job training, entrepreneurship, or community service programs; and employed;

(ii) Specific information on training, contracting, and employment through the PHA.

(iii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use;

(iv) A description of the goals, objectives, and program strategies that will result in the successful transition of residents from welfare-to-work.

(b) In order to obtain maximum points for Elderly and Persons with Disabilities RSDM applications, the needs assessment document should contain statistical data that provide:

(i) The numbers of residents needing assistance for activities of daily living.

(ii) An assessment of the current service delivery system as it relates to the needs of the target population, including the number and type of services, the location of services, and community facilities currently in use.

(iii) A description of the goals, objectives, and program strategies that will result in increased independence for proposed program participants.

(2) Level of Priority in Consolidated Plan. (2 Points)

Documentation of the level of priority the locality's, or in the case of small cities, the State's, Consolidated Plan has placed on addressing the needs. You may also address needs in terms of fulfilling the requirements of court actions or other legal decisions or which expand upon the Analysis of Impediments to Fair Housing Choice (AI) to further fair housing. If you address needs that are in your community's Consolidated Plan, AI, or a court decision, or identify and substantiate needs in addition to those in the AI, you will receive a greater number of points than applicants who do not relate their proposed program to the approved Consolidated Plan or AI or court action. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding for you to receive points for this factor.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. In rating this factor HUD will consider: the viability and comprehensiveness of your strategies to address the needs of residents; budget appropriateness/efficient use of grant; the speed at which you can realistically accomplish the goals of the proposed RSDM program; the soundness of your plan to evaluate the success of your proposed RSDM program at completion and during program implementation; and resident and other partnerships; and policy priorities.

(1) Viability and Comprehensiveness of the Strategies to Address the Needs of Residents **(21 Points)**

The score under this subfactor will be based on the viability and comprehensiveness of your strategies to address the needs of residents.

(a) *Services.* (**18 Points** for Family RSDM applicants and **21 Points** for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in the Elderly and Persons with Disabilities RSDM applications to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant) The score under this subfactor will be based on the following:

(i) For Family RSDM applications, the extent to which your plan provides services that specifically address the successful transition from welfare to work of non-elderly families. To receive a high score, your plan must include case Management/counseling, job training/development/placement (and/or business training/development/startup), child care, and transportation services.

(ii) In order to receive maximum points, the goals and objectives of your proposed plan must represent significant achievements related to welfare-to-work and other self-sufficiency/independence goals. Specifically for those residents affected by welfare reform, the number of residents employed or resident businesses started are preferable to the number of residents receiving training.

(iii) For Elderly and Persons with Disabilities RSDM applications, services in your plan should include case management, health care, congregate services and transportation. To obtain maximum points, you must describe the goals, objectives, and program strategies that will result in increased independence for proposed program participants; your services must be located in a community facility; and must be available on a 12-hour basis or as needed by the eligible residents.

(b) *Resident Contracting and Employment.* (**3 Points**) The score in this factor will be based on the extent to which residents will achieve self-sufficiency through your contracts with resident-owned businesses and through resident employment. A high score will be awarded where there is documentation (a letter or resolution from your governing body) describing your commitment to hire or contract with at least 15% of residents and a narrative describing the number of resident jobs or contracts involved, as well as the training processes related to the comprehensive plan of your application. Elderly and Persons with Disabilities RSDM applications will not be scored on the criterion in this subcategory.

*(2) Budget Appropriateness/Efficient Use of Grant. (***5 Points.***)*

The score in this factor will be based on the following:

(a) *Detailed Budget Break-Out.* The extent to which your application includes a detailed budget break-out for each budget category in the SF–424A.

(b) *Reasonable Administrative Costs.* The extent to which your application includes administrative costs at or below the 20% administrative cost ceiling.

(c) *Budget Efficiency.* The extent to which your application requests funds commensurate with the level of effort necessary to accomplish your goals and anticipated results.

(3) Reasonableness of the Timetable

(2 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant)

The score in this factor will be based on a reasonable response that you can accomplish the goals of your proposed RSDM program. To receive a high score, you must demonstrate that it will make substantial program implementation progress within the first six months after grant execution, including putting staff in place, finalizing partnership arrangements, completing the development of requests for proposals, and achieving other milestones that are prerequisites for implementation of the program. In addition, you must demonstrate that your proposed timetable for all components of the proposed program is feasible considering the size of your award and activities and results that can be accomplished within the 36-month time limit.

(4) Program Assessment

(3 Points for Family RSDM and Elderly and Persons with Disabilities RSDM) The score in this factor will be based on the soundness of your plan to evaluate the success of your proposed RSDM program both at the completion of your program and during program implementation. At a minimum, you must track the goals and objectives of your proposed work plan program, which must include, if applicable, a plan for monitoring your Contract Administrator's performance. Your application should track specific measurable achievements for the use of program funds, such as number of residents employed, salary scales of jobs obtained, persons removed from welfare roles 12 months or longer, number of elderly or persons with disabilities residents receiving supportive services, and number of persons receiving certificates for successful completion of training in careers such as computer technology.

(5) Resident and Other Partnerships (9 Points for Family RSDM Applicants and 7 Points for Elderly and Persons With Disabilities RSDM Applicants)

(a) *Resident Involvement in RSDM Activities* (3 Points for Family RSDM applicants and 4 Points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded in Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant): The score in this factor will be based on the extent of resident involvement in developing your proposed RSDM program as well as the extent of proposed resident involvement in implementing your proposed RSDM program. To receive a high score on this factor, you must describe the involvement of residents in the planning phase for this program, and a commitment to provide continued involvement in grant implementation. For applicants to receive the maximum number of points, a work plan, must be included.

(b) *Other Partnerships.* (**3 Points**) The score in this factor will be based on the successful integration of partners into implementation of the proposed RSDM program. To receive a high score, you must provide a signed Memorandum of Understanding (MOU) or other equivalent signed documentation that delineates the roles and responsibilities of each of the parties in your program and the benefits they will receive. In assessing this subfactor, HUD will examine a number of aspects of the proposed partnership, including:

(i) The division of responsibilities/management structure of your proposed partnership relative to the expertise and resources of your partners;

(ii) The extent to which the partnership as a whole addresses the unmet resident needs; and (iii) The extent to which the addition of the partners provides the ability to meet needs that the applicant could not meet without the partner(s).

(c) *Overall Relationship/Coordination.* (3 Points for Family RSDM only) For Family RSDM applicants, the score in this factor will be based on the extent of coordination between your proposed RSDM program and any existing or proposed programs within your jurisdiction. To receive a high score, you must contain an MOU that describes collaboration between the applicant and residents on all of the specific components related to the work plan of the proposed RSDM program. To receive points, at a minimum, you must have a narrative description of this collaboration. Elderly and Persons with Disabilities RSDM applications will not be scored on this criterion.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources (note: financing is a community resource) that can be combined with HUD's program resources to achieve program purposes. You must have at least a 25% cash or in-kind match to receive points under this rating factor. Leveraging in excess of the 25% of the grant amount will receive a higher point value. In evaluating this factor HUD will consider:

The extent to which you have partnered with other entities to secure additional resources to increase the effectiveness of your proposed program activities. The budget, the work plan, and commitments for additional resources and services, other than the grant, must show that these resources are firmly committed, will support the proposed grant activities and will, in combined amount (including in-kind contributions of personnel, space and/or equipment, and monetary contributions) equal at least 25% of the RSDM grant amount proposed in this application. ''Firmly committed'' means there must be a written agreement with the provider of resources, signed by an official legally able to make commitments on behalf of the organization. The signed, written agreement may be contingent upon you receiving a grant award. Other resources and services may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (not including RSDM funds); funds from any State or local government sources; and funds from private contributions. You may also partner with other program funding recipients to coordinate the use of resources in your target area.

You must provide evidence of leveraging/partnerships by including in the application letters of firm commitments, Memoranda of Understanding, or agreements to participate from those entities identified as partners in the application. To be firmly committed there must be a written agreement with the provider of resources signed by an official legally able to make commitments on behalf of the organization. This agreement may be contingent upon you receiving a grant award. Each letter of commitment, Memorandum of Understanding, or agreement to participate should include the organization's name, proposed level of commitment and responsibilities as they relate to the proposed program.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor HUD will consider the extent to which your application addresses:

(1) *Coordination with the Consolidated Plan* (2 Points for Family RSDM applicants and 6 points for Elderly and Persons with Disabilities RSDM applicants. More points are awarded for Elderly and Persons with Disabilities RSDM applications in order to balance other sections of the rating criteria where points are not applicable to an Elderly and Persons with Disabilities RSDM applicant.) Demonstrates the applicant has reviewed the community's Consolidated Plan and/or Analysis of Impediments to Fair Housing Choice, and has proposed activities that address the priorities, needs, goals or objectives in those documents; or substantially furthers fair housing choice in the community.

(2) *For Family RSDM Applications, Coordination with the State* **(4 Points)**: Provides evidence that your proposed RSDM program has been coordinated with and supports the PHA's, efforts to increase resident self-sufficiency and is

coordinated and consistent with the State, or local Welfare Plan.

(3) *Coordination with Other Activities* **(4 Points)** Demonstrates that in carrying out your program activities, you will develop linkages with: other HUD-funded program activities proposed or on-going in the community; or other State, Federal or locally funded activities proposed or on-going in the community which, taken as a whole, support and sustain a comprehensive system to address the needs.

(D) *Application Selection Process for Service Coordinators*

Applicants for Service Coordinators are required to address application submission requirements but are not required to address selection factors. Eligibility will be determined by applications that meet the threshold requirements of Section IV of this program section of the SuperNOFA. HUD will accept for funding all eligible renewals until funds are exhausted.

VI. Application Submission Requirements

(A) All Applications

All applications for assistance under the ROSS competition regardless of funding categories must include the forms, certifications and assurances listed in Section IV of the *General Section* of the SuperNOFA (collectively referred to as the ''standard forms'') These forms are:

SF–424, Application Federal Assistance;
HUD–424M, Federal Assistance Funding Matrix;
SF–424A, Federal Assistance Budget Information—Non Construction;
SF–424B, Assurances for Non-Construction Programs;
HUD Form 50070, Drug-Free Workplace Certification;
HUD Form 50071, Certification of Payments to Influence Federal Transactions, and if applicable SF–LLL, Disclosure of Lobbying Activities;
HUD Form 2880, Applicant/Recipient Disclosure/Update Report;
HUD Form 2992, Certification of Debarment and Suspension;
HUD Form 2993, Acknowledgement of Application Receipt.

The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix A to this program section of the SuperNOFA.

All applicants must include the following information regardless of the category under which they are applying for funds.

(1) ROSS Application Cover Sheet;

(2) ROSS Fact Sheet;

(3) ROSS Program Summary;

(4) Certification of Consistency and Compliance with threshold requirements of General Section of the SuperNOFA;

(5) *Match Requirement.* (a) Your must supplement grant funds with an in-kind and/or cash match of not less than 25% of the grant amount. This match does not have to be a cash match. The match may include: The value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (but not ROSS funds); funds from any State or local government sources; and funds from private contributions. Any services, such as child care or mentoring, conducted by elderly or disabled residents who are not TANF participants, will not be counted toward your match requirement. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for self sufficiency training programs such as Twenty/20 Education Communities (TEC Centers).

(b) Your must demonstrate that the cash or in-kind resources and services, which you will use as match amounts (including resources from a Comprehensive Grant, other governmental units/agencies of any type, and/or private sources, whether for-profit or not-for-profit), are firmly committed and will support the proposed grant activities. ''Firmly committed'' means there must be a written agreement to provide the resources and services signed by an official legally able to make commitments on behalf of the organization and specifies the cash and/or in-kind assistance to be provided. If offering in-kind assistance, the letter should provide an estimated dollar value for the in-kind services. The written agreement may be contingent upon your receiving a grant award. The following are guidelines for valuing certain types of in-kind contributions:

(c) The value of volunteer time and services shall be computed at a rate of six dollars per hour except that the value of volunteer time and services involving professional and other special skills shall be computed on the basis of the usual and customary hourly rate paid for the service in the community where the activity is located; and

(d) The value of any donated material, equipment, building, or lease shall be computed based on the fair market value at time of donation. Such value shall be documented by bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated not more than one-year old taken from the community where the item or activity is located, as appropriate. You may also satisfy the match requirement by establishing the in-kind value of computer and office equipment, software and space used for training in computer technology, education/employment and skills development for sufficiency training programs such as Twenty/20 Education Communities (TEC Centers).

(B) *RMBD Applications.*

Applicants for Resident Management and Business Development grants are required to address application submission requirements, but are not required to address selection factors. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for first-come first serve funding.

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–8 are threshold requirements used to determine awards for this category; items 9–13 will be used for grant administration):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents (including Section 8 tenants as applicable) to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding four years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Your application must contain a signed Memorandum of Understanding (MOU) between the RA and PHA which describes the specific roles, responsibilities and activities to be undertaken by all parties to the MOU. Your MOU, at a minimum must identify the principal parties (i.e. the name of the PHA and RA, the terms of agreement), expectations or terms for each party, and indicate that the agreement pertains to the support of your grant application.

This document is the basis for the foundation of the relationship between the Ra and PHA. The MOU must be precise and outline the specific duties and objectives to be accomplished under the grant. All MOUs must be finalized, dated and signed by duly authorized officials of both the RA and PHA upon submission of the

application. Submission of the MOU is not required as part of the application process.

(3) Accessible Community Facility. You must provide written evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation of the property represented by the PHA. The written agreement must certify that community facilities meet the structural accessibility requirement of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See section VI (A) (5) of the program section of this SuperNOFA.

(5) You must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide written agreement that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA, the Contract Administration responsibilities can be incorporated into the MOU discussed above.

(6) If you are a RA/RC/RMC/CWRO you must include evidence that your organization is registered with the State as a nonprofit corporation at the time of application submission or has section 501(c) status with the United States Internal Revenue Service at the time of application . Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501 (c) status shall be a copy of the IRS 501 (c) designation.

(7) Certification of Resident Council Board Elections. If you are a Resident Organization, you must submit certifications of the RA board election as required by HUD, signed by the local PHA and/or an independent third party monitor and notarized;

(8) List of RAs participating with the City-Wide Resident Organization (CWRO). You must list in your application, the name(s) of RAs that will receive services and you must submit letters of support from each RA identified in your application;

(9) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

The following are application submission requirements and will not be used for determining eligibility for first-come first serve funding.

(10) Explanations for proposed grant activities must be provided by narrative statements or descriptions;

(11) Resident Management and Business Development grant applications must include a narrative description (two page limit) describing the activities that you will carry out with RMBD grant funds. Your description must include specific goals, objectives and program strategies that will result in successful transition of residents from welfare to work or other proposed grant activities;

(12) Your RMBD application must provide information about the RA, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—RMBD Program Staffing
Chart B—RMBD Applicant/ Administrator Track Record
Chart C—Summary RMBD Budget Line Items

(13) You must provide a summary of a proposed work plan to carry out proposed grant activities. This work plan must include tasks, budgeted amounts, and dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(C) Applications for Capacity Building or Conflict Resolution.

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–5 are threshold requirements used to determine awards for this category; items 6–10 will not be used to select awardees):

(1) Written Agreement with Mediator. Only conflict Resolution applicants must develop a work plan with a professional mediator or ''grass roots'' mediation organization (mediation/ partner) that outlines the roles and responsibilities of each party. The work plan must specify that the mediation/ partner will train grantee staff and/or volunteers such that the grantee will be capable of providing mediation assistance independently by the end of the grant term.

(2) Mediation Experience/Referral Agreement. Only conflict Resolution applicants must provide evidence that their mediator/partner has at least one year of experience in providing mediation services and at least one year of mediation training. Include either one referral agreement with a judicial, law enforcement, or social service agency such as the court system or Welfare Department for mediation of public housing residents, or a narrative description of direct experience with public or assisted housing residents.

(3) Applicant Nonprofit Status. You must provide evidence that your organization has registered with the State as a nonprofit corporation or has 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See section VI(A)(5) of this program section of the SuperNOFA.

(5) List of RAs Receiving Support. In CB and CR applications, you must list in your application the name of the RAs that will receive training, technical assistance and/or coordinated supportive services and you must submit letters of support from each entity identified in your application.

The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used to determine eligibility for first-come first serve funding.

(6) Explanations for proposed grant activities must be provided by narrative statements or descriptions as well as the forms indicated below:

(7) Needs Assessment. For the CB and CR grant applications you must provide a narrative description of proposed activities that addresses the following information:

(i) A description of the geographic boundaries of the RAs or RMCs included in the application;

(ii) A description of the public housing community;

(iii) A detailed description of the issues or problems involved with each RA to be served by the grant; and

(iv) The resources that are currently being devoted to the problem or issue under consideration.

(8) Proposed Program Activities. Resident Management and Business Development grant applications must include a narrative description describing the activities that you will carry out with CB/CR grant funds. Your description must include specific goals, objectives and program strategies that will result in successful proposed grant activities;

(9) Experience and Staffing. Your CB/CR grant application must provide information about the RA, including its history, staff qualifications, and its previous experience (two page limit). For proposed grant staffing, you must include a resume or summary of qualifications for all proposed grant staff:

Chart A—CB/CR Program Staffing
Chart B—CB/CR Applicant/Administrator Track Record
Chart C—Summary CB/CR Budget Line Items

(10) Budget and Cost Information. You must provide a summary of your proposed work plan to carry out your proposed grant activities. The work plan must include tasks/activities, budgeted amounts, and start and end dates for all activities during the grant period.

Chart D—Budget Workplan Summary

(D) Application Submission Requirements for Resident Service Delivery Models

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–9 are threshold requirements used to determine scoring of ranking and ranking factors for this category):

(1) Your application must contain a written certification that at least 51 percent of the public housing residents (including Section 8 tenants as applicable) to be included in the proposed program are currently eligible to receive, are currently receiving, or have received within the preceding four years, assistance or services funded under the TANF, SSI, or food stamp programs.

(2) Elderly and/or Disabled Housing Development Certification. A certification that at least 25% of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.

(3) Accessible Community Facility. You must provide evidence (e.g. through an executed use agreement if the facility is to be provided by an entity other than the PHA) that a majority of the proposed activities will be administered at community facilities within easy transportation access (i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation of the property represented by the PHA. The written agreement must certify that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(4) Your application must contain letter(s) of support indicating supplemental grant funds of not less than 25% of the grant amount. See section VI (A)(5) of this program section of the SuperNOFA.

(5) Physical Improvements. You must submit a description of the renovation or conversion to be conducted along with a budget and timetable for those activities. You must demonstrate a firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less that 2 years following the completion of renovation, conversion, or repair activities funded under this ROSS competition.

(6) You must provide either a signed certification from HUD or an Independent Public Accountant that your financial management system and procurement procedures fully comply with 24 CFR part 84, or your application must contain a signed Contract Administrator Partnership Agreement that you will use the services of a Contract Administrator in administering your grant. Applicants that are troubled PHAs are required to provide evidence that a Contract Administrator has been retained for the term of the grant. In cases where the Contract Administrator is the PHA, the Contract Administration responsibilities can be incorporated into the MOU discussed above.

(7) Applicant Non-Profit Status. Except for PHAs, you must provide evidence that the applicant is registered with the State as a nonprofit corporation or has 501(c) status with the United States Internal Revenue Service at the time of application submission. Evidence of State registration shall be a copy of the certificate of incorporation or certificate of good standing from the State Government (i.e. Secretary of State or Secretary of Corporations). Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

(8) Certification of Resident Council Board Elections;

(9) List of RAs Receiving Support. In RSDM applications you must list in your application the name of the RAs that will receive training, technical assistance and/or coordinated supportive services and must submit letters of support from each entity identified in your application.

(10) Responses to Factors of Award may be narrative statements or descriptions and the forms indicated below:

Factor 1—Capacity of the Applicant and Relevant Organizational Experience;
Chart A—Program Staffing
Chart B—Applicant/Administrator Track Record
Factor 2—Need/Extent of the Problem;
Chart C—Summary Budget line Items
Chart D—Budget Workplan Summary
Factor 3—Soundness of Approach;
Factor 4—Leveraging Resources; and
Factor 5—Comprehensiveness and Coordination.
Certification of Consistency with the Consolidated Plan
Bonus Points
Certification of Consistency with the EZ/EC Strategic Plan

(E) Application Submission Requirements for Service Coordinators for the Elderly and Persons With Disabilities

All applications for funding under this funding category must contain the following documents and information (Please note that items 1–4 are threshold requirements used to determine renewal funding for this category):

(1) Elderly Housing Development Certification. A certification that at least 25% of the residents of the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application.;

(2) Accessible Community Facility. The application must provide evidence (e.g., through an executed use agreement or MOU if the facility is to be provided by an entity other than the PHA. The majority of the proposed activities will be administered at community facilities within easy transportation access, i.e., walking or by direct (no transfers required), convenient, inexpensive and reliable transportation, to the property represented by the PHA. Your executed use agreement or MOU must specifically state that the community facilities meet the structural accessibility requirements of section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act of 1990.

(3) Your application must contain letter(s) of support indicating supplemental grant funds of not less

than 25% of the grant amount. See section VI (A)(5) of this program section of the SuperNOFA.

(4) SC Request Letter Format; The following are application submission requirements. Only threshold requirements, and not application submission requirements, will be used for determining eligibility for renewal funding.

(5) Evidence of comparable salaries in local area;

(6) Lead Agency letter format (if appropriate);

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

It is anticipated that most activities under this ROSS funding will be categorically excluded under 24 CFR 50.19(b)(3), (b)(9), (b)(12), or (b)(14). An applicant proposing any acquisition, including long-term leasing, disposition, or physical development activities is prohibited from rehabilitating, converting, leasing, repairing or constructing property, or committing or expending HUD or non-HUD funds for these types of program activities, until one of the following has occurred:

(1) If the grantee is not a PHA, HUD has completed an environmental review to the extent required by 24 CFR part 50, prior to grant award.

(2) If the grantee is a PHA, HUD has approved the grantee's Request for Release of Funds (HUD Form 7015.15) following a Responsible Entity's completion of an environmental review under 24 CFR part 58, where required, or if HUD has determined in accordance with § 58.11 to perform the environmental review itself under part 50, HUD has completed the environmental review.

IX. Authority

Section 34 of the U.S. Housing Act of 1937.

BILLING CODE 4210–32–P

Appendix A

The non-standard forms, which follow, are required for the ROSS application.

RESIDENT OPPORTUNITIES AND SELF SUFFICIENCY PROGRAM

APPLICATION FOR FY 2000 FUNDING COVER SHEET

Funding Category (Check only ONE):

_____ **Resident Management and Business Development**
_____ **Capacity Building**
_____ **Conflict Resolution**
_____ **Resident Service Delivery Models – Family**
_____ **Resident Service Delivery Models – Elderly/Disabled**
_____ **Service Coordinators**

Submitted By: _____
(Applicant Name)

Contact Person: _____

Telephone: ( )_____

Delivered To: _____
(HUD Field Office)

Date: _____

PLEASE USE THIS PAGE AS COVER PAGE

ROSS FY 2000 FUNDING

FACT SHEET

Applicant Information

Applicant:_____

Applicant Type: _____PHA _____RA _____IRO _____NONPROFIT

HUD Region:_____ State: _____ HUD Field Office:_____

Contact

Name/Title _____

Street Address _____

City/State/Zip _____

Telephone No. ( ) _____

Fax No. ( ) _____

Assistance for which the applicant is applying:

_____ Resident Management and Business Development
_____ Capacity Building
_____ Conflict Resolution
_____ Resident Service Delivery Models - Family
_____ Resident Service Delivery Models - Elderly/Disabled
_____ Service Coordinator Renewal

SITE-BASED RESIDENT ASSOCIATION BOARD INFORMATION

Name of Board Member	Title	Appointment	Term Date

Date of Last Board Election:_____

Does the organization have block captains? Yes____ No____

Does the organization have an operating committee? Yes____ No____

ROSS FY 2000 FUNDING

PROGRAM SUMMARY

Applicant: _____ **Date:** _____

Applicant type: _____**PHA** _____**RA** _____**IRO** _____**NONPROFIT**

Funding Category: _____

This narrative will be used for congressional notification and will serve as the official program summary.

A. Please provide a brief summary of the program proposed in your application (100 words or less) including a brief description of key program components.

ROSS FY 2000 FUNDING

PROGRAM SUMMARY (continued)

B. Please provide a listing of all partners involved, their in-kind/cash contribution, and number of persons to be served by each partner using the format below. (You may copy this page if additional space is needed.)

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

Partner's Name	In-Kind/Cash Contribution	# Persons Served
_____	_____	_____

Partner's Address

_____

TOTAL	_____	_____

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2000.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

❑ Table of Contents	_____	_____
❑ Application Checklist	_____	_____
❑ Application for Federal Assistance (Form SF-424)	_____	_____
❑ Federal Assistance Funding Matrix (Form SF-424M)	_____	_____
❑ Standard Form for Budget Information—Non-Construction Programs (Form SF-424A)	_____	_____
❑ Assurances—Non-Construction Programs (Form SF-424B)	_____	_____
❑ Fact Sheet	_____	_____
❑ Program Summary	_____	_____

TAB 1: Threshold Requirements

❑ Threshold Checklist	_____	_____
❑ RMBD Certification on Residents Affected by Welfare Reform	_____	_____

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Memorandum of Understanding (MOU) for Partnership between Applicant/PHA	_____	_____
❑ Accessible Community Facility – Executed Use Agreement or MOU	_____	_____
❑ Match Agreements – Not less than 25% of grant requested	_____	_____
❑ Contract Administrator Signed Statement	_____	_____
❑ Proof of Applicant Nonprofit Status – Copy of Certification of Incorporation or Good Standing from the State	_____	_____
❑ Certification of Resident Council Board Election	_____	_____
❑ List of RAs To Receive Support (CWROs only)	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements) --A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities --A firm commitment of assistance from one or more sources ensuring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities.	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____

TAB 2: Program Description and Budget

❑ Program Activities Description—Narrative	_____	_____
❑ Your Resident Organization and it's History—Narrative	_____	_____
❑ Chart A: RMBD Grant Staffing	_____	_____

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

APPLICATION CHECK LIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Resumes	_____	_____
❑ Chart B: RMBD Applicant/Administrator Track Record	_____	_____
❑ Chart C: RMBD Summary Budget Line Items	_____	_____
❑ Chart D: RMBD Budget Work Plan Summary, Parts I and II	_____	_____

TAB 3: Other Certifications and Assurances
(See Part VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071)	_____	_____
❑ Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification or Disbarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____
❑ Client Comments and Suggestions (Form HUD-2994)	_____	_____

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section IV (A)(8) and SuperNOFA, General Section II.)

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform	_____	_____
2. Memorandum of Understanding (MOU) for Partnership between Applicant/PHA	_____	_____
3. Accessible Community Facility - Executed Use Agreement or MOU	_____	_____
4. Match Agreements	_____	_____
5. Contract Administrator Signed Statement	_____	_____
6. Proof of Applicant Nonprofit Status	_____	_____
7. Certification of Resident Council Board Election	_____	_____
8. List of RAs to Receive Support (CWRO applicants only)	_____	_____
9. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
10. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____
11. All Certifications and Assurances required by General Section SuperNOFA are in Tab 3	_____	_____

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. Your RMBD application must contain the following written certification that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RMBD CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RMBD grant.

_____

_____

_____

This proposed RMBD grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of the residents to served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ ,2000.

By:_____
President of Resident Organization or other Authorized Representative

For: _____
Applicant Name

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Applicant: _____ **Date:** _____

6. Proof of Applicant Nonprofit Status. You must submit evidence that your organization are registered with the State as a nonprofit corporation at the time of application submission. Evidence of State incorporation/registration for all applicants shall be a copy of the Certificate of Incorporation or Certificate of Good Standing from the State government (Secretary of State or Secretary of Corporations).

   In addition, **CWROs only** must have Section 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission. Evidence of 501(c) status shall be a copy of the IRS 501(c) designation.

7. Certification of Resident Council Board Election. You must submit certification of the Resident Organization board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

CERTIFICATION OF RESIDENT COUNCIL BOARD ELECTION

I CERTIFY that _____
(name of organization)

located in _____ has duly elected
(city & state)

all of the Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations, Part 964.

Date of Last Resident Council Board Election: _____.

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

_____
NOTARY (Signature & Date)

FY 2000 Resident Management and Business Development Applicant: _____

List of Resident Associations Participating with the City-Wide Resident Organization

(Only City-Wide Resident Organization Applicants Need to Complete and Submit this Chart)

Name of the Resident Association	Contact Person	Address, City & State	PHA

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements

I CERTIFY that the proposed RMBD activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975*.

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2000.

By:_____
President of Resident Organization or Other Authorized Representative

For: _____
Applicant

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

Chart A: RMBD Grant Staffing **Applicant Name:** _____

I. Applicant (RA or CWRO)				
Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACT ADMINISTRATOR		
Contract Administrator to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

II. CONSULTANT(S)/TRAINERS/SVC. PROVIDERS/OTHER EXPERTS		
Consultants/Trainers to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

Chart B: RMBD Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Drawn Down	Major Goal #1	% Complete	Major Goal #2	% Complete

ROSS FY 2000 FUNDING
RESIDENT MANAGEMENT AND BUSINESS DEVELOPMENT

CHART C
RMBD BUDGET LINE ITEM SUMMARY

Applicant Name:_____ **Date:**_____

Please check the following as appropriate for your proposed program.

Resident Management and Business Development

_____	**1010**	**Physical Improvements**
_____	**1020**	**Resident Business Development**
_____	1021	Develop Business Plan
_____	1022	Conduct Market Analysis
_____	1023	Licensing, Insurance Bonding
_____	1024	Training Related to Resident Owned Business
_____	1025	Establishment of Resident Managed Business Development
_____	1026	Technical Assistance
_____	**1030**	**Resident Organization Development Activities**
_____	1031	Organize Community
_____	1032	Operating Procedures
_____	1033	Develop MOU
_____	1034	Develop Plan for Technical Assistance
_____	1035	Consultant Contracts
_____	1036	Self Sufficiency Programs
_____	**1040**	**Resident Management**
_____	1041	Conduct Feasibility Study
_____	1042	Secure Training/Skills/Expertise
_____	1043	Develop MOU
_____	1044	Secure T/A to Draft Contract
_____	1045	Negotiate Contract with PHA
_____	1046	Conduct Resident Training/Preparation
_____	**1050**	**Self Sufficiency Program**
_____	1051	Employment and Job Readiness
_____	1052	Job Training
_____	1053	Management Related Employment Training
_____	1054	Vocational Training
_____	1055	Technical Assistance
_____	**1060**	**Supportive Services**
_____	**9100**	**Travel Costs**
_____	**9200**	**Other Resident Costs (Stipends, Reimbursements)**
_____	**9300**	**Contract Administrator**
_____	**9400**	**Administrative and Other Costs**

Chart D: RMBD Budget Workplan Summary - Part I **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1010 Physical Improvements **TOTAL: $**				
1020 Resident Business Dev. **TOTAL: $**				
1021 Develop Business Plan				
1022 Conduct Market Analysis				
1023 Licensing, Insurance, Bonding				
1024 Training Related to Resident Owned Business				
1025 Establishment of Resident Managed Business Dev.				
1026 Technical Assistance				

Chart D: RMBD Budget Workplan Summary – Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1030 Resident Org. Dev. Activities **TOTAL: $**				
1031 Organize Community				
1032 Operating Procedures				
1033 Develop MOU				
1034 Develop Plan for Technical Assistance				
1035 Consultant Contracts				
1036 Self Sufficiency Programs				
1040 Resident Management **TOTAL: $**				

Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1041 Conduct Feasibility Study				
1042 Secure Training/Skills/Expertise				
1043 Develop MOU				
1044 Secure T/A to Draft Contract				
1045 Negotiate Contract with PHA				
1046 Conduct Resident Training/ Preparation				
1050 Self Sufficiency Program **Total: $**				

Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
1051 Employment and Job Readiness				
1052 Job Training				
1053 Management Related Employment Training				
1054 Vocational Training				
1055 Technical Assistance				
1060 Supportive Services **TOTAL: $**				
9100 Travel Costs **TOTAL: $**				
9200 Other Resident Costs (Stipends, Reimbursements) **TOTAL: $**				

Chart D: RMBD Budget Workplan Summary - Part I (cont'd) **Applicant:** _____

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RMBD GRANT FUNDS	NON-RMBD/ PARTNER FUNDS	ACTIVITY START/END DATES
9300 Contract Administrator **TOTAL: $**				
9400 Admin. and Other Costs **TOTAL: $**				

Chart D: RMBD Budget Workplan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RMBD GRANT TOTAL
1010 Physical Improvements	$
1020 Resident Business Development	$
1030 Resident Organization Development Activities	$
1040 Resident Management	$
1050 Self Sufficiency Program	$
1060 Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RMBD Funds Requested	$

ROSS FY 2000 FUNDING

CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2000.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

Cover Materials
(See Part II of this application kit for forms in this tab.)

❑ Table of Contents	_____	_____
❑ Application Checklist	_____	_____
❑ Application Cover Sheet	_____	_____
❑ Application for Federal Assistance (Standard Form SF-424)	_____	_____
❑ Federal Assistance Funding Matrix (Standard Form SF-424M)	_____	_____
❑ Budget Information —Non-Construction Programs (Standard Form SF-424A)	_____	_____
❑ Assurances—Non-Construction Programs (Standard Form SF-424B)	_____	_____
❑ Fact Sheet	_____	_____
❑ Program Summary	_____	_____

CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 1: Threshold Requirements		
❑ Threshold Checklist	_____	_____
❑ Written Agreement/Work Plan With Mediator (Conflict Resolution only	_____	_____
❑ Mediation Experience Certification **AND** one referral agreement with a judicial, law enforcement, or social service agency **OR** a narrative on direct experience with public or assisted housing residents.	_____	_____
❑ Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **and** Copy of IRS 501(c) designation	_____	_____
❑ Match Agreements -- Not less than 25% of grant requested	_____	_____
❑ List of RAs to Receive Support	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____
TAB 2: Program Description and Budget		
❑ Needs Assessment Report	_____	_____
❑ Program Activities Description	_____	_____
❑ Experience and Staffing—Narrative	_____	_____
❑ Chart A: CB/CR Grant Staffing	_____	_____
❑ Resumes	_____	_____
❑ Chart B: Applicant Track Record	_____	_____
❑ Budget and Cost Information Summary	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Workplan Summary, Parts I and II	_____	_____

CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

APPLICATION CHECKLIST (continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

TAB 3: Other Certifications and Assurances
(See Part VII of this Application Kit for all forms in this tab.)

❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD-50071)	_____	_____
❑ Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification or Disbarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____
❑ Client Comments and Suggestions (Form HUD-2994)	_____	_____

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

THRESHOLD CHECKLIST

Applicant:_____ **Date:**_____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See ROSS NOFA, Section IV (B) (7) and General SuperNOFA Section II)

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Written Agreement/Work Plan with Mediator (Conflict Resolution only)	_____	_____
2. Mediation Experience Certification **AND** one referral agreement with a judicial, Law enforcement, or social service agency **OR** a narrative on direct experience with public or assisted housing residents. (Conflict Resolution only)	_____	_____
3. Proof of Applicant Nonprofit Status -- Copy of Certification of Incorporation or Good Standing from the State **and** Copy of IRS 501(c) designation	_____	_____
4. Match Agreements	_____	_____
5. List of RAs to Receive Training, Technical Assistance, or Supportive Services	_____	_____
6. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements	_____	_____
7. All Certifications and Assurances required by the General Section of the SuperNOFA are in Tab 3	_____	_____

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

Applicant:_____ **Date:**_____

Threshold Requirements

1. Written Agreement/Work Plan with Mediator. **Conflict Resolution applicants only** must develop a work plan with a professional mediator or mediation organization (mediator/partner) that outlines the roles and responsibilities of each party, as well as any compensation to the mediator/partner (which must be reasonable and based on the work to be performed). The work plan must specify that the mediator/partner will train grantee staff and/or volunteers such that the grantee staff and/or volunteers will be capable of providing mediation assistance independently by the end of the grant term.

2. Mediation Experience/Referral Agreement. **Conflict Resolution applicants only** must provide evidence that their mediator/partner has at least one year of experience in providing mediation services and at least one year of experience in mediation training. Include **either** one referral agreement with a judicial, law enforcement, or social service agency such as the court system or Welfare Department for mediation referral of public housing residents, **or** a narrative description of direct experience with public or assisted housing residents.

   To demonstrate mediation experience, also complete the Certificate of Mediation Experience that follows. Please add partner agency names and signatures as necessary.

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

CERTIFICATE OF MEDIATION EXPERIENCE

All Conflict Resolution applicants must provide the following certification of their mediation/PHA partner's experience with providing mediation services and mediation training/grass roots intervention experience. All applicants must also attach **either** one referral agreement with a judicial, law enforcement, or social service agency such as the court system or Welfare Department for mediation referral of public housing residents, **or** a narrative description of direct experience with public or assisted housing residents.

The Applicant _____ certifies that:

____ All mediator/PHA partners must have at least one year of experience in providing mediation services.

AND

____ All mediator/PHA partners must have at least one year of experience in providing mediation training and/or effective grass roots intervention experience.

_____ _____
Applicant Signature Date

_____ _____
Partner Agency Name Date

_____
Partner Signature

_____ _____
Partner Agency Name Date

_____
Partner Signature

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

Applicant:_____ **Date:**_____

3. Applicant Nonprofit Status. You must provide evidence that the applicant is both registered with the State as a nonprofit corporation **and** has 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

   Evidence of State registration shall be a copy of the Certificate of Incorporation or Certificate of Good Standing from the State government (i.e. Secretary of State or Secretary of Corporations). Evidence of an applicant's current 501(c) nonprofit status shall be a copy of the IRS's 501(c) designation.

4. Match Requirement. CB and CR applicants must supplement grants funds with an in-kind and/or cash match of not less than 25% of the grant amount. This match does not have to be a cash match. The match may include: the value of in-kind services, contributions or administrative costs provided to the applicant; funds from Federal sources (but not ROSS funds); funds from any State or local government sources; and funds from private contributions.

   Both CB and CR applications must demonstrate that the cash or in-kind resources and services, which the applicant will use as match amounts (including resources from the applicant's Comprehensive Grant, other governmental units/agencies of any type, and/or private sources, whether for-profit or not-for-profit), are firmly committed and will support the proposed grant activities. "Firmly committed" means there must be a written agreement to provide the resources and services, signed by an official legally able to make commitments on behalf of the organization. The written agreement may be contingent upon an applicant receiving a grant award.

   Attach all separate firm commitments that equal at least 25% of the CB/CR grant amount requested. See the NOFA Section IV (B)(7)(e) for guidelines on valuing in-kind contributions.

5. List of RAs to Receive Support. In both CB and CR applications, eligible applicants **must** list in their application the name of the RAs that will receive training, technical assistance and/or coordinated supportive services **and** must submit letters of support from each entity identified in the application. Also acceptable is one statement of support for the application that is signed by each Resident Association to be served.

FY 2000 Capacity Building/Conflict Resolution **Applicant:** _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City & State	Housing Authority

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

Applicant: _____ **Date:** _____

6. General SuperNOFA Threshold Requirements {Section II (B), (C), (D), (F), & (H)}.

You must be in compliance with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). If you, the applicant, **(a)** have been charged by the Secretary with a systemic violation of the *Fair Housing Act* alleging ongoing discrimination, **(b)** are the defendant in a *Fair Housing Act* lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination, or **(c)** have received a letter of noncompliance findings under Title VI of the *Civil Rights Act*, Section 504 of the *Rehabilitation Act*, or Section 109 of the *Housing and Community Development Act*, then you are not eligible to apply for funding under this NOFA until you resolve such charge, lawsuit, or letter of findings to the satisfaction of HUD. HUD will verify the applicant's compliance with this portion of the General SuperNOFA thresholds. You are **not** required to submit any documentation in your application.

To meet the additional General SuperNOFA Threshold Requirements, you **must** complete the following Certification of Consistency and Compliance with General SuperNOFA Requirements.

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements

I CERTIFY that the proposed CB or CR activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in your application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975.*

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2000.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____

Chart A: CB/CR GRANT STAFFING Applicant Name: _____

I. APPLICANT

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant

II. CONTRACTOR ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

Chart B: CB/CR Applicant Track Record
Applicant: _____

Program	Project Number	% of Term Complete	% of Funds Drawn Down	Major Goal #1	Percent Complete	Major Goal #2	Percent Complete

ROSS FY 2000 FUNDING
CAPACITY BUILDING AND/OR CONFLICT RESOLUTION

CHART C
CB/CR SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Check the appropriate line items for the grant for which you are applying.

Capacity Building

_____	**3000**	**Capacity Building Activities**
_____	3010	Training
_____	3011	Consultants
_____	3012	Other
_____	**9100**	**Travel Costs**
_____	**9400**	**Administrative Costs**

Conflict Resolution

_____	**4000**	**Mediation Activities**
_____	4010	Establishment of Violence Free Zones
_____	4011	Youth Services Activities
_____	4012	Resident/PHA Issues
_____	4013	Development of Materials
_____	4014	Training for Mediation/Reconciliation
_____	4015	Technical Assistance to RAs
_____	**9100**	**Travel Costs**
_____	**9400**	**Administrative Costs**

CHART D: BUDGET WORK PLAN SUMMARY –PART I (Capacity Building or Conflict Resolution) **Applicant Name:**

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
3000 Capacity Building Activities **TOTAL: $**				
3010 Training				
3011 Consultants				
3012 Other				
9100 Travel Costs **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
4000 Mediation Activities **TOTAL: $**				
4010 Establishment of Violence Free Zones				
4011 Youth Services Activities				
4012 Resident/PHA Issues				
4013 Development of Materials				
4014 Training for Mediation/ Reconciliation				
4015 Technical Assistance to RAs				

CHART D: BUDGET WORK PLAN SUMMARY-PART I (Continued)

BUDGET LINE ITEM Include grant funding totals in each bolded line item.	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	CB/CR GRANT FUNDS	NON-CB/CR PARTNER FUNDS	ACTIVITY START/END DATE
9100 Travel Costs **TOTAL: $**				
9400 Administrative Costs **TOTAL: $**				

Chart D: CB/CR Budget Work Plan Summary - Part II (Capacity Building)

Please insert below the totals for each Summary Budget Line Item to be included in your **Capacity Building** grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	CB GRANT TOTAL
3000 Capacity Building Activities	$
9100 Travel Costs	$
9400 Administrative and Other Costs	$
TOTAL of all Capacity Building Funds Requested	$

Chart D: CB/CR Budget Work Plan Summary - Part II (Conflict Resolution)

Please insert below the totals for each Summary Budget Line Item to be included in your Conflict **Resolution** grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	CR GRANT TOTAL
4000 Mediation Services	$
9100 Travel Costs	$
9400 Administrative and Other Costs	$
TOTAL of all Conflict Resolution Funds Requested	$

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2000.

By: _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY

COVER MATERIALS (See Part II of this application kit for forms in this tab.)

- ❑ Application Checklist _____ _____
- ❑ Application Cover Sheet _____ _____
- ❑ Application for Federal Assistance (Standard Form SF-424) _____ _____
- ❑ Federal Assistance Funding Matrix (Standard Form SF-424M) _____ _____
- ❑ Standard Form for Budget Information—Non-Construction Programs (SF-424A) _____ _____
- ❑ Assurances – Non-Construction Programs (Form SF-424B) _____ _____
- ❑ Fact Sheet _____ _____
- ❑ Program Summary _____ _____

TAB 1: Threshold Requirements

- ❑ Threshold Checklist _____ _____
- ❑ Certification on Resident Affected by Welfare Reform (Family RSDM Applicants Only) _____ _____
- ❑ Elderly Housing Development Certification (Elderly RSDM Applicants Only) _____ _____

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Accessible Community Facility—Executed Use Agreement or MOU	_____	_____
❑ Match Agreements-Not less than 25% of grant requested	_____	_____
❑ Physical Improvements (Only for applicants proposing physical improvements) --A description of the renovation or conversion to be conducted, along with a budget and timetable for those activities --A firm commitment of assistance from one or more sources enduring that supportive services will be provided for not less than 2 years following the completion of renovation, conversion, or repair activities.	_____	_____
❑ Contract Administrator Signed Statement	_____	_____
❑ Proof of Nonprofit Status (RA, IRO, and Nonprofit Applicants Only)	_____	_____
❑ Certification of Resident Council Board Election (RA Applicants Only)	_____	_____
❑ List of RAs to Be Served	_____	_____
❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification	_____	_____

TAB 2: Capacity of the Applicant and Relevant Organizational Experience

❑ Chart A: Program Staffing	_____	_____
❑ Narrative on proposed staffing and coordination among service providers	_____	_____
❑ Chart B: Applicant/Administrator Track Record	_____	_____
❑ Organization Chart	_____	_____
❑ Staff Position Descriptions	_____	_____
❑ Staff Resumes	_____	_____

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
❑ Narrative on program administration and fiscal management structure	_____	_____
TAB 3: Needs/Extent of Problem		
❑ Needs Assessment Report	_____	_____
❑ Narrative on level of priority in Consolidated Plan	_____	_____
TAB 4: Soundness of Approach		
❑ Narrative describing proposed services	_____	_____
❑ Narrative on resident contracting and employment	_____	_____
❑ Chart C: Summary Budget Line Items	_____	_____
❑ Chart D: Budget Work Plan Summary, Parts I and II	_____	_____
❑ Narrative on program assessment	_____	_____
❑ Narrative on resident involvement and other partnerships	_____	_____
❑ Narrative on relationship coordination	_____	_____
TAB 5: Leveraging Resources		
❑ Narrative on the contributions, roles, and responsibilities of each partner	_____	_____
TAB 6: Comprehensiveness and Coordination		
❑ Narrative demonstrating review of Consolidated Plan	_____	_____
❑ Narrative summarizing State or local welfare plan	_____	_____
❑ Narrative on coordination with other activities	_____	_____
❑ Certification of Consistency w/ the Consolidated Plan	_____	_____

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

APPLICATION CHECKLIST (Continued)

SUBMISSION	APPLICANT USE ONLY	HUD USE ONLY
TAB 7: Bonus Points		
❑ EZ/EC Certification	_____	_____
TAB 8: Other Certifications and Assurances (See Section VII of this Application Kit for all forms in this tab.)		
❑ Certification for a Drug-Free Workplace (Form HUD–50070)	_____	_____
❑ Certification of Payments to Influence Federal Transactions (Form HUD 50071)	_____	_____
❑ Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)	_____	_____
❑ Applicant/Recipient Disclosure/Update Report (Form HUD-2880)	_____	_____
❑ Certification or Disbarment and Suspension (Form HUD–2992)	_____	_____
❑ Acknowledgement of Application Receipt (Form HUD-2993)	_____	_____
❑ Client Comments and Suggestions (Form HUD-2994)	_____	_____

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

THRESHOLD CHECKLIST

Applicant: _____ **Date:** _____

You must address the following threshold requirements for your application to be complete and acceptable for rating and ranking. You can verify that information is included in your application kit by using a check mark in the space provided. Please note that HUD will also verify that information is included appropriately. (See NOFA, Section V (G) and General SuperNOFA Section II).

THRESHOLD REQUIREMENT	APPLICANT USE ONLY	HUD USE ONLY
1. Certification on Residents Affected by Welfare Reform (Family applicants only)	_____	_____
2. Elderly Housing Development Certification (Elderly applicants only)	_____	_____
3. Accessible Community Facility-- Executed Use Agreement or MOU	_____	_____
4. Match Agreements	_____	_____
5. Physical Improvements (Only for applicants proposing physical improvements)	_____	_____
6. Contract Administrator Signed Statement	_____	_____
7. Proof of Applicant Nonprofit Status ~~(RA and non- profit applicants only)~~	_____	_____
8. Certification of Resident Board Election (RA applicants only)	_____	_____
9. List of RAs to be Served	_____	_____
10. Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements Certification	_____	_____

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

THRESHOLD REQUIREMENTS

1. Focus on Residents Affected by Welfare Reform. This requirement is not applicable to your program if it serves the elderly or persons with disabilities. Your Family RSDM application must contain a certification (using the certification provided below) that at least 51% of residents to be included in your proposed program are affected by welfare reform.

RSDM CERTIFICATION ON RESIDENTS AFFECTED BY WELFARE REFORM

I certify that a total of _____ people reside in the housing developments listed below, which are targeted for activities during the proposed RSDM grant.

_____

_____

_____

This proposed RSDM grant will serve a total of _____ residents. Included in the recipients to be served are residents affected by welfare reform who are either:

(1) Currently eligible to receive, are currently receiving, or shall have received within the preceding 4 years assistance or services funded under Temporary Assistance for Needy Families (TANF), SSI, or Food Stamps.

(2) Elderly or disabled persons, otherwise not affected by welfare reform, who will provide services such as child care or mentoring to families affected by welfare reform.

I certify that _____% of residents to be served are affected by welfare reform, as defined above. **At least 51% of residents must be affected by welfare reform for your application to meet the threshold requirement of this NOFA.**

Signed this _____ day of _____ ,2000.

By:_____

Applicant Executive Director or other Authorized Representative

For: _____

Applicant Name

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

2. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities.

RSDM ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that _____% of the residents in the development(s) proposed for the grant activities are elderly and/or non-elderly people with disabilities at the time of the application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2000.

By: _____
Applicant Executive Director or other Authorized Representative

For: _____
Applicant Name

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Applicant: _____ **Date:** _____

7. Applicant Nonprofit Status. Both RA and nonprofit applicants (including Intermediary Resident Organizations) must submit evidence that the applicant is registered with the State as a nonprofit corporation at the time of application submission. Nonprofit applicants (including Intermediary Resident Organizations) also must have Section 501(c) nonprofit corporation status with the United States Internal Revenue Service at the time of application submission.

Evidence of State incorporation for all nonprofit applicants shall be a copy of the Certificate of Incorporation or Certificate of Good Standing from the State government (Secretary of State or Secretary of Corporations). Evidence of a nonprofit applicant's 501(c) status shall be a copy of the IRS 501(c) designation.

8. Certification of Resident Board Election. RA applicants must submit certification of the RA board election as required by HUD, signed by the local PHA and/or an independent third-party monitor and notarized.

Certification of Resident Council Board Election

I CERTIFY _____
(name of organization)

located in _____ has duly elected all
(city & state)
of Resident Council Officers as required by the U.S. Department of Housing and Urban Development, 24 Code of Federal Regulations (CFR), Part 964.

Date of Last Resident Council Board Election: _____

_____
(Name and Title of Certifying Housing Agency Official)

_____
(Signature) (Date)

_____
(Name and Title of Independent Third-Party Monitor)

_____
(Signature) (Date)

NOTARY (*Signature & Date*) _____

FY 2000 Resident Service Delivery Models Applicant: _____

List of Resident Associations Participating			
Name of the Resident Association	Contact Person	Address, City & State	Housing Authority

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed RSDM activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and **implementing** regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act,* Title VI of the *Civil Rights Act of 1964,* section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975.*

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2000.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

Chart A: RSDM GRANT STAFFING

Applicant Name: _____

I. APPLICANT STAFF

Name of Staff Person	Organization and Position	Role in Grant Program	Percent of Time on Grant	Cost to Grant
Budget line item 2005 Program Coordination				

II. CONTRACTOR/CONSULTANT ROLE

Type of Contractor to be Solicited	Role in Grant Program	Estimated Cost to Grant Program

III. Contract Administrator

Budget Line Item 9300 Contract Administrator		

Chart B: RSDM Applicant/Administrator Track Record
Applicant: _____

Program	Project No.	% of Term Complete	% of Funds Draw Down	Major Goal #1	% Complete	Major Goal #2	% Complete

ROSS FY 2000 FUNDING
RESIDENT SERVICE DELIVERY MODELS

Chart C
RSDM SUMMARY BUDGET LINE ITEMS

Applicant Name:_____ **Date:**_____

Please check specific budget amounts for each line item. These budget line items and amounts will be programmed into HUD's Line of Credit Control System (LOCCS) for designating and tracking uses of grant drawdowns.

BUDGET LINE ITEM		AMOUNT
2005	**Program Coordinator**	_____
2010	**Physical Improvements**	_____
2020	**Entrepreneur Business Development**	_____
2021	Establishing A Revolving Loan Fund	_____
2022	Developing a Credit Union	_____
2030	**Business Development**	_____
2031	Develop Business Plan	_____
2032	Conduct Market Analysis	_____
2033	Secure Licensing, Insurance, Bonding	_____
2034	Training Related to Resident Owned Business	_____
2035	Establishment of Resident Managed Business Development	_____
2040	**Resident Organization Development Activities**	_____
2041	Organize Community	_____
2042	Operating Procedures	_____
2043	Develop MOU	_____
2044	Develop Plan for Technical Assistance	_____
2045	Consultant Contracts	_____
2046	Self Sufficiency Programs	_____
2050	**Resident Management**	_____
2051	Conduct Feasibility Study	_____
2052	Secure Training/Skills/Expertise	_____
2053	Develop MOU	_____
2054	Consultant	_____
2055	Secure T/A to Draft Contract	_____
2056	Negotiate Contract with PHA	_____
2057	Conduct Resident Training Preparation	_____

SUMMARY BUDGET INFORMATION (continued)

2060	**Self Sufficiency Program**	_____
2061	Program Coordinator	_____
2062	Physical Improvements	_____
2063	Employment and Job Readiness	_____
2064	Job Training	_____
2065	Management Related Employment Training	_____
2066	Vocational Training	_____
2067	Technical Assistance	_____
2070	**Family Supportive Services**	_____
2870	**Elderly Supportive Services**	_____
9100	**Travel Costs**	_____
9200	**Other Resident Costs (Stipends, Reimbursements)**	_____
9300	**Contract Administrator**	_____
9400	**Administrative and Other Costs**	_____

CHART D: RSDM Budget Workplan Summary – Part I

Applicant Name:

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2005 Program Coordinator **TOTAL: $**				
2010 Physical Improvements **TOTAL: $**				
2020 Entrepreneur Bus. Dev. **TOTAL: $**				
2021 Establish a Revolving Loan Fund				
2022 Develop a Credit Union				
2030 Business Development **TOTAL: $**				
2031 Develop Business Plan				
2032 Conduct Market Analysis				
2033 Secure Licensing, Insurance, Bonding				

CHART D: RSDM Budget Workplan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: Housing Authority, Contractor, Subgrantee, or other partners)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2034 Training Related to Resident Owned Business				
2035 Establishment of Resident Managed Business Development				
2040 Resident Organization Development Activities **TOTAL: $**				
2041 Organize Community				
2042 Operating Procedures				
2043 Develop MOU				
2044 Develop Plan for Technical Assistance				

CHART D: RSDM Budget Workplan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2045 Consultant Contracts				
2046 Self Sufficiency Programs				
2050 Resident Management **TOTAL: $**				
2051 Conduct Feasibility Study				
2052 Secure Training/Skills/ Expertise.				
2053 Develop MOU				
2054 Consultant				

CHART D: RSDM Budget Workplan Summary – Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2055 Secure T/A to Draft Contract				
2056 Negotiate Contract with PHA				
2057 Conduct Resident Training Preparation				
2060 Self Sufficiency Program **TOTAL: $**				
2061 Program Coordinator				
2062 Physical Improvements				
2063 Employment and Job Readiness				

CHART D: RSDM Budget Workplan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
2064 Job Training				
2065 Management Related Employment Training				
2066 Vocational Training				
2067 Technical Assistance				
2070 Family Supportive Svs **TOTAL: $**				
2870 Elderly Supportive Svs **TOTAL: $**				
9100 Travel Costs **TOTAL: $**				
9200 Other Resident Costs (Stipends, Reimbursements) **TOTAL: $**				

CHART D: RSDM Budget Workplan Summary -- Part I (continued)

BUDGET LINE ITEM For each bolded line item, enter total grant funds	ACTIVITIES (Identify lead agency: housing authority, contractor, subgrantee, etc)	RSDM GRANT FUNDS	NON-RSDM/ PARTNER FUNDS	ACTIVITY START/END DATE
9300 Contract Administrator **TOTAL: $**				
9400 Admin. & Other Costs **TOTAL : $**				

Chart D: RSDM Budget Workplan Summary - Part II

Please insert below the totals for each Summary Budget Line Item to be included in your grant. These totals can be found in the far left column on Part I of the chart above.

SUMMARY BUDGET LINE ITEMS	RSDM GRANT TOTAL
2005 Program Coordinator	$
2010 Physical Improvements	$
2020 Entrepreneur Business Development	$
2030 Business Development	$
2040 Resident Organization Development Activities	$
2050 Resident Management	$
2060 Self Sufficiency Programs	$
2070 Family Supportive Services	$
2870 Elderly Supportive Services	$
9100 Travel Costs	$
9200 Other Resident Costs (Stipends, Reimbursements, etc.)	$
1060 Supportive Services	$
9100 Travel Costs	$
9300 Contract Administrator	$
9400 Administrative and Other Costs	$
TOTAL of all RSDM Funds Requested	$

ROSS FY 2000 FUNDING SERVICE COORDINATORS

APPLICANT CHECKLIST

I CERTIFY that the following application checklist is complete and that it accurately reflects the contents of my application.

Signed this _____ day of _____, 2000.

By : _____
Applicant Chief Executive Officer or Other Authorized Representative

For Applicant: _____

Submit a copy of this form with your application.

- ❑ **Cover Materials (See Part II or Part VII of this application kit for some forms in this tab.)**
  - ❑ Application Checklist
  - ❑ Application Cover Sheet
  - ❑ Request Letter
  - ❑ Lead agency letter form (if applicable)
  - ❑ Application for Federal Assistance - Standard Form SF-424
  - ❑ Federal Assistance Funding Matrix - Standard Form 424-M
  - ❑ Budget Information – Non-Construction Programs – Standard Form SF-424A
  - ❑ Assurances – Non-Construction Programs (Form SF-424B)
  - ❑ Chart A: Summary Budget Line Items
- ❑ **TAB 1: Threshold Requirements**
  - ❑ Elderly Housing Development Certification
  - ❑ Accessible Community Facility evidence and description
  - ❑ Match Agreements – not less than 25% of grant amount
  - ❑ Certification of Consistency and Compliance with General SuperNOFA Threshold Requirements

ROSS FY 2000 FUNDING
SERVICE COORDINATORS

- **TAB 2: Certifications and Assurances (See Part VII of this application kit.)**
  - Certification for a Drug-Free Workplace (Form HUD–50070)
  - Certification of Payments to Influence Federal Transactions (Form HUD-50071)
  - Disclosure of Lobbying Activities (Form SF- LLL) and Disclosure of Lobbying Activities Continuation Sheet (Form SF-LLL-A)
  - Applicant/Recipient Disclosure/Update Report (Form HUD-2880)
  - Certification or Disbarment and Suspension (Form HUD–2992)
  - Acknowledgement of Application Receipt

ROSS FY 2000 FUNDING
SERVICE COORDINATORS

REQUEST LETTER FORMAT

Dear _____ Date:_____
Director, Public Housing

The following is my request for a one-year Service Coordinator renewal grant. I am requesting a total grant amount of $_____.

I. APPLICANT AND DEVELOPMENT(S)

1. PHA name and address:

2. Development name(s) and address(s):

_____

_____

_____

3. Development number(s) and Congressional District(s):

_____

_____

_____

4. Did you have a FY 1995 Elderly Service Coordinator grant? ___Yes ___No.

II. DEVELOPMENT INFORMATION

1. Total Number of Units Occupied by the Elderly and/or Persons with Disabilities: ___.

2. Total Number of Residents: ___.

3. Estimated Number Frail Elderly and Persons with Disabilities: ___.

4. Estimated Number At-Risk Elderly: ___.

5. Applicant will contract out for a Service Coordinator. ___Yes ___No

6. Development will share a Service Coordinator with other development(s) or applicant(s). ___Yes ___No

If yes, please give name and address of the development(s) and applicant(s), if different.

_____

_____

_____

7. Total number of Service Coordinators to be funded by the grant funds: ___.

III. COSTS

FY 2000 award amounts cannot be higher than the applicant's highest funding and staffing level approved for a one-year period for the applicant's last funded Service Coordinator grant. An increase of up to 2% will be allowed if supported by a narrative justification attached to this Request Letter.

1. **Salary Rate**

a. Determine the base salary level, looking at comparable positions (modified by number of hours worked).

Base salary level $_____

b. Fringe benefits

% of base salary _____%

Dollar value $_____

c. Salary rate

$_____ + $_____ = $_____
base salary fringe benefits salary rate

III. COSTS (continued)

2. **Administrative Costs**

Any administrative costs may amount to no more than 20% of the total grant.

Item	Amount
_____	$_____
_____	$_____
_____	$_____
Total:	$_____

3. **Total Cost**

One-year total costs:

Allowable administrative costs	$_____	+
Annual salary rate	$_____	=
Total Cost	$_____	.

We appreciate your consideration of this request. If there are any questions, your staff may call _____ at _____ for further information.

Sincerely,

_____	_____	_____
Signature	Typed Name	Title

ROSS FY 2000 FUNDING
SERVICE COORDINATORS

TRANSMITTAL LETTER FORMAT FOR DESIGNATED LEAD AGENCY

If more than one public housing agency is proposing to share a service coordinator, one agency **must** designate itself the "lead." This agency must submit a letter following this format on organization letterhead, signed by an authorized person.

Dear _____ _____
Director, Public Housing Date

The following PHAs are jointly submitting a single Service Coordinator application:

_____

_____

This request includes _____ (specify the number) developments, which will share a Service Coordinator. The developments are:

Development Name and Address	Amount Requested ($)

The completed requests from each of these ___(specify number)____ applicants are attached to this letter.

Sincerely,

_____
Signature

_____
Typed Name

_____
Title

ROSS FY 2000 FUNDING
SERVICE COORDINATORS

Applicant:_____ **Date:**_____

THRESHOLD REQUIREMENTS

The Grants Management Center (GMC) will conduct a threshold review to determine your eligibility. Under the threshold review, you will be rejected from the competition if you are not in compliance with the threshold requirements.

1. Elderly Housing Development Certification. You must certify that at least 25% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly persons with disabilities at the time of the application.

SERVICE COORDINATOR
ELDERLY HOUSING DEVELOPMENT CERTIFICATION

I CERTIFY that ____% of the residents in the development(s) proposed for grant activities are elderly and/or non-elderly people with disabilities at the time of application; thereby meeting or exceeding the 25% requirement.

Signed this _____ day of _____, 2000

By:_____
Applicant Executive Director or other Authorized Representative

For:_____
Applicant Name

ROSS FY 2000 FUNDING
SERVICE COORDINATOR

CERTIFICATION OF CONSISTENCY AND COMPLIANCE WITH GENERAL SUPERNOFA THRESHOLD REQUIREMENTS

I CERTIFY that the proposed Service Coordinator activities will be consistent with the following and comply with all statutes, regulations, and U.S. Department of Housing and Urban Development guidance related to the following:

1. **Economic Opportunities for Low and Very Low-Income Persons.** Section 3 of the *Housing and Urban Development Act of 1968*, 12 U.S.C. sec. 1791u, Economic Opportunities for Low and Very Low-Income Persons; HUD regulations at 24 CFR part 135, including but not limited to subpart E and G reporting requirements; and any Section 3 employment, housing opportunity, or other plan adopted by the Housing Agency.

2. **Affirmatively Furthering Fair Housing.** Affirmative duty to further fair housing, including elimination of impediments to fair housing; the local jurisdiction or regional Analysis of Impediments to Fair Housing Choice; and the affirmative duty to carry out activities proposed specifically in the RMBD application to address the furtherance of fair housing.

3. **Uniform Relocation.** *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended (URA) and implementing regulations at 49 CFR part 24.

4. **Nondiscrimination.** The *Americans with Disabilities Act*, Title IX of the *Education Amendments Act of 1972*, *Fair Housing Act*, Title VI of the *Civil Rights Act of 1964*, section 504 of the *Rehabilitation Act of 1973*, and the *Age Discrimination Act of 1975.*

5. **Cost Principles.** OMB Circular No. A-122 (Cost Principles for Nonprofit Organizations) or OMB Circular No. A-87 (Cost Principles for Local Units of Government), as appropriate.

Signed this _____ day of _____, 2000.

By:_____
Applicant Chief Executive Officer or Other Authorized Representative

For: _____
Applicant

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OUTREACH AND ASSISTANCE TRAINING GRANTS (OTAG)

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR OUTREACH AND TRAINING ASSISTANCE GRANTS (OTAG)

Program Overview

Purpose of the Program. OTAG funds are used to provide technical assistance for tenants or tenant groups in properties with project-based rental assistance contracts that are nearing expiration and properties whose tenants have received notice that the owner intends to prepay its HUD-insured mortgage. Funds are available to conduct outreach and training activities for HUD tenants in such properties, under section 514(f)(3) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRA''). Section 534 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, amended section 514(f)(3) to extend technical assistance to below-market properties.

Available Funds. Approximately $6.0 million.

Eligible Applicants. Any resident-controlled non-profit organization, community-based organization and public entities may apply for and receive OTAG grant assistance in accordance with section 514 of the MAHRA Act of 1997 and this SuperNOFA.

Application Deadline. **April 26, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Applications Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (one original and two copies) on or before **12:00 midnight, Eastern time,** on **April 26, 2000,** to the address shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and two copies) to: The Office of Multifamily Housing Assistance Restructuring, Attn: Victor Lambert, 1280 Maryland Avenue, SW, Suite 4000, Washington, DC 20024. When submitting your application, please refer to OTAG, and include your name, mailing address (including zip code) and telephone number (including area code).

For Application Kits. For an application kit and any supplemental materials please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. The application kit also will be available on the Internet through the HUD Web site at http://www.HUD.gov. When requesting an application kit, please refer to OTAG and provide your name, address (including zip code), and telephone number (including area code).

For Further Information and Technical Assistance. You may contact Victor Lambert at (202) 708–0001 (ext. 3779). Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free. Mr. Lambert can also be reached via the Internet at victor__r.__lambert@HUD.gov.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

HUD has available a maximum of up to $6.0 million for the OTAG program, as appropriated in Pub. L. 105–65, ''Multifamily Assisted Housing Reform and Affordability Act of 1997'' (MAHRA), (Title V–HUD Multifamily Housing Reform, Subtitle A—Section 514—Mortgage Restructuring and Rental Assistance Sufficiency Plan), amended by section 534 of the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2000.

III. Program Description; Eligible Applicants; Eligible Activities; Ineligible Activities

(A) *Program Description.* The Mark-to-Market (M2M) OTAG program was created in 1998 to provide funds to organizations to conduct outreach and training development for HUD tenants in properties eligible to participate in the M2M program. Six million dollars was made available under the M2M OTAG program. Section 534 of the FY 2000 Appropriations Act added below market properties to the categories of properties for which technical assistance is available to tenants under section 514(f)(3) of MAHRA. Therefore, this OTAG section of the SuperNOFA is intended to make up to an additional $6 million available to ensure that the residents of all eligible properties receive technical assistance. The technical assistance is intended to allow the tenants to (1) participate meaningfully in changes occurring at the property and (2) affect decisions about the future of their housing. For geographic areas in which no OTAG grantee was selected for an OTAG grant in 1998, HUD is seeking applicants to provide services to tenants in all properties described in the Program Overview section, above. For geographic areas in which an OTAG grantee was selected in 1998, that grantee may apply for additional funding necessary to provide services to below-market properties in addition to the M2M properties for which the OTAG grantee is currently providing services under the 1998 NOFA. A list of the grantees from the 1998 OTAG funding competition, specifying the geographic area served is provided in Appendix A.

(B) *Eligible Applicants.* (1) An organization applying for OTAG funding must be:

(a) A resident-controlled nonprofit organization with a majority of the board consisting of residents of HUD assisted housing, and have at least two years of experience in resident organizing and education;

(b) A Community-Based Organization (CBO), with at least two years of experience in resident organizing and education; or

(c) A public entity such as: Community action, legal service, and fair housing counseling agencies; state and local government agencies; and intermediaries.

(2) These grants will be awarded on a community-, city-, county-, multi-county-, or state-wide basis. Approved grantees must initiate an outreach program that will identify, deliver training to, and develop a process to organize the unorganized residents of eligible low-income housing so they can participate in the changes occurring at the property and understand the options available to them. If your group is applying for an OTAG you must have at least two years of experience in organizing and training tenants to create a tenant organization that is able to keep tenants informed of their rights and responsibilities under Section 8, or have an affiliation with an organization that has such experience. However, the affiliated organization providing the experience must *not* have influence over your decision making.

(3) All funds expended under this program section of the NOFA must be used for tenant activities as described later in this program section.

(4) The definition of a CBO is: A private nonprofit organization that:

(a) Is organized under state or local laws;

(b) Has no part of its earnings accruing to the benefit of any member, founder, contributor, or individual;

(c) Is neither controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization;

(d) Does not include a public body (including the participating jurisdiction) or an instrumentality of a public body. The state or local government may not have the right to appoint more than one-third of the membership of the CBO's governing body and no more than one-third of the board members can be public officials;

(e) Has a standard of financial accountability that conforms to 24 CFR part 84;

(f) Has among its purposes the provision of decent housing that is affordable to low-income and moderate-income persons, as evidenced in its charter, articles of incorporation, resolutions or by-laws;

(g) Is accountable to low-income community residents by:

(i) Having at least one-third of its governing board's membership consisting of low-income neighborhood residents, other low-income community residents, or elected representatives of low-income neighborhood organizations. For urban areas, ''community'' may be a neighborhood or neighborhoods, town, village, county, or multi-county area or state; and

(ii) Providing a formal process for low-income program beneficiaries to advise the CBO on its decisions regarding the acquisition, rehabilitation and management of affordable housing.

(C) *Eligible Activities.* An applicant must identify its specific jurisdiction and the activities it will undertake to accomplish its objectives. Activities for OTAGs can include:

(1) Identifying residents and resident groups living in eligible properties. Eligible properties include any property with an expiring Section 8 contract that may not be renewed and properties whose tenants have received notice that the owner intends to prepay its HUD-insured mortgage;

(2) Providing outreach and training to tenants to explain the changes to the Section 8 contract renewal or the impact the non-renewal will have on tenants;

(3) Organizing residents of eligible low-income housing so the tenants can effectively participate in the decision making resulting from the changes in the rental assistance or changes in the building's ownership;

(4) Performing outreach, training, and counseling consisting of fair housing counseling, which may include teaching sound housing management, maintenance, and financial management and requirements of the Fair Housing Act, to residents and resident groups living in eligible OTAG properties;

(5) Delivering project-based, community-, city-, county-, or state-wide training programs on resident homeownership options;

(6) Establishing an information clearinghouse as a resource to resident organizations, community groups and potential purchasers within their assigned jurisdiction;

(7) Creating informational materials about changes to current Section 8 contracts for local/state-wide distribution;

(8) Assisting tenants and others approved by HUD to understand their rights under the Section 8 renewal or opt-out process;

(9) Educating parties outside the Department (including but not limited to appraisers, financial institution officials, state and local government officials, community groups, and owner entities) about changes to Section 8 contracts, impacts on the property, and the OTAG process;

(10) Reimbursing the expenses of individual tenants necessary to attend tenant meetings, limited to child care and transportation (the grantee shall multiply $1.00 times the number of units in the building to determine the total amount of funds available for reimbursement; tenants attending the meeting may be reimbursed for actual expenses, with the aggregate reimbursement not to exceed this amount.);

(11) Purchasing of computers that are necessary for the proposed activities of this grant (reimbursement shall be limited to $1,000); and

(12) Other activities approved by HUD, which will further the purposes of the grant.

(D) *Ineligible Activities.*

(1) Purchase of land or buildings or any improvements to land or buildings or real estate brokering fees;

(2) Activities already being performed or that would result in duplication of funding;

(3) Activities completed prior to date funding is approved under this NOFA;

(4) Activities that do not meet the purposes and intent of this NOFA; and

(5) Entertainment, including associated costs such as food and beverages, including refreshments and supplies for organizational meetings.

IV. Program Requirements

(A) *Reporting Requirements.* OTAG Grantees must submit a quarterly performance report to the Director of the Office of Multifamily Housing Assistance Restructuring, 1280

Maryland Avenue, SW, Suite 4000, Washington, DC, 20024, which lists the properties and number of tenants assisted by the OTAG activities being performed that quarter. These reports must identify activities conducted, beneficiaries of assistance provided, evidence of information provided tenants informing them of meetings and their responsibilities and specific results achieved.

(B) *Auditing Requirements.* OTAG grantees must have an accounting system that meets the OMB requirements for financial management systems in 24 CFR part 84.

All accounting and other records associated with OTAG administration must be made available to HUD or its designee upon request.

(C) *Conflict of Interest (CI) Requirements.*

(1) Funds received under the OTAG program shall not be used to supplant or duplicate other resources for the proposed activities. In carrying out your duties under this program, you must avoid even the appearance of a conflict of interest. All executives, board members, key management personnel, or any other person or entity with direct or indirect control, are required to execute a Conflict of Interest Certification at the time of execution of your Grant Agreement and on each anniversary date of execution.

(2) If you are providing services under your Grant Agreement that are related to a specific property, and any group related to that property receives grant funds under an Intermediary Technical Assistance Grant (ITAG) program, you must cease billing for activities related to that property under the Grant Agreement within 30 days.

(3) If you provide any services (e.g., consultant) to any property or entity that receives ITAG or OTAG funding, they must report such services and the compensation received for such services in the reports submitted under the Grant Agreement. All OTAG and consultant services under an OTAG grant must be maintained with separate records and funds cannot be co-mingled.

(4) You may only receive funding under another technical assistance grant program (i.e., Public Entity Grants) if the proposed activities qualify under the terms of such grants and do not duplicate activities eligible under your OTAG's Grant Agreement.

(D) *Funding Requirements.* The competition in this program is for up to $6.0 million to fund resident-controlled nonprofit organizations, community-based organizations and public entities in the pursuit of OTAG activities. Up to $6.0 million will be awarded in Fiscal Year 2000, but will be utilized for OTAG technical assistance activities for a period ending September 30, 2001. This period may be extended through the termination date of MAHRA, if MAHRA is extended beyond this date.

(E) *Grant Requirements.* HUD will accept OTAG applications that propose a term of up to three successive years. Your statement of work should propose activities for a one year period of time. The term of your grant begins on the date of the execution of your grant agreement and will be for a period of one year and may be renewed annually for no more than a total of three years. The grant period will only be extended if the term of MAHRA is extended beyond September 30, 2001. The renewal will be based upon demand for TA for tenants and your ability to perform the work stated in your application submission (which must be approved by HUD), and the availability of funds. Your proposed annual grant amount should not exceed $150,000. For grantees that received an award under the 1998 OTAG portion of the SuperNOFA, the proposed annual grant amount should only reflect additional funding necessary to provide services to below-market properties in addition to the M2M properties already being serviced under the 1998 OTAG grant. Your grant may be terminated if you fail to complete the activities proposed for the initial one year grant period. HUD reserves the right to give the funds taken from a grantee to another grantee, if HUD determines that the other grantee has greater demand and the capacity to meet such demand. In carrying out all activities associated with the grant, grantees shall act on behalf of HUD, and at all times act in HUD's best interest.

V. Application Selection Process

Two types of reviews will be conducted: (1) A threshold review to determine applicant eligibility; and (2) evaluation of your response to the factors for award described below.

(A) *Threshold Criteria For Funding Consideration.* Under the threshold review, your application will be ineligible for the competition if you are not in compliance with the requirements of the **General Section** of the SuperNOFA and if you do not qualify as an Eligible Applicant as defined in Section III(B) of this OTAG Section of the SuperNOFA.

(B) *Factors For Award Used To Evaluate and Rate Applications.* The factors for rating and ranking applicants, and maximum points for each factor, are provided below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity (25 Points)

HUD will rate your application based on your organization's capacity and staffing to carry out activities of the kind proposed in your application. In rating this factor HUD will consider the extent to which your proposal demonstrates:

(1) **(5 points)** The knowledge and direct experience of your proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of programs for which you are requesting funding. You will be judged in terms of relevant and successful experience over the last five years in undertaking eligible program activities. You must demonstrate you have sufficient personnel, or access to qualified experts or professionals, to enable you to deliver your proposed activities in each proposed service area in a timely and effective fashion. Judgment of your capacity also includes the readiness and ability of your organization to immediately begin your proposed work program.

(2) **(5 points)** Your experience in managing programs similar in scope or nature directly relevant to the work activities proposed and ability to carry out grant management responsibilities. If you have managed large, complex, interdisciplinary programs, you should include the information as it will be used as evidence of your organization's management abilities.

(3) **(5 points)** If you received OTAG funding in previous years, your past experience will be evaluated in terms of your ability to attain demonstrated measurable progress in the implementation of your most recent grant awards, as measured by your rate of draw down of funds and expenditures and measurable progress in achieving the purpose for which funds were provided. You should indicate the name of the properties at which you have organized residents or educational workshops you have conducted. If you currently have an on-going grant with HUD, you must be able to demonstrate how you will be able to manage a new grant in addition to your existing grant(s). If your organization has not previously been an OTAG, indicate your organization's ability to identify and organize residents and conduct educational workshops for tenants of eligible OTAG properties. Training is to be conducted in a reasonable time period, within budget, and in an effective manner. This criterion can be demonstrated through past performance, as evidenced by

previous experience and success in outreach, training, recruitment, counseling, and development of tenant nonprofit organizations. References should be included that indicate groups of individuals, entities, and projects that received training, along with contact information.

(4) **(5 points)** Applicants that can demonstrate they have the staff capacity to cover state-wide Outreach and Training activities will receive a greater number of points than applicants who can only provide assistance to smaller area(s) within a state. Any applicant that can clearly demonstrate the ability to cover the entire state will receive 5 points. Applicants who propose to cover less than the entire state will receive proportionally fewer points.

(5) **(5 points)** Your fiscal capability in meeting the reporting and audit requirements of 24 CFR part 84 under past awards. The ability of your key staff to handle, manage, and adequately account for financial resources, and to use acceptable financial control procedures, demonstrated through your past performance with federal, state or local funds, or if you had not previously been an OTAG, ensure that you can meet the requirements. Your ability to maintain records and report to HUD on the types of TA services provided, the locations served and the beneficiaries of the TA, as well as your ability to identify Best Practices or innovative approaches and document approaches in a manner that others can use to help create or organize tenant groups. If you, or any staff person or consultant associated with your organization, intends to seek other technical assistance funding, as a consultant or by any other means, under section 514 of MAHRA (i.e. Intermediary Technical Assistance Grant program), you must demonstrate that you can maintain the financial systems required to avoid even the appearance of a conflict of interest or duplication of funding. Evidence of meeting this criteria can be shown by the demonstrated performance of a recent audit review of your organization or consultant or a satisfactory HUD Field Office Management Review.

Rating Factor 2: Need/Extent of the Problem (25 Points)

This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the urgency of meeting the need in the area you targeted for assistance. Need will be evaluated based on the number of properties with project-based assistance in the geographic area for which you propose to provide services and in which the HAP contracts expire between January 2000 and December 31, 2003. Points will be awarded based on the following:

Number of projects with project-based assistance	Points awarded
600 and over	15
400–599	12
300–399	10
200–299	8
100–199	6

Additional points will be awarded based on the number of properties in which the owner has opted-out of the Section 8 contract within the geographic area in the period from 1997–1999.

Section 8 opt-out properties 1997 total	Points
30+	10
20–29	6
10–19	4
5–9	2
1–4	1

A list of projects with project-based assistance and a list of properties in which the owner opted out of Section 8 will be made available with the application kit.

Rating Factor 3: Soundness of Approach (30 Points)

This factor addresses the quality and cost-effectiveness of your proposed work plan. There must be a clear relationship between your proposed activities, community needs and the purpose of the program funding to receive points for this factor. This factor will be evaluated based on the extent to which your proposed activities will:

(1) **(10 points)** Help solve or address an urgent need or problem in the area identified in Rating Factor 2. The impact of the activity will be evaluated, including the tangible benefits to be attained by the properties in the geographic area being applied for, and by the target population, including affirmatively furthering fair housing for classes protected under the Fair Housing Act. You will receive a greater number of points if your activities aid a broad diversity of eligible client or beneficiary groups, including those that have been traditionally underserved, and help increase community awareness in a culturally sensitive manner through education and outreach. HUD will consider, within the context of your program, the extent to which your activities are providing for geographic coverage for articulated needs, and will assist or result in a community taking actions to overcome the effects of problems created by the expiration of project-based section 8 assistance.

(2) **(10 points)** Achieve the purposes of the program for which funding is requested and result in measurable accomplishments that are consistent with the purposes of the program.

(3) **(10 points)** Be undertaken using technically competent methodologies for conducting the work to be performed and using a cost effective plan for designing, organizing and carrying out the proposed activities. The proposed cost estimates should be reasonable for the work to be performed and consistent with rates established for the level of expertise required to perform the work in the proposed geographic area.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community assets, resources and/or financing to achieve program purposes. In evaluating this factor HUD will consider:

(1) **(5 points)** The extent to which you have leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to help you implement your program activities.

(2) **(5 points)** The extent to which you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include, but are not limited to, funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions or other entities that are willing to partner with the applicant on proposed activities in order to leverage resources, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by the award either within the community or within the field office jurisdiction in which activities are occurring. You may partner directly or in concert with others to more effectively address needs of underserved populations, rural areas, minority groups or other client groups that need attention either in the target area or the area covered by the field office jurisdiction in which the activities are to take place.

Evidence of commitment must include letters of firm commitment signed by the chief executive officer of organizations legally able to commit the organization, indicating the dollars or in-kind services or donations to be provided to the applicant to conduct your program activities. Letters of commitment, memoranda of understanding, or agreements to

participate must be signed by an official of the organization legally able to make commitments for the organization. The greater the leverage, the higher the number of points awarded.

Rating Factor 5: Comprehensiveness & Coordination (10 Points)

This factor addresses the extent to which the applicant coordinates its activities with other known organizations, participates or promotes participation in a community's Consolidated Planning process, and is working toward addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. In evaluating this factor, HUD will consider the extent to which you can demonstrate that you have:

(1) **(4 points)** Coordinated your proposed activities with other groups or organizations prior to submission of your application to best complement, support and coordinate all known activities, and outline the specific steps you will take to share information on solutions and outcomes with others. You must submit any written agreements or memoranda of understanding that will be in place after the award has occurred.

(2) **(3 points)** Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities the applicant proposes. In the case of technical assistance providers, you should describe the specific steps you will take to work with recipients of technical assistance services to inform them of, and get them involved in, the community's Consolidated Planning process. The Department will review more favorably applicants who can demonstrate they are active, will become active, or in the case of technical assistance providers, work with recipients of technical assistance to get them involved in the local Consolidated Planning (CP) process.

(3) **(3 points)** Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other federal, state or locally funded activities, including those proposed or on-going in the community.

(c) The HUD Field Office that has responsibility for the projects in which you will carry out activities.

(C) *Selections.* HUD will review each OTAG application and assign up to 102 points, in accordance with the criteria described in this Section. After rating, the staff will rank the applications received from applicants in geographic areas that did not receive funding in the 1998 NOFA according to score and will fund them in rank order. The staff will then rank the applications received from applicants that received funding in the 1998 NOFA, and to the extent that funds remain, will fund them in rank order.

Funds will be awarded based upon the highest scores, which represent the best overall assessment of the potential of the proposed work activities for achieving the principal objectives of this competition. Applicants not found to be technically qualified will not be considered for funding. If two or more applications have the same number of points, a resident-controlled (51 percent or more of Board participation by HUD tenants) nonprofit organization will receive priority rating over a nonprofit organization that is not resident-controlled.

HUD reserves the right to make selections out of rank order to provide for geographic distribution of funded OTAGs. The approach HUD will use, if it decides to implement this option, will be to award to the highest ranked applicant in a state, and to fund the next highest ranked applicants in another state before duplicating funding for any one state.

After all applications have been rated and ranked and selections have been made, HUD may require that all winners participate in negotiations to determine the specific terms of the Statement of Work and the grant budget. In cases where HUD cannot successfully conclude negotiations, or a selected applicant fails to provide HUD with requested information, awards will not be made. In such instances, HUD may elect to offer an award to the next highest ranking applicant. After award but before grant execution, winners will be required to provide a certification from an Independent Public Accountant or the cognizant government auditor, stating that the financial management system employed by the applicant meets prescribed standards for fund control and accountability required by OMB Circular A–133, Uniform Administrative Requirements for Grant Agreements With Institutions of Higher Education, Hospitals, and other Non-Profit Organizations, Revised OMB Circular A–110, or 24 CFR part 85 for states and local governments, or the Federal Acquisition Regulations (for all other applicants). This information should contain the name and telephone number of the Independent Auditor, cognizant federal auditor, or other audit agency, as applicable.

VI. Application Submission Requirements

(A) Your OTAG application must contain the items listed in this Section VI(A). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. (Some programs in this SuperNOFA, in addition to the standard forms use additional forms (i.e., excluding such items as narratives to the rating factors, letters, etc.) that are referred to as the ''non-standard forms.'' This program does not use any non-standard forms.) The application items are as follows:

(1) Application for Federal Assistance, SF–424;

(2) Federal Assistance Funding Matrix, HUD–424M;

(3) Budget Information, SF–424A;

(4) Assurances for Non-Construction, SF–424B

(5) Certification of Drug-Free Workplace, HUD–50070;

(6) Disclosure of Lobbying Activities, SF–LLL (if applicable);

(7) Applicant/Recipient Disclosure/Update Form, HUD–2880;

(8) Certification Regarding Debarment and Suspension, HUD–2992;

(9) Certification of Consistency with the EZ/EC Strategic Plan, HUD–2990 (if applicable);

(10) A narrative response to Rating Factor 1—Capacity. Information about applicant, including your history, staff qualifications, and experience **(two page limit),** including any written agreements or signed letters of understanding in support of Rating Factor 1;

(11) In response to Rating Factor 2, a map outlining the proposed geographic area in which you will perform OTAG activities, including your determination of the number of Projects with HAP contract expirations between January 1, 2000 and December 31, 2003 and the number of Section 8 contracts that an owner has opted out of during the period from 1997–1999.

(12) A narrative response to Rating Factor 3, including a proposed plan of activities you will carry out, including your proposed budget to carry out the proposed activities **(two page limit);**

(13) A narrative response to Rating Factor 4, including signed third-party

commitment letters pledging funds in support of Rating Factor 4: ''Leverage of other financial resources'';

(14) A narrative response to Rating Factor 5; and

(15) Acknowledgment of Application Receipt form.

(B) Your application must meet all the applicable threshold requirements of the General Section of this SuperNOFA.

VII. Corrections to Deficient Applications

The General Section of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(c)(9) and (13) and 58.34(a)(9) and 58.35(b)(2), the assistance provided by these programs relates only to the provision of technical assistance and supportive services (up to $6.0 million) and is categorically excluded from the requirements of the National Environment Policy Act and not subject to environmental review under the related laws and authorities. This determination is based on the ineligibility of real property acquisition, construction, rehabilitation, conversion, leasing or repair for HUD assistance under these technical assistance programs.

IX. Authority

Section 514, Multifamily Assisted Housing Reform and Affordability Act of 1997, and section 534 of the Department of Veteran Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2000.

BILLING CODE 4210–32–P

APPENDIX A
1998 OTAG GRANT RECIPIENTS AND THEIR GEOGRAPHIC AREA OF COVERAGE

Geographic Area of Coverage	Organization
Alabama	National Housing Trust
California-Northern	CA Coalition for Rural Housing
California-Los Angeles	LA Center for Affordable Housing
California-San Francisco	SF Housing Rights Committee
Florida	Florida Housing Coalition
Hawaii	Legal Aide Society of HI
Illinois	Tenants United for Housing
Indiana	Indiana Coalition on Housing & Homeless Issues, Inc.
Iowa	Iowa Coalition on Housing
Kansas	Housing Credit Counseling
Kentucky	Homeless/Housing Coalition
Maryland	Legal Aid Bureau, Inc.
Massachusetts-Western	Anti Displacement Project
Massachusetts-Eastern	Mass. Alliance of HUD Tenants
Michigan	National Housing Trust
Minnesota	National Housing Trust
Mississippi	National Housing Trust
Missouri	Housing Comes First
New Jersey	Iron Bound
New York State, minus Bronx & Brooklyn	NY St. Tenants Services
New York - Only Bronx and Brooklyn	NY Legal Aid Bronx/Brooklyn
North Carolina	NC Low Income Housing Coalition
Ohio	Coalition on Homeless
Oregon	Community Alliance
Pennsylvania	Tenant Action Group
Tennessee	National Housing Trust
Texas	Texas Tenants Union
Utah	Crossroads Urban Center
Virginia	VA Poverty Law Center
Washington	The Tenant Union
West Virginia	National Housing Trust
Wisconsin	National Housing Trust

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ECONOMIC DEVELOPMENT INITIATIVE (EDI)

Billing Code 4310-32-C

FUNDING AVAILABILITY FOR THE ECONOMIC DEVELOPMENT INITIATIVE (EDI)

Program Overview

Purpose of the Program. HUD intends the approximately $24.1 million in EDI funds to stimulate economic development by local governments and private sector parties. HUD desires to see EDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. EDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act (as defined in Section III(A)(1) below). An EDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. In FY 2000, two types of projects are eligible for funding: general economic development projects and regional economic development projects.

Available Funds. Approximately $24.1 million is available for EDI grants as follows:

(1) Up to $14.1 million for proposals for general economic development projects, and;

(2) Up to $10.0 million for regional economic development projects.

Eligible Applicants. Eligible applicants are Community Development Block Grant entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban counties as defined in 24 CFR 570.3 and 570.307 may apply for funding, but units of general local government which participate in the Urban County may not submit an application independent of the Urban County.

Application Deadline. **May 24, 2000**.

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Please submit your completed applications (one original and two copies) on or before **12:00 midnight, Eastern time,** on **May 24, 2000,** to the addresses shown below. *In your transmittal letter, please indicate whether you are applying for funding as a general economic development project or a regional economic development project.*

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and one copy) to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: **EDI Grant,** by mail or hand delivery.

To the Appropriate CPD Field Office. At the same time you submit your application to HUD Headquarters, you must submit an additional copy of your application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction.

When submitting your application, please refer to **EDI**, and include your name, mailing address (including zip code) and telephone number (including area code).

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800-HUD–8929. When requesting the application kit, please refer to **EDI**. Please provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209 to obtain an application kit.

For Further Information and Technical Assistance. You may contact either Tony Johnston or Paul Webster of the Office of Economic Development Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410; telephone (202) 708–1871 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

See the **General Section** of this SuperNOFA for guidance on the provision of technical assistance for EDI grants. The Section 108 Loan Guarantee program is not a competitive program and therefore is not subject the HUD Reform Act. HUD staff will be available to provide advice and assistance to develop your Section 108 loan applications.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

A maximum of $24.1 million is available for the EDI program for FY 2000, as appropriated in Pub.L. 106–74, the FY 2000 HUD Appropriations Act.

If any additional funds become available during Fiscal Year 2000, HUD may either fund additional applicants in accordance with this program section of this SuperNOFA or may add these funds to any future EDI competitions. If additional funds are used for this competition, they shall be distributed in proportion to the demand for funds in general economic development projects and regional economic development projects. Eligible applications in both categories will be funded in rank order.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* EDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act (as defined in Section III(A)(1) below) for the same project, or to improve the viability of the project financed with the Section 108-guaranteed loan. An EDI grant must be used in conjunction with a new Section 108 guaranteed loan commitment. Both Section 108 loan guarantee proceeds and EDI grant funds are initially made available by HUD to public entities approved for assistance. Such public entities may re-loan the Section 108 loan proceeds and provide EDI funds to a business or other entity to carry out an approved economic development project, or the public entity may carry out the eligible project itself. In either case, EDI grant funds and the 108 proceeds must be used together to support the same eligible project.

In addition to funding general economic development projects, HUD is announcing for FY 2000 its intention to target a specific amount for regional economic development projects. Regional economic development projects are those which demonstrate broad economic benefit to a region and result from a project undertaken by combinations of units of general local governments formalized through an executed inter-municipal agreement among the participants. HUD believes such projects are deserving of special consideration based on their cross-jurisdictional and regional benefits,

including the generation of collateral economic development, tax revenues and jobs. The inter-municipal or cooperative agreement must authorize one of the participating units of general local government to serve as the lead applicant for the FY 2000 EDI grant application. To the maximum extent possible, HUD will deal exclusively with the lead entity with respect to issues of coordination, program administration, execution of grant agreements and loan documents.

One application shall be submitted for each regional economic development project which must consist of two parts: Part I, Lead Applicant's Submission, must include a Cooperative Agreement which stipulates a workplan for the regional economic development project. The Cooperative Agreement must be executed by the chief executives of the participating jurisdictions. The Cooperative Agreement workplan must indicate the overall purpose, objectives and accomplishments expected from carrying out the project. Your application shall also include the Standard Form 424, the required certifications signed by the lead applicant, and other materials as described in Section IV(D) of this program section of this SuperNOFA. The lead applicant shall be responsible for coordinating actions of the workplan with respect to timing and scheduling. Part II of the application, Participating Members' Plans, shall contain discrete EDI and Section 108 loan guarantee requests by each participating member identifying activities to be financed by the jurisdiction with grant funds and guaranteed loan proceeds and shall meet the other requirements described more fully in Section VI D(2). The member submission must be consistent with the member's applicable portion of the Cooperative Agreement submitted by the lead applicant. HUD reserves the right to clarify any discrepancies between the lead applicant's submission and the participating member's submission under the provisions regarding technical discrepancies described in the **General Section** of the SuperNOFA. However, if the discrepancies cannot be clarified to the satisfaction of the Department, HUD reserves the right to eliminate the member jurisdiction's application and fund the remaining portions of the application provided the integrity of the regional economic development project is intact. However, if HUD determines the removal of one or more members' applications destroys the integrity or financial feasibility of the economic development project, HUD will disqualify the application from further funding as a regional economic development project. Upon HUD approval of the regional economic development project, each participating partner would be awarded an EDI grant that will be accompanied by a related Section 108 loan guarantee to finance the member's activities under the regional development project. Such activities might be carried out within a participating partner's own jurisdiction, partly in the partner's jurisdiction and partly outside of it, or completely outside of it. If the participating partner carries out an activity outside of its jurisdiction, it must demonstrate that such an activity is necessary to further the community development objectives of the regional economic development project and that reasonable benefits from the activity will accrue to residents within the member's jurisdiction. The participating partner shall document the basis for such determination as part of its plan under Part II of the application. Each participating partner will be expected, if the application is approved, to execute a separate EDI agreement, Section 108 commitment, set of section 108 promissory notes and Contracts for Loan Guarantee Assistance covering the EDI and Section 108 funds to be expended by such jurisdiction.

HUD will rate the regional economic development project as a whole, including the details included in the Cooperative Agreement workplan submitted by the applicant. Economic development projects may include projects where the participating partners invest in one project with each participating partner's role (e.g. specific contributions to the project, funding being provided) demonstrating how the activity is both necessary to further the regional objectives while accruing benefits to residents of the jurisdiction. An economic development project might also include projects carried out within the boundaries of each participating member's jurisdiction where the effect of carrying out the project activities in multiple jurisdictions will create a regional synergy that will result in a reduction or elimination of high poverty levels, high unemployment rates or otherwise support other on-going economic development projects.

HUD reserves the right to determine whether an application qualifies for ranking as a regional economic development project as described above, or meets the general economic development project category.

(1) *Definitions.* Terms used in this program section of this SuperNOFA have the meanings given in 24 CFR part 570 unless otherwise specified.

Act means Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et seq.*).

Application means a single set of documents submitted by an eligible applicant for EDI grant funds accompanied by a Section 108 loan guarantee request in accordance with the provisions of this program section of this SuperNOFA to finance a general economic development project. For a regional economic development project, an *Application* also means a single application submitted by an eligible lead applicant (Part I) and other eligible participating units of general local government (Part II) in accordance with the provisions of this program section of this SuperNOFA to finance activities under the region economic development project.

CDBG funds means those funds collectively defined at 24 CFR 570.3, including grant funds received pursuant to section 108(q) of the Act and this program section of this SuperNOFA.

Economic Development Initiative (EDI) means the competitive award of economic development grant assistance under section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

Economic development project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization. Unless the context indicates otherwise, the term economic development project includes a ''regional economic development project'' as defined below.

Empowerment Zone or Enterprise Community means an urban area so designated by the Secretary of HUD pursuant to 24 CFR part 597 or part 598, or a rural area so designated by the Secretary of Agriculture pursuant to 7 CFR part 25, subpart B.

General Economic Development Project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization through projects that are carried out by a single jurisdiction.

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

Regional economic development project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization through projects that generate economic benefit to a region or multi-jurisdictions. Especially, a regional economic development project shall (a) have participant members whose jurisdictional borders are contiguous with those of at least one other participating member, (b) be carried out by a combination of at least two units of general local government, (c) be carried out under a written cooperative agreement among the participating units of general local government with an attached workplan detailing the activities to be carried out and the accomplishments to be realized.

(2) *Background.* (a) HUD has multiple programs which are intended to stimulate and promote economic and community development. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

(b) The CDBG program provides grant funds (approximately $4.240 billion in FY 2000) by formula to eligible local governments (either directly or through States) to carry out community and economic development activities. The Section 108 loan guarantee program provides local governments with a source of financing for economic development, public facilities and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities, and non-entitlement units of general local government eligible to receive funds under the State CDBG program. The Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program, as described in 24 CFR part 570, subpart M. EDI grants must support Section 108 loan guarantees as generally described in this program section of this SuperNOFA.

(c) For FY 2000, the Section 108 program is authorized at $1.261 billion in loan guarantee authority. The full faith and credit of the United States will be pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, if applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security and included in the applicable ''Contract for Loan Guarantee Assistance''). This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI program was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. A purpose of EDI grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of the projects financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *Purpose of EDI Funding.* HUD intends the approximately $24.1 million in EDI funds to stimulate economic development by local governments and private sector parties. HUD desires to see EDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base.

(5) *Additional Security for Section 108 Loan Guarantee.* Public entities should be mindful of the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). Although a public entity is required by the Act to pledge its current and future CDBG funds as security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral. In most cases, the additional collateral consists (in whole or in part) of the asset financed with the Section 108 loan funds (e.g., a loan made to a business as part of an economic development project). Applications proposing uses for EDI funding that directly enhance the value of the assets securing the Section 108 loan will help ensure that the project-based asset(s) will satisfy the additional collateral requirements.

(6) *Typical Project Structures.* Provided that proposals are consistent with other CDBG requirements, including national objectives, HUD envisions that the following project structures could be typical:

(a) *Funding Reserves.* The cash flow generated by an economic development project may be expected to be relatively ''thin'' in the early stages of the project, i.e. potentially insufficient cash flows to meet operating expenses and debt service obligations. The EDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(b) *Over-Collateralizing the Section 108 Loan.*

(i) The use of EDI grant funds may be structured in appropriate cases to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan and directly to enhance the security of the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

(ii) An example is the creation of a loan pool funded with both Section 108 and EDI grant funds. The community would make loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio would be pledged to the repayment of the Section 108 loan.

(c) *Direct Enhancement of the Security of the Section 108 Loan.* The EDI grant can be used to cover the cost of providing credit enhancements. An example of how the EDI grant can be used for this purpose is by using the grant funds to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize and thus will serve to protect the public entity's future CDBG funds.

(d) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

(i) While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses in severely economically distressed neighborhoods. The EDI grant can be used to make Section 108 financing affordable.

(ii) EDI grant funds could serve to ''buy down'' the interest rate up front, or make full or partial interest

payments, allowing the businesses to be financially viable in the early start-up period not otherwise possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial/retail project in a distressed neighborhood to act as a catalyst for other development in the area.

(e) *Combination of Techniques.* You could employ a combination of these or other techniques in order to implement a strategy that carries out an economic development project.

(B) *Eligible Applicants.* (1) Any public entity eligible to apply for Section 108 loan guarantee assistance pursuant to 24 CFR 570.702 may apply for EDI grant assistance under Section 108(q). Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M. Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for EDI funds; units of general local government which participate in an Urban County program are not independently eligible applicants. For non-entitlement applicants other than those subject to 24 CFR 570, subpart F, applicants will be required to provide proof that the State will support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Note that effective January 25, 1995, non-entitlement public entities in the states of New York and Hawaii were authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus, non-entitlement public entities in all 50 states and Puerto Rico are eligible to participate in the Section 108 and EDI programs.

(2) Applicants for both general economic development projects and regional economic development projects must comply with the threshold requirements of Section II of the **General Section** of the SuperNOFA.

(C) *Eligible Activities and National Objectives.* (1) EDI grant funds and section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of an economic development project as described in this EDI section of this SuperNOFA including Section III(A). If your application fails to meet the requirements for an EDI project as set forth in this program section of the SuperNOFA, HUD will not give it a rating.

(2) Each activity assisted with Section 108 loan guarantee or EDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. You must clearly identify in your narrative statement (as described in Section V.(B) below) the CDBG national objective your proposed project will achieve and provide the appropriate CDBG national objectives regulatory citation found at 24 CFR 570.208. Also, you must address, when applicable, how your proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the CDBG Entitlement and Small Cities programs or 24 CFR 570.482 for the State CDBG program.

(3) In the aggregate, your use of CDBG funds, including any Section 108 loan guarantee proceeds and section 108(q) (EDI) funds provided pursuant to this program section of this SuperNOFA, must comply with the CDBG primary objectives requirement as described in section 101(c) of the Act and 24 CFR 570.200(c)(3), or 24 CFR 570.484 in the case of State grantees.

(4) For purposes of a unit of general local government's compliance with CDBG primary and national objectives and public benefit regulations for regional economic development projects, only the EDI grant funds and section 108 loan guarantee proceeds made available to each unit of general local government participating in the project shall be counted toward that unit's primary objective, low and moderate income benefit national objective, and public benefit percentage goals. In addition, each unit of general local government's Section 108 outstanding obligations for purposes of compliance with 24 CFR 570.705(a)(2) (regarding maximum outstanding section 108 guaranteed obligations) shall include only those obligations issued by such unit of general local government itself, not those issued by other participating jurisdictions.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), 570.702 (Eligible applicants), and 570.703 (Eligible activities), as explained elsewhere in this program section of the SuperNOFA, the CDBG regulatory requirements in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of EDI funds, as applicable. As with general economic development projects, participants in regional economic development projects must insure that all activities carried out with EDI funds are eligible activities, they meet national objective requirements, and meet the citizen participation requirements in the applicable jurisdiction, as required under 24 CFR 570.704.

(B) *Compliance with Applicable Laws.* An award of EDI funding does not in any way relieve you or third party users of EDI funds from compliance with all applicable Federal, State and local laws.

(C) *Related Section 108 Loan Guarantee Application.*

(1) Each EDI application must be accompanied by a request for new Section 108 loan guarantee assistance. Notwithstanding the form of your request for new section 108 loan guarantee assistance under paragraphs (a), (b), (c), or (d) of this section below, you must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance for the project described in your application. Both the EDI and Section 108 funds must be used in conjunction with the same economic development project. This request may take any of several forms as defined below.

(a) A formal application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a new Section 108 loan guarantee application(s). Such 108 application(s) must be submitted within 60 days of a notice of EDI selection, with HUD reserving the right to extend such period on a case-by-case basis where HUD determines there is evidence of good cause. EDI awards will be conditioned on approval of actual Section 108 loan commitments. This Section 108 application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of this SuperNOFA.)

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the EDI application. The applicant's submission of such an EDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related EDI award.

(d) A request for a Section 108 loan guarantee assistance (analogous to Section IV(C)(1)(a) or (b) above) that proposes to increase the amount of a previously approved application. However, any amount of Section 108

loan guarantee authority approved *before* HUD's announcement of an EDI grant for the same project is not eligible under this program section.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or Brownfields Economic Development Initiative (BEDI) grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for an EDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded an EDI grant of $1 million and had certified that it will submit a Section 108 loan application for $10 million in support of that EDI grant, the public entity's EDI application under this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Limitations on Use of EDI and Section 108 Funds.* Certain restrictions shall apply to the use of EDI and Section 108 funds:

(1) EDI grants must not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with EDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) You may not use Section 108 funds to finance activities that also include financing generated through the issuance of federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(3) HUD will not consider for funding any EDI proposal in which the related Section 108 loan guarantee would be used solely as security. EDI funds are to be used to support and enhance activities financed with Section 108 loan guarantee proceeds from HUD's interim lending or public offering mechanisms and thereby leverage greater use of the Section 108 program. Awarding EDI funds to a project which would use the Section 108 guarantee only as a security guarantee for other financing can be tantamount to making a simple grant to the project and thereby fails to fulfill the goals of the EDI program.

(E) *Time-frames.* EDI grant awards will contain conditions requiring you to adhere to your stated time-frames for implementing your proposed projects and drawing Section 108 and EDI funds. If you fail to adhere to these schedules, HUD may recapture the EDI funds.

(F) *Limitations on Grant Amounts.* (1) HUD expects to approve EDI grant amounts for approvable applications at a range of ratios of EDI grant funds awarded to new Section 108 loan guarantee commitments, but the minimum ratio will be $1 of Section 108 loan guarantee commitments for every $1 of EDI grant funds. However, if you propose a leverage ratio of 1:1, you will not receive any points under Rating Subfactor 4(1): ''Leverage of Section 108 Funds.'' For example, an applicant requesting an EDI grant of $1 million will be required to leverage a minimum of at least $1 million in new Section 108 loan guarantee commitments. Of course, even though there is a minimum ratio of 1:1, applications with higher ratios will receive more points under Rating Factor 4, ''Leveraging Resources/Financial Need'' and, all other things being equal, will be more competitive. You should propose projects with a greater leverage ratio of new Section 108 to EDI grant funds (assuming such projects are financially viable). For example, $1 million of EDI could leverage $12 million of new Section 108 loan commitments. HUD intends that the EDI funds will be used for projects which leverage the greatest possible amount of Section 108 loan guarantee commitments. Because a fundable application is competitive in part because of the applicant's proposed ratio of EDI funds to funds guaranteed by a Section 108 loan guarantee, HUD will condition a EDI grant award on the grantee's achievement of that specific ratio. Your failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio may result in the cancellation and recapture of all or a proportionate share of the EDI grant award.

(2) HUD will cap EDI awards at a maximum of $2 million for both general and regional economic development projects. Any application in excess of $1 million may be reduced below the amount requested by the applicant if HUD determines that such a reduction is appropriate. In the case of regional economic development projects, these caps shall apply to the total project amount for the regional economic development project.

(3) If additional EDI grant funds become available (e.g., from recaptures, appropriations) to HUD, HUD reserves the right to award grants under this SuperNOFA during FY 2000 whose aggregate total may exceed the $24.1 million announced in this program section of this SuperNOFA, up to the maximum amount authorized by law. If HUD decides to award grants from these additional funds, HUD may make such funds available in proportion to the demand for funds in either the general economic development projects or regional economic development projects and the projects shall be funded in rank order.

(4) In the event you are awarded an EDI grant that has been reduced below the original request (e.g. the application contained some activities that were ineligible or there were insufficient funds to fund the last competitive application at the full amount requested or there were technical deficiencies that could not be resolved), you will be required to modify your project plans and application to conform to the terms of HUD's approval before HUD will execute a grant agreement. HUD also will proportionately reduce or deobligate the EDI award if you do not submit approvable Section 108 loan guarantee applications on a timely basis (including any extension authorized by HUD) in the amount required by the EDI/108 leveraging ratio which will be approved by HUD as a special condition of the EDI grant award (see Section IV(E)(1) above of this program section of the SuperNOFA). Any modifications or amendments to your application approved pursuant to this SuperNOFA, whether requested by you or by HUD, must be within the scope of the approved original EDI application in all respects material to rating the application, unless HUD determines that the revised application remains within the competitive range and is otherwise approvable under this SuperNOFA competition.

(5) In the case of requested increase in guarantee assistance for a project with a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d), above), the EDI assistance approved will be based on the increased amount of Section 108 loan guarantee assistance.

(6) Pursuant to another portion of this SuperNOFA, HUD is simultaneously announcing the availability of $25 million of Brownfields Economic Development Initiative (BEDI) funds. While HUD will permit applicants to pursue BEDI and EDI funds for the same project, HUD requires that the BEDI and EDI applications (and their components)

be independent of one another. Thus, each application should have an identifiable amount of Section 108 funding associated with its respective request for EDI and BEDI funds for purposes of determining the leverage of Section 108 funding to the corresponding amount of EDI or BEDI funds requested. Further, the proposed amount of Section 108 borrowing associated with the BEDI or EDI grant shall not be used to determine leverage of other financial resources under Rating Subfactor 4(3). Further, if you seek both BEDI and EDI funds for the same project, you must include in your response to Rating Factor 3 and the ''Financial feasibility'' portion of Rating Factor 4 a discussion of how the project can be financed and implemented if you fail to obtain either BEDI or EDI funds under this SuperNOFA.

(G) *Timing of Grant Awards.* (1) To the extent you submit a full Section 108 application with your EDI grant application, HUD will evaluate the Section 108 application concurrently with the request for EDI grant funds. Note that EDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of an EDI grant pursuant to this SuperNOFA. However, the EDI grant may be awarded before HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act.

(2) HUD notice to you of the amount and conditions of EDI funds awarded, based upon review of the EDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. EDI funds must not be disbursed to the public entity before the issuance of the related Section 108-guaranteed obligations.

(H) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is applicable to EDI grant recipients. Please see Section II(E) of the **General Section** of the SuperNOFA.

V. The Application Selection Process

(A) *Rating and Ranking.* (1) Each rating factor and the maximum number of points is provided below. The maximum number of points to be awarded is 102. All EDI applications must obtain an average score of at least 70 points to be considered fundable. This includes two EZ/EC bonus points as described in the **General Section** of this SuperNOFA.

(2) All technically acceptable applications will be scored under the selection criteria below. Applications will be selected for funding in two groups as follows:

(a) All acceptable EDI grant applications for general economic development projects will be separately ranked in order of points assigned with the applications receiving more points ranking above those receiving fewer points. Acceptable economic development applications must meet the threshold requirements stipulated in the **General Section** of this SuperNOFA and be complete as required by the Submission requirements of this program section of this SuperNOFA. General economic development projects will be funded in rank order until the total aggregate amount of the applications funded is equal to up to $14.1 million (subject to the Department's discretion described in Section V(A)(4) below).

(b) All acceptable EDI applications for regional economic development projects will be separately ranked in order of points assigned with the application receiving more points ranking above those receiving fewer points. Acceptable applications for regional economic development projects are those that meet the threshold requirements in the **General Section** of this SuperNOFA and the Submission requirements in Section VI of this program section of this SuperNOFA. Such applications shall also meet the definition requirements for ''Application'' and ''Regional economic development project,'' as described in Section III(A)(1), including the threshold requirements. HUD will rate the regional economic development project by evaluating the Cooperative Agreement and the descriptive details included in the workplan attached against the factors for award. The workplan details must include (i) the activities to be carried out and accomplishments to be realized under the regional economic development project and (ii) the management plan followed to insure the successful coordination of the varies actions undertaken by the participating partners and to insure proper coordination with other nonprofit, local, state and federal agencies' involvement in the project. This description must be included in Part I, the Lead Applicant's section of the application, and must include the role of the lead applicant in coordinating the activities under the project generally and the extent of its coordinating activities within the jurisdictions of the participating members.

Economic development projects may include projects where the participating partners invest in one project with each participating partner's role (e.g. funding, planning) being explained to demonstrate how the activity is both necessary to further the regional objectives while accruing reasonable benefits to residents of the partner's jurisdiction. An economic development project might also include projects carried out within the boundaries of each participating member's jurisdiction where the effect of carrying out the project activities in multiple jurisdictions will create a regional synergy that will cause a reduction to or elimination of the regional problem or condition (e.g., high poverty levels, high unemployment). The workplan must describe such jurisdictional efforts and the extent to which their combined efforts accomplish the objectives of the regional economic development project. Regional economic development projects will be funded in rank order until the total aggregate amount of the applications funded is equal to up to $10 million (subject to the Department's discretion described in section V(A)(4) below);

(c) If there are more EDI funds than general economic development projects qualified for funding then such excess funds can be shifted to fund regional economic development projects qualified for funding.

(3) After selection, but prior to award, if HUD determines that your application could be funded at a lesser EDI grant amount than requested consistent with feasibility of the funded project or activities and the purposes of the Act, HUD reserves the right to reduce the amount of the EDI award and/or increase the required Section 108 loan guarantee commitment, if necessary. An application in excess of $1 million may be reduced below the amount requested by the applicant if HUD determines that such a reduction is appropriate.

(B) *Narrative Statement.*

(1) Provide narrative statements describing the activities that you will carry out with the EDI grant funds. Your narrative statement must not exceed three (3) 8.5″ by 11″ pages.

(2) Describe how your proposed uses of EDI funds will meet the national objectives under 24 CFR 570.208 for the CDBG program and qualify as eligible activities under 24 CFR 570.703. *You must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance.* (See Section III(C) of this program section of this SuperNOFA).

(3) You must respond to the rating factors below. Each of the listed rating factors (or, where applicable, each

subfactor) below has a separate page limitation specified.

(4) Print your narrative statements in 12 point type/font, and use sequentially numbered pages.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will consider your application for selection based on the following factors that demonstrate the quality of your proposed project or activities, and your capacity and commitment to obtain maximum benefit from the EDI funds, in accordance with the purposes of the Act.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the extent to which you have the organizational resources necessary to successfully implement your proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' for will include any subcontractors, consultants, subrecipients, and members of consortia that are firmly committed (i.e., has a written agreement or a signed letter of understanding with the applicant agreeing in principle to its participation and role in the project). In rating this factor, HUD will consider the following:

(1) With regard to the EDI/Section 108 project you propose, you should demonstrate that you have the capacity to implement the specific steps required to successfully carry out your proposed EDI/Section 108 project. This includes factors such as your:

(a) Performance in the administration of your CDBG, HOME or other programs;

(b) Previous experience, if any, in administering a Section 108 loan guarantee;

(c) Performance and capacity in carrying out economic development projects;

(d) Ability to conduct prudent underwriting;

(e) Capacity to manage and service loans made with the guaranteed loan funds or previous EDI or BEDI grant funds;

(f) Capacity to carry out your projects and programs in a timely manner; and,

(g) If applicable, your capacity to manage projects under this program section of this SuperNOFA along with any federal funds awarded as a result of a federal urban Empowerment Zone/ Enterprise Community designation (including Enhanced Enterprise Community (EEC) designation).

(2) If you have previously received an EDI or BEDI grant award(s), you must describe the status of the implementation of those project(s) assisted with EDI or BEDI funds, any delays that have been encountered and the actions you are taking to overcome any such delays to carry out the project in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will consider the extent to which you have used the awarded EDI or BEDI grant funds and the associated Section 108 guaranteed loan funds, and the accomplishments achieved.

(3) The capacity of subrecipients, nonprofit organizations and other entities that have a role in implementing your proposed program will be included in this review.

(4) In addition to the application, HUD also may rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

(5) For regional economic development projects submitted under Part II of the application by each participating member: the extent to which the participating member's description under this factor is supportive of and compatible with the description in the overall workplan incorporated into the Cooperative Agreement.

Rating Factor 2: Distress/Extent of the Problem (15 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the extent to which there is need for funding your proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in your target area.

(1) In applying this factor, HUD will consider current levels of distress in the immediate community to be served by your project and the jurisdiction applying for assistance. If you are able to indicate a level of distress in the immediate project area that is greater than the level of distress in your jurisdiction as a whole, HUD will give your application a higher score for this factor. HUD requires you to use sound and reliable data that is verifiable to support the level of distress you claim in your application. You must provide a source for all information you cite and indicate the publication date or origination date of the data.

(2) In previous EDI competitions, the poverty rate was often considered the best indicator of distress. Therefore, at a minimum, your response must provide the poverty rate for your jurisdiction as a whole and for the areas to be served and/or where the EDI/ Section 108 funded project is located; however, in addition, you may demonstrate the level of distress with other factors such as income levels and unemployment rates.

(3) Regional economic development projects only: Additionally, the lead applicant must identify the region's problems that have impacted negatively or adversely on sound regional economic development growth and the attractiveness of the region for economic development opportunities requiring immediate attention to correct which changes are the result of national shifts in the economy. HUD requires the use of sound and reliable data (e.g., U.S. Census data, statistical reports, university studies/reports) to document such national shifts or conditions to support the claims in your application.

(4) To the extent that your Consolidated Plan and your Analysis of Impediments to Fair Housing choice (AI) identifies the level of distress in the community and the neighborhood in which your project is being carried out, you should include references to such documents in preparing your response to this factor. Also, you should discuss the extent to which the analysis of impediments identifies unhealthy environmental conditions in your project area, and how such conditions negatively impact your target neighborhood.

(5) For regional economic development projects submitted under Part II of the application by each participating member: HUD will evaluate the extent to which the participating member's description under this factor is supportive of and compatible with the description in the overall workplan incorporated into the Cooperative Agreement.

Rating Factor 3: Soundness of Approach (30 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the quality and cost-effectiveness of your proposed plan. There must be a relationship between the proposed activities, community needs and purposes of the program funding for you to receive points for this factor. In rating this factor, HUD will consider the following:

(1) The quality of your plan/proposal for the use of EDI funds and Section 108 loan funds, including the extent to which your proposed plan for effective use of EDI grant/Section 108-guaranteed loan funds will address the needs you described in Rating Factor 2 above

regarding the distress and extent of the problem in your immediate community and/or jurisdiction. As part of the response to this factor, you should identify the eligible activities you will carry out and fully describe how your project will achieve a national objective. You should demonstrate how your proposed project would mitigate or otherwise address the distress identified in Rating Factor 2 above.

(2) The extent to which your plan is feasible and likely to achieve its stated purpose. HUD's desire is to fund projects and activities which will quickly produce demonstrable results and advance the purposes of the EDI program, including the number of jobs to be created by the project and the impact of the project on job creation that will benefit individuals on welfare or low to very low income persons. You should demonstrate that you have a clear understanding of the steps required to implement your project, the actions that you and others responsible for implementing your project must complete. You must include a time schedule for carrying out your project. You must use the timeline form contained in the Appendix A to this program section of this SuperNOFA.

(3) For Regional economic development projects: Points will be received for this factor to the extent to which:

(a) Your workplan is feasible there are specific projects and activities and benefits to be derived from the projects and activities in your plan that will work to address the specific regional needs described in Rating Factor 2;

(b) Responsibilities are delineated;

(c) Activities/actions undertaken by the participating partners are shown to contribute to the cooperative undertaking and will effect cohesiveness in the cooperative relationship; and

(d) The extent to which your proposal addresses the conditions that have negatively and adversely impacted the region's competitiveness with other regions and emphasizes solutions to such regional problems that stress emerging technologies, environmentally sound developments and/or tourism. Where proposed activities for regional economic development projects are designed to enhance existing cultural and historic resources of national significance that will benefit from the project, your application will receive a higher rating score. Resources of national significance are those recognized by the Federal Government, such as historic properties, historic battlefields, declared scenic rivers or environmental safe areas. Your plan/proposal will be evaluated on the extent to which it will contribute to the physical and economic revitalization of the region and strengthen its economic health through job creation, improving the local tax base and similar or other benefits;

(4) The extent to which your proposed project addresses your Analysis of Impediments and the needs identified in Rating Factor 2; the extent to which such project activities will result in the physical and economic improvement for the residents in the neighborhood in which your project will be carried out; the extent to which you will offer residents an opportunity to relocate to environmentally healthy housing or neighborhoods; or the extent to which residents will benefit from the funded project to enable them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits your project is expected to generate.

(5) The extent to which your project incorporates one or more elements that facilitate a successful transition of welfare recipients from welfare to work. Such an element could include, for example, linking your proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with EDI/section 108 funds to hire and train welfare recipients.

(6) Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of the response to this factor, ''Soundness of Approach,'' will include the extent to which Dallas'' plan for the use of EDI funds and Section 108 loans will be used to eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed.

(7) For regional economic development projects submitted under Part II of the application by each participating member: The extent to which the participating member's description under this factor is supportive of and compatible with the description in the overall workplan contained in the Cooperative Agreement.

Rating Factor 4: Leveraging Resources/Financial Need (30 Points)

[Page limits for the response to this factor are listed separately for each subfactor under this factor.]

In evaluating this factor, HUD will consider the extent to which your response demonstrates the financial need and feasibility of your project and the leverage ratio of Section 108 loan proceeds to EDI grant funds. This factor has three subfactors, each with its own maximum point total:

(1) *Leverage of Section 108 funds* **(15 points).**

[Your response to this subfactor is limited to one (1) page.]

The minimum ratio of Section 108 funds to EDI funds in any project may not be less than 1:1. The extent to which your proposed project leverages an amount of Section 108 funds beyond the 1:1 ratio will result in your receiving a higher number of points. If you have a ratio of 1:1, your application will not receive any points under this subfactor. If you use your EDI grant to leverage more new Section 108 commitments, your application will receive more points under this subfactor.

(2) *Financial feasibility* **(10 points).**

[Your response to this subfactor is limited to three (3) pages.]

HUD will consider the extent to which you demonstrate that your project is financially feasible. In responding to this subfactor, you must clearly address the question of why the EDI funds are critical to the success of this project. Your response should include these items as applicable:

(a) Project costs and financial requirements. You should provide a funding sources and uses statement (not included in the 3 page narrative limit), as well as justifications for project costs.

(b) The amount of any debt service or operating reserve accounts you will establish in connection with the economic development project.

(c) The reasonableness of the costs of any credit enhancement paid with EDI grant funds.

(d) The amount of program income (if any) you will receive each year during the repayment period for the guaranteed loan.

(e) Interest rates on those loans to third parties (other than subrecipients) (either as an absolute rate or as a plus/minus spread to the Section 108 rate).

(f) Underwriting criteria that you will use in determining project feasibility.

(3) *Leverage of other financial resources* **(5 points).** Your response to this subfactor is limited to one (1) page plus supporting documentation evidencing third party commitment

(written and signed) of funds. HUD will evaluate the extent to which you leverage other funds (public or private) with EDI grant funds and Section 108 guaranteed loan funds and the extent to which such other funds are firmly pledged to the project. This could include the use of CDBG funds, other Federal or state grants or loans, your general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered pledged to the project if there is evidence of the third party's written commitment to make the funds available for the EDI/108 project, subject to approval of the EDI and Section 108 assistance and completion of any environmental review required under 24 CFR part 58 for the project. Note, that with respect to CDBG funds, your pledge of your CDBG funds will be considered sufficient commitment.

(4) For regional economic development projects submitted under Part II of the application by each participating member: Your application will be evaluated based on the extent to which the participating member's description under this factor is supportive of and compatible with the description in the overall workplan incorporated into the Cooperative Agreement.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

[Your response to this factor is limited to two (2) pages.]

This factor addresses the extent to which you have coordinated your activities with other known organizations; you participate or promote participation in your or a State's Consolidated Planning process; and you are working towards addressing a need in a comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations before submission, in order to best complement, support and coordinate all known activities; and developed specific steps to share information on solutions and outcomes with others. Describe any written agreements or memoranda of understanding in place, or that will be in place after award. For regional economic development projects, these are agreements in addition to your Cooperative Agreement signed by your participating members.

(2) Developed linkages, or specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate activities), so that solutions are holistic and comprehensive. Describe any linkages with other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of your project area.

(3) For Regional economic development projects. The extent to which your workplan demonstrates collaboration with Federal agencies including but not limited to those mentioned in Rating Factor 3 above, as well as the U.S. Department of Commerce and the Small Business Administration and evidence of existing Federal, state and not-for-profit presence and participation in regional economic development (through evidence of funding, providing in-kind contributions, participating in planning efforts, coordinating activities, providing other resources, etc.) will be critical to the overall competitiveness of your plan/proposal for this factor. Further, the workplan will be evaluated on the extent to which the regional economic development project includes specific steps taken or to be taken to protect the environment, and evidences authority to proceed with the project by having received from or filed with the appropriate agencies of your unit of general local government, other unit(s) of general local government, as well as state and federal agencies for any necessary zoning classification, waivers, general permits, special use permits, assessment districts designation, public easements and rights-of way.

(4) For regional economic development projects submitted under Part II of the application by each participating member: The extent to which the participating member's description under this factor seems supportive of and compatible with the description in the overall workplan contained in the Cooperative Agreement.

VI. Application Submission Requirements

A. *EDI Funding.* If you are submitting an application for funding under the EDI funding allocation under this program section of the SuperNOFA you must submit the following items to have a complete application. The standard forms, certifications and assurances that are required for the EDI application (and listed in paragraph (G) below) can be found in Appendix B to the General Section. The remaining application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the ''non-standard forms'' can be found in Appendix B to this program section of the SuperNOFA.

Note: that the first 6 application items in Appendix A to this program section of the SuperNOFA are applicable to both EDI and BEDI (the BEDI funding announcement follows). The remaining application items are applicable to regional economic development projects.

(B) *Transmittal Letter* signed by the authorized representative of your organization indicating that you are submitting your application for funding under the Economic Development Initiative Program and you are requesting funding consideration for an EDI project.

(C) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in your application (form HUD–40076–EDI/BEDI).

(D) *Section 108 Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076-EDI/BEDI).

(E) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(F) *Narrative Response to Factors for Award:*

(1) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating your capacity and the relevant capacity of your organization and staff to perform the work for which you are requesting funding.

(2) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting your statement of need. You may also use optional form HUD–40076–EDI/BEDI as a format to respond to this factor for award.

(3) Rating Factor 3: Soundness of Approach. Include your activities, budget and time frame for conducting activities in your response (see form HUD40076–EDI/BEDI).

(4) Rating Factor 4: Leveraging Resources/Financial Need. Your response should include a completed copy of form HUD–40076–EDI/BEDI, ''Rating Factor 4: Leveraging Resources/Financial Need Sources and Uses Statement.''

(5) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response to this factor.

(G) *Additional Application Forms and Certifications.* In addition to any forms you have submitted in response to the Factors for Award (which may be found at Appendix A for general ED project and for regional ED project, you must also submit the following forms and certifications.

(1) Application for Federal Assistance (Standard Form (SF) 424).

(2) Federal Assistance Funding Matrix (HUD 424M).

(3) Standard Form for Assurances—Non-Construction Programs (SF 424B) and/or Standard Form for Assurances—Construction Programs (SF 424D)—not applicable for this program section.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD–50071, and if engaged in Lobbying, the Disclosure Form Regarding Lobbying, SF–LLL.

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880

(7) Certification Regarding Debarment and Suspension, HUD–2992

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990

These forms are found in the Appendix B to the **General Section** of this SuperNOFA. You are not required to submit Budget Information on Standard Forms 424B or 424C under this EDI section of the SuperNOFA.

If you wish to receive an acknowledgment of HUD's receipt of your application, please submit a completed Acknowledgment of Receipt of Application form.

(H) *Regional Economic Development Projects.* If you are submitting an application for a regional economic development project, then you must submit the following items to have a complete application:

(1) Part 1: *Lead Applicant Submission*

(2) Transmittal Letter signed by the authorized representative of your organization indicating that you are submitting your application for funding under the Economic Development Initiative Program and you are requesting funding consideration for a Regional Economic Development Project.

(3) Checklist and Submission Table of Contents (form HUD–40076–EDI/BEDI) indicating the page numbers where the submission items can be found in your application.

(4) A Cross-Jurisdictional Funding Sources and Uses Statement.

(5) Cross-Jurisdictional letters of Commitment signed by authorized officials of each of the jurisdictions participating in your regional economic development project and indicating they agree to the Work Plan submitted with your application.

(6) Certifications specified in Section II(G) of the **General Section** of this NOFA, with the exception of Standard Form 424A, Budget Information for Non-Construction Programs and Standard Form 424C, Budget Information for Construction Programs.

The required forms include:

(1) Application for Federal Assistance (SF 424).

(2) Federal Assistance Funding Matrix (HUD 424M).

(3) Standard Form for Assurances—Non-Construction Programs (SF 424B) and/or Standard Form for Assurances—Construction Programs (SF 424D) as applicable to your proposed work plan.

(4) Drug-Free Workplace Certification, HUD–50070.

(5) Certification of Payments to Influence Federal Transactions, HUD 50071, and if engaged in Lobbying, the Disclosure Form Regarding Lobbying, SF–LLL.

(6) Applicant/Recipient Disclosure/Update Report, HUD–2880.

(7) Certification Regarding Debarment and Suspension, HUD–2992.

(8) Certification of Consistency With EZ/EC Strategic Plan, HUD–2990.

(9) A Cooperative Agreement, executed on behalf of each of the participating members by its authorized representative which describes the nature of the project and the activities to be carried out in each jurisdiction and which activities will be financed with EDI and Section 108 loan guarantee proceeds. The agreement must include a certification that the entities have the capacity to carry out the eligible activities under the regional economic development project as required.

(10) A Workplan attached to the agreement which shall contained, as described in Section V(B) of this program section of this SuperNOFA, a narrative statement (3 page limit) describing the activities that you will carry out with the EDI grant funds;

(11) Responses in the Workplan to each of the rating factors (within the page limits provided for each factor or sub-factor as applicable). The rating factors for award and submission requirements are:

(a) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating your capacity and the relevant capacity of your organization and staff to perform the work for which you are requesting funding.

(b) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting your statement of need. You may also use optional form HUD as a format to respond to this factor for award (form HUD–40076–EDI/BEDI).

(c) Rating Factor 3: Soundness of Approach. Include your activities, budget and time frame for conducting activities in your response.

(d) Rating Factor 4: Leveraging Resources/Financial Need. Your response should include a completed copy of HUD Form, ''Rating Factor 4: Leveraging Resources/Financial Need Sources and Uses Statement'' (form HUD–40076–EDI/BEDI)

(e) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response.

(12) *Part II, Participating Member's Plan.* The participating members in your regional economic development project must submit with your Part II documents, the following information:

(a) A request for loan guarantee assistance under Section 108 as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 loan guarantee program are found at 24 CFR 570.704;

(b) As described in Section V(B) of this program section of this SuperNOFA, a narrative statement (3 page limit) describing the activities that you will carry out with the EDI grant funds; Responses to each of the rating factors (within the page limits provided for each factor or sub-factor as applicable) which must be supportive of and compatible with the description in the Workplan attached to the Cooperative Agreement for each corresponding factor. The rating factors for award and submission requirements are:

(i) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating your capacity and the relevant capacity of your organization and staff to perform the work for which you are requesting funding.

(ii) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting your statement of need. You may also use optional form HUD–40076–EDI/BEDI) as a format to respond to this factor for award.

(iii) Rating Factor 3: Soundness of Approach. Include your activities, budget and time frame for conducting activities in your response.

(iv) Rating Factor 4: Leveraging Resources/Financial Need. Your response should include a completed copy of HUD Form 40076–EDI/BEDI), ''Rating Factor 4: Leveraging Resources/ Financial Need Sources and Uses Statement''

(v) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of EDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the EDI grant and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. No such assistance will be released by HUD until a request for release of funds is submitted and the requirements of 24 CFR part 58 have been met. All public entities, including nonentitlement public entities, shall submit the request for release of funds and related certification, required pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

IX. Authority

Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301–5320); 24 CFR part 570.

BILLING CODE 4210–32–P

Appendix A

The first 6 non-standard forms, which follow, are required for your EDI (General) or BEDI applications. The remaining forms are applicable to regional economic development project applications.

CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

Check Off		Page Number
☐	Standard Form for Application for Federal Assistance (SF-424)	cover page 1
☐	Transmittal Letter	cover page 2
☐	Checklist and Submission Table of Contents	p. 1
☐	Applicant Narrative Statement (3 pages)	p. _____
☐	EDI/BEDI/108/CDBG Funding Eligibility Statement form (2 pages)	p. _____
☐	**Request for Loan Guarantee Assistance** (check off one of the four options)	p. _____
	☐ Formal application	
	☐ Brief description; formal application to be submitted in 60 days	
	☐ Copy of previously submitted, but not yet approved, Section 108 application.	
	☐ Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
☐	#1 Capacity of the Applicant and Relevant Organizational Experience	p. _____
☐	#2 Distress/Extent of the Problem	p. _____
	☐ Distress/Extent of the Problem form (optional)	p. _____
☐	#3 Soundness of Approach	p. _____
	☐ Project Timeline form	p. _____
☐	#4 Leveraging Resources/Financial Need	p. _____
	☐ Source & Use Statement form	p. _____
☐	#5 Comprehensiveness and Coordination	p. _____
	Application Forms and Certifications	
☐	Section 108 Certifications	p. _____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. _____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. _____
☐	Applicant Nondiscrimmination Certifications	p. _____
☐	Certification of Consistency with EZ/EC Strategic Plan	p. _____
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. _____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 2	p. _____
☐	Acknowledgment of Application Receipt	last page

form HUD-40076-EDI/BEDI(2/2000)

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT

Page 1 of 2

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 **Acquisition of Real Property** 24 CFR 570.703(a)				
2 **Rehabilitation of Publicly Owned Real Property** 24 CFR 570.703(b)				
3 **Payment of Interest** 24 CFR 570.703(c)				
4 **Relocation Payments** 24 CFR 570.703(d)				
5 **Clearance, Demolition, Removal** 24 CFR 570.703(e)				
6 **Site Preparation** 24 CFR 570.703(f)				
7 **Payment of Issuance Fees** 24 CFR 570.703(g)				
8 **Housing Rehabilitation** 24 CFR 570.703(h)				
* 9 **Economic Development Activities** 24 CFR 570.703(i) (and 570.203/.204)				
10 **Construction of Housing** 24 CFR 570.703(j)				
11 **Debt Service Reserve** 24 CFR 570.703(k)				
12 **Public Facilities** 24 CFR 570.703(l)				
13 **Public Facilities - Colonias** 24 CFR 570.703(m)				
14 **Subtotal**				
15 **Costs Paid with Non CDBG-Related Funds**				
16 **Total Project Costs** 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.

2/ CDBG grants and program income other than EDI, BEDI or Section 108.

3/ This figure should match the total provided on the Sources & Uses Stateme

form HUD-40076-EDI/BEDI(2/2000)

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/			
Single Project (check one only)		**Loan Fund** (check all that apply)	
☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐ Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐ Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐ Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐ Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐ Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐ Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐ Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐ Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs:

☐

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area:

☐

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

form HUD-40076-EDI/BEDI(2/2000)

RATING FACTOR 2: DISTRESS/EXTENT OF PROBLEM
(optional form)

Applicant: _____

Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Target Neighborhood (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the applicant's Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

	Required Indicator	Target Neighborhood	Jurisdiction	Data Source & Date
1	Poverty Rate			

	Optional Indicators	Target Neighborhood	Jurisdiction	Data Source & Date
2	Unemployment			
3	Median Income			
4				
5				
6				
7				
8				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Neighborhood: _____

_____

Jurisdiction: _____

_____ form HUD-40076-EDI/BEDI(2/2000)

RATING FACTOR 3: SOUNDNESS OF APPROACH
PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of project term.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

form HUD-40076-EDI/BEDI

RATING FACTOR 4: LEVERAGING RESOURCES/FINANCIAL NEED
SOURCES & USES STATEMENT

Applicant: _____

Project Name/Title: _____

Sources	Amount	Uses	Amount
Federal		**Acquisition of Real Property**	
EDI or BEDI (circle one)		**Construction/Rehab**	
Section 108		(excl. infrastructure & remediation)	
CDBG		**Infrastructure**	
		Remediation	
		M&E	
		Working Capital	
State/Local		**Creation of Loan Fund for**	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		**Credit Enhancements**	
Equity			
TOTAL:		**TOTAL:**	

Instructions: Fill in the dollar amounts corresponding to each project source in the **Amount** column on the left half of the table. Sources of funding not listed should be added under the relevant category (Federal, State/Local, Private). For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the **Amount** column. Add additional uses in the blank lines at the bottom of the **Uses** column.

form HUD-40076-EDI/BEDI(2/2000)

REGIONAL ED PROJECT CHECKLIST AND SUBMISSION TABLE OF CONTENTS

The following checklist helps you to ensure that all of the required items have been submitted in order to receive consideration for funding. The applicant should assemble the application package in the order shown below, check off each item included in its submission package and note the corresponding page number where the response is located.

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☐	Transmittal Letter	cover page 2
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	☐ Formal application	
	☐ Brief description; formal application to be submitted in 60 days	
	☐ Copy of previously submitted, but not yet approved, Section 108 application.	
	☐ Request for Section 108 loan guarantee amendment to increase previously approved amount	
	Response to Rating Factors	
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☐	#2 Distress/Extent of the Problem	p. ____
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	☐ Project Timeline form	p. ____
☐	#4 Leveraging Resources/Financial Need	p. ____
	☐ Source & Use Statement form	p. ____
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	Application Forms and Certifications	
☐	Section 108 Certifications	p. ____
☐	Certification and Disclosure Form Regarding Lobbying (SF-LLL)	p. ____
☐	Applicant/Recipient Disclosure Update Report (HUD-2880)	p. ____
☐	Applicant Nondiscrimmination Certifications	p. ____
☐	Certification of Consistency with EZ/EC Strategic Plan	p. ____
	Appendices	
☐	Written Agreements or Signed Letters of Understanding - Rating Factor 1	p. ____
☐	Third Party Funding Commitment Letters - Rating Factor 4, subfactor 2	p. ____
☐	Acknowledgment of Application Receipt	last page

form HUD-40076-EDI/BEDI(2/2000)

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT

Applicant: _____

Project Name/Title: _____

Instructions: The applicant should first enter the total project cost (line 16). Then, working backwards, the applicant should enter the total costs paid with CDBG (line 14) and non CDBG-related funds (line 15). These two amounts should equal the total listed in line 16. Next, the applicant should enter dollar amounts on lines 1-13 in order to demonstrate among which eligible activities the EDI/BEDI, Section 108 or CDBG funds are to be allocated.

Eligible Activities 1/	EDI or BEDI	Section 108	CDBG 2/	Total
1 **Acquisition of Real Property** 24 CFR 570.703(a)				
2 **Rehabilitation of Publicly Owned Real Property** 24 CFR 570.703(b)				
3 **Payment of Interest** 24 CFR 570.703(c)				
4 **Relocation Payments** 24 CFR 570.703(d)				
5 **Clearance, Demolition, Removal** 24 CFR 570.703(e)				
6 **Site Preparation** 24 CFR 570.703(f)				
7 **Payment of Issuance Fees** 24 CFR 570.703(g)				
8 **Housing Rehabilitation** 24 CFR 570.703(h)				
* 9 **Economic Development Activities** 24 CFR 570.703(i) (and 570.203/.204)				
10 **Construction of Housing** 24 CFR 570.703(j)				
11 **Debt Service Reserve** 24 CFR 570.703(k)				
12 **Public Facilities** 24 CFR 570.703(l)				
13 **Public Facilities - Colonias** 24 CFR 570.703(m)				
14 **Subtotal**				
15 **Costs Paid with Non CDBG-Related Funds**				
16 **Total Project Costs** 3/				

1/ The eligible Section 108 activities are defined in detail at 24 CFR 570.703.

2/ CDBG grants and program income other than EDI, BEDI or Section 108.

3/ This figure should match the total provided on the Sources & Uses Stateme

form HUD-40076-EDI/BEDI(2/2000)

EDI/BEDI/SECTION 108/CDBG FUNDING ELIGIBILITY STATEMENT
Page 2 of 2

Applicant: _____

Project Name/Title: _____

National Objective 1/					
Single Project (check one only)			**Loan Fund** (check all that apply)		
☐	Low-Mod Area Benefit	24 CFR 570.208(a)(1)	☐	Low-Mod Area Benefit	24 CFR 570.208(a)(1)
☐	Low-Mod Limited Clientele	24 CFR 570.208(a)(2)	☐	Low-Mod Limited Clientele	24 CFR 570.208(a)(2)
☐	Low-Mod Area Housing	24 CFR 570.208(a)(3)	☐	Low-Mod Area Housing	24 CFR 570.208(a)(3)
☐	Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)	☐	Low-Mod Job Creation/Retention	24 CFR 570.208(a)(4)
☐	Slum/Blight Area Basis	24 CFR 570.208(b)(1)	☐	Slum/Blight Area Basis	24 CFR 570.208(b)(1)
☐	Slum/Blight Spot Basis	24 CFR 570.208(b)(2)	☐	Slum/Blight Spot Basis	24 CFR 570.208(b)(2)
☐	Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)	☐	Slum/Blight Urban Renewal	24 CFR 570.208(b)(3)
☐	Urgent Need/Imminent Threat	24 CFR 570.208(c)	☐	Urgent Need/Imminent Threat	24 CFR 570.208(c)

Public Benefit

PLEASE NOTE: This section is applicable only to projects which plan to spend funds on eligible economic development activities as defined by 24 CFR 570.703(i).

A. If this project will meet the public benefit standard based upon the number of jobs to be created [see 570.209(b)(3)(i)(A)], enter the total number of jobs:

☐

B. If this project will meet the public benefit standard based upon the number of low- and moderate-income persons served in the project area [see 570.209(b)(3)(i)(B)], enter the number of low- and moderate-income persons living in the project area:

☐

1/ The CDBG national objectives are defined in detail at 24 CFR 570.208.

form HUD-40076-EDI/BEDI(2/2000)

CROSS-JURISDICTIONAL FUNDING
SOURCES AND USES STATEMENT

Applicant: _____

Regional ED Project Name/Title _____

Sources	Amount	Uses	Amount
Federal		**Acquisition of Real Property**	
EDI or BEDI (circle one)		**Construction/Rehab**	
Section 108		(excl. infrastructure & remediation)	
CDBG		**Infrastructure**	
		Remediation	
		M&E	
		Working Capital	
State/Local		**Creation of Loan Fund for**	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		**Credit Enhancements**	
Equity			
TOTAL:		**TOTAL:**	

Instructions: Complete one of these forms for each participating member. Fill in the dollar amounts corresponding to each project source in the Amount column on the left half of the table. Sources of funding not listed should be added under the relevant category. (Federal, State/Local, Private)For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the Amount column.Add additional uses in the blank lines at the bottom of the Uses column.

form HUD-40076-EDI/BEDI(2/2000)

RATING FACTOR 2: REGIONAL ED PROJECT DISTRESS/EXTENT OF PROBLEM

Applicant: _____

Regional Economic Development Project Name/Title: _____

Instructions: The applicant is required to provide information related to the poverty rate for the Regional ED Target Area (the area in which EDI/BEDI assistance will be used) and the larger jurisdiction. In addition, the applicant may include optional indicators such as the unemployment rate, median income of persons living in the area, or other indicators of the applicant's choosing. A data source and date are required for each indicator. Use of data from the participating members' Consolidated Plan and/or its Analysis of Impediments to Fair Housing Choice (AI) is encouraged.

	Required Indicator	Target Neighborhood	Jurisdiction	Data Source & Date
1	Poverty Rate			

	Optional Indicators	Target Neighborhood	Jurisdiction	Data Source & Date
2	Unemployment			
3	Median Income			
4				
5				
6				
7				
8				

Definitions: Describe how the areas are defined (i.e., city boundaries, census tracts, zip codes, etc.)

Neighborhood: _____

_____

Jurisdiction: _____

_____ form HUD-40076-EDI/BEDI(2/2000)

RATING FACTOR 3: REGIONAL ECONOMIC DEVELOPMENT SOUNDNESS OF APPROACH PROJECT TIMELINE

Applicant: _____

Project Name/Title: _____

Instructions: Identify and list each major task/activity associated with the project. Darken appropriate boxes for quarter(s) when task/activity will occur. Fill in the amount of EDI/BEDI/108 funds associated with each task/activity in column labeled EDI/BEDI/108 Funds for Task." Fill in the amount of other sources of funding associated with each task in the column labeled "Other Funds." If the project extends beyond the timeframe indicated on the form, please attach justification/description of project term.

		Year 1				Year 2				Year 3				EDI/BEDI/ 108 Funds for Task	Other Funds for Task
	Tasks/Activities	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q	1Q	2Q	3Q	4Q		
	EXAMPLE: Construction													$1,500,000	$2,500,000
1															
2															
3															
4															
5															
7															
8															
9															
10															
11															
12															
	TOTAL														

form HUD-40076-EDI/BEDI

RATING FACTOR 4: REGIONAL LEVERAGING RESOURCES/FINANCIAL NEED SOURCES & USES STATEMENT

Applicant: _____

Project Name/Title: _____

Sources	Amount	Uses	Amount
Federal		**Acquisition of Real Property**	
EDI or BEDI (circle one)		**Construction/Rehab**	
Section 108		(excl. infrastructure & remediation)	
CDBG		**Infrastructure**	
		Remediation	
		M&E	
		Working Capital	
State/Local		**Creation of Loan Fund for**	
		ED Activities	
		Project Delivery Costs	
		Contingency	
		Loan Loss Reserve	
		Land Writedown	
		Interest Rate Writedown	
Private (include debt financing)		**Credit Enhancements**	
Equity			
TOTAL:		**TOTAL:**	

Instructions: Fill in the dollar amounts corresponding to each project source in the **Amount** column on the left half of the table. Sources of funding not listed should be added under the relevant category (Federal, State/Local, Private). For each of the project uses (on the right half of the table), fill in the dollar amount to be spent in the **Amount** column. Add additional uses in the blank lines at the bottom of the **Uses** column.

form HUD-40076-EDI/BEDI(2/2000)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE (BEDI)

Program Overview

Purpose of the Program. BEDI funds are used to enhance the security of a loan guaranteed by HUD under Section 108 of the Act as defined in Section III(A)(1) below for the same project, or to improve the viability of the project financed with the Section 108-guaranteed loan. A BEDI grant is required to be used in conjunction with a new Section 108 guaranteed loan commitment. Both Section 108 loan guarantee proceeds and BEDI grant funds are initially made available by HUD to public entities approved for assistance under the application process described herein. Such public entities may re-loan the Section 108 loan proceeds to a business or other entity to carry out an economic development project eligible under this program section of this SuperNOFA, or the public entity may carry out the eligible project itself. In either case, BEDI grant funds must be used in support of the same eligible project in accordance with this program section.

Available Funds. Approximately $25 million.

Eligible Applicants. Any public entity eligible to apply for and receive Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under section 108(q) and this SuperNOFA. (See Section III(B) below for additional information regarding eligible applicants.)

Application Deadline. **June 13, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications (one original and two copies) on or before 12:00 midnight, Eastern time, on June 13, 2000, to the addresses shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. To HUD Headquarters. Submit your completed application (an original and one copy) to: Processing and Control Unit, Room 7251, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410, Attention: BEDI Grant, by mail or hand delivery.

To the Appropriate CPD Field Office. At the same time your submit your application to HUD Headquarters, you must submit an additional copy of the application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction.

When submitting your application, please refer to BEDI, and include your name, mailing address (including zip code) and telephone number (include area code).

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information line toll free at 1–800–HUD–8929. When requesting an application kit, please refer to BEDI. Please be sure to provide your name, address (including zip code), and telephone number (including area code). Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209 to obtain an application kit. The application kit will also be available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may contact either Tony Johnston or Paul Webster, Financial Management Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7136, Washington, DC 20410, telephone (202) 708–1871 (this is not a toll-free number). Persons with speech or hearing impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

See the **General Section** of this SuperNOFA for guidance on technical assistance. With respect to the Section 108 Loan Guarantee program, which is not a competitive program and thus not subject to those provisions of the HUD Reform Act pertaining to competitions, HUD staff will be available to provide advice and assistance to develop Section 108 loan applications.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

HUD has available a maximum of $25 million for the BEDI program, as appropriated in the FY 2000 HUD Appropriations Act for the purpose of assisting public entities in the redevelopment of brownfields.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* BEDI is designed to help cities redevelop abandoned, idled, or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination—brownfields. BEDI accomplished this by providing funding to local governments to be used in conjunction with Section 108 loan guarantees to finance redevelopment of brownfields sites.

(1) *Definitions.* Unless otherwise defined herein, terms defined in 24 CFR part 570 and used in this program section of this SuperNOFA shall have the respective meanings given thereto in that part.

Act means Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 *et seq.*).

Brownfields means abandoned, idled, or under-used real property (including industrial and commercial facilities) where expansion or redevelopment is complicated by real or perceived contamination.

Brownfields Economic Development Initiative (BEDI) means the competitive award of up to $2 million, as appropriated in the FY 2000 HUD Appropriations Act, for economic development grant assistance under section 108(q) of the Act for the purpose of assisting public entities in the redevelopment of brownfields.

Brownfields economic development (BEDI) project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization in connection with brownfields.

CDBG funds means those funds collectively defined at 24 CFR 570.3, including grant funds received pursuant to section 108(q) and this program section of this SuperNOFA.

Economic Development Initiative (EDI) means the provision of economic development grant assistance under section 108(q) of the Act, as authorized by section 232 of the Multifamily

Housing Property Disposition Reform Act of 1994 (Pub.L. 103–233, approved April 11, 1994).

Empowerment Zone or Enterprise Community means an urban area so designated by the Secretary of HUD pursuant to 24 CFR part 597 or part 598, or a rural area so designated by the Secretary of Agriculture pursuant to 7 CFR part 25, subpart B.

EPA means the U.S. Environmental Protection Agency.

Showcase Community means an applicant chosen by the Federal Government's Brownfields National Partnership for inclusion in the Federal Government's Brownfields Showcase Communities program.

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for an Empowerment Zone or Enterprise Community designated pursuant to 24 CFR part 597 or part 598.

(2) *Background.* (a) HUD has multiple programs which are intended to stimulate and promote economic and community development and can be effectively employed to address and remedy brownfields conditions. Primary among HUD's resources are the Community Development Block Grant (CDBG) program and the Section 108 loan guarantee program.

The CDBG program provides grant funds (approximately $4.240 billion in FY 2000) by formula to local governments (either directly or through States) to carry out community and economic development activities. The Section 108 loan guarantee program provides local governments with a source of financing for economic development, public facilities, and other eligible large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the State CDBG program. Regulations governing the Section 108 program are found at 24 CFR part 570, subpart M. It must be noted that the Section 108 program is subject to the regulations of 24 CFR part 570 applicable to the CDBG program as described in 24 CFR part 570, subpart M. EDI and BEDI grants must support Section 108 loan guarantees as generally described under the above section entitled ''Purpose of the Program.''

For FY 2000, the Section 108 program is authorized at $1.261 billion in loan guarantee authority. The full faith and credit of the United States will be pledged to the payment of all guarantees made under Section 108. Under this program, communities (and States, if applicable) pledge their continuing CDBG allocations as security for loans guaranteed by HUD. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment (unless such an arrangement is specifically negotiated as loan security) and included in the applicable ''Contract for Loan Guarantee Assistance.'' This means that a community can ordinarily continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment.

(3) *EDI Program.* The EDI program was enacted in 1994 and is intended to complement and enhance the Section 108 Loan Guarantee program. A purpose of EDI (and BEDI) grant funds is to reduce grantees' potential loss of future CDBG allocations:

(a) By strengthening the economic feasibility of the projects financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan);

(b) By directly enhancing the security of the guaranteed loan; or

(c) Through a combination of these or other risk mitigation techniques.

(4) *BEDI Program.* For FY 2000, Congress has made a specific appropriation of $25 million for the EDI program to assist in financing ''brownfields'' redevelopment. HUD intends the $25 million in Brownfields EDI (BEDI) funds available pursuant to this program section of this SuperNOFA to be used with a particular emphasis upon the redevelopment of brownfields sites consistent with the statutory purpose of the FY 2000 HUD Appropriations Act. Accordingly, BEDI funds shall be used as the stimulus for local governments and private sector parties to commence redevelopment or continue phased redevelopment efforts on brownfields sites where contamination is known or suspected and a redevelopment plans exist. HUD desires to see BEDI and Section 108 funds used to finance projects and activities that will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applications whose scope is limited only to site acquisition and/or remediation (i.e., land banking), where there is no immediately planned redevelopment.

(5) *Redevelopment Focus.* The redevelopment focus for BEDI-assisted projects is also prompted by the need to provide additional security for the Section 108 loan guarantee pursuant to 24 CFR 570.705(b)(3). While public entities are required by the Act to pledge their current and future CDBG funds as a source of security for the Section 108 loan guarantee, the public entity will usually be required to furnish additional collateral which, ideally, will be the assets financed with the Section 108 loan funds. Clearly, a redevelopment focus for the BEDI funds will help achieve this goal by enhancing the value of the assets securing the Section 108 loan.

(6) *Integration of Other Government Brownfields Programs.* HUD expects and encourages local governments which are designated through (a) the Federal Government's Brownfields Showcase Community program, (b) other Federal brownfields programs (e.g., EPA's Assessment Pilot or Revolving Loan Fund programs), (c) a State-supported brownfields program, or (d) a State or local related economic development program, to integrate efforts arising from those programs in developing projects for assistance under HUD's BEDI and Section 108 programs. Applicants should elaborate upon these ties in their response to the rating factors, where appropriate (e.g. ''Capacity of the Applicant,'' ''Soundness of Approach,'' ''Leveraging Resources,'' or ''Comprehensiveness and Coordination,''—Rating Factors 1, 3, 4, and 5 respectively.)

(7) *Typical Project Structures.* Provided that proposals are consistent with other CDBG requirements, including national objectives, HUD envisions that the following project structures could be typical:

(a) *Land Writedowns.* Local governments may use a combination of Section 108 and BEDI funds to acquire a brownfields site for purposes of reconveying the site to a private developer at a discount from its purchase price. This approach would provide the developer with an asset of enhanced value which could be used as collateral for other sources of funding. Such other sources of financing could be used to finance environmental remediation or other development costs. In theory, the level of BEDI assistance would approximate the difference between the original cost of the site and its remediation in comparison to the market value of the remediated property.

(b) *Site Remediation Costs.* Local governments may use BEDI funds in any of several ways to address site remediation costs. If the local government used Section 108 funds to acquire real property, BEDI funds could be used to address assessment and site

remediation costs as part of demolition, clearance, or site preparation activities. If the local government used Section 108 funds to make a loan to a developer, BEDI funds could be granted to the developer for the purpose of addressing remediation costs as part of an economic development activity.

(c) *Funding Reserves.* The cash flow generated by an economic development project may be expected to be relatively ''thin'' in the early stages of the project, i.e. potentially insufficient cash flows to meet operating expenses and debt service obligations. The BEDI grant can make it possible for reserves to be established in a way that enhances the economic feasibility of the project.

(d) *Over-Collateralizing the Section 108 Loan.*

(i) The use of BEDI grant funds may be structured in appropriate cases so as to improve the likelihood that project-generated cash flow will be sufficient to cover debt service on the Section 108 loan and directly to enhance the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

(ii) An example is the creation of a loan pool funded with both Section 108 and BEDI grant funds. The community would make loans to various businesses from the combined pool at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio would be pledged to the repayment of the Section 108 loan.

(e) *Direct Enhancement of the Security of the Section 108 Loan.* The BEDI grant can be used to cover the cost of providing enhanced security. An example of how the BEDI grant can be used for this purpose is by using the grant funds to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize and thus will serve to protect the public entity's future CDBG funds.

(f) *Provision of Financing to For-Profit Businesses at a Below Market Interest Rate.*

(i) While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses in severely economically distressed neighborhoods. The BEDI grant can be used to make Section 108 financing affordable.

(ii) BEDI grant funds could serve to ''buy down'' the interest rate up front, or make full or partial interest payments, allowing the businesses to be financially viable in the early start-up period not otherwise possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial/retail project in a distressed neighborhood to act as a catalyst for other development in the area.

(g) *Combination of Techniques.* An applicant could employ a combination of these or other techniques in order to implement a strategy that carries out a BEDI project.

(B) *Eligible Applicants.* Any public entity eligible to apply for Section 108 loan guarantee assistance in accordance with 24 CFR 570.702 may apply for BEDI grant assistance under section 108(q). *Eligible applicants are CDBG entitlement units of general local government and non-entitlement units of general local government eligible to receive loan guarantees under 24 CFR part 570, subpart M.* Urban Counties, as defined at 24 CFR 570.3 and 570.307, are eligible applicants for BEDI funds; units of general local government which participate in an Urban County program are not independently eligible applicants. Non-entitlement applicants, other than those subject to 24 CFR part 570, subpart F will be required to provide proof that the State will support the related Section 108 loan with a pledge of its CDBG funds pursuant to the requirements of 24 CFR 570.705(b)(2). Note that effective January 25, 1995, non-entitlement public entities in the states of New York and Hawaii were authorized to apply to HUD for Section 108 loans (see 59 FR 47510, December 27, 1994). Thus non-entitlement public entities in all 50 states and Puerto Rico are eligible to participate in the Section 108 and BEDI programs.

(C) *Eligible Activities and National Objectives.* (1) BEDI grant funds and section 108 loan guarantee funds may be used for activities listed at 24 CFR 570.703, provided such activities are carried out as part of a BEDI project as described in this BEDI section of this SuperNOFA, including Section III(A) of this program section of the SuperNOFA. You are required to submit applications that seek funding for BEDI projects that will contribute to the redevelopment and revitalization of brownfields. Applications that fail to meet the requirements for a BEDI project as set forth in this SuperNOFA will not be rated by HUD.

(2) Each activity assisted with Section 108 loan guarantee or BEDI funds must meet a national objective of the CDBG program as described in 24 CFR 570.208. Applicants must clearly identify in their narrative statement (as described in Section V(B) of this program section below) the CDBG national objective to be achieved by the proposed project and provide the appropriate CDBG national objective regulatory citation found at 24 CFR 570.208. Applicants must also address, when applicable, how the proposed activities will comply with the public benefit standards of the CDBG program as reflected in the regulation at 24 CFR 570.209 for the Entitlement and Small Cities programs or 24 CFR 570.482 for the State CDBG program.

(3) In the aggregate, a grantee's use of CDBG funds, including any Section 108 loan guarantee proceeds and section 108(q) (EDI) funds provided pursuant to this program section of this SuperNOFA, must comply with the CDBG primary objectives requirements as described in section 101(c) of the Act and 24 CFR 570.200(c)(3) or 570.484 in the case of State grantees.

IV. Program Requirements

(A) *CDBG Program Regulations.* In addition to 24 CFR 570.701 (Definitions), § 570.702 (Eligible applicants), and § 570.703 (Eligible activities), as explained elsewhere in this program section of the SuperNOFA, the CDBG regulatory requirements cited in 24 CFR 570.707, including subparts J (Grant Administration), K (Other Program Requirements), and O (Performance Reviews) govern the use of BEDI funds, as applicable.

(B) *Compliance with Applicable Laws.* Applicants are advised that an award of BEDI funding does not in any way relieve the applicant or third party users of BEDI funds from compliance with all applicable Federal, State and local laws, particularly those addressing the environment. Applicants are further advised that HUD may require evidence that any project involving remediation has been or will be carried out in accordance with State law, including voluntary clean up programs.

(C) *Related Section 108 Loan Guarantee Application.* (1) Each BEDI application must be accompanied by a request for new Section 108 loan guarantee assistance. Notwithstanding the form of your request for new section 108 loan guarantee assistance under paragraphs (a),(b),(c),or (d) below of this Section IV(C), you must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance for the project described in your application. (See Section III (C) of this program section of this SuperNOFA.) Both the BEDI and Section 108 funds must be used in conjunction with the same BEDI project.

The request may take any of several forms as defined below.

(a) A full application for new Section 108 loan guarantee(s), including the documents listed at 24 CFR 570.704(b).

(b) A brief description (not to exceed three pages) of the project to be applied for in a new Section 108 loan guarantee application(s). Such 108 application(s) will be submitted within 60 days of a notice of BEDI selection, with HUD reserving the right to extend such period for good cause on a case-by-case basis. BEDI awards will be conditioned on approval of actual Section 108 loan commitments. The application description must be sufficient to support the basic eligibility of the proposed project and activities for Section 108 assistance. (See Section III(C) of this program section of the SuperNOFA.)

(c) A copy of a pending, unapproved Section 108 loan guarantee application, and any proposed amendments to the Section 108 application which are related to the BEDI application. The applicant's submission of such a BEDI/Section 108 application shall be deemed by HUD to constitute a request to suspend separate processing of the Section 108 application. The Section 108 application will not be approved until on or after the date of the related BEDI award.

(d) A request for a Section 108 loan guarantee amendment (analogous to Section IV(C)(1)(a) or (b) of this BEDI section of the SuperNOFA) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved before HUD's announcement of a BEDI grant for the same project pursuant to this SuperNOFA is not eligible to be used in conjunction with a BEDI grant under this SuperNOFA.

(2) Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI or BEDI grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this SuperNOFA, is not eligible for a BEDI award under this SuperNOFA. For example, if a public entity has a previously approved Section 108 loan guarantee commitment of $12 million, even if none of the funds have been utilized, or if the public entity had previously been awarded an EDI grant of $1 million and had certified that it will submit a Section 108 loan application for $10 million in support of that EDI grant, the public entity's application under this program section of this SuperNOFA must propose to increase the amount of its total Section 108 loan guarantee commitments beyond those amounts (the $12 million or $10 million in this example) to which it has previously agreed.

(D) *Limitations on Use of BEDI and Section 108 Funds.* Certain restrictions shall apply to the use of BEDI and Section 108 funds:

(1) BEDI grants shall not be used as a resource to immediately repay the principal of a loan guaranteed under Section 108. Repayment of principal is only permissible with BEDI grant funds as a matter of security if other sources projected for repayment of principal prove to be unavailable.

(2) You should not use Section 108 funds to finance activities which also include financing generated through the issuance of federally tax exempt obligations. Pursuant to Office of Management and Budget (OMB) Circular A–129 (Policies for Federal Credit Programs and Non-Tax Receivables), Section 108 guaranteed loan funds may not directly or indirectly support federally tax-exempt obligations.

(3) HUD will not consider for funding any BEDI proposal in which the related Section 108 loan guarantee would be used solely as security. BEDI funds are to be used to support and enhance activities financed with Section 108 loan guarantee proceeds from HUD's interim lending or public offering mechanisms and thereby leverage greater use of the Section 108 program. Awarding BEDI funds to a project which would use the Section 108 guarantee only as a security guarantee for other financing can be tantamount to making a simple grant to the project and thereby fails to fulfill the goals of the BEDI program.

(4) BEDI grant funds shall not be used in any manner by grantees to provide public or private sector entities with funding to remediate conditions caused by their actions, where the public entity (or other known prospective beneficiary of the proposed BEDI grant) has been determined responsible for causation and remediation by order of a court or a Federal, State, or local regulatory agency, or is responsible for the remediation as part of a settlement approved by such a court or agency.

(5) Applicants may not propose projects on sites which are listed or proposed to be listed on EPA's National Priority List (NPL). Further, applicants are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or which are the subject of on-going litigation or environmental enforcement action.

(E) *Limitations on Grant Amounts.* (1) HUD expects to approve BEDI grant amounts for approvable applications at a range of ratios of BEDI grant funds awarded to new Section 108 loan guarantee commitments but the minimum ratio will be $1 of Section 108 loan guarantee commitments for every $1 of BEDI grant funds. However, if you propose a leverage ratio of 1:1, your application will not receive any points under the Rating Subfactor 4(1): ''Leverage of Section 108 Funds.''

For example, if you request a BEDI grant of $1 million, you will be required to leverage a minimum of at least $1 million in new Section 108 loan guarantee commitments. Of course, even though there is a minimum ratio of 1:1, applications with higher ratios will receive more points under Rating Factor 4, ''Leveraging Resources/Financial Need'' and, all other things being equal, will be more competitive. You are encouraged to propose projects with a greater leverage ratio of new Section 108 to BEDI grant funds (assuming such projects are financially viable). For example $1 million of BEDI could leverage $12 million of new Section 108 loan commitments. HUD intends that the BEDI funds will be used for projects that leverage the greatest possible amount of Section 108 loan guarantee commitments. Because a fundable application is competitive in part because of the applicant's proposed ratio of BEDI funds to funds guaranteed by a Section 108 loan guarantee, HUD will condition a BEDI grant award on the grantee's achievement of that specific ratio. Your failure to meet that condition by obtaining timely HUD approval of a commitment for, and issuance of, the required Section 108 guaranteed obligations ratio may result in the cancellation and recapture of all or a proportionate share of the BEDI grant award.

(2) HUD will cap BEDI awards at a maximum of $2 million. Any application in excess of $1 million may be reduced below the amount requested by the applicant if HUD determines that such a reduction is appropriate.

(3) In the event you are awarded a BEDI grant that has been reduced below the original request (e.g., your application contained some activities that were ineligible or there were insufficient funds to fund the last competitive application at the full amount requested), you will be required to modify your project plans and application to conform to the terms of HUD approval before execution of a grant agreement. HUD also will proportionately reduce or deobligate the BEDI award if you do not submit an

approvable Section 108 loan guarantee application on a timely basis (including any extension authorized by HUD) in the amount required by the BEDI/108 leveraging ratio, which will be approved by HUD as a special condition of the BEDI grant award (see Section IV(E)(1) above of this program section of the SuperNOFA). Any modifications or amendments to your application approved pursuant to this SuperNOFA, whether requested by you or by HUD, must be within the scope of the approved original BEDI application in all respects material to rating the application, unless HUD determines that your revised application remains within the competitive range and is otherwise approvable under this SuperNOFA competition.

(4) In the case of requested amendments to a previously approved Section 108 loan guarantee commitment (as further discussed in Section IV(C)(1)(d) of this program section above), the BEDI assistance approved will be based on the increased amount of Section 108 loan guarantee assistance. Pursuant to another portion of this SuperNOFA, HUD is simultaneously announcing the availability of up to $24.1 million of EDI funds. While HUD will permit you to pursue BEDI and EDI funds for the same project, HUD requires that your BEDI and EDI applications (and components contained in the applications) be independent of one another. Thus, each application should have an identifiable amount of Section 108 funding associated with its respective request for EDI and BEDI funds, for purposes of determining the leverage of Section 108 funding to the corresponding amount of EDI or BEDI funds requested. Further, the proposed amount of Section 108 borrowing associated with either the BEDI or EDI grant must not be used to determine leverage of other financial sources under Rating Subfactor 4(3). Further, if you seek both BEDI and EDI funds for the same project, you must include, in your response to Rating Factor 3 and the ''Financial feasibility'' portion of Rating Factor 4, a discussion of how your project can be financed and implemented if you fail to obtain either BEDI or EDI funds under this SuperNOFA.

(F) *Timing of Grant Awards.* (1) To the extent you submit a full Section 108 application with the BEDI grant application, HUD will evaluate your Section 108 application concurrently with your request for BEDI grant funds. Note that BEDI grant assistance cannot be used to leverage a Section 108 loan guarantee approved prior to the date of HUD's announcement of a BEDI grant pursuant to this SuperNOFA. However, the BEDI grant may be awarded prior to HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act.

(2) HUD's notice to you of the amount and conditions of BEDI funds awarded, based upon review of the BEDI application, constitutes an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement. BEDI funds will not be disbursed to the public entity before the issuance of the related Section 108 guaranteed obligations.

(3) If additional BEDI grant funds become available to HUD as the result of recaptures prior to the date of this SuperNOFA, HUD reserves the right to award grants under this SuperNOFA whose aggregate total may exceed the $25 million announced in this SuperNOFA, up to the maximum amount authorized by law.

V. The Application Selection Process

(A) *Rating and Ranking.* (1) Each rating factor and the maximum number of points is provided below. The maximum number of points to be awarded is 102. This includes two EZ/EC bonus points as described in the **General Section** of the SuperNOFA, or two bonus points for having received a Federal designation as a Brownfields Showcase Community. (Please note that in any event, the maximum number of bonus points is limited to a total of two (2).)

(2) Once scores are assigned, HUD will rank all applications in order of points assigned, with the applications receiving more points ranking above those receiving fewer points. Applications will be funded in rank order.

(3) Prior to award, if HUD determines that an application rated, ranked and fundable could be funded at a lesser BEDI grant amount than requested consistent with feasibility of the funded project or activities and the purposes of the Act, HUD reserves the right to reduce the amount of the BEDI award and/or increase the required Section 108 loan guarantee commitment, if necessary, in accordance with such determination. An application in excess of $1 million may be reduced below the amount requested by the applicant if HUD determines that such a reduction is appropriate.

(4) HUD may decide not to award the full amount of BEDI grant funds available under this program section of this SuperNOFA and may make any remaining amounts available under a future SuperNOFA.

(5) HUD desires to fund projects which will quickly produce demonstrable results. BEDI grant awards will contain conditions requiring you to adhere to your stated timeframes for implementing your proposed projects and drawing Section 108 and EDI funds. Failure to adhere to these schedules may be cause for HUD to recapture the BEDI funds.

(B) *Narrative Statement.* (1) Provide a narrative statement describing the activities that you will carry out with the BEDI grant funds, explaining the nature and extent of the Brownfield's problems(s) affecting the project. Your narrative statement must not exceed three (3) 8.5″ by 11″ pages for the description of the activities to be carried out with the BEDI grant funds.

(2) Describe how your proposed uses of BEDI funds will meet the national objectives for the CDBG program under 24 CFR 570.208 and qualify as eligible activities under 24 CFR 570.703. *You must include citations to the specific regulatory subsections supporting activity eligibility and national objectives compliance.* (See Section III(C) of this program section of this SuperNOFA.)

(3) Respond to the rating factors below. Each of the listed rating factors (or, where applicable, each subfactor) below has a separate page limitation specified.

(4) Print your narrative statements in 12 point type/font, and use sequentially numbered pages.

(C) *Factors for Award Used to Evaluate and Rate Applications.* HUD will consider your application for selection based on the following factors that demonstrate the quality of your proposed project or activities, and your creativity, capacity and commitment to obtain maximum benefit from the BEDI funds, in accordance with the purposes of the Act.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (15 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the extent to which you have the organizational resources necessary to successfully implement the proposed activities in a timely manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit or threshold compliance, unless otherwise specified, will include any subcontractors, consultants, subrecipients, and members of consortia that are firmly committed (i.e. have a written agreement or a signed letter of understanding with you agreeing in

principle to their participation and role in the project). In rating this factor, HUD will consider the following:

(1) With regard to the BEDI/Section 108 project you propose, you should demonstrate that you have the capacity to implement the specific steps required to successfully carry out the proposed BEDI/Section 108 project. This includes factors such as your:

(a) Performance in the administration of your CDBG, HOME or other programs;

(b) Previous experience, if any, in administering a Section 108 loan guarantee;

(c) Performance and capacity in carrying out economic development projects;

(d) Performance and capacity to carry out Brownfields redevelopment projects;

(e) Ability to conduct prudent underwriting;

(f) Capacity to manage and service loans made with the guaranteed loan funds or previous EDI or BEDI grant funds;

(g) Capacity to carry out your projects and programs in a timely manner; and,

(h) If applicable, your capacity to manage projects under this program section of this SuperNOFA along with any federal funds awarded as a result of a federal urban Empowerment Zone/ Enterprise Community designation (including Enhanced Enterprise Community (EEC) designations).

(2)(a) If you have previously received an EDI or BEDI grant award(s), you must describe the status of the implementation of those project(s) assisted with EDI or BEDI funds, any delays that have been encountered and the actions you are taking to overcome any such delays in order to carry out the project in a timely manner. For such previously funded EDI or BEDI grant projects, HUD will consider the extent to which you have used the awarded EDI or BEDI grant funds and the associated Section 108-guaranteed loan funds.

(b) Further, if you have EDI or BEDI funds and related Section 108 loan guarantee authority available as a result of earlier HUD awards and commitments for activities such as (but not limited to) economic development loan funds, community development banks, and community and individual investment corporations, you should use those existing financial resources before applying for additional BEDI or EDI funds and Section 108 commitments. If HUD determines that you could fund your project from such existing resources, HUD will reduce your score under this rating factor to 0.

(3) The capacity of subrecipients, nonprofit organizations and other entities that have a role in implementing your proposed program will be included in this review. HUD also may rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor.

Rating Factor 2: Distress/Extent of the Problem (15 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the extent to which there is need for funding your proposed activities based on levels of distress, and an indication of the urgency of meeting the need/distress in your target area.

(1) In applying this factor, HUD will consider current levels of distress in the immediate community to be served by your project and the jurisdiction applying for assistance. If you are able to indicate a level of distress in the immediate project area that is greater than the level of distress in your jurisdiction as a whole, HUD will give your application a higher score under this factor than other applications that do not. HUD requires you to use sound and reliable data that is verifiable to support the level of distress you claim in your application. You must provide a source for all information you cite and indicate the publication date or origination date of the data.

(2) In previous EDI competitions, the poverty rate was often considered the best indicator of distress. You must provide the poverty rate for your jurisdiction as a whole and for the areas to be served and/or where the BEDI/ Section 108-funded project is located; however, in addition, you may demonstrate the level of distress with other factors such as income levels and unemployment rates.

(3) To the extent that your Consolidated Plan and its Analysis of Impediments to Fair Housing choice (AI) identifies the level of distress in the community and the neighborhood in which your project is being carried out, you should include references to such documents in preparing your response to this factor. Also, you should discuss the extent to which the analysis of impediments identifies unhealthy environmental conditions, such as contaminated soil and/or water and how such conditions negatively impact your target neighborhood.

Rating Factor 3: Soundness of Approach (25 Points)

[Your response to this factor is limited to three (3) pages.]

This factor addresses the quality and cost-effectiveness of your proposed plan. There must be a clear relationship between the proposed activities, community needs and purposes of the program funding for you to receive points for this factor. In rating this factor, HUD will consider the following:

(1) The quality of your plan/proposal for using BEDI funds and Section 108 loan funds, including the extent to which your proposed plan for effective use of BEDI grant/Section 108-guaranteed loan funds will address the needs you described in Rating Factor 2 above regarding the distress and extent of the problem in your immediate community and/or jurisdiction. As part of the response to this factor, you should identify the eligible activities you will carry out and fully describe how your project will achieve a CDBG national objective. You should make substantial efforts to demonstrate how your proposed project would mitigate or otherwise address the distress you identified in Rating Factor 2 above.

(2) The extent to which your plan is logically, feasibly, and substantially likely to achieve your stated purpose. HUD's desire is to fund projects and activities that will quickly produce demonstrable results and advance the public interest including the number of jobs to be created by the project. You should demonstrate that you have a clear understanding of the steps required to implement your project, the actions that you and others responsible for implementing the project must complete. You must include a reasonable time schedule for carrying out your project. The application kit contains a timeline form that you must use to indicate your project timing.

(3) The extent to which your response to this factor takes into account certain site selection, planning, and environmental issues. Further, you are cautioned against proposing projects on sites where the nature and degree of environmental contamination is not well quantified or that are the subject of on-going litigation or environmental enforcement. Sites with unknown or exceptionally expensive contamination problems may be beyond the scope of the BEDI program's financial resources, and sites subject to pending and current litigation may not be available for remediation and development in a timeframe consistent with HUD's desire for rapid progress in the use of BEDI and Section 108 funds.

(4) The extent to which your projects will integrate environmental justice concerns and provide demonstrable benefits for affected communities and their residents. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites.

(5) The extent to which your proposed project addresses your Analysis of Impediments and the needs identified in Rating Factor 2; the extent to which such project activities will result in the physical and economic improvement for the residents in the neighborhood in which your project will be carried out; the extent to which you will offer residents an opportunity to relocate to environmentally healthy housing or neighborhoods; or the extent to which residents will benefit from the funded project to enable them to continue to live in a redeveloped or revitalized neighborhood and thus share in the anticipated economic benefits and environmental improvements your project is expected to generate.

(6) The extent to which your project incorporates one or more elements that facilitate a successful transition of welfare recipients from welfare to work. Such an element could include, for example, linking your proposed project or loan fund to social and/or other services needed to enable welfare recipients to successfully secure and carry out full-time jobs in the private sector; provision of job training to welfare recipients who might be hired by businesses financed through the proposal; and/or incentives for businesses financed with BEDI/section 108 funds to hire and train welfare recipients.

(7) Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD's consideration of the response to this factor, ''Soundness of Approach'' will include the extent to which Dallas'' plan for BEDI funds and Section 108 loans will speed eradication of the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order. Up to two (2) additional points will be awarded to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed.

Rating Factor 4: Leveraging Resources/ Financial Need (35 Points)

[Page limits for the response to this factor are listed separately for each subfactor under this factor.]

In evaluating this factor, HUD will consider the extent to which your response demonstrates the financial need and feasibility of your project and the leverage ratio of Section 108 loan proceeds to BEDI grant funds. This factor has three subfactors, each with its own maximum point total:

(1) *Leverage of Section 108 funds* **(20 points).** [Your response to this subfactor is limited to one (1) page.] The minimum ratio of Section 108 funds to BEDI funds in any project may not be less than 1:1. The extent to which your proposed project leverages an amount of Section 108 funds beyond the 1:1 ratio will be considered a positive factor. If you have a ratio of 1:1, your application will not receive any points under this subfactor. If you use your BEDI grant to leverage more new Section 108 commitments, your application will receive more points under this subfactor.

(2) *Financial feasibility* **(10 points).** [Your response to this subfactor is limited to three (3) pages.] HUD will consider the extent to which you demonstrate that your project is financially feasible. In responding to this subfactor, you must clearly address the question of why the BEDI funds are critical to the success of your project. This may include factors such as:

(a) Project costs and financial requirements. You should provide a funding sources and uses statement (not included in the 3 page narrative limit), as well as justifications for project costs.

(b) The amount of any debt service or operating reserve accounts you will establish in connection with your economic development project.

(c) The reasonableness of the costs of any credit enhancement you pay with BEDI grant funds.

(d) The amount of program income (if any) you will receive each year during the repayment period for the guaranteed loan.

(e) Interest rates on those loans to third parties (other than subrecipients) (either as an absolute rate or as a plus/ minus spread to the Section 108 rate).

(f) Underwriting criteria that you will use in determining project feasibility.

(3) *Leverage of other financial resources* **(5 points).** [Your response to this subfactor is limited to one (1) page plus supporting documentation evidencing third party commitment (written and signed) of funds.] HUD will evaluate the extent to which you leverage other funds (public or private) with BEDI grant funds and section 108 guaranteed loan funds, and the extent to which such other funds are firmly pledged to the project. This could include the use of CDBG funds, other Federal or state grants or loans, your general funds, project equity or commercial financing provided by private sources or funds from non-profits or other sources. Funds will be considered pledged to your project if there is evidence of the third party's written commitment to make the funds available for the BEDI/108 project, subject to approval of the BEDI and Section 108 assistance and completion of any environmental clearance required under 24 CFR part 58 for the project. Note that with respect to CDBG funds, your pledge of your CDBG funds will be considered sufficient commitment.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

[Your response to this factor is limited to two (2) pages.]

This factor addresses the extent to which you have coordinated your activities with other known organizations; you participate or promote participation in your or a State's Consolidated Planning process; and you are working towards addressing a need in a comprehensive manner through linkages with other activities in the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations before submitting your application, in order to best complement, support and coordinate all known activities; and developed specific steps to share information on solutions and outcomes with others. Describe any written agreements or memoranda of understanding in place, or that will be in place after award.

(2) Developed linkages, or specific steps to develop linkages with other activities, programs or projects (through meetings, information networks, planning processes or other mechanisms to coordinate your activities), so that solutions are holistic and comprehensive. Describe any linkages with other HUD-funded projects/ activities outside the scope of those covered by the Consolidated Plan, as well as established linkages and outreach with residents of your project area.

(3) Coordinated your efforts with other Federal, State or locally supported activities, including EPA's various Brownfields initiatives, and those proposed or on-going in the community.

VI. Application Submission Requirements

(A) Public entities seeking BEDI assistance must make a specific request for that assistance, in accordance with the requirements of this program section of this SuperNOFA.

(B) You must submit an original and one copy of the items listed below to HUD Headquarters (see the section ''Addresses For Submitting Applications in this program section of this SuperNOFA). In addition, you must submit one additional copy directly to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction.

(C) Your BEDI application consists of the items listed in this Section VI(C). These items include the standard forms, certifications, and assurances listed in Section II(G) of the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). Additional application items that are forms (i.e., excluding such items as narratives or letters, etc.), referred to as the ''non-standard forms'' can be found in Appendix A to the EDI program section of the SuperNOFA (which immediately precedes this BEDI program section).

(1) *Transmittal Letter* signed by the authorized representative of your organization indicating that you are submitting your application for funding under the Economic Development Initiative Program and you are requesting funding consideration for an EDI project.

(2) *Checklist and Submission Table of Contents* indicating the page numbers where the submission items can be found in your application (form HUD–40076–EDI/BEDI).

(3) *Section 108 Funding Eligibility Statement.* A completed EDI/BEDI Section 108 Funding Eligibility Statement (form HUD–40076–EDI/BEDI).

(4) *Request for Loan Guarantee Assistance.* A request for loan guarantee assistance under Section 108, as further described in Section IV(C) of this program section of the SuperNOFA. Full application guidelines for the Section 108 program are found at 24 CFR 570.704.

(5) *Narrative Response to Factors for Award:*

(a) Rating Factor 1: Capacity and Relevant Organizational Experience. Provide a narrative indicating your capacity and the relevant capacity of your organization and staff to perform the work for which you are requesting funding.

(b) Rating Factor 2: Need Statement Identifying the level of Distress/Extent of the Problem. Provide a narrative statement including any documentation supporting your statement of need. You may also use optional form HUD–40076–EDI/BEDI as a format to respond to this factor for award.

(c) Rating Factor 3: Soundness of Approach. Include your activities, budget and time frame for conducting activities in your response (see form HUD–40076–EDI/BEDI).

(d) Rating Factor 4: Leveraging Resources/Financial Need. Your response should include a completed copy of form HUD–40076–EDI/BEDI, ''Rating Factor 4: Leveraging Resources/Financial Need Sources and Uses Statement.''

(e) Rating Factor 5: Comprehensiveness and Coordination. Provide a narrative response to this factor.

(D) A single application must contain a request for funds for a single BEDI/108 project. You may submit more than one application for each additional unrelated BEDI/108 project. Each application will be rated and ranked individually. In no event will HUD rate and rank more than one BEDI project per application.

(E) Your application must meet all of the applicable threshold requirements of Section II(B) of the **General Section** of this SuperNOFA.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

(A) *Environmental Review.* After the completion of this competition and after HUD's award of BEDI grant funds, pursuant to 24 CFR 570.604, each project or activity assisted under this program is subject to the provisions of 24 CFR part 58, including limitations on the EDI grant and Section 108 public entity's commitment of HUD and non-HUD funds prior to the completion of environmental review, notification and release of funds. HUD will not release such assistance until you submit a request for release of funds and you satisfy the requirements of 24 CFR part 58. All public entities, including nonentitlement public entities, must submit the request for release of funds and related certification, pursuant to 24 CFR part 58, to the appropriate HUD field office for each project to be assisted.

(B) *Environmental Justice.* (1) Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations directs Federal agencies to develop strategies to address environmental justice. Environmental justice seeks to rectify the disproportionately high burden of environmental pollution that is often borne by low-income, minority, and other disadvantaged communities, and to ensure community involvement in policies and programs addressing this issue.

(2) Brownfields are often located in distressed neighborhoods, contribute to neighborhood blight, and lower the quality of social, economic, and environmental health of communities. The BEDI program is intended to promote the clean up and redevelopment of brownfields sites and, to this end, HUD expects that projects presented for BEDI funding will integrate environmental justice concerns and provide demonstrable benefits for affected communities and their residents.

IX. Authority

Section 108(q), Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301–5320); 24 CFR part 570.

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SELF-HELP HOMEOWNERSHIP PROGRAM (SHOP)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SELF-HELP HOMEOWNERSHIP OPPORTUNITY PROGRAM (SHOP)

Program Overview

Purpose of the Program. To facilitate and encourage innovative homeownership opportunities through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction of the new dwelling.

Available Funds. Approximately $20 million.

Eligible Applicants. You must be a nonprofit national or regional organization or consortium.

Application Deadline. **April 25, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information:

I. Application Due Date, Standard Forms, Further Information, and Technical Assistance

Application Due Date. Applications for SHOP grants must be physically received by HUD on or before 12:00 midnight, Eastern time on April 25, 2000.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit one original and two copies of the application to Department of Housing and Urban Development, Office of Community Planning and Development, Processing and Control Unit, 451 Seventh Street, SW, Room 7251, Washington, DC 20410, ATTN: Self-Help Homeownership Opportunity Program.

For Application Forms. Copies of the standard forms are located in the **General Section** of this SuperNOFA or you may request copies by calling HUD's SuperNOFA Information Center at: 1–800–HUD–8929. If you have a hearing or speech impairment, please call the Center's TTY number at 1–800–HUD–2209. When requesting application forms, you should refer to SHOP and provide your name and address (including zip code) and telephone number (including area code). You may also access the application on the Internet through HUD's web site at www.hud.gov.

Further Information. You may contact Lou Thompson, Office of Affordable Housing Programs, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–2684, ext. 4594 (this is not a toll-free number). This number can be accessed via TTY by calling the Federal Information Relay Service Operator at 1–800–877–8339.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

The amount available for this program is approximately $20,000,000

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* SHOP is intended to facilitate and encourage innovative homeownership opportunities on a national geographically-diverse basis through self-help housing where the homebuyer contributes a significant amount of sweat-equity toward the construction or rehabilitation of the dwelling.

Decent, safe, and sanitary non-luxury dwellings developed under SHOP must be made available to eligible homebuyers at prices below the prevailing market prices. Eligible homebuyers are low-income families (families whose annual incomes do not exceed 80 percent of the median income for the area, as established by HUD) who are unable to purchase a dwelling. Housing assisted under this Notice must involve community participation through the use of homebuyers and/or volunteers in the construction of dwellings and by other activities which involve the community in the project.

(B) *Eligible Applicants.* You must be a nonprofit national or regional organization or consortium that has the capacity and experience to provide or facilitate self-help housing homeownership opportunities. Local affiliates of national or regional organizations or consortia must apply as part of the national or regional organization or consortia and may not apply for SHOP independently. ''Regional'' is defined for the purpose of this program section of the SuperNOFA to be a ''regional area'' such as the Southwest or Northeast which must include at least two or more States (the States need not be contiguous and the operational boundaries of the organization need not precisely conform to State boundaries). If you are a consortium, one organization must be chosen as the lead entity. The lead entity must submit the application and, if selected for funding, will execute the grant agreement and assume primary responsibility for carrying out grant activities in compliance with all program requirements. Other participants in your consortium must be identified in your application.

Your application may not propose a partnership with or funding for any affiliate or consortium member which is also included in another SHOP application. You must assure that any affiliate, consortium member, or potential subrecipient under your FY 2000 application is not also seeking funding from another SHOP applicant for FY 2000 funds.

(C) *Eligible Activities.* The only eligible activities are land acquisition (including financing and closing costs), infrastructure improvement (installing, extending, constructing, rehabilitating, or otherwise improving utilities and other infrastructure, including removal of environmental hazards), and administration, planning and management development [as defined] under the HOME Investment Partnerships Program (24 CFR part 92.207) and not to exceed 20 percent of any SHOP grant. Costs associated with the rehabilitation, improvement, or construction of dwellings *are not eligible* uses of program funds.

IV. Program Requirements

In addition to the program requirements listed in the General Section of this SuperNOFA, you are subject to the following SHOP requirements:

(A) *Statutory Requirements.* You must comply with all statutory requirements applicable to SHOP as cited in Section IX of this program section below. There are no regulations for this program. You must be capable of:

(1) Developing, through significant amounts of sweat-equity and volunteer labor, at least 30 dwellings at an average cost of no more than $10,000 per unit in SHOP funds;

(2) Using your grant to leverage other sources of funding, including private or other public funds;

(3) Developing quality dwellings that comply with local building and safety codes and standards and which will be available to homebuyers at prices below the prevailing market price; and

(4) Scheduling activities to expend all grant funds awarded and substantially fulfill your construction obligations under your grant agreement within 24 months after grant funds are first made available to you.

(B) *Economic Opportunities for Low- and Very Low-Income Persons (Section 3).* If you fund infrastructure improvements under this program, you are required to comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons) and the HUD regulations at 24 CFR part 135, including the reporting requirements subpart E. Section 3 requires that you provide training, employment and other economic opportunities, to the greatest extent feasible, to: (1) low- and very low-income persons, particularly those who are recipients of government assistance for housing and (2) business concerns which provide economic opportunities to low- and very low-income persons.

V. Application Selection Process

(A) *Rating.* HUD will review all applications in accordance with the Application Selection Process in the **General Section** of this SuperNOFA. HUD will review all applications based on the threshold factors listed in Section V(C) of this program section below. Applications which meet all threshold requirements will be rated according to the selection factors in this section of the SuperNOFA. Applications which do not meet all threshold factors will be rejected and not rated.

(B) *Ranking and Selection Procedures.* Applications that receive a total rating of 60 points or more (without the addition of EC/EZ bonus points) will be eligible for selection, and HUD will place them in rank order. After adding any bonus points for EC/EZ, HUD will select these applications based on rank order, up to and including the last application that can be funded, up to amount of funding available.

HUD reserves the right to fund less than the full amount requested in any application to ensure a fair distribution of the funds and that dwellings will be developed on a national geographically-diverse basis as required by the statute. HUD will not fund any portion of an application that is ineligible for funding under program statutory requirements, or which does not meet the requirements of the **General Section** of this SuperNOFA or the requirements in the SHOP section of the SuperNOFA. HUD will not fund any eligible applicant for less than the minimum amount necessary to complete at least 30 homes (at a maximum of $10,000 per home or a lesser amount if lower costs are reflected in the application). If funds remain after all selections have been made, these funds may be available for other competitions.

(C) *Threshold Requirements.* The following threshold requirements apply specifically to SHOP. You must also be sure to address the threshold requirements listed in the **General Section** of the SuperNOFA and must submit all forms, certifications, and assurances identified in the **General Section.**

(1) You, the applicant, must be eligible to apply under SHOP (see Section III(B) of this program section of the SuperNOFA).

(2) The amount of funding you request must support no less than 30 self-help units and may not exceed an average amount of $10,000 per unit.

(3) The population you plan to serve must be eligible under SHOP (see Section III(A) of this program section of the SuperNOFA).

(4) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed a significant amount of sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

Submission Threshold Requirements:

(1) Evidence of your non-profit status, such as a copy of a current Internal Revenue Service ruling that your organization is exempt from taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986. Where an IRS ruling is unavailable, you may submit a certified copy of your approved charter, articles of incorporation or bylaws demonstrating that you are established as a nonprofit organization under state law. If you are a consortium, each participant in your consortium must be a nonprofit organization, but only the lead entity should submit evidence of its nonprofit status. However, the lead entity must maintain a copy of the above-described documentation for each participant in your consortium.

Submission threshold requirements (2) through (4) require no additional submissions. These requirements are addressed under the submission requirements for the rating factors listed in Section V(D) of this program section of the SuperNOFA below.

(D) *Factors for Award Used to Evaluate Applications.* HUD will rate all SHOP applications that successfully complete technical processing using the Rating Factors and the Application Submission Requirements described below. The maximum number of points for this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (20 Points)

This factor examines the extent to which you, as a single applicant or as a consortium (including sub-recipients and/or members of the consortium, if any), have the experience and organizational resources necessary to carry out the proposed activities in a timely manner.

In evaluating this factor, HUD will consider your recent and relevant experience in carrying out the activities you propose, and your administrative ability, and fiscal management ability. HUD may also rely on information from performance reports, financial status information, monitoring reports, audit reports and other information available to HUD in making its determination under this factor. If you are not a current recipient of HUD funds, you may submit evidence of internal or external performance reports or other information which will assist HUD in making this determination.

Submission Requirements for Rating Factor 1.

(1) You must describe your past experience in carrying out activities that are the same as, or similar to, the activities you propose for funding, and demonstrate reasonable success in carrying out those activities. You may demonstrate such reasonable success by showing that your previous activities were carried out as proposed and in a timely manner. You must show that established benchmarks were met and performance reports were prepared, as required. You must also describe any delays that were encountered, and the actions you took to overcome such delays to successfully complete your program.

(2) You must demonstrate that you have completed at least 30 self-help homeownership units within a national or regional area (where the homebuyers contributed sweat-equity and/or volunteer labor toward the construction of the dwellings) within the 24-month period preceding the publication of this SuperNOFA.

(3) You must provide a description of your management structure. You must also describe how you will staff and manage your proposed activities.

(4) You must demonstrate your ability to handle financial resources with adequate financial control and accounting procedures. Your existing financial control procedures must meet 24 CFR 84.21, ''Standards for Financial Management Systems.'' You must provide a copy of your most recent audit (only an audit of the lead entity must be

provided with an application for a consortium).

(5) You must demonstrate your experience and ability in constructing and altering homes with accessibility features, when necessary.

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor examines the extent to which you identify the community need, or problem, or distress that your proposed activities will target, and the urgency of meeting that need.

The purpose of this factor is to make sure that funding is provided where a need for funding exists. Under this factor, you must identify the need or needs in the community that your proposed activities are designed to address or, if you plan to select specific subrecipients only after you receive SHOP funding, you must demonstrate how you plan to identify need prior to your selection of any subrecipients.

Submission Requirements for Rating Factor 2.

(1) Identify the communities or areas in which your proposed activities will be carried out or how you will select communities or projects based on need after you have received an award under SHOP.

(2) Depending on the type of activities proposed, the kind of information you submit to demonstrate the need or needs in the target area may include, but is not limited to, one or more of the following:

(a) Housing market data such as information included in the local Five Year Comprehensive Plan or other data sources;

(b) Data dealing with such factors as housing density, housing affordability, housing age or deterioration, and lack of adequate infrastructure or utilities;

(c) Data on the need for accessible homes in the area;

(d) Evidence of housing discrimination;

(e) Evidence from the local Analysis of Impediments to Fair Housing Choice which shows the need for this program.

Rating Factor 3: Soundness of Approach (40 Points)

This factor examines the quality of your plan of proposed activities. In evaluating this factor HUD will consider:

(1) The specificity in your plan; your established benchmarks for performance; your schedule for expending funds and completing construction; your proposed budget and the cost effectiveness of your program; and your plans to reach all potentially-eligible homebuyers, including those with disabilities or least likely to apply.

(2) How your planned activities further one or more of the policy priorities of the Department. Departmental policy priorities are:

(i) Affirmatively furthering fair housing by promoting greater opportunities for housing choice for all segments of the population regardless of race, color, religion, national origin, sex, familial status and disability;

(ii) Promoting healthy homes;

(iii) Providing opportunities for self-sufficiency, particularly for persons enrolled in Welfare to Work programs;

(iv) Providing educational and job training opportunities through such initiatives as Neighborhood Networks, and linking programs to AmeriCorps activities; and

(v) Enhancing on-going efforts to eliminate drugs and crime from neighborhoods through program policy efforts such as ''One Strike and You're Out'' or the ''Officer Next Door'' initiative.

(3) Your SHOP strategy to employ the President's Partnership for Advancing Technology in Housing (PATH) technologies to improve the affordability, durability, energy efficiency, environmental protection, disaster resistance and safety of housing. HUD will consider how your planned activities exceed prevailing national building practices by: reducing costs of housing; improving durability and reducing maintenance costs; increasing safety and disaster resistance; and reducing energy consumption and environmental impact. For additional information, PATH's web address is http://www.pathnet.org.

Submission Requirements for Factor 3.

(1) Identify all activities you propose to fund with SHOP.

(2) Provide a timetable for the selection of your participating local affiliates or partners, if they are not specified in the application.

(3) Submit a construction and completion schedule which expends SHOP funds within 24 months and demonstrates that remaining housing construction will be completed within a reasonable period of time.

(4) List the benchmarks against which HUD is to measure your performance progress in expending funds, completing activities, and substantially fulfilling the obligations of SHOP.

(5) Describe how your proposed activities address the need or needs you have identified under Rating Factor 2, above.

(6) List the long-and short-term benefits from your activities to the community and targeted groups within the community, and describe how you will ascertain and measure the benefits.

(7) Provide a detailed budget with a break-out for each proposed task and each budget category (acquisition, infrastructure improvements, and administration) in the SF–424A.

(8) Demonstrate that projected costs for the proposed activities do not deviate substantially from the norm in the locale in which your activities will take place, will not exceed an average cost of $10,000 per home in SHOP funds, and your ability to carry out your proposed activities cost effectively.

(9) Describe how the policy priorities of the Department are furthered and PATH technologies are addressed by your proposed activities.

(10) Describe how you will reach potential homebuyers through the use of services and materials that are accessible or visitable to all persons, including persons with disabilities (e.g., languages, formats, locations, distribution, use of minority media to attract those least likely to apply).

(11) Describe how activities will benefit eligible homebuyers and your selection factors for participating homebuyers.

(12) Describe how your proposed activities will yield long-term results and innovative strategies or ''best practices'' that can be readily disseminated to other organizations, communities, and/or State and local governments.

(13) Describe how your program will provide reasonable accommodations for persons with a variety of disabilities by providing ''sweat equity'' assignments which can be performed by the client regardless of disability; accessible housing regardless of the nature of the disability of its intended residents; and ''visitable'' housing for all clients.

Rating Factor 4: Leveraging Resources (15 Points)

This factor addresses your ability to secure other resources that can be combined with HUD's program resources to achieve the purposes of SHOP. HUD will consider the extent to which you document firm commitments of resources in the form of cash funding, in-kind contributions, or personnel from Federal, State, local, and private sources, who are jointly referred to as your leverage partners. HUD will also consider the extent that the applicant's proposed sweat-equity requirements and other leveraged resources will serve to reduce costs to the homebuyers.

Submission Requirements for Factor 4.

(1) Provide a list of amounts and sources of all firm commitments of cash

funding, in-kind contributions, or personnel from other Federal, State, local, and private sources which will be available to complete your project. Together with the grant funds, these commitments must be sufficient to develop not less than 30 units.

(2) Provide copies of written evidence to support your list of firm commitments from the source of the commitment. There must be a written agreement to provide the resources. The written agreement may be contingent upon you receiving a grant award.

(3) Provide a description of the individual sweat-equity requirements of your program and how this contribution of labor will serve to reduce the costs of the home to the homebuyer. Reasonable accommodation must be allowed for persons with a variety of disabilities to participate in your program.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which your application reflects a coordinated, comprehensive approach to identifying community needs and addressing them on an ongoing basis. In evaluating this factor, HUD will consider:

(1) The extent to which you demonstrate the support and participation of the community's residents, organizations, businesses, and government in the design and implementation of the proposed activities.

(2) The specific steps you will take to share information on solutions, outcomes, and best practices resulting from the activities, if funded.

(3) The specific steps you have taken or will take to coordinate, through meetings, information networks, planning processes, or other mechanisms, your activities with other proposed or on-going activities in the community funded by Federal, State, local, or private sources.

Submission Requirements for Factor 5.

(1) Describe what role residents, community leaders and organizations, and government and private entities in the targeted community have had, or will have, in planning the activities described in your application and what role they will have in carrying out such activities.

(2) Describe how you will share with others information on solutions and outcomes resulting from the activities, if funded.

(3) Describe the specific steps you have taken or will take to become active in the community's Consolidated Plan and Analysis of Impediments to Fair Housing Choice process; or the community's Indian Housing Plan process; and to address, through these processes, the needs that are the focus of the proposed activities.

(4) Describe the specific steps you have taken, or will take, to coordinate your activities with other proposed or on-going activities in the community funded by Federal, State, local, or private sources (through meetings, information networks, planning processes, or other mechanisms).

VI. Application Requirements and Checklist for Application Submission

Your application consists of the items listed in this Section VI. The standard forms, certifications, and assurances that are applicable to this funding (collectively, referred to as the ''standard forms'') can be found in Appendix B to the **General Section** of the SuperNOFA.

_____Standard Form 424, Application for Federal Assistance (signed by the authorized representative organization eligible to receive funds)

_____Evidence of Non-Profit status

Narrative Statement Addressing:

_____Factor 1—Capacity of the Applicant and Relevant Organizational Staff, including recent audit.

_____Factor 2—Need/Extent of the Problem

_____Factor 3—Soundness of Approach

_____Factor 4—Leveraging Resources

_____Factor 5—Comprehensiveness and Coordination

Forms, Certifications and Assurances:

_____SF 424A, Budget Information, Non-Construction Programs

_____SF 424B, Assurances—Non-Construction Programs

_____SF 424M, Federal Assistance Funding Matrix

_____HUD–50070, Certification for a Drug-Free Workplace

_____HUD–50071, Certification of Payment to Influence Federal Transactions

_____SF–LLL, Disclosure of Lobbying Activity, as applicable

_____HUD–2880, Applicant/Recipient Disclosure/Update Report

_____HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan

_____HUD–2992, Certification Regarding Debarment and Suspension

_____HUD–2993, Acknowledgement of Application Receipt

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

The provisions contained in Section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, Environmental Review, implemented in the Environmental Review regulations at 24 CFR part 58, are applicable to properties assisted with SHOP funds. All SHOP assistance is subject to the National Environmental Policy Act of 1969 and related federal environmental authorities. SHOP grant applicants are cautioned that no federal or non-federal funds or assistance which limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed by a unit of general local government, tribe or State and until HUD approves a recipient's request for release of funds under the environmental provisions contained in 24 CFR part 58.

IX. Authority

The funding made available under this program section of the SuperNOFA is authorized by section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) (the ''Extension Act'').

BILLING CODE 4210–32–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

YOUTHBUILD

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE YOUTHBUILD PROGRAM

PROGRAM OVERVIEW

Purpose of the Program. The purpose of the Youthbuild program is to assist disadvantaged young adults in completing their high school education, and provide them with construction and the training on worksite for housing designated for homeless persons and low- and very low income families, leadership skills to further opportunities for their gainful employment.

Available Funds. Approximately $40,000,000 is available for the Youthbuild Program.

Eligible Applicants. Eligible applicants are public or private nonprofit agencies, State or local housing agencies or authorities, State or local units of general local government, or any entity eligible to provide education and employment training under other Federal employment training programs, as further defined in HUD's regulation at 24 CFR 585.4.

Application Deadline. **June 6, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the General Section of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (one original and two copies) is due on or before 12:00 midnight, Eastern time, on June 6, 2000.

See the **General Section** of this SuperNOFA for specific procedures that you must follow for the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. To HUD Headquarters. Your completed application consists of an original signed application and two copies. Submit the original application and one copy, by hand or mail delivery, to: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410, Attention: Youthbuild Grant.

To the Appropriate CPD Field Office. Submit the second copy of your application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. A hand carried application will be accepted at the specified HUD Field Office during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 p.m. local time. Please be sure to arrive at the HUD Field Office with adequate time to submit the application before the 6:00 pm deadline by the application due date.

For Application Kits. For an application kit and any supplemental material please call the SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. An application kit also will be available on the Internet through the HUD web site at http://www.hud.gov. When requesting an application kit, please refer to Youthbuild and provide your name, address (including zip code), and telephone number (including area code).

For Further Information. You may contact Phyllis Williams, Office of Economic Development and Empowerment Service in the Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7140, Washington, DC 20410, telephone (202) 708–2035. Persons with speech or hearing impairments may call HUD's TTY number (202) 708–0770, or 1–800–877–8399 (the Federal Information Relay Service TTY). Other than the ''800'' number, these numbers are not toll-free.

For Technical Assistance. Write or call Peter Twichell, YouthBuild USA, 58 Day Street, Somerville, MA 02144, telephone (617) 623–9900, ext. 1211, under contract with HUD to provide technical assistance in developing your application.

II. Amount Allocated

Approximately $40,000,000 is available for the Youthbuild Program. The net available program funds will be divided between two categories of grants as described in Section III(C) of this program section of the SuperNOFA:

1. $4,800,000—Grants for new applicants for up to $300,000; and
2. $35,200,000—Grants for up to $700,000.

III. Program Description; Eligible Applicants; and Eligible Activities

(A) *Program Description.* The purposes of the Youthbuild Program are:

(1) To provide economically-disadvantaged young adults with opportunities to obtain an educational experience that will enhance their employment skills, as a means to achieving self-sufficiency;

(2) To foster the development of leadership skills and commitment to community;

(3) To expand the supply of permanent affordable housing for homeless and low- and very low-income persons by providing implementation grants for carrying out a Youthbuild program.

(4) To provide disadvantaged young adults with meaningful on-site training experiences in housing construction and rehabilitation to enable them to render a service to their communities by helping to meet the housing needs of homeless persons and low-income families;

(5) To give, to the greatest extent feasible, job training, employment, contracting and other economic opportunities to low-income persons.

(B) *Eligible Activities.* (1) Work and activities associated with the acquisition, rehabilitation or construction of the housing, as defined in HUD's regulations at 24 CFR 585.309, 585.310, and 585.311.

(2) Relocation payments and other assistance required to comply with HUD's regulation at 24 CFR 585.308;

(3) Costs of ongoing training and technical assistance needs related to carrying out a Youthbuild program;

(4) Education, job training, counseling, employment, leadership development services and optional activities that meet the needs of the participants including entrepreneurial training, drivers' education, internships, programs for those with learning disabilities, and in-house staff training.

(5) Outreach to potential participants;

(6) Wages, benefits, and need-based stipends for participants; and Administrative costs—Youthbuild funds for these costs should not exceed 15 percent of the total amount of Youthbuild assistance, unless a higher amount is justified to support capacity development by a private nonprofit organization.

Please refer to HUD's regulation at 24 CFR 585.305 for further details on eligible activities.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, as an applicant you must comply with the following requirements:

(A) *Eligible Participants.* Participants in a Youthbuild program must be very low-income high school dropouts between the ages of 16 and 24, inclusive, at the time of enrollment. Up to 25 percent of participants may be above very low-income or high school graduates (or equivalent), but must have

educational needs that justify their participation in the program.

(B) *Locational Limitations.* You may submit more than one application in the current competition if your program's participant recruitment and housing areas are in different jurisdictions. Each application you submit may only propose activities to carry out one Youthbuild program, i.e., to start a new Youthbuild program or to fund new classes of Youthbuild participants for an existing program.

(C) *Youthbuild Program Components.* Youthbuild programs that receive assistance under this Youthbuild Program section of the SuperNOFA must contain the three components described in paragraphs (1), (2), and (3) below of this Section IV(C).

(1) Educational and job training services.

(2) Leadership training, counseling, and other support activities.

(3) On-site training through actual housing rehabilitation and/or new construction work, including the provision of alternative training experiences that are necessary as a reasonable accommodation for students with disabilities. Your application must contain a letter from the property owner management company(ies) allowing access to the housing site(s) for on-site construction training. Each program must be structured so that 50 percent of each participant's time is spent in on-site training and the other 50 percent in educational training.

(D) *Classroom Limitation.* If you are a first time applicant and apply under the Category 1 Grant described in Section V(C) below of this program section, you should have a graduating class of not more than 20 students.

(E) *Desirable Elements of a Youthbuild Program.* You should document the extent to which HUD's policy priorities are furthered by the proposed activities. As referenced in the **General Section** of the SuperNOFA, such policy priority areas are:

(1) Affirmatively furthering fair housing by promoting greater opportunities for housing choice for minorities and persons with disabilities;

(2) Promoting healthy homes;

(3) Providing opportunities for self-sufficiency, particularly for persons enrolled in welfare to work programs;

(4) Providing educational and job training opportunities and linking programs to Americorps activities; and

(5) Promoting welfare reform. Refer to HUD's regulation at 24 CFR 585.3 for a detailed description of program components.

V. Application Selection Process

You, the applicant, must meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA. HUD will review each application and assign points in accordance with the selection factors described in this section. The maximum number of points is 102 (except for an application submitted by the City of Dallas, Texas, which would be eligible for a maximum of 104 points, in accordance with paragraph (3) of Rating Factor 3 below). This maximum includes two Empowerment Zone/Enterprise Community (EZ/EC) bonus points as described in the **General Section** of the SuperNOFA.

(A) *Rating and Ranking.* HUD will rate each eligible application based upon the rating factors described in Section V of this Youthbuild Program section of the SuperNOFA. Using the scores assigned, HUD will place the application in rank order within each category. HUD will select applications for funding in accordance with their rank order. To be eligible for funding, an application must have a score of 50 points for Rating Factors 1, 2, and 3.

If two or more applications are rated fundable, and have the same score, but there are insufficient funds to fund all of them, HUD will select the application(s) with the highest score for Rating Factor 3(1) under Soundness of Approach. If two or more applicants still have the same score, the highest score in the following factors will be selected sequentially until one highest score can be determined: Rating Factor 1 (Capacity and Experience), Rating Factor 4 (Leveraging of Resources), Rating Factor 2 (Need).

(C) *Categories of Grants.* HUD will make grants in two categories:

(1) *Category 1 Grants.* Grants for new applicants that have not previously received Youthbuild Implementation Grants and that have elected not to apply under Category 2 Grants, below. Applicants in Category 1 Grants will receive approximately twelve percent of the funds available. These grants will be limited to $300,000, for a period of 18 months.

(2) *Category 2 Grants.* HUD will award half the funding in this category (44% of the total funding) to applicants proposing grant(s) of $400,000 or less and which do not exceed 24 months. The other half of the funding for this category will be awarded to applicants proposing grants over $400,000 and activities for up to 30 months. HUD will not fund grants over $700.000.

(D) *Grant Period.* You should expend funds awarded within 30 months of the effective date of the grant agreement, or such other period specified.

(E) *Maximum Awards.* Under the competition established by this Youthbuild Program section of the SuperNOFA, the maximum award for a Youthbuild grant is $700,000. HUD reserves the right to determine the maximum or minimum of any Youthbuild award per application, project, or budget line item. HUD will not make amendments to awards under this competition that will increase previously approved grant amounts. To ensure reasonable geographic diversity, HUD will not give a CDBG entitlement jurisdiction more than $2.1 million in Youthbuild grants under this competition.

(F) *Potential Environmental Disqualification.* HUD reserves the right to disqualify an application where one or more environmental thresholds are exceeded if HUD determines that it cannot conduct the environmental review and satisfactorily complete the review within the HUD application review period. (See 24 CFR 585.307.) Environmental thresholds are explained in Appendix A of this program section of this SuperNOFA. Complete form 2Cl3a, 2C13b,or 2C13c and form 2C15 only if you are proposing to use Youthbuild funds for new housing construction or rehabilitation.

(G) *Notification of Approval or Disapproval.* HUD will notify you whether or not you have been selected for an award. If you are selected, HUD's notice to you of the amount of the grant award based on the approved application will constitute HUD's preliminary approval, subject to execution of the grant agreement by HUD.

(H) *Factors for Award Used to Evaluate and Rate Applications.*

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (30 Points)

(Provide a Narrative of No More Than 10 Pages)

This factor addresses the qualification and experience of you the applicant and participating parties to implement a successful young adult education and training program within six months of execution of the grant agreement. HUD will review and evaluate the information provided documenting capability. In assigning points for this criterion, HUD will consider evidence in your application that demonstrates the following:

(1) Experience in implementing and operating a comprehensive, integrated,

multidisciplinary program with the following components:

(a) Young adult education and training programs, including programs for low-income persons from economically distressed neighborhoods.

(b) Young adult leadership development training and related activities for young adults.

(c) Young adult on-site training in housing construction or rehabilitation for the production of sound and affordable housing for homeless persons and low-income families.

(2) The extent to which you or participating parties have been successful in past education, training, and employment programs and activities, including Federally-funded Youthbuild programs. If you have received a Youthbuild grant, you must submit copies of your last two progress reports or, if applicable, a closeout report. In applying the rating criteria, HUD will take into consideration your performance (including meeting target dates and schedules) as reported.

(3) The extent to which you, including your program director, principal staff, or participating parties have demonstrated past ability to leverage other resources to cover administrative, educational, and training costs.

(4) The extent to which you demonstrate that your proposed Staff and Program Manager possess the background, experience, and capacity to conduct the proposed project, as evidenced by recent work experience in managing projects of the same or similar size, dollar amount, and types of activities as those proposed in the application.

Rating Factor 2: Need/Extent of the Problem (15 Points)

(Provide a Narrative of No More Than 2 Pages)

This factor addresses the extent to which there is a need for funding—your proposed program activities and an indication of the urgency of meeting the need in the target area. Documentation of need should address the extent to which you document a critical level of need for the proposed activities in the area where activities will be implemented. The documentation must apply to the targeted area rather than the entire locality. If the target area is an entire locality or State, then documenting need at this level is appropriate.

Your documentation of need should demonstrate the extent and urgency of the problem the proposed activities address. To the extent that your community's Consolidated Plan or Analysis of Impediments to Fair Housing Choice (AI) identifies the level of the problem and the urgency in meeting the need, you should include references to these documents in your response. HUD will review more favorably those applicants that use these documents to identify need. If you have no Consolidated Plan, points will not be taken against you. Examples of data you might use to demonstrate need include, but are not limited to, economic and demographic data relevant to the target area, including poverty and unemployment rates; levels of homelessness; extent of drug usage and crime statistics; lead poisoning rates; housing market data available from HUD Reports or other data sources including the Public Housing Authorities' Five Year Comprehensive Plan, State or local Welfare Department's Welfare Reform Plan (including, where applicable, the Welfare to Work Plan Addendum); and/or lack of other Federal, State, or local funding that could be or are used to address the problem HUD program funds are designed to address. If the proposed activity is not covered under the scope of the Consolidated Plan and AI, you should indicate such, and use other official data sources to identify the level of need and the urgency in meeting the need. Types of other sources include, but are not limited to, Census reports, Continuum of Care gaps analysis, law enforcement agency crime reports, Public Housing Authorities' Five Year Comprehensive Plan, HUD's Consolidated Plan for your jurisdiction, state or county agency reports or studies, etc.

Rating Factor 3: Soundness of Approach (40 Points)

(Provide a Narrative of No More Than 15 Pages and Complete Exhibit 4A)

(1) (30 points) HUD will consider the overall quality and feasibility of your proposed statement of work as measured by the specific activities and tasks that meet; the overall objectives of—your Youthbuild program and the intent of this announcement of funding availability; whether the proposed program activities will be accomplished within the projected time frame; whether the proposed program activities are comprehensive and integrated; and the potential for success of the proposed program. Areas HUD will consider in evaluating the overall quality of the proposed program are:

(a) Outreach, recruitment and selection activities including:

(i) Specific steps you will take to attract potential eligible participants who are unlikely to be aware of this program (because of race, ethnicity, sex or disability) and selection strategies;

(ii) Special outreach efforts you will make to recruit eligible young women, young women with dependent children, and persons receiving public assistance; and

(iii) Recruitment arrangements you have made with public agencies, courts, homeless shelters, local school systems, local workforce development systems, community-based organizations, etc.

(b) Educational and job training services and activities including:

(i) The types of in-class academic and vocational instruction you will provide;

(ii) The number and qualifications of program instructors and ratio of instructors to participants;

(iii) Scheduling plan for classroom and on-the-job training needed to meet program requirements and ensure timely completion of your program;

(iv) Reasonable payments of participants' wages, stipends, and incentives.

(c) Leadership development, including the leadership development training you will offer to participants, and strategies for providing the training to build group cohesion and peer support.

(d) Support services. You must document counseling and referral services to be offered to participants, the type of counseling, social services, and/or need-based stipends you will provide. To receive higher points, support services must be documented by letter of commitment from providers.

(e) On-site training, including:

(i) The housing construction or rehabilitation activities participants will undertake at the site(s) to be used for the on-site training component of the program;

(ii) The qualification and number of on-site supervisors;

(iii) The ratio of trainers to students;

(iv) The number of students per site; and

(v) The amounts, wages, and/or stipends you will pay to participants during on-site work.

(f) Job placement assistance, including your commitments, strategies, and procedures for:

(i) Participant placement in related employment, enrollment in postsecondary education programs, job development, starting business enterprises, or other opportunities leading to economic independence; and

(ii) Follow-up assistance and support activities to program graduates.

(2) **(10 points)** HUD will assign Housing Program Priority Points to all

applications that contain evidence that housing resources from other Federal, State, local, or private sources that are available and firmly committed to cover all costs, in full, for the following housing activities for the proposed Youthbuild program: acquisition, architectural and engineering fees, construction, and rehabilitation. It also is imperative that your proposed housing sites provide quality training. Applications that do not include proper documentation of firm financial commitments of non-Youthbuild resources or propose to use Youthbuild grant funds, in whole or in part, or do not evidence site control, for any one of the housing activities listed above will not be entitled to housing program priority points. HUD will not use housing resources in evaluating the Leveraging Resources factor. Forms 2C, Housing Site Description, and 2C10, Youthbuild Grant Individual Housing Project Site Estimate, must be completed to receive the Housing Priority points.

(3) HUD will award up to two (2) additional points to any application submitted by the City of Dallas, Texas, to the extent this subfactor is addressed. Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application submitted by the City of Dallas, Texas, HUD will consider the extent to which the application's proposed activities will eradicate the vestiges of racial segregation in the Dallas Housing Authority's programs consistent with the Court's order.

Rating Factor 4: Leveraging Resources (10 Points)

(Exhibit 4B Non-Housing Program Resources Must Be Completed and You Must Provide Letters of Firm Commitment From the Donor With the Amount of Cash or In-Kind Contribution)

This factor addresses the extent to which firm commitment of resources are obtained from Federal, State, local, and private and nonprofit sources other than from you the applicant. In assigning points for this criterion, HUD will consider the level of non-housing resources obtained for cash or in-kind contributions to cover the following kinds of areas:

(1) Social services (i.e., counseling and training);

(2) Use of existing vocational, adult, and bilingual educational courses;

(3) Donation of labor, resource personnel, supplies, teaching materials, classroom, and/or meeting space;

(4) Other commitments.

In rating this element, HUD will consider only those contributions for which current firm commitments have been provided. HUD will evaluate the level of non-housing resources proposed based on their importance to the total program. Leveraging will only be counted if you have documented proof. Letters of commitment should include the dollar amount and be signed by the donors.

Resources from other Federal, State, Local or Private Entities. You should use existing housing and homeless assistance programs administered by HUD or other Federal, State, local, or private and nonprofit housing programs as part of your Youthbuild Program. In addition, you should use other non-Youthbuild funds available for vocational, adult, and bilingual education programs or for job training under the Job Training Partnership Act and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The selection process described in this Youthbuild Program section of the SuperNOFA provides for applicants to receive points where grant applications contain firm commitments from Federal, State, local, or private sources to provide resources to carry out Youthbuild activities.

Rating Factor 5: Comprehensiveness and Coordination (5 Points)

(Provide a Narrative of No More Than 2 Pages and Complete Exhibit 5B)

This factor addresses the extent to which your program reflects a coordinated, community-based process of identifying needs and building a system to address the needs by using available HUD funding resources and other resources available to the community.

In evaluating this factor, HUD will consider the extent to which you demonstrate that you have:

(1) Coordinated your proposed activities with those of other groups or organizations in order to best complement, support, and coordinate all known activities, and the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or those that will be in place after award.

(2) Taken or will take specific steps to become active in the community's Consolidated Planning process (including the Analysis of Impediments to Fair Housing Choice) established to identify and address a need/problem that is related to the activities you propose.

(3) Taken or will take specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes, or other mechanisms with:

(a) Other HUD funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other activities funded by HUD, Federal, State, or local sources, including those proposed or on-going in the community(s) served.

VI. Application Submission Requirements

(A) *Site Access Submission Requirements.* You must submit a schedule for the program, budgets, identification of specific housing sites, and firm evidence of site access.

(1) Guidance on evidence of site access:

(i) If the applicant or joint applicant have a contract or option to purchase the property, you should provide a statement to that effect and include a copy of the contract or option;

(ii) If a third party owns the property or has a contract or option to purchase, that third party must provide a letter to you stating the nature of the ownership and specifically providing you with access to the property for the purposes of the program and the time frame in which the property will be available. In the case of a contract or option, include a copy of the document; and

(iii) You must provide the required certification that the proposed activities are consistent with the HUD-approved Consolidated Plan in accordance with 24 CFR part 91 and referenced in Section II(G)(7) of the **General Section** of the SuperNOFA.

(B) *Application Items.* Your application must contain the items listed in this Section VII(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) SF–424, Application for Federal Assistance.

(2) HUD–424M, Federal Assistance Funding Matrix.

(3) SF–424A, Budget Information for Non-Construction Programs.

(4) SF–424B, Assurances for Construction Programs.

(5) SF–424C, Budget Information for Construction Programs.

(6) HUD–50070, Certification of Drug-Free Workplace.

(7) HUD–2880, Applicant/Recipient Disclosure/Update Form.

(8) HUD–50071, Certification of Payments to Influence Certain Federal Transactions.

(9) SF–LLL, Disclosure of Lobbying Activities (if applicable).

(10) HUD–2992, Certification Regarding Debarment and Suspension.

(11) Letters from property owners allowing access to the housing site for construction training.

(12) Submission of 501(c)(3) status and/or letter certifying non-profit status if the applicant is a public non-profit organization.

(13) Narrative Response to Factors for Award.

Factor 1—Capacity

Factor 2—Need

Factor 3—Soundness of Approach, including completed Youthbuild Grant Budget (Exhibit 4A), Housing Site Description (Exhibit 2C), Youthbuild Grant Individual Housing Site Estimate (Exhibit 2C10), Documentation Necessary To Complete Environmental Review (Exhibit 2C15), and Relocation Narrative, if Applicable

Factor 4—Leveraging, Including Your Letters(s) Evidencing the Leveraged Commitment(s)

Factor 5—Coordination, Include HUD–2991, Certification of Consistency With the Consolidated Plan

(13) HUD–2990, Certification of Consistency with the EZ/EC Strategic Plan (if applicable);

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

Environmental procedures apply to HUD approval of grants when you propose to use Youthbuild funds to cover any costs for the lease, acquisition, rehabilitation, or new construction of real property proposed for housing project development. Environmental procedures do not apply to HUD approval of your application when you propose to use your Youthbuild funds solely to cover costs for classroom and/or on-the-job construction training and support services.

If you propose to use your Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction of real property, you must submit all relevant environmental information in your application to support HUD decisionmaking in accordance with the environmental procedures and standards set forth in HUD Regulation 24 CFR 585.307.

IX. Authority

This program is authorized under subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as added by section 164 of the Housing and Community Development Act of 1992 (Pub.L. 102–550, 106 Stat. 3723, 42 U.S.C. 12899). The Youthbuild Program regulations are found in 24 CFR part 585.

Appendix A—Instructions for Completion of Youthbuild Environmental Requirements (Exhibit 2C(15))

A. Instructions to Applicants

1. If you propose to use Youthbuild funds to cover any costs of the lease, acquisition, rehabilitation, or new construction or real property, you shall submit all relevant environmental information in your application to support HUD decisionmaking in accordance with the environmental procedures and standards set forth in 24 CFR 585.307. For each proposed Youthbuild property for which HUD environmental procedures apply, you are to prepare a separate Exhibit 2C(15) in which you supply HUD with environmental threshold information and letters from qualified data sources (see definition below) which support the information. HUD will review your submission and determine how, if necessary, HUD will comply with any Federal laws and authorities that may be applicable to your property proposed for Youthbuild funding. If environmental procedures apply and Exhibit 2C(15) with supporting documentation is not included then the application will be deemed ineligible.

You are to follow these instructions for preparing Exhibit 2C(15). The instructions advise you on how to obtain and document certain information to be supplied to HUD in this exhibit. Before selecting a property for Youthbuild funding, you should read these instructions and be advised that HUD encourages you to select, to the extent practicable, properties and locations that are free of environmental hazards and problems discussed in these instructions. The responses to the environmental criteria in Exhibit 2C(15) will be used to determine environmental approval or disapproval by HUD of proposals for physical development of properties.

2. After selecting a property for proposed Youthbuild funding, you are to determine the activities to be undertaken with your Youthbuild funds. You are to indicate in section E whether the Youthbuild funds will be used for:

(a) Lease or purchase of a property;

(b) Minor rehabilitation or

(c) Major rehabilitation; or

(d) New construction of housing.

The activities proposed for Youthbuild funding will determine the kind of data that you will need to obtain from a qualified data source in order to complete Exhibit 2C(15).

3. Once you have selected a property and determined the activities for Youthbuild funding, you are advised to check with your city or county agency that administers HUD's Community Development Block Grant program and performs environmental reviews, or the local planning agency. The reason is that most, if not all, the data needed for preparing Exhibit 2C(15) is readily available from the local community development agency and the local planning agency. You are advised to ask the environmental staff of those agencies the following:

(a) Has the agency ever prepared an environmental review of the proposed Youthbuild property or the neighborhood in which the property is located, and if so, would it provide a copy to the applicant for use by HUD;

(b) Would the agency assist you in completing section G; or if the agency is not able to help complete any item in section G, would the agency advise you which local or State agency is the appropriate qualified data source for obtaining the information.

Also, you should check with the local planning agency before proceeding elsewhere for the information.

You are advised that the cost of preparing information and analyses needed for Exhibit 2C(15) is an eligible cost under the Youthbuild program and is reimbursable if you are approved for a grant.

4. The following definitions are of key terms used in these instructions. Most of the other terms are technical and their definition would be known to qualified data sources.

(a) *Qualified data source* means any Federal, State or local agency with expertise or experience in environmental protection (e.g., the local community development agency; the land planning agency; the State environmental protection agency; the

State Historic Preservation Officer) or any other source qualified to provide reliable information on the particular subject. A letter supporting the information from each qualified data source is to be attached to Exhibit 2C(15).

(b) *Minor rehabilitation* means proposed fixing and building repair:

(i) Where the estimated cost of the work is less than 75 percent of the property value after completion;

(ii) That does not involve changes in land use from residential to nonresidential, or from nonresidential to residential;

(iii) That does not involve the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; and

(iv) That does not increase unit density by more than 20 percent.

For minor rehabilitation of a building located in a floodplain, the criteria for substantial improvement modify this definition. (See Item B 3 below)

(c) *Major rehabilitation* means proposed fixing and building repair:

(i) Where the estimated cost of the work is 75 percent or more of the property value after completion; or

(ii) That involves changes in land use from residential to nonresidential, or from nonresidential to residential; or

(iii) That involves the demolition of one or more buildings, or parts of a building, containing the primary use served by the project; or

(iv) That increases unit density by more than 20 percent.

(d) *Multifamily housing* means any residential building that contains five or more apartments or rooming units.

(e) *Single-family housing* means any residential building that contains one-to-four dwelling units.

Because each Federal environmental law or authority has compliance requirements that differ according to the type of proposed activity to be funded, you are required to supply information in Exhibit 2C(15) only for the type of activity for which the Youthbuild grant will be used.

(a) If you propose new construction or major rehabilitation of multifamily housing, you must supply complete and reliable environmental threshold information for items 1 through 13 in section G.

(b) If you propose new construction of single family housing, you must supply complete and reliable environmental threshold information for items 1 through 12 in section G.

(c) If you propose minor rehabilitation of multifamily or single-family housing, or the purchase or lease of a property, you must supply complete and reliable environmental threshold information for items 1 through 7 in section G.

5. Applicants subject to HUD's environmental procedures are to submit Exhibit 2C(15) and accompanying documentation to HUD with the applications for grant assistance. Such applicants are prohibited from committing or expending State, local or other funds to undertake property rehabilitation, construction (including demolition), or acquisition (including lease), until HUD and the grantee execute a grant agreement for the proposed Youthbuild project.

6. HUD reserves the right to disqualify any application where one or more environmental thresholds are exceeded if HUD determines that the compliance review cannot be conducted and satisfactorily completed within the HUD review period for Youthbuild applications.

B. Environmental Threshold and Documentation Requirements

The threshold and documentation requirements for each of the Federal environmental laws and authorities are described below, following the same order as they appear in section G.

1. Site within designated coastal barrier resources:

Threshold: Youthbuild applicants are prohibited by Federal law from using Federal financial assistance for properties, if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, and the Great Lakes (Coastal Barrier Resources Act, as amended, 16 U.S.C. 3501).

* Documentation: You are to select either A or B for the condition that best describes the property and report the option selected in item 1 of section G.

A. You state that your program operates in a community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. If your program operates in a community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, you must provide HUD with a finding made by a qualified data source stating that the proposed property is not located within a designated coastal barrier resource by citing the map panel number of the official maps issued by the Department of the Interior (DOI) on the basis of which the finding was made.

2. Site contaminated with toxic chemicals and radioactive materials:

Threshold: Under HUD policy, as described in HUD Notice 79–33 (Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Materials), HUD will not approve the provision of financial assistance to residential properties located on contaminated sites. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include but are not limited to sites: (i) listed on either an EPA Superfund National Priorities List (NPL) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (which is not a residential fuel tank).

* Documentation: You are to select either A or B for the condition that best describes property and report the option selected in item 2 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed Youthbuild property and any neighboring properties do not contain any sites known or suspected to be contaminated with toxic chemicals and radioactive materials.

B. You are providing any site contamination data by a qualified data source in your letter for HUD's evaluation of contamination and/or suspicion of any contamination of a proposed property or any neighboring properties.

3. Site affecting a floodplain:

Threshold: A property located within a floodplain and proposed for funding is subject to Executive Order 11988, Floodplain Management. The Executive Order directs HUD to avoid, where practicable, proposed financial support for any floodplain property, whenever HUD has options to approve properties in flood-free locations. The Order does not apply to existing single-family properties proposed for purchase or lease except for: (i) property that is located within a floodway or coastal high hazard area; and (ii) substantial improvement. Substantial improvement for flood hazard purposes means any property rehabilitation which: (a) increases the unit density of the property; or (b) equals or exceeds 50 percent of the market value of the property before rehabilitation, but excluding the costs for correcting health, sanitary, and safety code violations. Note: Proposed funding for substantial improvement and new construction are subject to the Executive Order decision making process. This may result in a disqualification of your application (refer above to number 7 under ''Instructions to Applicants'').

* Documentation: You are to select A or B for the condition that best describes your property and report the option selected in item 3 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within the Special Flood Hazard Area (SFHA).

B. You are providing HUD with a finding made by a qualified data source that the property is located within the Special Flood Hazard Area (SFHA) and indicating if whether the property is located within a floodway or coastal high hazard area.

The information for A and B must provide HUD with the flood map panel number obtained either from the official maps issued for the National Flood Insurance Program or from the property appraisal report used to make the finding.

For all proposed rehabilitation of properties that are located within a SFHA, you must provide HUD with estimates of: (i) the property value before rehabilitation, and (ii) the cost of the proposed rehabilitation. Provide the estimates in section F.

If the property is found to be located within a SFHA, proceed to item 4 on flood insurance protection. Otherwise proceed to item 5.

4. Building requiring flood insurance protection:

Threshold: HUD will estimate the amount and period of flood insurance coverage that is to be made a condition of approval of any HUD financial assistance for a building located within a Special Flood Hazard Area (SFHA). The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted buildings to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for the proposed purchase, rehabilitation, or new construction of any SFHA building. The law prescribes the coverage period and dollar amount of flood insurance protection.

Proof of Purchase of Flood Insurance Protection: You must provide HUD with proof of purchase of flood insurance protection for any proposed Youthbuild building located within the SFHA, whenever HUD funding is being used for property purchase, rehabilitation, or new construction. The standard documentation for compliance is the Policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under the NFIP. Whenever the requirement applies to coverage which extends to future years, the grant agreement will require that the insured has its insurer automatically forward to HUD, in the same manner as to the insured, an information copy of the Policy Declarations form, which is used to verify compliance. The Youthbuild applicants responsibility ceases in cases where a mortgage loan is approved requiring flood insurance as condition of loan approval by a lender (other than the Youthbuild applicant), whose responsibility is to assure flood insurance coverage for the loan.

*Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 4 of section G.

A. You already own the property and attach a copy of the Policy Declarations form confirming that a current flood insurance policy is in effect and the policy provides adequate coverage for the building proposed for the Youthbuild project located within the Special Flood Hazard Area.

B. After you have purchased (or constructed, in the case of proposed new construction) the Youthbuild property, you must obtain and maintain flood insurance protection. For the term and amount of coverage prescribed by law, you must provide HUD with a copy of the Policy Declarations form confirming that the flood insurance policy is in effect and the policy provides adequate coverage for the Youthbuild building located within the Special Flood Hazard Area.

5. Site within clear zones or accident potential zones of airports and airfields:

Threshold: HUD policy as described in 24 CFR part 51, subpart D applies to HUD approval of financial assistance to: (a) properties located within clear zones; and (b) in the case of new construction or major rehabilitation, properties located within accident potential zones.

(a) Clear zones: New construction and major rehabilitation of a property that is located on a clear zone site is prohibited. HUD financial assistance in a clear zone is allowed only for the proposed lease, purchase, or minor rehabilitation of properties (24 CFR 51.302(a)). For HUD funding approval for any property in a clear zone: (a) HUD will give advance written notice to the prospective property buyer in accord with 24 CFR 51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer will be placed in the property file. The written notice informs the prospective property buyer of: (i) the potential hazards from airplane accidents which studies have shown more likely to occur within clear zones than in other areas around the airport/airfield; and (ii) the potential acquisition by airport or airfield operators, who may wish to buy the property at some future date as part of a clear zone acquisition program.

(b) Accident potential zones: For properties located within the accident potential zone (APZ), HUD shall determine whether the use of the property is generally consistent with Department of Defense ''Land Use Compatibility Guidelines for Accident Potential Zones.''

*Documentation: You are to select either A or B for the condition that best describes your property and report the option selected in item 5 of section G.

A. The property is not located within 3,000 feet of a civil airport or military airfield.

B. If your property is located within 3,000 feet of a civil airport or military airfield, you must provide HUD with a finding from the airport operator stating whether or not the property is located within a runway clear zone at a civil airport, or a clear zone or accident potential zone at a military airfield.

For properties that are located within a runway clear zone or a clear zone or accident potential zone, if you propose to rehabilitate such a property you must provide HUD with estimates of: (i) the cost of the proposed rehabilitation, and (ii) the property value after completion of the rehabilitation. The estimates are to be provided in section F.

6. Site is or affects an historic property:

Threshold: Only if a property is proposed for rehabilitation or new construction must HUD in consultation with the State Historic Preservation Officer (SHPO), and following the Department of the Interiors Standards and Guidelines for Evaluation, make a determination whether the property is:

(a) Listed on or formally determined to be eligible for listing on the National Register of Historic Places;

(b) Located within or directly adjacent to an historic district; or

(c) A property whose area of potential effects includes an historic district or property.

Historic properties and districts are subject by law to special protection and historic preservation processing which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (ACHP: 36 CFR part 800). Note: If you are using information from the SHPO as a qualified data source you need to allow sufficient time to obtain the information from the SHPO. You may wish to make special arrangements with the SHPO for rapid review of the proposed property where this is practicable. In addition, for properties determined to be historic properties, HUD will require 30 to 90 days in most cases for HUD to perform historic preservation compliance with the ACHP regulations. This may result

in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

*Documentation: You are to select one of the following options that best describes the condition of your property and report the option selected in item 6 of section G.

A. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPO's finding that the proposed Youthbuild activity:

1. Is located within an area where there are no historic properties; or

2. Will have no effect on historic properties; or

3. Will have an effect on historic properties not considered adverse.

B. You propose financial assistance for rehabilitation or new construction, and are providing HUD with a SHPOs finding that the proposed Youthbuild activity will have an adverse effect on historic properties.

C. You are providing HUD with a copy of a letter from the SHPO stating any reasons for not being able to provide you with the requested information and finding.

7. Site near hazardous industrial operations:

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (24 CFR 51, Subpart C). However, under the Youthbuild program, these standards would apply only if you propose: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

*Documentation: You are to select one of the following options that best describe the condition of the property, and report the option selected in item 7 of section G.

A. The proposed project does not include: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units.

B. The proposed project includes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and you are providing HUD with a finding by a qualified data source that the proposed property is not located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature by citing data used and the maps used.

C. The applicant proposes: (I) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making habitable a building condemned for habitation; or (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; and the grantee provides HUD a finding made by a qualified data source stating: (1) that the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuel or chemicals of an explosive or flammable nature; (2) the type and scale of such hazardous industrial operations; (3) the distance of such operations from the proposed property; (4) a preliminary calculation of the acceptable separation distance (ASD) between such operations and the proposed property; and (5) a recommendation as to whether it is safe to use the property in accord with 24 CFR 51, Subpart C.

8. Site near high noise source:

Threshold: For new construction which is to occur in high noise areas (i.e. exceeding 65 decibels), applicants shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51. Approvals in a Normally unacceptable noise zone require a minimum of 5 decibels additional sound attenuation for buildings having noise-sensitive uses if the day-night average sound level is greater than 65 decibels but does not exceed 70 decibels, or a minimum of 10 decibels of additional sound attenuation if the day-night average sound level is greater than 70 decibels but does not exceed 75 decibels.

Proposed housing sites with above 75 decibels are unacceptable and the noise attenuation measures require the approval of the Assistant Secretary for Community Planning and Development. In Unacceptable noise zones, HUD strongly encourages conversion of noise-exposed sites to non-housing land uses compatible with the high noise levels.

For major rehabilitation projects involving five or more dwelling units located in the ''Normally Unacceptable'' and ''Unacceptable'' noise zones, HUD actively seeks to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

*Documentation: You are to select A or B for the condition that best describes their project and report the option selected in item 8 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units is not located within: (i) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 feet of a railroad; or (iii) 1 mile of a civil or 5 miles of a military airfield.

B. The applicant provides HUD with a finding made by a qualified data source: (i) stating that the plans for the property proposed by the applicant for a major rehabilitation or new construction project involving five or more dwelling units will incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR part 51; (ii) stating whether the property is located within a ''Normally Unacceptable'' or ''Unacceptable'' noise zone; and (iii) providing HUD plans and a statement of the anticipated interior noise levels.

9. Site affecting coastal zone management:

Threshold: Only for proposed activities involving new construction or major rehabilitation of multifamily housing does the Coastal Zone Management (CZM) authority apply. Projects which can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

*Documentation: You are to select either A or B for the condition that best describes the project and report the option selected in item 9 of section G.

A. You state that your project is not located within a coastal zone, as defined by the States Coastal Zone Management Plan.

B. If your project is located within a coastal zone, you are providing HUD with a finding made by the State CZM agency that the project proposed by the applicant is consistent with the

approved State coastal zone management program.

10. Site affecting a sole source aquifer:

Threshold: The sole source aquifer authority applies primarily to activities involving proposed new construction or conversion to housing of non-residential property. Projects which can affect aquifers designated by the Environmental Protection Agency (EPA) must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

*Documentation: You are to select either A or B for the condition that best describes their project and report the option selected in item 10 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the proposed property is not located on nor does it affect a sole source aquifer designated by EPA.

B. If your project proposes new construction or conversion activities that are located on or may affect any sole source aquifer designated by the EPA, you are identifying the aquifer and providing HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that have been received from the EPA Regional Office as well as from any State or local agency with jurisdiction for protecting the drinking water system.

11. Site affecting endangered species:

Threshold: The Endangered Species Protection (ESP) authority applies primarily to activities involving proposed new construction or conversion to housing of a non-residential property. Projects which can affect listed or proposed endangered or threatened species or critical habitats require consultation with the Department of the Interior in compliance with the procedure of Section 7 of the Endangered Species Act of 1973, as amended.

*Documentation: You are to select either A or B for the condition that best describes the property and report the option selected in item 11 of section G.

A. If your project proposes new construction or conversion activities, you are providing HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. If your project proposes new construction or conversion activities that are likely to affect listed or proposed endangered or threatened species or critical habitat, you are providing HUD with a statement from a qualified data source explaining the likely affect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior stating as acceptable the proposed mitigation that you will provide to protect any affected endangered or threatened species or critical habitat.

12. Site affecting a designated wetland:

Threshold: New construction or conversion to housing of a non-residential property located within a designated wetland is subject to Executive Order 11990, Protection of Wetlands. This Executive Order directs HUD to avoid, where practicable, financial support for new construction on wetland property.

Note: Proposed funding for new construction or conversion is subject to the Executive Order decision making process. This may result in a disqualification of the application (refer above to number 7 under ''Instructions to Applicants'').

* Documentation: You are to select A or B for the condition that best describes the property and report the option selected in item 12 of section G.

A. You are providing HUD with a finding made by a qualified data source stating that the property is not located within a designated wetland where new construction or conversion is proposed.

B. You are providing HUD with a finding made by a qualified data source that the property is located within a designated wetland, which applies only to property where new construction or conversion is proposed.

The information for A and B must provide HUD with the wetland panel number obtained from official maps issued by the Department of the Interior on the basis of which the finding was made, or where DOI has not mapped the area, a letter or other documentation from the Army Corps of Engineers or other Federal agency.

13. Significant impact to the human environment:

Threshold: HUD must perform an environmental assessment of any property proposed for major rehabilitation or new construction except for a single-family property having one-to-four dwelling units. It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm. This policy is authorized by the National Environmental Policy Act (NEPA) and the implementing regulations of the Council on Environmental Quality and HUD's Environmental Rule at 24 CFR part 50.

* Documentation: You are to provide HUD with any information on any adverse environmental impacts that affect the property or that the project would create. You are to report this data on a separate sheet and attach it to Exhibit 2C(15). Examples of adverse impacts are: soil instability and erodibility; natural or person-made hazards and nuisances; air pollution; inadequate infrastructure (e.g., water supply, waste water treatment, storm water management, solid waste collection), inadequate public services (i.e., fire, police, health care, social services, schools, parks) and transportation; and encroachment on prime farmlands and wild and scenic river areas. You are to identify any significant impacts to the human environment.

BILLING CODE 4210–32–P

Appendix B

The non-standard forms, which follow, are required for your Youthbuild application.

2 C. Housing Site Description

Complete **all** sections.

1. Housing Site Identification	2. Number of housing units planned to be produced	3. Type of housing to be produced: (check all that apply) ☐ residential rental ☐ homeownership ☐ transitional housing for the homeless

4. Homeless Housing: For housing that will be transitional housing for the homeless, attach a description of the plan for the outreach and placement of homeless families or individuals. (1 page) **Label this narrative Exhibit 2C4.**

5. Will all housing produced be provided for homeless, low-income, or very-low income persons? ☐ Yes ☐ No	6. The on-site training will consist of: ☐ New Construction ☐ Rehabilitation
7. Are any of the units currently occupied? ☐ Yes ☐ No If yes, attach a relocation narrative that identifies: the number of persons, the business or others occupying the property on the date of submission of this application, the number to be displaced, the number to be temporarily relocated but not displaced, the estimated cost of relocation services payments and services, the source of funds for relocation, and the organization that will provide relocation assistance to occupants and the contact person's name and phone number. **Label this attachment as Exhibit 2C7.**	8. Name of the current owner of the property.

9. Documentation of Access: Attach required evidence of site access. (Letter from the owner identified in No. 8) **Label this attachment Exhibit 2C9.**

10. Individual Housing Project Site Estimate and Documentation of Resources

Complete the attached Exhibit 2C10 for each housing project site to be used in conjunction with the Youthbuild implementation program. **Attach documentation of resources behind each Exhibit 2C10.**

11. Describe the applicant's role and responsibilities for the on-site housing construction or rehabilitation work. **Label this description Exhibit 2C11.**

12. Name the entity which will own and manage the property after the construction or rehabilitation work is completed.	13. Housing Project Certifications. Housing Certifications are Attached: ☐ Yes ☐ No
14. Model Lease A Model Lease is attached: ☐ Yes ☐ No	15. Environmental Threshold Information for Property Proposed for Youthbuild funding Exhibit 2C15 and supporting documentation is attached: ☐ Yes ☐ No

16. Picture: (optional) Provide a picture of each potential housing site. **Label it Exhibit 2C16.**

2 C 10: Youthbuild Grant
Individual Housing Project Site Estimate

Address of Property (Include city, State, and zip code)

Grant Activities	Resources					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing Construction						
4. Housing Rehabilitation						
5. Total Housing Project Costs for Site						

Note 1: Include both **cash** and **in-kind** contributions.

Note 2: When paid, in whole or in part, with Youthbuild program funds, the activities above will trigger applicable Youthbuild project-related restrictions contained in Youthbuild regulations CFR Part 585.309, 310, or 311. Applicants who propose to use Youthbuild funds for one or more of these activities are required to complete the appropriate certifications, i.e., Exhibit 2C15 and letter(s) from qualified data sources. See Appendix Instructions for Completion of Youthbuild Enviornmental Requirements.

Documentation of Housing Resources

Attach a letter of commitment from each source of funding.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
Total		$		

form HUD-40200 (1/99)

2 C 13a: Housing Project Certifications For Residential Rental Units

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing project that will be used for residential rental units, must make the following certifications. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild residential rental housing project receiving Youthbuild assistance, it:

A. Will maintain at least a 90 percent level of occupancy for individuals and families with incomes less than 60 percent of the area median income, adjusted for family size. The remaining ten percent of the units will be made available to and occupied by low-income families. The income test will be conducted only at the time of entry for each unit available for occupancy. Each available rental unit will be made available to the 60 percent-of-area-median-income group for an advertising period of not less than 90 days upon each vacancy occurrence throughout the ten year period. Community-wide advertisements for tenants of this income group will be conducted. If, at the end of the 90-day advertising period, no qualifying tenant leases the unit, the unit will be advertised for individuals and families with incomes between 60 and 80 percent of the area median income, adjusted for family size, for another 90-day period. Leases for tenants whose incomes are between 60 and 80 percent of the area median income (exclusive of the ten percent allowance) will be limited to one year and such temporary tenants are not covered by paragraphs C., E., and F. below.

B. Will use the model lease submitted with the Youthbuild application with any modifications approved by HUD at the time of grant award.

C. Will not terminate the tenancy or refuse to renew the lease of a tenant occupying a Youthbuild residential rental housing unit except for serious or repeated violations of the terms and conditions of the lease, or for violation of applicable Federal, state or local laws, or for other good cause. Any termination or refusal to renew the lease will be preceded by a not less than 30-day written notice to the tenant specifying the grounds for the action.

D. Will maintain the premises in compliance with all applicable HUD, other Federal, State or local program housing quality standards and local code requirements. If no public assistance is involved other than the Youthbuild grant, HUD's Section 8 housing quality standards will be followed.

E. Will develop and adopt a tenant selection plan that:

(1) is consistent with the purpose of providing housing for homeless and very low-income families and individuals;

(2) is reasonably related to program eligibility and the certifying entity's ability to perform the obligations of the lease;

(3) gives reasonable consideration to the housing needs of families that would qualify for a preference under section 6(c)(4)(A) of the United States Housing Act of 1937;

(4) provides for the selection of tenants from a written waiting list in the chronological order of their application, to the extent practicable, and for the prompt notification in writing of any rejected applicant of the grounds for any rejection; and

(5) acknowledges that a family holding tenant-based assistance under section 8 of the United States Housing Act of 1937 will not be refused tenancy because of the status of the prospective tenant as a holder of such assistance.

2 C 13b: Housing Project Certifications For Transitional Housing

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, rehabilitation, operating costs or replacement reserves for a housing property that will be used for Transitional housing for the homeless must make the certifications below. If the rightful property owner is not the applicant, these certifications must be signed by that owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild transitional housing project receiving Youthbuild assistance, it:

A. Will ensure that the aggregate monthly rental for each Youthbuild project will not exceed the operating costs of the project (including debt service, management, adequate reserves and other documented operating costs) plus a six percent return on any equity investment of the project owner.

B. Will, **if it is a nonprofit organization**, use any profit received from the operation, sale or other disposition of the project for the purposes of providing housing for low- and moderate-income families. Any profit-motivated partners in a nonprofit partnership will receive: (i) not more than a six percent return on their equity investment from project operations; and (ii) upon disposition of the project, not more than an amount equal to their initial equity investment plus a return on that investment equal to the increase in the Consumer Price Index for the geographic location of the project since the time of the initial investment of such partner in the project.

C. Will ensure that the transitional housing project shall adhere to the requirements regarding service delivery, housing standards and rent limitations applicable to comparable housing receiving assistance under title IV of the Stewart B. McKinney Homeless Assistance Act, unless these requirements are expressly waived by the Secretary of HUD to permit the conversion of the project to a permanent housing project.

D. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certifications for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

2 C 13c: Housing Project Certifications For Homeownership

Applicants requesting Youthbuild Grant funds to fund any part of the acquisition, architectural and engineering fees, construction, or rehabilitation for a housing property that will be used for homeownership must provide the certifications below. If the rightful property owner is not the applicant, then these certifications must be signed by that property owner. A separate certification must be signed for each housing project.

The Applicant or Rightful Property Owner certifies that, for a period of not less than ten (10) years after construction or rehabilitation is completed and an occupancy permit is issued for the Youthbuild homeownership housing project receiving Youthbuild assistance, it:

A. Will ensure that the homeownership project will comply with the requirements of the HOPE II or HOPE III programs authorized under subtitles B or C respectively of title IV of the Cranston-Gonzales National Affordable Housing Act.

B. Will not convey ownership of the property unless the instrument of conveyance requires a subsequent owner to comply with the above certification for the balance of the ten year period.

Signature of Authorized Certifying Official of:

☐ Applicant Organization ☐ Rightful Property Owner

Title _____

Organization _____

Date _____

Address of Property:

form HUD-40200 (1/99)

2 C 15: Environmental Threshold Information for a Property Proposed for Youthbuild Funding

(See instructions for completing this exhibit.) To be completed only if Youthbuild funds are being used to cover any cost for lease, acquisition, rehabilitation, or new construction of real property.

Youthbuild Applicant's Name	Contact Person's Name	Phone Number (include Area Code)

A. Street address for the property(include City, State, Zip Code)

B. Attach a map of the community and mark on the map the location of the property.

Map is attached: Yes ☐ No ☐

C. Attach a copy of any environmental review for the property obtained from the local qualified data source.

Environmental review is attached Yes ☐ No ☐

D. Indicate the present and proposed use of the property (i.e., whether single-family, multifamily or non-residential); and number of dwellings or rooming units.

Present use: No. of units _____

Proposed use: No. of units _____

E. Indicate the activities for which you are proposing to use Youthbuild funds for the property.

☐ Lease or purchase of a property ☐ Major Rehabilitation ☐ Minor Rehabilitation ☐ New Construction

F. If the proposed Youthbuild property is located within a floodplain, or a clear zone or accident potential zone of an airport or airfield, provide the following information:

Property value before rehabilitation (est. in thousands) $	Rehabilitation costs (est. in thousands) $	Property value after completion of rehabilitation (est. in thousands) $

G. For new construction or major rehabilitation of multifamily housing, complete items 1 through 13. For new construction of single-family housing, complete items 1 through 12. For minor rehabilitation of multifamily or single-family housing, or for the purchase or lease of a property, complete items 1 through 7. The designation "A" or "B" or "C" refers to the type of documentation required by the Instructions contained in the Appendix.

1.	Site within designated coastal barrier resources	Indicate A or B	_____
2.	Site contaminated with toxic chemicals and radioactive materials	Indicate A or B	_____
3.	Site affecting a floodplain	Indicate A or B	_____
4.	Building requiring flood insurance protection	Indicate A or B	_____
5.	Site within clear zones or accident potential zones of airports and airfields	Indicate A or B	_____
6.	Site is or affects an historic property	Indicate A, B, or C	_____
7.	Site near hazardous industrial operations	Indicate A, B, or C	_____
8.	Site near high noise source	Indicate A or B	_____
9.	Site affecting coastal zone management	Indicate A or B	_____
10.	Site affecting a sole source aquifer	Indicate A or B	_____
11.	Site affecting endangered species	Indicate A or B	_____
12.	Site affecting a designated wetland	Indicate A or B	_____

13. Significant impact to the human environment: Are there any adverse environmental impacts that affect the property or that the project would create?

Yes ☐ If yes, document on separate sheet(s). No ☐

form HUD-40200 (1/99)

Exhibit 4A

Total Youthbuild Grant Budget

Grant Activities	Sources of Funds					
	Youthbuild	Other Federal	State	Local	Private	Total
1. Acquisition	$	$	$	$	$	$
2. Architecture and Engineering						
3. Housing construction						
4. Housing rehabilitation						
5. Relocation						
6. Outreach and Recruitment Activities						
7. Education and job training (includes on-site training)						
8. Trainee wage, etc.*						
9. Leadership development, counseling, support services						
10. Job placement and follow-up						
11. Subtotal (sum of lines 1 through 10)						
12. Costs of administering Grant. **						
13. Total Costs (sum of lines 11 and 12)	$	$	$	$	$	$

* Include need-based stipends/benefits/incentives/tools/clothing/etc.

** Request may not exceed 15% of total budget (line 13).

form HUD-40200 (1/99)

Exhibit 2F: Court-ordered Consideration

Due to an order of the U.S. District Court for the Northern District of Texas, Dallas Division, with respect to any application by the City of Dallas, Texas, for HUD funds, HUD shall consider the extent to which the Youthbuild strategy for the Dallas area will be used to eradicate the vestiges of segregation in the Dallas Housing Authority's low-income housing programs.

Is the applicant the City of Dallas, Texas?

☐ No

☐ Yes

If "yes", please attach a statement that addresses the effect(s), if any, that vestiges of racial segregation in the Dallas Housing Authority's low-income programs have no potential participants in the Youthbuild program and identify proposed actions for remedying those vestiges. Label this documentation Exhibit 2F.

Exhibit 4B:

Non-Housing Program Resources

Information in this exhibit will be used to rate the Non-Housing Program Resources criterion. Applicants should refer to the specific instructions on how to complete this exhibit. Verify that the letter is acceptable. The "Dollar Value Provided" figure is total of those with an acceptable letter. Do not include any letters that are housing resources.

Name of Provider (Donor)	Cash or In-Kind	Dollar Value Provided	Page No. of Letter	HUD Use Only
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
		$		
Total		$		

form HUD-40200 (1/99)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

Supportive Housing Program (SHP)

Shelter Plus Care (S+C)

Section 8 Moderate Rehabilitation Single Room Occupancy for Homeless Individuals (SRO)

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS—SUPPORTIVE HOUSING PROGRAM (SHP), SHELTER PLUS CARE (S+C), SECTION 8 MODERATE REHABILITATION SINGLE ROOM OCCUPANCY PROGRAM FOR HOMELESS INDIVIDUALS (SRO)

Program Overview

Purpose of the Programs. The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons move to self-sufficiency and permanent housing.

Available Funds. Approximately $850 million.

Eligible Applicants. The chart in the Appendix A to this program section of this SuperNOFA identifies the eligible applicants for each of the three programs under the Continuum of Care.

Application Deadline. **May 31, 2000.**

Match. Yes.

Additional Information

If you are interested in applying for funding under any of the Continuum of Care Homeless Assistance programs, please review carefully the **General Section** of the SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Your completed application (an original containing the signed documentation and two copies) is due on or before 12:00 midnight, Eastern time, on May 31, 2000 to the addresses shown below.

See the **General Section** of this SuperNOFA for specific procedures that you must follow for the form of application submissions (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Addresses for Submitting Applications. To HUD Headquarters. Submit your original completed application (the application with the original signed documentation) to: Room 7270, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, Attention: Continuum of Care Programs.

To the Appropriate CPD Field Office. Also submit two copies of your completed application to the Community Planning and Development Division of the appropriate HUD Field Office for your jurisdiction. The HUD Field Office must receive the two copies of your application by the deadline date as well. The determination, however, that your application was received on time will be made *solely on receipt of the application at HUD Headquarters in Washington.* Reviews will be based upon the contents of the application submitted to HUD Headquarters.

For Application Kits. For an application kit, please call the SuperNOFA Information Center at 1–800–HUD–8929 (voice) or 1–800–HUD–2209 (TTY), or you may download an application by Internet at http://www.HUD.gov.

For Further Information. You may contact the HUD Field Office serving your area, at the telephone number shown in Appendix A to the **General Section** of the SuperNOFA, or you may contact the Community Connections Information Center at 1–800–998–9999 (voice) or 1–800–HUD–2209 (TTY) or by Internet at: http://www.comcon.org/ccprog.html.

For Technical Assistance. Before the application deadline, HUD staff will be available to provide you with general guidance. HUD staff, however, cannot provide you with guidance in actually preparing your application. HUD Field Office staff also will be available to help you identify organizations in your community that are involved in developing the Continuum of Care system and, in the case of renewals, to determine the HUD final year amount (e.g., leasing, supportive services and operations for SHP, and rental assistance for S+C). Following conditional selection of applications, HUD staff will be available to assist selected applicants in clarifying or confirming information that is a prerequisite to the offer of a grant agreement or Annual Contributions Contract by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of your application pertinent to HUD's funding decision.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $850 million is available for this competition in FY 2000. Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards or budget transfers may be used in addition to 2000 appropriations to fund applications submitted in response to this program section of this SuperNOFA. The funds available for the Continuum of Care program can be used under any of three programs that can assist in creating community systems for combating homelessness. The three programs are:

(1) Supportive Housing;

(2) Shelter Plus Care; and

(3) Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals.

The chart in the Appendix A to this program section of this SuperNOFA summarizes key aspects of the programs, and also provides the citations for the statutes and regulations that authorize these programs. The regulations listed in the chart provide more detailed descriptions of each of the programs.

As in previous funding availability announcements for the Continuum of Care Homeless Assistance Programs, HUD will not specify amounts for each of the three programs this year. Instead, the distribution of funds among the three programs will depend largely on locally determined priorities and overall demand. Local priorities notwithstanding, due to recent Congressional action, not less than 30 percent of this year's total homeless assistance appropriation of $1.020 billion must be used for permanent housing projects. (See Sections V(A)(4)(b) and V(A)(7) of this program section of the SuperNOFA for additional information.) Should Congress pass and the President sign legislation prior to this year's grant announcement permitting eligible S+C renewals selected for funding in the 2000 competition to be funded from sources other than the McKinney Act, HUD reserves the right to exercise this authority. Should this authority be exercised, HUD will skip over these selected S+C renewal projects funded from sources other than the McKinney Act in choosing projects from Continuum of Care priority lists for McKinney Act funding in this year's competition. These skipped over S+C renewal projects will not count against your continuum's prorata need amount, thus increasing the funds available for other projects. You should plan for this eventuality when developing your Continuum of Care priority list. All Shelter Plus Care renewals selected for funding, regardless of funding source, will count toward the 30 percent permanent housing requirement.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.*

(1) *Developing Continuum of Care Systems.* The purpose of the Continuum of Care Homeless Assistance Programs is to fund projects that will fill gaps in locally developed Continuum of Care systems to assist homeless persons move to self-sufficiency and permanent housing. The process of developing a Continuum of Care system to assist homeless persons is part of the community's larger effort of developing a Consolidated Plan. For a community to successfully address its often complex and interrelated problems, including homelessness, the community must marshall its varied resources—community and economic development resources, social service resources, housing and homeless assistance resources—and use them in a coordinated and effective manner. The Consolidated Plan, including the Analysis of Impediments to Fair Housing Choice, serves as the vehicle for a community to comprehensively identify each of its needs and to coordinate a plan of action for addressing them.

A Continuum of Care system consists of four basic components:

(a) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless;

(b) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(c) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(d) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

A Continuum of Care system is developed through a community-wide or region-wide process involving nonprofit organizations (including those representing persons with disabilities), government agencies, other homeless providers, housing developers and service providers, private foundations, neighborhood groups, and homeless or formerly homeless persons. A Continuum of Care system should address the specific needs of each homeless subpopulation: the jobless, veterans, persons with serious mental illnesses, persons with substance abuse issues, persons with HIV/AIDS, persons with multiple diagnoses, victims of domestic violence, youth, and any others. The term ''multiple diagnoses'' may include diagnoses of multiple physical disabilities or multiple mental disabilities or a combination of these two types.

As an applicant, the community process you use in developing a Continuum of Care system should include interested veteran service organizations. To ensure that the Continuum of Care system addresses the needs of homeless veterans, it is particularly important that you involve veteran service organizations with specific experience in serving homeless veterans. In addition, given the large number of youths aging out of the Foster Care system each year, you should seek to include persons knowledgeable on this issue in the planning process and ensure that your continuum of Care system adequately addresses this need.

Your application will be given a high score under the Continuum of Care scoring factors if the application demonstrates the achievement of two basic goals:

- That you have provided maximum participation by non-profit providers of housing and services; homeless and formerly homeless persons; state and local governments and agencies; veteran service organizations; organizations representing persons with disabilities; the private sector; housing developers; foundations and other community organizations.
- That you have created, maintained and built upon a community-wide inventory of housing and services for homeless families and individuals; identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to obtain resources, particularly resources sought through this program section of the SuperNOFA, to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing.

Should HUD determine, in its sole discretion, that sufficient evidence exists to confirm that the entity responsible for convening and managing the Continuum of Care process in a community has failed in the past to conduct a fair process, including a priority selection process that gives equal consideration to projects proposed by non profit organizations, HUD reserves the right to prohibit that entity and the individuals comprising that entity from participating in that capacity in the future. In making this determination, HUD will consider as evidence court proceedings and decisions, or the determinations of other independent and impartial review bodies. Entities and individuals so prohibited under this authority will be notified in writing within 15 days of the publication of this Continuum of Care NOFA in the **Federal Register**.

In deciding the geographic area you will cover in your Continuum of Care strategy, you should be aware that the single most important factor in being awarded funding under this competition will be the strength of your Continuum of Care strategy when measured against the Continuum of Care rating factors described in this SuperNOFA. When you determine what jurisdictions to include in your Continuum of Care strategy area, include only those jurisdictions that are involved in the development and implementation of the Continuum of Care strategy.

The more jurisdictions you include in the Continuum of Care strategy area, the larger the pro rata need share that will be allocated to the strategy area (as described in Section V(A)(4) of this program section of the SuperNOFA). However, it would be a mistake to include jurisdictions that are not fully involved in the development and implementation of the Continuum of Care strategy since this would adversely affect the Continuum of Care score. If you are a rural county, you may wish to consider working with larger groups of contiguous counties to develop a region-wide or multi-county Continuum of Care strategy covering the combined service areas of these counties.

Since the basic concept of a Continuum of Care strategy is to create a single, coordinated, inclusive homeless assistance system for an area, the areas covered by Continuum of Care strategies should not overlap. If your Continuum of Care strategy geographically overlaps to the extent that they are essentially competing with each other, projects in the applications/Continuum of Care that receive the highest score out of the possible 60 points for Continuum of Care will be eligible for up to 40 points under Need. Projects in the competing applications/Continuum of Care with the less effective Continuum of Care strategies will be eligible for only 10 points under Need. In no case will the same geographical area be used more than one time in assigning Need points. The local HUD Field Office can help you determine if any of the areas proposed for inclusion by your Continuum of Care system is also likely to be claimed under another Continuum of Care system in this competition.

(2) *Prioritizing.* HUD's policy is that decisions about priority are best made through a locally-driven process and are key to the ultimate goal of reducing homelessness. Again this year, you must list all projects proposed for funding under this program section of the SuperNOFA in priority order from the highest priority to the lowest. Generally, this priority order will mean, for example, that if HUD has funds available only to award 8 of 10 proposed projects, then it will award funding to the first eight eligible projects listed, except as may be necessary to achieve the new 30 percent overall permanent housing requirement—in which case higher priority non-permanent housing projects may be skipped over to fund lower priority permanent housing projects. You should give non-profit organizations an opportunity to participate in establishing these priorities.

To promote permanent housing, a special incentive is being provided to Continuum of Care systems that place an eligible, new permanent housing project in the number one priority slot on the priority list. See Section V(A)(4)(b) of this program section of the SuperNOFA for a description of this incentive.

HUD will use this priority list to award up to 40 points per project under the ''Need'' scoring factors. Higher priority projects will receive more points under Need than lower priority projects. A project priority chart is included in the application kit and you should complete and submit it. If you do not submit clear project priority designations for the continuum, or if HUD, at its sole discretion, cannot determine priority designations, then HUD will give all projects the lowest score for Need.

Project renewals. If your Supportive Housing, Supportive Housing Demonstration Program, SAFAH, or Shelter Plus Care grants will be expiring in calendar year 2001, you must apply under this Continuum of Care program section of the SuperNOFA to get continued funding.

Your local needs analysis process must consider the need to continue funding for projects expiring in calendar year 2001, and you must assign a priority to those projects requesting renewal. HUD will not fund renewals out of order on the priority list except as may be necessary to achieve the new 30 percent overall permanent housing requirement. HUD reserves the authority to use FY 2001 funds, if available, to conditionally select for one year of funding lower-rated eligible SHP renewal projects that are assigned 40 need points in continuum of care systems that: (1) Would not otherwise receive funding; and (2) have not previously been awarded funds under this authority.

Regardless of the priority assigned to expiring projects, you should fully consider how persons currently being served by those projects will continue to be served, and address this issue in your gaps analysis. In previous competitions, some renewal projects that were not assigned top priority by a locality did not receive funding. To the extent your community desires to have such projects renewed, you should give them the top priorities on the priority projects listing in the application. It is also important that they meet minimum project eligibility, capacity, and quality standards identified in this program section of the SuperNOFA or they will be rejected.

For the renewal of a Supportive Housing Program project, Supportive Housing Demonstration Program project or SAFAH project, you may request funding for one (1), two (2) or three (3) years. For the renewal of a Shelter Plus Care project, the grant term is fixed at five (5) years as required by statute. You may request up to the amount determined by multiplying the number of units under lease at the time of application for renewal funding under this SuperNOFA by the applicable current Fair Market Rent(s) by 60 months. While full funding of existing grants may be requested, there is no guarantee that the entire amount will be awarded. As is the case with SHP, HUD will recapture Shelter Plus Care grant funds remaining unspent at the end of the original grant period when it renews a grant.

This program section of the SuperNOFA is not applicable to the renewal of funding under the SRO program. For further guidance on SRO renewals, please contact your local HUD Field Office.

As a project applicant, you are eligible to apply for renewal of a grant only if you have executed a grant agreement for the project directly with HUD. If you are a project sponsor or subrecipient who has not signed such an agreement, you are not eligible to apply for renewal of these projects. HUD will reject applications for renewal submitted by ineligible applicants. If you have questions about your eligibility to apply for project renewal, contact the local HUD field office. To be considered an applicant when applying as part of a consolidated application, you must submit an originally signed HUD Form SF–424 and the necessary certifications and assurances.

(B) *Eligible Applicants.* See Appendix A.

(C) *Eligible Activities.* See Appendix A.

IV. Program Requirements

(A) *Statutory and Regulatory Requirements.*

(1) *SRO Program.* As an applicant, you need know that the following limitations apply to the Section 8 SRO program:

- Under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 assisted units;
- Under 24 CFR 882.802, applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance;
- Under section 8(e)(2) of the United States Housing Act of 1937 and 24 CFR 882.802, rehabilitation must involve a minimum expenditure of $3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade conditions to comply with the Housing Quality Standards.
- Under section 441(e) of the McKinney Act and 24 CFR 882.805(d)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. This cost limitation applies to rehabilitation that is compensated for in a Housing Assistance Payments Contract. For purposes of Fiscal Year 2000 funding, the cost limitation is raised from $17,500 to $17,850 per unit to take into account increases in construction costs during the past 12-month period.

(2) *Shelter Plus Care/Section 8 SRO Component.* With regard to the SRO component of the Shelter Plus Care program, if you are a State or a unit of general local government, you must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

(3) *Supportive Housing Program.* Please be advised that:

- Where an applicant for Supportive Housing Program funding is a State or unit of general local government that utilizes one or more nonprofit organizations to administer the homeless assistance project(s), administrative funds provided as part of the SHP grant must be passed on to the nonprofit organization(s) in proportion to the administrative burden borne by them for the SHP project(s). HUD will consider States or units of general local government that pass on at least 50

percent of the administrative funds made available under the grant as having met this requirement which was contained in the congressional committees' report accompanying the FY 2000 HUD Appropriations Act. This requirement does not apply to either the SRO Program, since no administrative funds are provided as part of the grant, or to the S+C Program, since paying the costs associated with the administration of these grants is ineligible by regulation.

• HUD anticipates publishing an amendment to SHP program regulations in the near future, which amendment would allow HUD to pay up to 75% of the annual operating costs for supportive housing in every year of the grant. The current rule, found at 24 CFR 583.125(c), allows HUD to pay up to 75% in the first two years of the grant and up to 50% in the remaining years. If the amendment of this section is published with final effect before conditional selection of awards under this NOFA, the amendment will apply to grants awarded in this competition.

(B) *Match.* You must match Supportive Housing Program funds provided for acquisition, rehabilitation, and new construction with an equal amount of funds from other sources; for operating costs, see preceding paragraph. In addition, in this year's competition, you must match by 25% all funding for supportive services. The cash source may be you, the Federal Government, State and local governments, or private resources. You must match rental assistance provided through the Shelter Plus Care Program in the aggregate with supportive services.

(C) *Linking Supportive Housing Programs and Americorps.* Applicants for the Supportive Housing Program are encouraged to link their proposed projects with AmeriCorps, a national service program engaging thousands of Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training. For information about AmeriCorps SHP partnerships, call the Corporation for National Service at (202) 606–5000 extension 486. (This is not a toll-free number.)

(D) *Linking Housing and Supportive Services.* Many of the clients who will be served by the HUD programs covered by this Continuum of Care NOFA may need services in addition to housing. It is important that potential grantees design programs which enhance access to those needed services. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, the Department encourages providers to develop housing programs which do not require participation in services as a part of their tenancy requirements while ensuring that, in the case of Shelter Plus Care, the supportive service match requirement is met.

(E) *Timeliness Standards.* As an applicant, you are expected to initiate your approved projects promptly. HUD may take action if you fail to satisfy the following timeliness standards:

(1) *Supportive Housing Program.*

• HUD will deobligate SHP funds if you have not demonstrated site control within one (1) year after you were initially notified of the grant award, as provided in 24 CFR 583.320(a), subject to the exceptions noted in that regulation.

• Except where HUD finds that delay was due to factors beyond your control, HUD may deobligate SHP funds if the you do not meet the following additional timeliness standards:

—You must begin construction activities within eighteen (18) months after initial notification of your grant award and complete them within thirty-six (36) months after that notification.

—For activities that cannot begin until construction activities are completed, such as supportive service or operating activities that will be conducted within the building being rehabilitated or newly constructed, you must begin these activities within three (3) months after you complete construction.

—You must begin all activities that may proceed independent of construction activities within twelve (12) months after initial notification of your grant award.

(2) *Shelter Plus Care Program Components Except SRO Component.* Except where HUD finds that delay was due to factors beyond your control, HUD will deobligate S+C funds if you do not meet the following timeliness standards:

• For Tenant-based Rental Assistance, for Sponsor-based Rental Assistance, and for Project-based Rental Assistance without rehabilitation, you must start the rental assistance within twelve (12) months of the initial announcement of the grant award.

• For Project-based Rental Assistance with rehabilitation, you must complete the rehabilitation within twelve (12) months of initial notification of your grant award.

(3) *SRO Program and SRO Component of the Shelter Plus Care Program.*

For projects carried out under the SRO program and the SRO component of the S+C program, the rehabilitation work must be completed and the Housing Assistance Payments contract executed within twelve (12) months of execution of the Annual Contributions Contract. HUD may reduce the number of units or the amount of the annual contribution commitment if, in HUD's determination, the Public Housing Authority fails to demonstrate a good faith effort to adhere to this schedule.

V. Application Selection Process

(A) *Review, Rating and Conditional Selection.* HUD will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP). The standard factors for award identified in the **General Section** of this SuperNOFA have been modified in this program section as described below. Only the factors described in this program section—Continuum of Care and Need—will be used to assign points. To review and rate applications, HUD may establish panels. In order to obtain certain expertise and outside points of view, including views from other Federal agencies, these panels may include persons not currently employed by HUD. Two types of reviews will be conducted. Paragraphs (1) and (2) below describe threshold reviews and paragraphs (3) and (4) describe factors—Continuum of Care and Need—that will be used to assign points. Up to 104 points (including bonus points and points for the court-ordered consideration described in Section III(C)(1) and (2) of the **GENERAL SECTION** of the SuperNOFA) will be assigned using these factors.

(1) *Applicant and sponsor eligibility and capacity.* HUD will review your capacity as the applicant and project sponsor to ensure the eligibility and capacity standards in this section are met. If HUD determines these standards are not met, the project will be rejected from the competition. The eligibility and capacity standards are:

• You must be eligible to apply for the specific program;

• You must demonstrate ability to carry out the project(s). With respect to each proposed project, this means that in addition to knowledge of and experience with homelessness in general, the organization carrying out the project, its employees, or its partners, must have the necessary experience and knowledge to carry out the specific activities proposed, such as housing development, housing management, and service delivery;

• If you or the project sponsors are current or past recipients of assistance under a HUD McKinney Act program or the HUD Single Family Property

Disposition Homeless Program, there must have been no delay in implementing projects exceeding applicable program timeliness standards that HUD determines is within your or the project sponsor's control, unresolved HUD finding, or outstanding audit finding of a material nature regarding the administration of HUD McKinney Act programs or the HUD Single Family Property Disposition Homeless Program; and

• You and the project sponsors must be in compliance with applicable civil rights laws and Executive Orders, and must meet the threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(2) *Project eligibility and quality.* HUD will review projects to determine if they meet the following eligibility and quality standards. If HUD determines the following standards are not met by a specific project or activity, the project or activity will be rejected from the competition.

• The population to be served must meet the eligibility requirements of the specific program, as described in this program section;

• At least one of the activities for which assistance is requested must be eligible under the specific program, as described in the program regulations;

• The housing and services proposed must be appropriate to the needs of the persons to be served. HUD may find a project to be inappropriate if:

—The type and scale of the housing or services clearly does not fit the needs of the proposed participants (e.g., housing homeless families with children in the same space as homeless individuals, or separating members of the same family, without an acceptable rationale provided);
—Participant safety is not ensured;
—The housing or services are clearly designed to principally meet emergency needs rather than helping participants achieve self-sufficiency;
—Transportation and community amenities are not available and accessible; or
—Housing accessibility for persons with disabilities is not provided as required by applicable laws;

An SHP project renewal will be considered as having met this requirement through its previously approved grant application.

• The project must be cost-effective in HUD's opinion, including costs associated with construction, operations, and administration, with such costs not deviating substantially from the norm in that locale for the type of structure or kind of activity;

• Supportive services only projects, and all others, must show how participants will be helped to access permanent housing and achieve self-sufficiency. An SHP renewal will be considered as having met this requirement through its previously approved grant application;

• For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application; and

• For those projects proposed under the SHP innovative category: Whether or not a project is considered innovative will be determined on the basis that the particular approach proposed is new within its geographic area, and can be replicated.

(3) *Continuum of Care.* HUD will award up to 60 points as follows:

(a) *Process and Strategy.* HUD will award up to 30 points based on the extent to which your application demonstrates:

• The existence of a coordinated and inclusive community process, including organizational structure(s), for developing and implementing a Continuum of Care strategy which includes nonprofit organizations (such as veterans service organizations, organizations representing persons with disabilities, and other groups serving homeless persons), State and local governmental agencies, other homeless providers, housing developers and service providers, private foundations, local businesses and the banking community, neighborhood groups, and homeless or formerly homeless persons; and

• That a well-defined and comprehensive strategy has been developed which addresses the components of a Continuum of Care system (*i.e.*, outreach, intake, and assessment; emergency shelter; transitional housing; permanent and permanent supportive housing) and that strategy has been designed to serve all homeless subpopulations in the community (*e.g.*, seriously mentally ill, persons with multiple diagnoses, veterans, persons with HIV/AIDS), including those persons living in emergency shelters, supportive housing for homeless persons, or in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(b) *Gaps and Priorities.* HUD will award up to **20 points** based on the extent to which your application:

• Describes the gap analysis performed, uses reliable information and sources that are presented completely and accurately, and establishes the relative priority of homeless needs identified in the Continuum of Care strategy; and

• Proposes projects that are consistent with the priority analysis described in the Continuum of Care strategy, describes a fair project selection process, explains how gaps identified through the analysis are being addressed, and correctly completes the priority chart.

When HUD reviews a community's Continuum of Care to determine the points to assign, HUD will consider whether the community took its renewal needs into account in preparing its project priority list. (See discussion on renewals in Section III(A)(2) of this NOFA.)

(c) *Supplemental Resources.* HUD will award up to **10 points** based on the extent to which your application incorporates mainstream resources and demonstrates leveraging of funds requested under this program section of the SuperNOFA with other resources, including private, other public, and mainstream services and housing programs. To achieve the highest rating for this factor, applicants must evidence strategies to expand access to McKinney and non-McKinney-funded programs by coordinating and integrating homeless programs with other mainstream health, social services and employment programs for which homeless populations may be eligible. These include Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act and the Welfare-to-Work grant program.

(d) *EZ/EC bonus points.* As provided for in Section III(C)(1) of the **General Section** of this SuperNOFA, HUD will add a bonus of up to **2 points** to the Continuum of Care score when: (1) At least one proposed homeless assistance project will be located within the boundaries and/or will principally serve the residents of a federal Empowerment Zone, Enterprise Community, Enhanced Enterprise Community, or Strategic Planning Communities (collectively ''EZ/EC''); and (2) if priority placement will be given by the project(s) to homeless persons living on the streets or in shelters within the EZ/EC, or whose last known address was within the EZ/EC. In addition, and in order for a Continuum of Care system to receive any of the bonus points, the applicant must specifically state how it meets the requirements for the two EZ/EC bonus points, and provide a narrative describing the extent of the linkages and coordination between proposed projects and the EZ/EC. Examples of such

coordination include having common board or committee membership (EZ/EC and Continuum of Care), and having EZ/EC resources directed toward Continuum of Care activities. The greater the extent of EZ/EC involvement in and coordination with the implementation strategy for the Continuum of Care system and projects, the greater the likelihood that bonus points will be awarded.

(e) *Court-ordered consideration.* Section III(C)(2) of the **General Section** is applicable to this program.

(4) *Need.* HUD will award up to **40 points** for need. There is a three-step approach to determining the need scores to be awarded to projects:

(a) *Determining relative need:* To determine the homeless assistance need of a particular jurisdiction, HUD will use nationally available data, including the following factors as used in the Emergency Shelter Grants program: Data on poverty, housing overcrowding, population, age of housing, and growth lag. Applying those factors to a particular jurisdiction provides an estimate of the relative need index for that jurisdiction compared to other jurisdictions applying for assistance under this program section of the SuperNOFA.

(b) *Applying relative need:* HUD will then apply that relative need index to the total amount of funding estimated to be available under this program section of the SuperNOFA to determine a jurisdiction's pro rata need. However, in order to promote permanent housing for the homeless, if a Continuum of Care's number one priority project qualifies as an eligible, new permanent housing project, then the full amount of that project's eligible activities, up to $250,000, will be added to the final pro rata need amount for the Continuum. HUD also reserves the right to adjust pro rata need, if necessary, to address the issue of project renewals.

(c) *Awarding need points to projects:* Once the pro rata need is established, it is applied against the priority project list in the application. Starting from the highest priority project, HUD proceeds down the list to award need points to each project. An eligible project will receive the full 40 points for need if at least one half of its requested amount falls within the pro rata need amount for that Continuum of Care (COC). Thereafter, HUD proceeds further down the priority project list and awards 20 points for need to each project if at least one half of its requested amount falls within the ''second tier'' of pro rata need amount for that Continuum of Care. The ''second tier'' is the amount between the pro rata need and twice the pro rata need for the COC. Remaining projects each receive 10 points. If projects are not prioritized for the Continuum, then all projects will receive 10 points for Need.

In the case of competing applications from a single jurisdiction or service area, projects in the application that received the highest score out of the possible 60 points for Continuum of Care are eligible for up to 40 points under Need. Projects in the competing applications with lower Continuum of Care scores are eligible for only 10 points under Need.

(5) *Ranking.* HUD will add the score for Continuum of Care to the Need score to obtain a total score for each project. The projects will then be ranked from highest to lowest according to the total combined score.

(6) *Conditional Selection and Adjustments to Funding.*

(a) *Conditional Selection.* Whether a project is conditionally selected, as described in Section V(B) below, will depend on its overall ranking compared to others, except that HUD reserves the right to select lower rated eligible projects in order to meet the 30 percent overall permanent housing requirement.

When insufficient funds remain to fund all projects having the same total score, HUD will first fund permanent housing projects if necessary to achieve the 30 percent overall permanent housing requirement. HUD will then break ties among the remaining projects with the same total score by comparing scores received by the projects for each of the following scoring factors, in the order shown: Need, Overall Continuum of Care (COC) score, COC Process and Strategy, COC Gaps and Priorities, and COC Supplemental Resources. The final tie-breaking factor is the priority number of the competing projects on the applicable COC priority list(s).

(b) *Adjustments to Funding.* The Secretary of HUD has determined that geographic diversity is appropriate to carrying out homeless assistance programs in an effective manner. HUD believes that geographic diversity can be achieved best by awarding grants to as many COCs as possible. To this end, in instances where any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa does not have at least one funded COC, HUD reserves the right to fund eligible project(s) receiving 40 Need points in the COC with the highest total score in that jurisdiction. To qualify for funding, the total score for these first tier projects on the COC priority list must be at least 70 points. In the case of two or more COCs with the same total score, HUD will use the tie-breaking rules described above. In addition, if the highest priority project passing threshold requirements within a COC fails to meet the criteria for receiving 40 Need points, HUD reserves the right to reduce the total requested amount for that project to allow it to qualify for 40 Need points. HUD may otherwise adjust funding of applications in accordance with the provisions of Section III(E) of the **General Section** of the SuperNOFA. In addition, HUD reserves the right to ensure that a project that is applying for, and eligible for, selection under this competition is not awarded funds that duplicate activities.

(7) *Additional selection considerations.* HUD also will apply the limitations on funding described below in making conditional selections.

In accordance with the appropriation for homeless assistance grants in the Fiscal Year 2000 Appropriation Act for HUD (Pub.L. 106–24, approved October 20, 1999; 113 Stat. 1047), HUD will use not less than 30 percent of the total FY 2000 homeless grant assistance appropriation to fund projects that meet the definition of permanent housing. Projects meeting the definition of permanent housing are: (1) new Shelter Plus Care projects; (2) Shelter Plus Care renewal projects; (3) Section 8 SRO projects; and (4) new and renewal projects designated as permanent housing for homeless persons with disabilities under the Supportive Housing Program. Since the FY 2000 homeless grant assistance appropriation is $1.020 billion, not less than $306 million must be awarded to permanent housing projects unless an insufficient number of approvable permanent housing projects is submitted in which case HUD will carry over the amount of the permanent housing funding shortfall to next year's competition. This permanent housing funding requirement may result in higher scoring non-permanent housing projects being skipped over to fund lower scoring permanent housing projects or, within a continuum, higher priority non-permanent housing projects being skipped over to fund lower priority permanent housing projects.

In accordance with section 429 of the McKinney Act, HUD will award Supportive Housing funds as follows: not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After projects are

rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 463(a) of the McKinney Act, as amended by the Housing and Community Development Act of 1992, at least 10 percent of Shelter Plus Care funds will be awarded for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable projects to achieve these percentages). After projects are rated and ranked, based on the factors described above, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked projects in order to achieve these minimum percentages.

In accordance with section 455(b) of the McKinney Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. In accordance with section 441(c) of the McKinney Act, no city or urban county may have Section 8 SRO projects receiving a total of more than 10 percent of the assistance made available under this program. HUD is defining the 10 percent availability this fiscal year as $10 million for Shelter Plus Care and $10 million for Section 8 SRO. However, if the amount awarded under either of these two programs exceeds $100 million, then the amount awarded to any one unit of general local government (for purposes of the Shelter Plus Care program) or city or urban county (for the purposes of the SRO program) could be up to 10 percent of the actual total amount awarded for that program.

Lastly, HUD reserves the right to reduce the amount of a grant if necessary to ensure that no more than 10 percent of assistance made available under this program section of the SuperNOFA will be awarded for projects located within any one unit of general local government or within the geographic area covered by any one Continuum of Care. If HUD exercises a right it has reserved under this program section of the SuperNOFA, that right will be exercised uniformly across all applications received in response to this program section of the SuperNOFA.

(B) *Action on Conditionally Selected Applications.* HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is financially feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. HUD will notify SHP, SRO, S+C and S+C/SRO applicants of the deadline for submission of such information. If an applicant is unable to meet any conditions for fund award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

VI. Application Submission Requirements

The application kit provides the application materials, including Form SF–424 and certifications, that must be used in applying for homeless assistance under this SuperNOFA. These application materials substitute for the forms, certifications, and assurances listed in Section II(G) of the General Section of the SuperNOFA (collectively, the ''standard'' forms).

In addition to the required narratives, the items that you must submit to HUD as part of the application for homeless assistance funding are as the following. The standard forms can be found in Appendix B to the General Section of the SuperNOFA. The remaining forms (i.e., excluding such items as narratives), referred to as the non-standard forms can be found as Appendix B to this program section of the SuperNOFA):

1. 2000 Application Summary Form.
2. Continuum of Care and Project Exhibits.
3. Gaps Analysis Form.
4. Project Priorities Form.
5. Project Leveraging Form.
6. EZ/EC Certification.
7. SF–424.
8. Applicant Certifications.
9. Consolidated Plan Certification(s).

The application requires a description of the Continuum of Care system and the proposed project(s). To ensure that no applicant is afforded an advantage in the rating of the Continuum of Care element (described in Section V(A)(3) above), HUD is establishing a limitation of 25 pages, excluding required multiple page tables or charts but including any attachments, on the length of Exhibit 1 of any application submitted in response to this NOFA. HUD will not consider the contents of any pages exceeding this limit when rating the Continuum of Care element of any application. The application kit also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (where applicable) that the proposed activities are consistent with the HUD-approved Consolidated Plan of the applicable State or unit of general local government, including the Analysis of Impediments to Fair Housing Choice and the Action Plan to address these impediments. Projects funded under this SuperNOFA shall operate in a fashion that does not deprive any individual of any right protected by the Fair Housing Act (42 U.S.C. 3601–19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) or the Age Discrimination Act of 1974 (42 U.S.C. 6101). Section II(D) of the **General Section** of this SuperNOFA regarding Affirmatively Furthering Fair Housing does not apply to the Continuum of Care Homeless Assistance programs.

There are three options for submitting an application under this program section of the SuperNOFA.

One: A ''Consolidated Application'' is submitted when a jurisdiction (or a consortium of jurisdictions) submits a single application encompassing a Continuum of Care strategy and containing all the projects within that strategy for which funding is being requested. Individual projects are contained within the one consolidated application. Grant funding may go to one entity which then administers all funded projects submitted in the application, or under this option, grant funding may go to all or any of the projects individually. Your application will specify the grantee for each project.

Two: ''Associated Applications'' are submitted when applicants plan and organize a single Continuum of Care

strategy which is adopted by project sponsors or operators who choose to submit separate applications for projects while including the identical Continuum of Care strategy. In this case, project funding would go to each successful applicant individually and each would be responsible to HUD for administering its separate grant.

Three: A ''Solo Application'' is submitted when an applicant applies for a project exclusive of participation in any community-wide or region-wide Continuum of Care development process.

Options one and two are not substantively different and will be considered equally competitive. Applicants are advised that projects that are not a part of a Continuum of Care strategy will receive few, if any, points under the Continuum of Care rating factors.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications (See Section V of the **General Section**).

VIII. Environmental and Local Resident Employment Requirements

(A) *Environmental Requirements.* All Continuum of Care assistance is subject to the National Environmental Policy Act of 1969 and related Federal environmental authorities. No Federal or non-Federal funds or assistance that limits reasonable choices or could produce a significant adverse environmental impact may be committed to a project until all required environmental reviews and notifications have been completed. Conditional selection of projects under the Continuum of Care Program is subject to the environmental review requirements under 24 CFR 582.230, 583.230, and 882.804(c), as applicable.

(B) *Local Resident Employment.* To the extent that any housing assistance (including rental assistance) funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3, as amended, requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

IX. Authority

The Supportive Housing Program is authorized by title IV, subtitle C, of the Stewart B. McKinney Homeless Assistance Act (McKinney Act), 42 U.S.C. 11381. Funds made available under this program section of the SuperNOFA for the Supportive Housing Program are subject to the program regulations at 24 CFR part 583.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney Act, 42 U.S.C. 11403. Funds made available under this program section of the SuperNOFA for the Shelter Plus Care program are subject to the program regulations at 24 CFR part 582.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (SRO) is authorized by section 441 of the McKinney Act, 42 U.S.C. 11401. Funds made available under this NOFA for the SRO program are subject to the program regulations at 24 CFR part 882, subpart H.

BILLING CODE 4210–32–P

APPENDIX A
CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAMS

ELEMENT	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
AUTHORIZING LEGISLATION	Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act	Subtitle F of Title IV of the Stewart B. McKinney Homeless Assistance Act	Section 441 of the Stewart B. McKinney Homeless Assistance Act
IMPLEMENTING REGULATIONS	24 CFR part 583	24 CFR part 582	24 CFR part 882
ELIGIBLE APPLICANT(S)	• States • Units of general local government • Special purpose units of government such as public housing agencies (PHAs) • Private nonprofit organizations • CMHCs that are public nonprofit organizations	• States • Units of general local government • PHAs	• PHAs • Private nonprofit organizations
ELIGIBLE COMPONENTS	• Transitional housing • Permanent housing for disabled persons only • Supportive services not in conjunction with supportive housing • Safe Havens • Innovative supportive housing	• Tenant-based • Sponsor-based • Project-based • SRO-based	• SRO housing
ELIGIBLE ACTIVITIES See footnotes 1, 2, and 3	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental Assistance

ELEMENT	SUPPORTIVE HOUSING	SHELTER PLUS CARE	SECTION 8 SRO
ELIGIBLE POPULATIONS See footnote 2	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals and their families	• Homeless individuals • Section 8 eligible current occupants
POPULATIONS GIVEN SPECIAL CONSIDERATION	• Homeless persons with disabilities • Homeless families with children	Homeless persons who: • are seriously mentally ill • have chronic problems with alcohol and/or drugs • have AIDS and related diseases	N/A
INITIAL TERM OF ASSISTANCE	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO and PRA with rehab	10 years
MATCH	• For acquisition, rehabilitation and new construction, cash at $1:$1 (SHP); • For supportive services, cash at $1:$4 (SHP); • For operating costs, cash at $1:$3 (SHP)	Rental assistance matched in the aggregate with supportive services	N/A

Footnote 1: **Homeless prevention activities are statutorily ineligible under these programs.**

Footnote 2: **Persons at risk of homelessness are statutorily ineligible for assistance under these programs.**

Footnote 3: **Acquisition, construction, rehabilitation, leasing, and operating costs for emergency shelters are statutorily ineligible**

APPENDIX B

The non-standard forms, which follow, are required for your Continuum of Care Homeless Assistance application.

2000 Application Summary

This is the first page of your application. Remove this page and place it in the front of your application.

Continuum of Care Name: _____

Continuum of Care Contact Person: _____

Address : _____

_____

Phone Number: _____

Continuum of Care Geography

Using the Geographic Area Guide, list the name and the six-digit geographic code number for *each* city and/or county participating in your Continuum of Care. Because the geography covered by your system will affect your Need score, it is important to be accurate. The information contained on this page must be cross-referenced and must match the information you provide in Exhibit 1: Continuum of Care of the application. Before completing, please read the NOFA guidance and page 4 of this application regarding geographically overlapping Continuum of Care systems.

Geographic Area Name	6-digit Code
example: Dayton	391362
example: Kettering	392526
example: Montgomery Co.	399113

Geographic Area Name	6-digit Code

Reproduce this page to include additional names and codes.

Continuum of Care: Gaps Analysis

		Estimated Need	Current Inventory	Unmet need/ Gap	Relative Priority
		Individuals			
Example	**Emergency Shelter**	**115**	**89**	**26**	**M**
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abusers				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Youth				
	Other				
		Persons in Families With Children			
Beds/Units	Emergency Shelter				
	Transitional Housing				
	Permanent Supportive Housing				
	Total				
Supportive Services Slots	Job Training				
	Case Management				
	Child Care				
	Substance Abuse Treatment				
	Mental Health Care				
	Housing Placement				
	Life Skills Training				
	Other				
	Other				
Sub-populations	Chronic Substance Abusers				
	Seriously Mentally Ill				
	Dually-Diagnosed				
	Veterans				
	Persons with HIV/AIDS				
	Victims of Domestic Violence				
	Other				

Continuum of Care: Project Priorities

(*This entire chart will only count as one page towards the 25 page limitation*)

Applicant	Project Sponsor/ Project Name	Numeric Priority	Requested Project Amount	Program (Check only one) SHP new	SHP renew	S+C new	S+C renew	SRO new
Example: ABC Nonprofit	ABC Nonprofit/ Sarah's House	1	$1,026,000	X				
Example: XYZ County	AJAY Nonprofit/ BeeJee's Place	2	$500,000	X				
		1						
		2						
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		13						
		14						
		15						
		Total Requested Amount:						

Continuum of Care: Project Leveraging

(Complete only one chart for the entire Continuum of Care and insert in Exhibit 1. ***This entire chart will only count as one page towards the 25 page limitation***)

Project Priority Number	Name of Project	Type of Contribution	Source or Provider	*Value of Written Commitment
3	Example: Sarah's House	Child Care	Spotsville Co. Department of Social Services	$10,000
			TOTAL	

Please enter the value of the contribution for which you have a written commitment at application submission.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

Program Overview

Purpose of the Program. To provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing and related supportive service needs of persons with HIV/AIDS and their families.

Available funds. Approximately $23,026,000 (and under a related part of this SuperNOFA, up to $1,740,000 for technical assistance for the HOPWA program).

Eligible Applicants. (1) States, units of general local government, and nonprofit organizations for grants for Special Projects of National Significance (SPNS) grants.

(2) States and units of general local government may apply for projects under the Long-Term category of grants, if activities will serve areas that were not eligible for HOPWA formula allocations in Fiscal Year 2000. Appendix A in this program section of the SuperNOFA identifies the formula areas.

Application Deadline. **May 23, 2000.**

Match. None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. You must submit applications on or before 12:00 midnight, Eastern time, on May 23, 2000, at HUD Headquarters.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original signed application and two copies. Submit the original application to: Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7251, Washington, DC 20410. The original application submitted to HUD headquarters is considered the official application.

Submit the two (2) copies of your application to the area CPD Field Office or Offices that serve the area in which activities are proposed. For multi-state efforts you must submit two copies of your application to the Field Office that serves your main office. The list of addresses for area CPD Field Offices is provided as Appendix B of this program section of this SuperNOFA. If you propose nationwide activities, you must send all copies to the HUD headquarters office. When submitting your applications, please refer to HOPWA, and include your name, mailing address (including zip code), facsimile and telephone number (including area code).

For Application Kits. Although you may begin working on your application with the materials provided in this program section of the SuperNOFA and its appendixes, for an application kit, please call the SuperNOFA Information Center at 1–800-HUD–8929 (1–800–483–8929). Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209 (1–800–483–2209). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov.

For Further Information and Technical Assistance. You may call the HUD Field Office serving your area, at the telephone number shown in the application kit for this program, or you may contact the Community Connections Information Center at 1–800–998–9999 (voice) or 1–800–483–2209 (TTY) or by Internet at: http://www.comcon.org/ccprog.html.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

Approximately $23,026,000 is being made available for funding under this program section of the SuperNOFA. Additional funds may be awarded if funds are recaptured, deobligated, appropriated or otherwise made available during the fiscal year.

(A) *Maximum Grant Amounts.* The maximum amount that you may receive is $1,200,000 for program activities (e.g., activities that directly benefit low-income persons living with HIV/AIDS and their families). You may also add-on up to 3 percent of this program activities amount for grantee administrative costs and, if your program involves project sponsors, add-on up to 7 percent for their administrative costs. In addition, up to $50,000 may be requested to collect data on project outcomes. HUD reserves the right to reduce the amount requested for data collection on project outcomes in relation to the amount requested for program activities.

(B) *Award Modifications.* See the **General Section** of this SuperNOFA for information with regard to adjustments to funding. HUD also reserves the right to ensure that activities funded under the FY 2000 Continuum of Care will not duplicate activities funded under this competition.

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* Funds under this program are to be used to support the Department's national goal of increasing the availability of decent, safe, and affordable housing in American communities. The statutory purpose of the HOPWA program is ''for meeting the housing needs of persons'' with HIV/AIDS and their families and planned activities must address this purpose. HOPWA funds projects to provide housing and related supportive services for low-income persons with HIV/AIDS and their families under two categories of assistance:

(1) Grants for Special Projects of National Significance (SPNS) that, due to their innovative nature or their potential for replication, are likely to serve as effective models in addressing the housing and related supportive service needs of low-income persons living with HIV/AIDS and their families. Under this program section of the SuperNOFA, HUD will set-aside up to 40% of the funds allocated to SPNS to projects targeting underserved populations as defined in Section (D); and

(2) Grants for projects that are part of Long-Term Comprehensive Strategies (Long-Term) which provide housing and related supportive services for low-income persons living with HIV/AIDS and their families in areas that are not eligible for HOPWA FY 2000 formula allocations found in Appendix A of this program section of this SuperNOFA.

(B) *Eligible Applicants and Project Sponsors.* (1) States, units of general local government, and nonprofit organizations may apply for grants for Special Projects of National Significance;

(2) States and units of general local government may apply for grants for projects under the Long-Term category of grants, if proposed activities will serve areas that were not eligible to receive HOPWA formula allocations in Fiscal Year 2000. A list of the formula areas and a list of the areas not eligible to receive HOPWA Formula funds, can be found in Appendix A of this program section of this SuperNOFA. Nonprofit

organizations are not eligible to apply directly for the Long-Term grants but may serve as a project sponsor for an eligible State or local government grantee. You must identify your project sponsors in your application.

(3) Nonprofit organizations must have appropriate credentials, in accordance with HOPWA regulations at 24 CFR 574.3. If you are a nonprofit organization, to be an eligible applicant or project sponsor, you must either:

—Have, by the application due date, an IRS ruling that grants you tax exempt status under section 501(c)(3) of the Internal Revenue Code; or

—Provide documentation that shows that your organization satisfies the criteria in the statutory definition of nonprofit organization in 42 USC 12902(13)

The statutory definition reads:

The term ''nonprofit organization'' means any nonprofit organization (including a State or locally chartered, nonprofit organization) that—(i) is organized under State or local laws; (ii) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; (iii) complies with standards of financial accountability acceptable to the Secretary; and (iv) has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases.

HUD interprets the use of the term ''related diseases'' in this definition to include HIV infection.

Adequate documentation of nonprofit status includes the following:

(a) In lieu of an IRS exemption for nonprofits in Puerto Rico, a ruling from the Treasury Department of the Commonwealth of Puerto Rico granting income tax exemption under section 101 of the Income Tax Act of 1954, as amended (13 LPRA 3101);

(b) In lieu of documentation under section 501(c)(3), documentation of an IRS ruling of tax exempt status under section 501(c)(4), (6), (7), (9), or (19);

(c) Documentation of satisfying the statutory criteria by submitting the following four items:

(i) Certification by an appropriate official of the jurisdiction under whose laws the nonprofit organization was organized that your organization was so organized and is in good standing;

(ii) Documentation that your organization is a certified United Way member agency or other documentation that shows that no inurement of benefits to the managers of your organization occurs;

(iii) Documentation from a CPA or Public Accountant that your organization has a functioning accounting system that is operated in accordance with generally acceptable accounting principles or that a qualifying entity is designated for that activity, or the United Way member agency certification noted in item (ii); and

(iv) A certified copy of your nonprofit organization's articles of incorporation, by-laws, statement of purposes, board of director's resolution or a similar document that includes a provision demonstrating its purpose regarding significant activities for persons living with HIV/AIDS.

If your organization does not provide the requested documentation, you are not eligible to receive funds and serve as the grantee or as a project sponsor. However, you may collaborate with eligible nonprofit organizations or with a government agency that applies for the grant and assist them, for example, in planning for the proposed activities, identifying needs in your community and identifying clients who will be assisted. In addition, you may do work under contract with a grantee for services funded by this grant.

(C) *Eligible Activities.* (1) The following eligible activities are subject to standards and limitations found in 24 CFR part 574.

(a) Housing information services (including fair housing counseling).

(b) Project-based or tenant-based rental assistance.

(c) New construction of a community residence or SRO dwelling.

(d) Acquisition, rehabilitation, conversion, lease or repair of facilities to provide housing and services.

(e) Operating costs for housing.

(f) Short-term rent, mortgage and utility payments to prevent homelessness.

(g) Supportive services. Many of the clients who will be served by the HUD program covered by this NOFA may need services in addition to housing. It is important that you design programs which enhance access to those needed services, including access to health-care, AIDS drug assistance, and other services funded through the Ryan White CARE Act or other Federal, State, local or private funds. While HUD recognizes that there are many ways to ensure that clients receive the services they need, to the extent possible, the Department encourages you to develop housing programs which do not require participation in services as a part of your or your project sponsor's tenancy requirements.

(h) Administrative expenses (see limits for grantees and sponsors).

(i) Resource identification to establish, coordinate and develop housing assistance resources and technical assistance in establishing and operating a community residence. HUD will not select under this notice an application that is primarily directed at providing these activities, since national HOPWA technical assistance funds are being made available under the Community Development Technical Assistance (CDTA) part of this notice for this purpose. You may propose a resource identification or technical assistance component in your application, if the amount of funds designated for these activities are less than 20 percent of the proposed program activity costs; and

(j) As authorized by the statute, you may propose other activities in your application, if approved by HUD, including data collection on project outcomes, as described below in paragraph (2). HUD will not approve proposals that depend on future decisions on how funds are to be used, for example, a proposal to establish a local request-for-proposal process to select activities or project sponsors. You must identify your project sponsors at the time of the application.

(2) You may request up to $50,000 to collect information and report to HUD, or a third party designated by HUD, on project outcomes. If you requested these funds, you must propose data collection activities in your application. The persons who will conduct these activities may include an expert third-party. Project outcome activities include:

(a) Defining monitoring questions that will be addressed and examined during the project period;

(b) Specifying outcome measures;

(c) Developing instruments to assess project outcomes and systems outcomes;

(d) Training project staff in the collection of data;

(e) Monitoring data collection activities to assure that submissions are complete and accurate, including data coding and entry;

(f) Summarizing data collected; and

(g) Preparing reports summarizing findings, including the standard HOPWA Annual Progress Report.

(D) *Targeting Resources to Underserved Populations.* The Department has been advised by persons living with HIV/AIDS, HIV/AIDS housing providers, and national organizations, of the continuing disparity in accessing health-care and HIV/AIDS treatment among underserved populations, such as, racial and ethnic minority populations, women, and persons living in rural areas. In an effort

to meet this continuing need and diversify the number and type of organizations that have traditionally received HOPWA funding, the Department is encouraging collaborations among community-based organizations for providing housing assistance and/or technical assistance to better serve underserved populations on a national, regional, or local level.

Collaborations pair organizations that are experienced in developing or operating housing facilities and housing assistance programs with community-based organizations that provide services or use culturally-sensitive efforts to reach persons in underserved communities, but may have little or no experience in meeting the housing needs of persons living with HIV/AIDS. This team approach is expected to: (1) strengthen the organization—improve capacity to develop, operate, manage, and evaluate housing assistance programs for persons living with HIV/AIDS; (2) serve underserved populations—help reach underserved populations in areas that lack housing and health care infrastructure; and (3) Increase Planning—develop holistic community approaches to better coordinate housing and related services in communities impacted by HIV and AIDS. Note: All assistance provided to targeted underserved communities must be in accordance with the requirements of the Fair Housing Act. In order to support these collaborations and to encourage new collaborations to receive HOPWA funding, up to 40% of the funds targeted toward SPNS applications will be awarded to applications with these collaborations to serve underserved populations.

To be considered as a collaboration, in your application you must:

- Identify and evidence the experience of all collaborating organizations as detailed under Rating Factor 1 of this program section of the SuperNOFA in the Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience section of your application;
- Identify the underserved population and evidence in the Description of Unmet Need section of your application as detailed under Rating Factor 2 that substantial housing and related service needs of the identified underserved population living with HIV/AIDS and their families are not being met in the area. For the purposes of this program NOFA, the Department has defined underserved populations as low-income populations living with HIV/AIDS and their families, such as racial or ethnic minority groups, women, persons living in rural areas, or other underserved groups as determined by your service area, whose housing and related service needs are not currently being met in the service area. To meet the program definition of underserved group, you must show the unmet need in the provision of housing and related supportive services for the identified underserved population in your service area by presenting reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation). HUD will consider your presentation of statistics and data sources based on soundness and reliability and the specificity of information to the underserved population and the area to be served; and
- Evidence the method, by which your plans will, as defined above, strengthen the organization, serve underserved populations, increase planning, and support fair housing in the Soundness of Approach section of your application as detailed under Rating Factor 3 of this program section of the SuperNOFA.

If HUD determines that the application fails to meet the above considerations, the application will not be considered for funding under the 40 percent of SPNS funds allocated for collaborative projects targeting underserved populations. HUD will consider the application under the remaining SPNS category.

IV. Program Requirements

(A) *Performance Measures and Project Goals and Objectives.* You must use HUD's required performance measures that will show your accomplishments in using HOPWA funds to expand the housing options that benefit low-income persons with HIV/AIDS and their families. You may also establish individual goals and objectives for your proposal. They should be specific, achievable and measured within set time periods. Your individual goals and objectives should result in possible findings on the successes and lessons learned in undertaking your activities that would be shared with other communities. In designing your proposal, please use the following:

(1) Required HOPWA national performance goal. Your proposed activities must:

Increase the amount of housing assistance and related supportive services to low-income persons living with HIV/AIDS and their families to enable them to achieve housing stability and access to health-care and related supportive services.

(2) Measure your performance. After each year of operation, you must report on the number of short-term and permanent housing units that were provided with HOPWA funding, and number of additional persons served with related supportive services. HUD will measure your progress and achievements in evaluating your performance on your HOPWA grant. Examples of reporting performance measures are:

(a) In your community over the last year, a transitional housing facility providing 5 units of housing was operated with HOPWA funds. Residents also received drug and/or alcohol abuse treatment and counseling by qualified staff. During that year, ten persons resided in the facility and benefited from the intense on-site assistance, which also included helping them develop and follow a plan to find permanent housing and continue treatment after leaving the facility, including monthly phone contacts or visits by staff; and

(b) Over the last 12 months, a nonprofit organization distributed tenant-based rental assistance vouchers to 15 households within your three-county metropolitan area. The vouchers provided for on-going housing assistance (up to three years) and the program advised the clients on tenant-landlord issues and arranged for housing quality standard inspections of the apartments selected. A case manager who is funded under the Ryan White CARE Act program, advised the tenants and helped them access health-care and other services from providers in this community. During this year, 22 persons received permanent housing assistance with HOPWA funds and for three of these families who were unable to find housing within 30 days, additional efforts were made and an appropriate apartment was located and used.

(B) *Performance Benchmarks.* Funds received under this competition are expected to be expended within 3 years following the effective date of a grant agreement. You will be expected to meet the following performance benchmarks:

(1) If you acquire or lease a site, you are required to gain site control within one year of your selection (i.e, one year from the date of the signing of your selection letter by HUD);

(2) If you propose to use HOPWA funds to undertake rehabilitation or new construction activities, you are required to begin the rehabilitation or construction within 18 months of your selection and to complete that activity within 3 years from the date of your selection letter by HUD; and

(3) You are requested to provide an initial report to the Field Office and the Headquarters on the startup of the planned activities within six months of your selection. Please outline any accomplishments in implementing the funds along with identifying any barriers or issues for which the Department may provide assistance.

Except as noted in paragraph (2) for rehabilitation or construction activities, you must begin to operate your program within one year from your selection. If a selected project does not meet the appropriate performance benchmark, HUD reserves the right to cancel or withdraw the grant funds.

(C) *Descriptive Budget.* You must provide a description of each of your requested budget items and how the funds will be used, including each amount of requested funding for you and your project sponsors, and a description of how each line item will relate to eligible HOPWA activities as defined in Section III(C), of this program section of the SuperNOFA. You are expected to match requested funds to specific goals and objectives in your project. See Appendix C of this program section of the SuperNOFA.

(D) *Availability of FY 2000 Formula Allocations.* You are also encouraged to consider seeking funds for your proposed activities under the formula component of the HOPWA program and from other resources that are made available in communities. Ninety (90) percent of the HOPWA program is allocated by formula and recipient States and cities are required to consult with the public on designing the use of these funds. In FY 2000, a total of $207.234 million was allocated by formula to the qualifying cities for 67 eligible metropolitan statistical areas (EMSAs) and to 34 eligible States for areas outside of EMSAs. All HOPWA formula grants are available as part of the jurisdiction's Consolidated Plan, which also includes the Community Development Block Grant, HOME Investment Partnerships program, and Emergency Shelter Grants. Plans are developed through a public process that assesses area needs, creates a multiple-year strategy and proposes an action plan for use of Federal funds and other community resources in a coordinated and comprehensive manner. Information on consolidated planning, including HOPWA formula programs and descriptions of previously awarded competitive grants, is available on the HUD HOME Page at www.hud.gov.

(E) *Availability of National HOPWA Technical Assistance.* If you are interested in providing technical assistance activities with HOPWA funds, submit an application for funds under the Community Development Technical Assistance (CDTA) part of this notice, which is published elsewhere in this SuperNOFA. The CDTA notice provides up to $1,740,000 in HOPWA funds to organizations for technical assistance support on a national or regional basis.

V. Application Selection Process

(A) *HOPWA Application Reviews.* HUD will review your HOPWA application to ensure that:

(1) Your application meets the threshold requirements found in the **General Section** of the SuperNOFA;

(2) A Certification of Consistency with Consolidated Plans is provided as Appendix C to this program section of the SuperNOFA. Under the HOPWA program, proposed activities that are located in a jurisdiction are required to be consistent with the jurisdiction's current, approved Consolidated Plan, including the Analysis of Impediments to Fair Housing choice and the Action Plan to address these impediments, except that this certification is not required for projects that propose to undertake activities on a national basis; and

(3) You are currently in compliance with the Federal requirements contained in 24 CFR part 574, subpart G, ''Other Federal Requirements.''

(B) *The HOPWA Competition.* This national competition will involve the review, rating, and selection of HOPWA applications under each of the two categories of assistance Special Projects of National Significance (SPNS) and Long-Term Comprehensive Strategies (Long-Term) in areas that do not qualify for HOPWA formula allocations.

(C) *Procedures for the Rating of Applications.* HUD will rate all HOPWA applications based on the criteria listed below.

(D) *Factors For Award Used to Evaluate and Rate Applications.* The factors for rating and ranking your application, and the maximum points for each factor, are provided below. The points awarded for the factors total 100. In addition, bonus points for projects in EZ/EC areas and by the City of Dallas may be available under Section III(C)(2) of the **General Section** of this SuperNOFA apply to this competition. After rating, all applications will be placed in the rank order of their final score for selection within the appropriate category of assistance.

Rating Factor 1: Capacity of the Applicant and Project Sponsors and Relevant Organizational Experience (20 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. This factor addresses the extent to which you and any project sponsor has the organizational resources necessary to successfully implement your proposed activities in a timely manner. If you will be using project sponsor(s) in your project, you must identify each project sponsor in your application. HUD will award up to 20 points based on your and any project sponsor's ability to develop and operate your proposed program, such as housing development, management of housing facilities or units, and service delivery, in relation to which entity is carrying out an activity.

(1) With regard to both you and any project sponsor(s), HUD will consider:

(a) Past experience and knowledge in serving persons with HIV/AIDS and their families;

(b) Past experience and knowledge in programs similar to those proposed in your application;

(c) Experience and knowledge in monitoring and evaluating program performance and disseminating information on project outcomes; and

(d) Past experience as measured by expenditures and measurable progress in achieving the purpose for which funds were provided.

(2) In reviewing the elements of paragraph (1), HUD will consider the extent to which your proposal demonstrates:

(a) The knowledge and experience of the proposed project director and staff, including the day-to-day program manager, consultants and contractors in planning and managing the kind of activities for which you are requesting funds. You and any project sponsor will be judged in terms of recent, relevant and successful experience of staff to undertake eligible program activities, including experience and knowledge in serving persons with HIV/AIDS and their families.

(b) Your and/or the sponsor's experience in managing complex interdisciplinary programs, especially those involving housing and community development programs directly relevant to the work activities proposed and carrying out grant management responsibilities.

(c) If you and/or the sponsor received funding in previous years in the program area for which you are currently seeking funding, you and your sponsor's past experience will be

evaluated in terms of the ability to attain demonstrated measurable progress in the implementation of your *recent grant awards*. Measurable progress is defined as:

(i) Meeting performance benchmarks, as applicable, in program development and operation;

(ii) Meeting project goals and objectives, such as, that the number of persons assisted was comparable to the number that was planned at the time of application;

(iii) Submitting timely performance reports; and

(iv) Expending 80% of prior funding by the application due date of this program section of the SuperNOFA.

Rating Factor 2: Need/Extent of the Problem (20 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. This factor addresses the extent to which there is a need for funding the proposed program activities and an indication of the urgency of meeting the need in the target area. Up to 20 points will be awarded for this factor.

(1) **(5 Points)** AIDS Cases. Up to five of these points will be determined by the relative numbers of AIDS cases and per capita AIDS incidence within your service area, in metropolitan areas of over 500,000 population and in areas of a State outside of these metropolitan areas, in the State for proposals involving state-wide activities, and in the nation for proposals involving nation-wide activities. Your application must define a planned service area. To determine these points, HUD will obtain AIDS surveillance information from the Director of the Centers for Disease Control and Prevention.

(2) **(5 Points)** Description of Unmet Need. Up to five of these points will be determined by the extent to which there is a need for funding eligible activities in the area to be served. To receive the highest ratings in this factor, you must demonstrate that substantial housing and related service needs of low-income persons living with HIV/AIDS and their families are not being met in the area and that reliable statistics and data sources (i.e. Census, health department statistics, research, scientific studies, and Needs Analysis of Consolidated Plan and/or Continuum of Care documentation) show this unmet need. To receive the highest number of points, you also must show that your jurisdiction's Consolidated Plan and Analysis of Impediments to Fair Housing Choice, Continuum of Care Homeless Assistance plans (if homeless persons are to be served), and comprehensive HIV/AIDS housing plans are applicable and identify the level of the problem and the urgency of the need. Urgent and unmet needs may be demonstrated, as follows:

(a) If you apply for a proposed Special Project of National Significance, you must describe a need that is not currently addressed by other projects or programs in the area; also describe any unresolved or emerging issues, and the need to provide new or alternative forms of assistance that, if provided, would enhance your area's programs for housing and related care for persons living with HIV/AIDS and their families; or

(b) If you apply for a project that is part of a Long-Term Comprehensive Strategy in an area that does not receive a HOPWA formula allocation, you must describe the need that is not currently addressed by other projects or programs in the area; you must also describe any unresolved or emerging issues, and/or the need to provide forms of assistance that enhance the community's strategy for providing housing and related services to eligible persons.

HUD will consider your presentation of statistics and data sources based on soundness, reliability and the specificity of information to the target population and the area to be served. If you propose to serve a subpopulation of eligible persons on the basis that these persons have been traditionally and are currently underserved (e.g., persons with multiple disabilities including AIDS), your application must document the need for this targeted effort through statistics and data sources that support the need of this population in your service area.

(3) **(5 Points)** Need in Non-Formula Areas and Need for Renewals. Within the points available under this criterion, HUD will award points under the following two circumstances:

(a) Five points will be awarded, if your SPNS application proposes to serve clients in an area that does not qualify for HOPWA formula allocation; or

(b) Up to five points will be awarded, if you propose to continue the operations of HOPWA funded activities that have been supported by HOPWA competitive funds in the year immediately prior to this application and that have operated with measurable success. To receive the highest ratings in this factor, you must describe what unmet need would result if funding for the project was not renewed and describe your efforts to secure other sources of funding to continue this project. You must also show that you operated with measurable progress and your previous HOPWA-funded activities have been carried out and are nearing completion of the planned activities in a timely manner. Measurable progress is defined as: (i) meeting performance benchmarks, as appropriate, in program development and operation, (ii) meeting project goals and objectives, such as, that the number of persons assisted is comparable to the number that was planned at the time of application, (iii) submitting timely performance reports, and (iv) expending 80% of prior funding by the application due date of this program section of the SuperNOFA.

(4) **(5 Points)** Highest Rated in a State or the Nation (for nationwide activities). After the other rating factors have been determined, HUD will award five of the points to help achieve greater geographic diversity in funding activities within a variety of States. Under this criterion, five points will be awarded to the highest rated SPNS and Long-term applications in each State and to the highest rated SPNS application among the applications that propose nationwide activities.

Rating Factor 3: Soundness of Approach: Responsiveness and Model Qualities (40 Points)

Please address the following factor on not more than fifteen (15) double-spaced, typed pages. This factor addresses the method by which your plan meets your identified needs. HUD will award up to 40 points based on the extent to which your plan evidences a sound approach in its responsiveness to the persons that you will be assisting and how it offers model qualities in providing supportive housing opportunities for low-income persons living with HIV/AIDS and their families, when compared to other applications and projects funded under previous HOPWA competitions. The points will be awarded as follows:

(1) Responsiveness **(20 Points).** HUD will award up to 20 points based on how well your project plan responds to the unmet needs of the target population including the specific needs that you identified under the Need Criterion with specific goals and objectives for providing housing and related supportive services for people living with HIV/AIDS and their families. To receive the highest ratings in this element, you must offer a plan that evidences the following:

(a) *Your project's goals and objectives.* You must describe your project's goals and objectives and how you will measure how the project is performing under the required HOPWA performance goal, i.e., increasing the amount of housing assistance and

related supportive services to low-income persons living with HIV/AIDS and their families to enable them to achieve housing stability and access to health-care and supportive services. You are encouraged to review Section IV: Program Requirements, Part A: Performance Measures and Project Goals and Objectives of this Notice of Funds Available (NOFA) when developing your goals and objectives. To receive the highest rating your goals should address:

(i) The projected numbers of persons to be served through each activity for each year of your program;

(ii) The projected number of housing units to be provided through your project, (unless you are proposing supportive service only activities) and;

(iii) The specific organizations that will provide housing either through an agreement with your organization or through funding from your project.

(b) *Your plans for accomplishing these goals and objectives.* You must demonstrate your methodology for achieving these goals and objectives by describing the service delivery model that you intend to implement and explain how you will integrate the following items:

(i) *Housing.* You must demonstrate how the housing needs of clients will be addressed by including: (*A*) the type and number of units of housing to be provided and/or made more appropriate if currently available in the community; (*B*) the names of the project sponsors and/or organizations providing housing including their roles and responsibilities; (*C*) the connection of any emergency or transitional housing in obtaining and maintaining permanent housing; (*D*) any appropriate site features, including accessibility, visitability, and access to other community amenities; (*E*) ensuring clients and their families to access health care and other supportive services; (*F*) demonstrating how tenants' rights will be observed and addressed by providing safe, decent, and affordable housing through such activities as, the delivery of maintenance services, security services, and consistency with local and national fair housing laws; (*G*) demonstrating clients participation in decision making in project operation and management.

(ii) *Supportive Services.* You must describe how the supportive service needs of clients will be addressed from HOPWA or other sources by including: (*A*) the type of supportive services that will be offered and/or how services will be accessed and coordinated; (*B*) the names of the organizations providing the supportive services; (*C*) the connection of these services in helping clients obtain and/or maintain housing; (*D*) the roles and responsibilities of project sponsors and other organizations in undertaking these activities. If you propose to use more than 10% of your HOPWA funds for supportive services, emergency or transitional housing activities, to receive the highest number of rating points, you must address how you will meet your clients' permanent housing needs with HOPWA funds or funds from other sources. You can fulfill this commitment by allocating funds for housing vouchers for HOPWA clients or developing permanent housing with this grant or other sources.

(2) Model Qualities **(20 Points**). HUD will award up to 20 points based on your service delivery model plan and how well it addresses the ongoing housing and supportive service needs within a replicable operational framework. To receive the highest ratings in this factor, you must offer a plan that evidences a permanent housing arrangement and the following:

(a) *Operational Procedures.* You must describe your program's outreach, intake, and assessment procedures, as well as how clients will link to services and (if necessary) housing funded from other sources and how your project provides for consistent monitoring of all clients. You must include within this description how a client moves through the program from intake, assessment, service delivery, and finally to termination or linkage to other services.

(b) *Project Management and Oversight.* You must describe your method for coordinating the project sponsors' services whether for housing or related supportive services with your staff and volunteers, and any other organizations in order to benefit the clients; identify staff members who are responsible for described housing and supportive service tasks; and the ability of your operations to be self-sustaining beyond the life of this grant.

(c) *Descriptive Budget.* HUD will rate your budget in describing (i) how each amount of requested funding for you and your project sponsors will be used; (ii) how each line item will relate to eligible HOPWA activities as defined in Section III(C), of this program section of the SuperNOFA; and (iii) how specific line items match with the goals and objectives in your project.

(d) *Evaluation.* Evaluation is defined as your method for collecting data on HUD program goals related to housing and related supportive services, as well as, your project's unique goals and objectives. HUD will assess your method for reviewing this data and other information on the program's operations and your basis for making relative adjustments based on outcomes and lessons learned from operation of your activities. HUD will provide a greater number of points for programs which will serve as a national model and which provide for the dissemination of information from the lessons learned from your proposed activities.

(e) *Innovative Qualities.* If you propose a new program, or an alternative method of meeting the needs of your clients, you should describe the innovative qualities of your activities. HUD will rate your applications higher if your justification for these innovations provide strong evidence that they will yield qualities that will benefit or expand our knowledge in offering assistance to persons living with HIV/AIDS and their families, when compared to other applications and HOPWA projects funded in the past. In order to learn about innovative qualities of previously funded and on-going HOPWA projects, please review the HOPWA Executive Summaries for all HOPWA formula and competitive grantees at http://www.hud.gov/cpd/hopwahom.html.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure community resources which can be combined with HUD's program resources to achieve program purposes. HUD will award up to 10 points based on the extent to which resources from other public or private sources have been committed at the time of application, to support your project. To achieve the highest ratings for this factor, you must evidence commitments of leveraged resources that match or exceed the amount of HOPWA funds that are requested.

In establishing leveraging, HUD will not consider other HOPWA-funded activities, entitlement benefits inuring to eligible persons, or conditioned commitments that depend on future fund-raising or actions. In assessing the use of acceptable leveraged resources, HUD will consider the likelihood that State and local resources will be available and continue during the operating period of your grant. In evaluating this factor HUD will also consider:

(1) The extent to which you document leveraged resources, such as funding and/or in-kind services from governmental entities, private organizations, resident management organizations, educational institutions, or other entities to achieve the purposes

of the project for which you are requesting HOPWA funds.

(2) The extent to which the documented resources evidence that you have partnered with other entities to make more effective use of available public or private resources. Partnership arrangements may include funding or in-kind services from local governments or government agencies, nonprofit or for-profit entities, private organizations, educational institutions, or other entities that are willing to partner with you on proposed activities, or partnering with other program funding recipients to make more effective use of resources within the geographic area covered by your award.

To receive highest leveraging points, you must document the cash value of leveraged resources pledged to your project(s). Appropriate language is described below:

(i) *Applicant or Third Party Cash Resources.* If this proposal is funded, (applicant name or third party name) commits $(amount) (of its own funds, if applicant, or to applicant name, if third party) for (type of activity) to be made available to the HOPWA program. These funds will be available from (date) to (date). (Signature and Title of authorized representative and date).

(ii) *Non-Cash Resources.* If this proposal is funded, (organization's name) commits to make available (type of resource) valued at $(amount) to the HOPWA program proposed by (applicant name). These resources will be made available to the HOPWA program from (date) to (date). (Signature and Title of authorized representative and date) The donation of a third party professional service should be valued at the professional's customary charge. The value of materials to be contributed to the project by a third party or by the applicant may also be counted as leveraging.

(iii) *Volunteer Time.* If this proposal is funded, (name of the organization or of self), commits to provide (number of hours) of volunteer time from (date) to (date) to provide (type of activity) to the HOPWA program proposed by (applicant name). The total value of these services, based on $10.00 per hour, is $(amount). (Signature and Title, and date) Time to be contributed to the project by volunteers should be valued at $10.00 per hour. In the case of individuals volunteering their time directly to the applicant, the applicant should list itself as the organization.

(iv) *Contribution of a Building.* If this proposal is funded, (applicant name) pledges the building at (site address) to the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this assessment which is based on comparable properties in the area. (Signature of applicants authorized representative and date) Ownership of a building or portion of a building to be used in the project may be counted as leveraging. The fair market value of the building or portion of the building being contributed may be counted. Do not send an appraisal to HUD, but keep documentation of fair market value on file. The contribution of land (as a leveraged resource for new construction) should be treated the same as contribution of a building. You will need to keep documentation of the fair market value on file, particularly if it is improved land and you wish to include the value of the improvements in the contribution.

(v) *Contribution of a Building to be Acquired with HOPWA Funds.* If this proposal is funded, (applicant name) commits the building at (site address) for the HOPWA program. The building has a fair market value of $(amount). A licensed independent real estate appraiser made this assessment which is based on comparable properties in the area. The HOPWA request for the building is $(amount). Therefore, the contribution is the difference between the fair market value and the HOPWA request, or $(amount). (Signature of applicants authorized representative and date) The difference between the documented fair market value and the portion paid for with HOPWA funds may be counted as leveraging. Maintain documentation of fair rental value on file.

(vi) *Contribution of Leasehold Interest.* If this proposal is funded, (applicant name) commits the leasehold interest at (site address) for the HOPWA program. The fair rental value of this site is $(amount) annually, and at constant value will amount to $(amount) over (term of the lease, up to three years). An appropriate independent third party made this assessment which is based on comparable properties in the area. The total leasing cost over the term of the lease to be paid with HOPWA funds is $(amount). Therefore, the contribution is the difference between the HOPWA leasing cost and the fair rental value, or $(amount). (Signature of applicants authorized representative and date) The difference between the fair rental value (for a term up to three years) and the cost of the lease to be paid for with HOPWA funds may be counted as leveraging.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

Please address the following factor on not more than five (5) double-spaced, typed pages. This factor addresses the extent to which the you coordinated the specific proposal with other known organizations, consulted prospective clients or persons with HIV/AIDS in designing your proposal, participates or promotes participation in the jurisdiction's Consolidated Planning process, and in a community's Continuum of Care Homeless Assistance planning process (if homeless persons are to be served by proposed activities), and is working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. HUD will award up to 10 points based on your proposal's comprehensiveness and coordination. In order to ensure that resources are used to their maximum effect within the community, it is important that you be involved in HUD's planning processes for community development and homeless assistance resources. If you, your sponsors, or others partnering with you have been involved in these processes, you should describe that involvement under this factor.

HUD will consider the extent to which your activities were planned with community involvement in a larger community or regional plans which links the provision of health care, supportive services, and housing. Also, how planned activities are proposed to be carried out with HOPWA funds and other resources in order to provide a comprehensive and responsive range of housing and related supportive services to meet the changing needs of persons with HIV/AIDS. Your proposal should demonstrate that housing is provided in conjunction with the client's access to health-care and other supportive services in the area to be served, including assistance provided under the Ryan White CARE Act programs.

In evaluating this factor, HUD will consider the extent to which you demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission, to best complement, support, and coordinate all known activities; and if funded, the specific steps you will take to share information on solutions and outcomes with others. You should describe any written agreements, memoranda of understanding in place, or that will be in place after award.

(2) Been actively involved in your community's Continuum of Care

Homeless Assistance planning process (if homeless persons are to be served by proposed activities), and/or the jurisdiction's Consolidated Planning process established to identify and address a need/problem that is related to the activities you propose to undertake.

In the case of technical assistance providers, you will be evaluated on the specific steps you will take to work with recipients of technical assistance services to inform them of, and get them involved in, the community's Continuum of Care Homeless Assistance planning process and/or the jurisdiction's Consolidated Planning process, as applicable. HUD will review more favorably your application if you can demonstrate you are active or are working with recipients of technical assistance to get them involved in local and State planning processes.

(3) Developed linkages, or specific steps you will take to develop linkages with other activities, programs or projects through meetings, information networks, planning processes, or other mechanisms, to coordinate your activities so solutions are holistic and comprehensive, including linkages with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the Consolidated Plan; and

(b) Other activities funded by the Federal, State, or local government, including those proposed or on-going in the community.

(E) *Selection of HOPWA Awards.* Whether your HOPWA application is conditionally selected will depend on your overall ranking compared to other applications within each of the two categories of assistance. HUD will select applications in rank order in each category of assistance to the extent that funds are available, except as noted below. In allocating amounts to the categories of assistance, HUD reserves the right to ensure that sufficient funds are available for the selection of at least one application with the highest ranking under each category of assistance. In selecting projects that target resources to underserved populations as outlined in Section III(D) in this program section of the SuperNOFA, HUD will ensure that up to (40) percent of the funds awarded for Special Projects of National Significance (SPNS) grants are awarded to applications with collaborations to serve underserved populations. If there is an insufficient request by applicants for funds targeting underserved populations, HUD will use remaining funds for the next highest ranked SPNS Applications in rank order.

HUD reserves the right to achieve greater diversity in the selection of applications by selecting the highest rated application in a State where no applicant has been the recipient of any prior HOPWA competitive grant or formula allocation over a higher rated application in a State that has received prior HOPWA funding. In selecting a lower rated application, HUD will not select an application that is rated below 50 points.

In the event of a tie between applications in a category of assistance, HUD reserves the right to break the tie: by selecting the proposal that increases geographic diversity as defined in the prior paragraph; and, if greater geographic diversity is not achievable, by selecting the proposal that was scored higher on a rating criterion in the following order: Soundness of Approach: Responsiveness and Model Qualities (Rating Factor 3); Comprehensiveness and Coordination (Rating Factor 5); the Capacity of the Applicant and Relevant Organizational Experience (Rating Factor 1); the Need/Extent of the Problem (Rating Factor 2); and Leveraging Resources (Rating Factor 4).

HUD will notify you in writing if you are conditionally selected. You may be notified subsequently of any modification made by HUD, the additional project information necessary for grant award, and the date of deadline for submission of the required information. In the event that a conditionally-selected applicant is unable to meet any conditions for fund award within the specified, HUD reserves the right not to award funds to the applicant, but use those funds to make awards to the next highest rated applications in this competition; to restore amounts to a funding request that had been reduced in this competition; or to add amounts to funds available for the next competition.

VI. Application Submission Requirements

Your HOPWA application must contain the following items in the order shown below. The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (*i.e.*, excluding such items as narratives, letters), referred to as the ''non-standard forms'' can be found as Appendix C to this program section of the SuperNOFA: The items are as follows:

(A) *Application for Federal Assistance (Form SF–424).* You should complete Items 1 through 18 with the following additions:

Item 5—Add e-mail address of the contact person;

Item 7—The applicable letters are ''A'' for State; ''B, C, or D'' for a unit of local government; or ''N'' for Nonprofit;

Item 9—Enter U.S. Department of Housing and Urban Development or HUD if not preprinted

Item 10—Enter 14–21 and the title ''Housing Opportunities for Persons with AIDS Program'' or ''HOPWA'' for the Catalogue of Federal Domestic Assistance;

Item 15—You must complete the budget on SF–424 and the HOPWA Project Budget Form. Please make sure that both the total budget on the SF–424 and the ''Total Budget'' section on the HOPWA Project Budget Form are the same. In the event that the total budgets are in conflict, HUD will refer to the HOPWA Project Budget form.

Item 16—Check ''No''.

(B) *Summary.* Please provide on no more than two double-spaced, typed pages an abstract of your proposed project. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor;

(C) *Narrative Statements.* Your application must include narrative statements that address each of the Factors for Award found at Section V(D) of this program section of the SuperNOFA. Respond to each factor within the stated page limits and do not use a font size smaller than 12 point.

(D) *Proposed HOPWA Project Information Form.* See Appendix C in program section of SuperNOFA. Complete the form including the following:

(1) *Project Sponsors.* You must identify any organization that will receive HOPWA funds as a project sponsor and the amount of funds to be received.

(2) *Non-profit Status.* Non-profit grantees or project sponsors must submit documentation verifying your non-profit status, as outlined under Section III, *Eligible Applicants and Project* Sponsors, in this program section of the SuperNOFA.

(3) *Service Areas.* Your application must identify the area(s) in which you are proposing to offer housing and other assistance.

(E) *Budget.* In addition to the budget narrative described under Section IV of this program section of the SuperNOFA (see Section IV(C), *Program Requirements*, and Paragraph (2)(c) of Rating Factor 3, *Soundness of Approach),* you must complete the HOPWA Project Budget Form found in Appendix C of this program section of

the SuperNOFA which lists the amount of requested HOPWA funds designated for each type of HOPWA-eligible activity.

(F) *Statutory Certifications.* HOPWA applicants are not required to provide the forms, certifications, and assurances listed in the **General Section** of the SuperNOFA unless stated below. Additionally, the requirement to Affirmatively Further Fair Housing does not apply to the HOPWA program. The following certifications are required by law for funding and should be included with your application. All certifications and forms, except those found in the **General Section** of the SuperNOFA, are included in the appendixes to the program section of this SuperNOFA.

(1) *Consolidated Plan Certification.* Except as stated below, you must include a Consolidated Plan (hereafter called the plan) certification from the applicable State or local government official responsible for submitting the appropriate plan. If your project will be carried out on a national basis or will be located on a reservation of an Indian tribe, Guam, the Virgin Islands, American Samoa, or the Northern Mariana Islands you are not required to include a Consolidated Plan certification with your application. This certification must be signed by the authorizing official from the State or local government. (See Appendix C to this program section of the SuperNOFA.)

(2) *Certifications.* The following certifications are required as stated in Section II(G) of the **General Section** of the SuperNOFA: HUD–50070, Certification of Drug-Free Workplace; and SF–LLL, Disclosure of Lobbying Activities (if applicable).

(3) *HOPWA Applicant Certifications.* The required HOPWA certifications cover the following items: (i) fair housing and non-discrimination; (ii) uniform relocation assistance; (iii) environmental law and authorities; (iv) continued use periods for structures assisted; and (v) debarred, suspended and ineligible principals requirements. (See Appendix C to this program section of the SuperNOFA.)

(4) *Certification of Consistency with EZ/EC Strategic Plan.* This may be submitted as directed in the General Section of the SuperNOFA.

(5) *HUD–2880, Applicant/Recipient Disclosure Update Report.* This must be signed by you the applicant.

After your entire application is assembled, please mark each exhibit with an appropriately numbered tab and number every page of the application sequentially. Complete the HOPWA Application Checklist found in Appendix C to this program section of the SuperNOFA. Attach the HOPWA Application Checklist to the front of your application.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Other Requirements

(A) *Environmental Requirements.* All HOPWA assistance is subject to the National Environmental Policy Act of 1969, applicable related Federal environmental authorities, and the environmental review requirements of 24 CFR 574.510. HUD's conditional selection of an application does not constitute approval of a proposed site. HOPWA recipients or project sponsors may not commit or expend any grant or nonfederal funds on project activities (other than activities excluded under § 50.19(b)) until HUD has completed the environmental review under part 50. The HOPWA recipients or project sponsors may not acquire, rehabilitate, convert, lease, repair, or construct property or commit or expend any grant or nonfederal funds for these program activities until HUD provides written notice to the recipient that HUD has completed the environmental review. The expenditure of commitment of HOPWA or nonfederal funds for these activities prior to the completion of the HUD environmental review may result in the denial of assistance for the project under consideration.

In the event that Congress authorizes the Department to delegate environmental responsibility pursuant to 24 CFR part 58, responsible entities (including units of general local government, States, Indian tribes, and Alaska native villages) will assume the environmental responsibilities for projects being funded through FY 2000 HOPWA funds. Upon authorization, successful applicants will be notified of their environmental responsibilities.

(B) *Local Resident Employment (Section 3 Requirements).* For grants in excess of $200,000, to the extent that any housing assistance funded through this program section of the SuperNOFA is used for housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair, and replacement) or housing construction, then it is subject to section 3 of the Housing and Urban Rehabilitation Act of 1968, and the implementing regulations at 24 CFR part 135. Section 3 requires that economic opportunities generated by certain HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be given to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to businesses that provide economic opportunities for these persons.

(C) *Lead-Based Paint Requirement.* The lead-based paint requirements described in Subpart M (Tenant-Based Rental Assistance) at 24 CFR 35.1200–1225 of HUD's new regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance, published at 64 FR 50217, do not apply to this Notice of Funding Availability. A technical correction establishing the effective date of this subpart as September 15, 2000, was published in the **Federal Register** on January 21, 2000 (65 FR 3386).

The grantee and program sponsor must comply with the existing requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35, as applicable.

IX. Authority

This program is authorized under the AIDS Housing Opportunity Act (42 U.S.C. 12901). The regulations for HOPWA are found at 24 CFR part 574.

BILLING CODE 4210–32–P

(HOPWA)

APPENDIX A

FY 2000 HOPWA Formula Allocations
Including Non-Eligible Areas

The FY 2000 HOPWA appropriation of $232 million provided $207.234 million for formula allocations to 101 grantees, including 67 cities for Eligible Metropolitan Statistical Areas (EMSAs) and 34 States. (NOTE: Some areas are designated PMSA or Primary Metropolitan Statistical Area) The grantee for these amounts is the State or, for the EMSA, the most populous city in that area, which is the first jurisdiction named in the EMSA title (except as noted). The allocations are part of the area's consolidated plan.

Four new FY2000 grantees are noted as (*) in four metropolitan areas: Albany, NY; Baton Rouge, LA; Columbia, SC; and Oklahoma City, OK. The new EMSAs will reduce the service areas of four existing State grantees in Louisiana, New York, Oklahoma and South Carolina.

For further information regarding HOPWA formula grantees visit the HOPWA website at http://www.hud.gov/cpd/hopwahom.html

State	2000 Formula Grantee	Amt. (000s)
AL	Alabama (outside the Birmingham EMSA)	843
AL	Birmingham AL EMSA	384
AR	Arkansas (outside the Memphis EMSA)	574
AR	Arizona (outside of the Phoenix and Las Vegas EMSAs)	391
AZ	Phoenix-Mesa AZ EMSA	1,010
CA	California (outside of 8 EMSA)	2,489
CA	Oakland CA PMSA	1,702
CA	Sacramento CA PMSA	665
CA	San Francisco CA PMSA	8,721
CA	San Jose CA PMSA	660
CA	Los Angeles-Long Beach CA PMSA	8,905
CA	Santa Ana for the Orange County CA PMSA	1,170
CA	Riverside-San Bernardino CA PMSA	1,435
CA	San Diego CA EMSA	2,214
CO	Denver CO PMSA	1,179
CT	Connecticut (outside of the Hartford and New Haven EMSAs)	947
CT	Hartford CT EMSA	847

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State	2000 Formula Grantee	Amt. (000s)
CT	New Haven-Meriden CT PMSA	585
DE	Delaware (outside the Wilmington PMSA)	119
DE	Wilmington-Newark DE-MD PMSA	428
FL	Florida (outside of 6 EMSA)	3,331
FL	Jacksonville FL EMSA	1,121
FL	Orlando FL EMSA	1,888
FL	Tampa-St Petersburg-Clearwater FL PMSA	1,816
FL	Fort Lauderdale FL PMSA	5,125
FL	Miami FL PMSA	10,139
FL	West Palm Beach-Boca Raton FL PMSA	2,677
GA	Georgia (outside the Atlanta EMSA)	1,333
GA	Atlanta GA EMSA	3,610
HI	Hawaii (outside of the Honolulu EMSA)	138
HI	Honolulu HI EMSA	375
IL	Illinois (outside of the Chicago and St. Louis EMSAs)	558
IL	Chicago IL PMSA	4,323
IN	Indiana (outside the Cincinnati and Indianapolis EMSAs)	654
IN	Indianapolis IN MSA	596
KY	Kentucky (outside the Cincinnati EMSA)	602
LA	Louisiana (outside the Baton Rouge and New Orleans EMSAs)	763
LA	Baton Rouge, LA EMSA*	630
LA	New Orleans LA EMSA	1,888
MA	Massachusetts (outside the Boston and Providence EMSAs)	1,173
MA	Boston MA-NH PMSA	1,980
MD	Baltimore MD PMSA	5,632
MD	Washington DC-MD-VA-WV PMSA	6,335
MI	Michigan (outside the Detroit EMSA)	705
MI	Detroit MI PMSA	1,577
MN	Minnesota (outside the Minneapolis EMSA)	92

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State	2000 Formula Grantee	Amt. (000s)
MN	Minneapolis-St Paul MN-WI EMSA	687
MO	Missouri (outside the Kansas City and St. Louis EMSAs)	405
MO	Kansas City MO-KS EMSA	816
MO	St. Louis MO-IL EMSA	962
MS	Mississippi (outside the Memphis EMSA)	831
NC	North Carolina (outside the Charlotte, Raleigh and Virginia Beach EMSAs)	1,276
NC	Charlotte-Gastonia-Rock Hill NC-SC EMSA	428
NC	Raleigh-Durham-Chapel Hill NC EMSA	400
NJ	New Jersey (outside of 6 EMSA; amount includes $665,000 to be used in the NJ portion of the Philadelphia metropolitan area) @	1,497
NJ	Paterson for Bergen-Passaic NJ PMSA	1,148
NJ	Jersey City NJ PMSA	2,272
NJ	Woodbridge for the Middlesex-Somerset-Hunterdon NJ PMSA	677
NJ	Dover Township for the Monmouth-Ocean NJ PMSA	605
NJ	Newark NJ PMSA	5,791
NM	New Mexico	415
NV	Nevada (outside of the Las Vegas EMSA)	191
NV	Las Vegas NV-AZ MSA	731
NY	New York State (outside of five EMSA)	1,896
NY	Albany-Schenectady-Troy, NY EMSA*	358
NY	Buffalo-Niagara Falls, NY EMSA	364
NY	Islip for the Nassau-Suffolk NY PMSA	1,399
NY	New York NY PMSA	47,986
NY	Rochester NY EMSA	491
OH	Ohio (outside the Cincinnati, Cleveland and Columbus EMSAs)	852
OH	Cincinnati OH-KY-IN PMSA	405
OH	Cleveland-Lorain-Elvyria OH PMSA	694

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State	2000 Formula Grantee	Amt. (000s)
OH	Columbus, OH EMSA	465
OK	Oklahoma (outside the Oklahoma City EMSA)	404
OK	Oklahoma City, OK EMSA*	350
OR	Portland-Vancouver OR-WA PMSA	809
PA	Pennsylvania (outside the Philadelphia and Pittsburgh EMSAs)	1,198
PA	Philadelphia PA-NJ PMSA (for areas in PA) @	3,733
PA	Pittsburgh PA EMSA	497
PR	Puerto Rico (outside the San Juan EMSA)	1,910
PR	San Juan-Bayamon PR PMSA	6,080
RI	Providence-Fall River-Warwick RI-MA EMSA	440
SC	South Carolina (outside the Charlotte and Columbia EMSAs)	1,402
SC	Columbia SC EMSA*	903
TN	Tennessee (outside the Memphis and Nashville EMSAs)	556
TN	Memphis, TN-AR-MS EMSA	1,031
TN	Nashville, TN EMSA	509
TX	Texas (outside of 5 EMSA)	2,245
TX	Dallas TX PMSA	2,562
TX	Fort Worth-Arlington TX PMSA	674
TX	Houston TX PMSA	7,114
TX	Austin-San Marcos TX EMSA	787
TX	San Antonio TX EMSA	823
UT	Utah	387
VA	Virginia (outside of DC, Richmond and Virginia Beach EMSAs)	494
VA	Richmond-Petersburg VA EMSA	568
VA	Virginia Beach for the Norfolk-Virginia Beach-Newport News VA-NC EMSA	744
WA	Washington State (outside of the Seattle and Portand EMSAs)	501
WA	Seattle-Bellevue-Everett WA PMSA	1,405
WI	Wisconsin (outside the Milwaukee and Minneapolis EMSAs)	332

February, 2000

(HOPWA)

State	2000 Formula Grantee	Amt. (000s)
WI	Milwaukee-Waukesha WI PMSA	405
	2000 Formula Total (67 EMSAs and 34 States)	207,234

Footnotes: (*) Four first-time FY2000 HOPWA grantees are noted (Albany, Baton Rouge, Columbia and Oklahoma City).

@ The FY2000 Approp. Act designated the State of New Jersey to administer funds for the NJ portion of the allocation to the metropolitan Philadelphia area and the city's original FY2000 allocation of $4,398,000 was reduced by $665,000, based on the number of cumulative cases of AIDS in the NJ portion of this area, and those funds were added to the State of NJ's total to be used in the NJ portion of this area.

Non-Eligible Areas:

The following areas are not eligible for HOPWA FY 2000 formula allocations. State and units of general local government from these areas may apply for HOPWA projects under the Long-Term category of grants as detailed in the HOPWA program section of the SuperNOFA.

STATE	NON-ELIGIBLE AREAS
AK	State of Alaska
CO	State of Colorado (outside of Denver, EMSA)
IA	State of Iowa
ID	State of Idaho
KS	State of Kansas (outside of Kansas City, EMSA)
MA	State of Maine
MD	State of Maryland (outside of Baltimore, EMSA)
MT	State of Montana
ND	State of North Dakota
NE	State of Nebraska
NH	State of New Hampshire
OR	State of Oregon (outside of Portland, EMSA)
RI	State of Rhode Island (outside of Providence, EMSA)
SD	State of South Dakota
VT	State of Vermont
WV	State of West Virginia (outside of Washington DC, EMSA)
WY	State of Wyoming
	Virgin Islands
	Pacific Islands

(HOPWA)

APPENDIX B

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Local Field Office Contact List

NEW ENGLAND	CPD DIRECTOR	PHONE
CONNECTICUT STATE OFFICE ONE CORPORATE CENTER, 19TH FLOOR HARTFORD, CT 06106-1806	**MARY ELLEN MORGAN**	**860-240-4800**
NEW HAMPSHIRE STATE OFFICE 275 CHESTNUT ST. NORRIS COTTON BLDG. MANCHESTER, NH 03101-2487	**RICHARD HATIN**	**603-666-7640**
MASSACHUSETTS STATE OFFICE 10 CAUSEWAY STREET, ROOM 531 BOSTON, MA 02222-1092	**JAMES BARNES**	**617-565-5345**
NEW YORK/ NEW JERSEY		
BUFFALO AREA OFFICE 465 MAIN STREET, FIFTH FLOOR BUFFALO, NY 14203-1780	**MICHAEL F. MERRILL**	**716-551-5755**
NEW JERSEY STATE OFFICE ONE NEWARK CENTER, 13TH FLOOR NEWARK, NJ 07102-5260	**KATHLEEN NAYMOLA**	**973-622-7900**
NEW YORK STATE OFFICE 26 FEDERAL PLAZA NEW YORK, NY 10278-0068	**KATHY MULLINS - DEPUTY DIRECTOR**	**212-264-0771**
MID-ATLANIC		
MARYLANDSTATE OFFICE 10 S. HOWARD ST., 5TH FLOOR CITY CRESCENT BLDG. BALTIMORE, MD 21201-2505	**JOSEPH O'CONNOR**	**410-962-2520**
PENNSYLVANIA STATE OFFICE WANAMAKER BLDG. 100 PENN SQUARE EAST PHILADELPHIA, PA 19107-3380	**JOYCE GASKINS** **LOUIS WILLIAMS DEPUTY DIRECTOR**	**215-656-0624**

(HOPWA)

PITTSBURGH STATE OFFICE 339 6TH AVENUE, 6TH FLOOR PITTSBURG, PA 15222-2515	**LYNN DANIELS**	**412-644-2999**
VIRGINIA STATE OFFICE THE 3600 CENTRE 3600 W. BROAD STREET RICHMOND, VA 23230-0331	**JOSEPH K. AVERSANO**	**804-278-4503**
DISTRICT OF COLUMBIA OFFICE 820 1ST ST., N.E., STE. 450 WASHINGTON, DC 20002-4205	**RONALD HERBERT**	**202-275-0994**
SOUTHEAST/CARIBBEAN		
ALABAMA STATE OFFICE 600 BEACON PARKWAY WEST, STE 300 BIRMINGHAM, AL 35209-3144	**HAROLD COLE**	**205-290-7630**
CARIBBEAN OFFICE 159 CARLOS E. CHARDON AVENUE SAN JUAN, PR 00918-1804	**CARMEN R. CABRERA**	**787-766-5400**
FLORIDA STATE OFFICE 909 SOUTHEAST 1ST AVE., RM 500 MIAMI, FL 33131	**JACK JOHNSON**	**305-536-4431**
GEORGIA STATE OFFICE 75 SPRING STREET, SW RICHARD RUSSELL BLDG. ATLANTA, GA 30303-3388	**JOHN PERRY**	**404-331-5001**
JACKSONVILLE AREA OFFICE 301 WEST BAY STREET, STE. 2200 JACKSONVILLE, FL 32202-5121	**JAMES N. NICHOL**	**904-232-1777**
KENTUCKY STATE OFFICE 601 W. BROADWAY, POB 1044 LOUISVILLE, KY 40201-1044	**BEN COOK**	**502-582-6163**
MISSISSIPPI STATE OFFICE 100 WEST CAPITOL STREET, RM 910 JACKSON, MS 39269-1096	**LINDA TYNES, ACT'G**	**601-965-4700**

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NORTH CAROLINA STATE OFFICE KOGER BLDG. 2306 W. MEADOWVIEW RD. GREENSBORO, NC 27407-3707	**TOM FEREBEE**	**336-547-4005**
SOUTH CAROLINA STATE OFFICE S. THURMON FED. BLDG. 1835 ASSEMBLY STREET COLUMBIA, SC 29201-2480	**LOUIS E. BRADLEY**	**803-765-5564**
TENNESSEE STATE OFFICE 710 LOCUST STREET, 3RD FLOOR KNOXVILLE, TN 37902-2526	**VIRGINIA E. PECK**	**423-545-4391**

MIDWEST

ILLINOIS STATE OFFICE 77 WEST JACKSON BOULEVARD RALPH METCALFE BLDG. CHICAGO, IL 60604-3507	**VICTOR THORNTON** **ACT'G DIRECTOR**	**312-353-1696**
INDIANA STATE OFFICE 151 NORTH DELAWARE STREET INDIANAPOLIS, IN 46204-2526	**ROBERT POFFENBERGER**	**317-226-6790**
MICHIGAN STATE OFFICE 477 MICHIGAN AVENUE DETROIT, MI 48226-2592	**EMERSON SHERROD** **ACT'G**	**313-226-7908**
MINNESOTA STATE OFFICE 220 SECOND STREET, SOUTH MINNEAPOLIS, MN 55401-2195	**ALAN JOLES**	**612-370-3019**
OHIO STATE OFFICE 200 NORTH HIGH STREET COLUMBUS, OH 43215-2499	**LANA VACHA**	**614-469-5737**
WISCONSIN STATE OFFICE 310 W. WISCONSIN AVENUE MILWAUKEE, WI 53203-2289	**ROBERT BERLAN**	**414-297-3214**

SOUTHWEST

ARKANSAS STATE OFFICE 425 WEST CAPITAL AVENUE STE. 900 LITTLE ROCK, AR 72201-3488	**ANNE GOLNIK**	**501-324-6375**

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LOUISIANA STATE OFFICE 501 MAGAZINE STREET, 9TH FLOOR NEW ORLEANS, LA 70130-3099	**GREG HAMILTON**	**504-589-7212**
NEW MEXICO STATE OFFICE 625 SILVER AVENUE, STE. 100 ALBUGUERQUE, NM 87102	**FRANK PADILLA**	**505-346-7271**
OKLAHOMA STATE OFFICE 500 WEST MAIN STREET, STE.400 OKLAHOMA CITY, OK 73102	**DAVID H. LONG**	**405-553-7569**
SAN ANTONIO STATE OFFICE WASHINGTON SQUARE 800 DELOROSA STREET SAN ANTONIO, TX 78207-4563	**JOHN T. MALDONADO**	**210-475-6820**
TEXAS STATE OFFICE 1600 THROCKMORTON STREET P.O. BOX 2905 FORT WORTH, TX 76113-2905	**KATIE WORSHAM** **CARLOS RENTERIA**	**817-978-9016**

GREAT PLAINS

KANSAS STATE OFFICE GATEWAY TOWER II 400 STATE AVENUE KANSAS CITY, KS 66101-2406	**WILLIAM ROTERT** **WILLIAM BOYD-DEPUTY DIRECTOR**	**913-551-5485** **913-551-5486**
NEBRASKA STATE OFFICE 10909 MILL VALLEY ROAD OMAHA, NE 68154-3955	**GREGORY A. BEVIRT**	**402-492-3181**
ST. LOUIS AREA OFFICE 1222 SPRUCE STREET, 3RD FLOOR ST. LOUIS, MO 63103-2836	**ANN WIEDL**	**314-539-6524**

ROCKY MOUNTAIN

COLORADO STATE OFFICE 633 - 17TH STREET DENVER, CO 80202	**GUADLUPE M. HERRERA**	**303-672-5414**

February, 2000

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PACIFIC / HAWAII

CALIFORNIA STATE OFFICE 450 GOLDEN GATE AVENUE P.O. BOX 36003 SAN FRANCISCO, CA 94101-3448	**STEVE SACHS** **JIMMY PRATER** **DEPUTY DIRECTOR**	**415-436-6597** **415-436-6592**
HAWAII STATE OFFICE 500 ALA MOANA BLVD. , STE 500 HONOLULU, HI 96813-4918	**ROBERT ILUMIN**	**808-522-8180**
LOS ANGELES AREA OFFICE 611 W. 6TH STREET, STE. 800 LOS ANGELES, CA 90017-3127	**WILLIAM BARTH**	**213-894-8000**
PHOENIX AREA OFFICE 400 NORTH 5TH STREET, STE. 1600 PHOENIX, AZ 85004	**MARTIN H. MITCHELL**	**602-379-4754**

NORTHWEST/ALASKA

ALASKA STATE OFFICE 949 EAST 36TH AVENUE, STE. 401 ANCHORAGE, AK 99508-4135	**COLLEEN K. BICKFORD**	**907-271-3669**
OREGON STATE OFFICE 400 SOUTHWEST 6TH AVE. STE. 700 PORTLAND, OR 97204-1632	**DOUGLAS CARLSON**	**503-326-7018**
WASHINGTON STATE OFFIC 909 1ST AVENUE, STE. 200 SEATTLE, WA 98104-1000	**JACK PETERS** **DON PHILLIPS, DEPUTY DIRECTOR**	**206-220-5150**

(HOPWA) APPENDIX C

HOPWA Application Checklist

Checklist of Exhibits

Please insert page numbers

- [ ] Transmittal Letter (that identifies HOPWA and amount requested)
- [ ] Summary
- [ ] Exhibit 1 Applicant and Sponsor Information
- [ ] Exhibit 2 Need/Extent of Problem
- [ ] Exhibit 3 Proposed Project / Soundness of Approach
- [ ] Exhibit 4 Budget and Leveraging
- [ ] Exhibit 5 Comprehensiveness and Coordination
- [ ] Statutory Certifications (Required by law)
- [ ] Evaluation by Customer (Optional) (See Application Kit)

Summary. Please provide on no more than two double-spaced, typed pages an abstract of your proposed project. HUD will use this as a summary if your project is chosen for funding. In your abstract, include your organization's name and the name of any project sponsor; how much HOPWA funding you have requested; the name of the proposed project (if any); a short synopsis of your project including defining features, where it is located and how many people will be served over the entire period of the grant when it is operational. Also include a contact name, email, and phone number.

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HOPWA Project Information Form

Exhibit 3: Proposed HOPWA Project / Soundness of Approach
Please complete form and place before the Soundness of Approach narrative section of your application.

A. Category of Assistance. Check only one of the following two boxes:

☐ **Category 1: Special Projects of National Significance**

Are you proposing to target an underserved population as defined in the program section of the SuperNOFA?

☐ **Yes** ☐ **No**

Designate your targeted underserved population.

☐ Women

☐ Racial and ethnic minority group (specify)

_____

☐ Persons in rural areas

☐ Other (specify)

_____

☐ **Category 2: Projects which are part of long-term comprehensive strategies for providing housing and related services** in an area that did not qualify for a HOPWA formula award.

B. Duplication of Assistance Requested. Please indicate if your applicant or a project sponsor is seeking funding under this HOPWA competition for an activity that is duplicated in an application under the HUD Continuum of Care Homeless Assistance 2000 competition as follows:

☐ A proposed HOPWA activity is identical and ***duplicates funding*** requested in an application for HUD continuum of care funding;

☐ A proposed activity is related but ***not identical*** to the requested funding.

☐ No related assistance is being requested.

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C. Summary of Housing Assistance: Please provide best estimates in the following table. Enter number of units served if project is funded and is fully implement and operational.

		Full Grant Period:
1.	**Facility-based Housing: Enter total units to be provided.**	
	Short-term facility	
	Single room occupancy dwelling	
	Community residence	
	Other housing facility (specify)	
2.	**Scattered-site Payments**	
	Tenant-based rental assistance	
	Short-term rent, mortgage, and utility payments	
	Total Units	

D. Summary of Persons Assisted. Please provide best estimates in the following table:

		Full Grant Period:
1.	Number of persons with HIV/AIDS who will receive some form of housing assistance	
2.	Number of family members of the above who will be residing with the person receiving housing assistance	
3.	Number of persons with HIV/AIDS who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 1 above)	
4.	Number of other family members who will only be receiving some form of supportive services (persons receiving both services and housing are reported in item 2 above).	
5.	Number of persons who will be receiving housing information services.	

E. Service Area. Please identify the intended service area, i.e., the name of the community or metropolitan area, or, if activities are planned for a state-wide or nation-wide basis:

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F. Project Sponsors and Sites. On a separate page, if needed, identify all the project sponsors that are involved in your proposed project, including the amount of funds each will utilize; and the sponsor's mailing address, telephone, email address, fax number, and the name of a contact person. Your narrative on the proposed program activities should also specify which activities each sponsor will be carrying out.

Sites. For projects involving sites, for example, a structure where HOPWA funds will be used for new construction, acquisition, rehabilitation, operating costs, and/or project-based rental assistance, please attach or provide the address of the project site.
Confidentiality.

☐ Confidential Site. (Do not release the street location of this project.)

☐ Public Site. (The address may be released to inform clients and the public.)

Photo. Please attach a photograph of the structure (except for new constructions).

G. Additional Information
The Department of Housing and Urban Development needs the following information to respond to public inquiries about program benefit. Your responses will not affect in any way the scoring of your submission.

1. Which of the following subpopulations will your project serve? (Check all that apply)

   ☐ Severely Mentally Ill

   ☐ Chronic Substance Abuse

   ☐ Multiply-Diagnosed

   ☐ Victims of Domestic Violence

   ☐ Veterans

2. Will the proposed project be located in a rural area? (A project is considered to be in a rural area when the project either (1) is in an area outside of Metropolitan Areas,or (2) is outside of the urbanized areas within a Metropolitan Area.)

   ☐ Yes

   ☐ No

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3. Is the sponsor of the project a religious organization, or a religiously affiliated or motivated organization? (Note: This characterization of religious is broader than the standards used for defining a religious organization as "primarily religious" for purposes of applying HUD's church/state limitations. For example, while the YMCA is often not considered "primarily religious" under applicable church/state rules, it would likely be classified as a religiously motivated entity.)

   ☐ Yes

   ☐ No

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HOPWA Project Budget Form

A. Project Summary Budget. In columns A & B, enter the appropriate amount of funding that will be utilized for the HOPWA eligible activity. For example, in column A enter the amount of HOPWA funds being requested for each eligible activity. In column B, enter the amount of other funds, if any, (i.e. private, local, or state resources) that will be used in conjunction with the requested HOPWA funds to complete the project. Enter the sum total of requested *HOPWA funds* and *Other funds* (sum of columns A & B) in column C. Enter the totals of each column in line 16 of the budget form. For additional details on eligible activities and limitations, consult the program regulations at 24 CGR 574.300-340.

Eligible Activity	Project Funding		
	A. HOPWA	B. Other	C. Total
1. Acquisition	$	$	$
2. Rehabilitation, Repair, & Conversion	$	$	$
3. New Construction*	$	$	$
4. Lease	$	$	$
5. Operating Costs	$	$	$
6. Supportive Services	$	$	$
7. Housing Information	$	$	$
8. Technical Assistance & Resource Identification	$	$	$
9. Rental Assistance	$	$	$
10. Short-term Rent, Mortgage, and Utility Payments to Prevent Homelessness	$	$	$
11. Other (name the type of alternative activity that is also described in exhibit 3)	$	$	$
12. Subtotal of Activity Costs (not to exceed $1,200,000)	$	$	$
13. Grantee's Administrative Costs (not to exceed 3% of Subtotal)	$	$	$
14. Project Sponsor's Administrative Costs (not to exceed 7% of amounts received by sponsors)	$	$	$
15. Collect data on Project Outcomes (not to exceed $50,000)	$	$	$
16. Total	$	$	$

*If over $200,000, the project would be subject to Sec. 3 requirements, if selected, pertaining to economic opportunities for low and very low-income persons.

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B. Project Descriptive Budget.

Instructions:

A. For the grantee and each project sponsor receiving HOPWA funds under this application, please complete the Project Descriptive Budget Form. The first form should be completed for the grantee, followed by one form for each project sponsor. In the form number boxes enter the number of the form followed the total numbers of forms submitted. For example, if you are the grantee and have two project sponsors, you will complete three forms. The first form should be for the grantee and will be number as (1 of 3). You will then complete two additional forms for each project sponsor. The first project sponsor form will be numbered as (2 of 3), and the second (3 of 3).

B. Enter the name of the organization (grantee or project sponsor).

C. As applicable, mark if you are completing this form for the grantee or project sponsor.

D. For each HOPWA Eligible Activity that you are requesting HOPWA funding, give a brief description of the activity. This description should be a 1-2 line summary of the activity as presented in your application. In addition, reference the project goal or objective which corresponds to the described activity. See the below examples:

EXAMPLE 1:

HOPWA Eligible Activity and Description	HOPWA Request
Rental Assistance	$100,000
Description: *Provide long-term, tenant-based rental assistance through the "Rent Project" to 25 individuals and 10 families per year over a three year grant period. (See Project Goals/Objectives, Goal 1 pg. 23)*	

EXAMPLE 2:

Eligible Activity and Description	HOPWA Request
Supportive Services	$30,000
Description: *Provide case management, nutritional services, and mental health counseling to 45 individuals in the "AIDS Housing" facility each year for the three years of the grant term. (See Project Goals/Objectives, Goal 3, pg. 21)*	

E. For each HOPWA Eligible Activity (lines 1-13), enter the amount of requested HOPWA funds. NOTE: This amount may not equal the amount entered in Part A for the eligible activity. A sum of each HOPWA request completed on the Project Descriptive Budget for the grantee and each project sponsor, should equal the totals entered in Part A, Project Summary Budget.

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A. HOPWA Project Description Budget Form *Form* ☐ *of* ☐

B. Name of Grantee/Project Sponsor: _____

C. Mark one of the following:
Grantee ☐ Project Sponsor ☐

D. Eligible Activity and Description	E. HOPWA Request
1. Acquisition	$
Description:	
2. Rehabilitation, Repair & Conversion	$
Description:	
3. New Construction	$
Description:	
4. Lease	$
Description:	
5. Operating Costs	$
Description:	
6. Supportive Services	$
Description:	
7. Housing Information	$
Description:	

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D. **Eligible Activity and Description**	**E.** **HOPWA Request**
8. Technical Assistance and Resource Identification	$
Description:	
9. Rental Assistance	$
Description:	
10. Short-term Rent, Mortgage & Utility Payment to Prevent Homelessness	$
Description:	
11. Other (name the type of alternative activity that is also described exhibit 3)	$
Description:	
12. Administrative Costs (Grantee or Project Sponsor)	$
Description:	
13. Collect data on Project Outcomes (not to exceed $50,000)	$
Description:	

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Leveraging HOPWA Resources

Leveraging

Applicants will receive points to the extent that they document resources that are being brought to the project from other public or private sources. Enter in this chart the cash value of documented cash and in-kind resources from other public (including other Federal) and private sources that are committed to the project during the grant period.

Value of Documented Resources

Resource	Page No. of Documentation	Cash Value	**HUD Use Only**
a. Cash			
b. Non-cash Resources			
c. Volunteer Time			
d. Contribution of a Building			
e. Contribution of a Building to be Acquired with HOPWA			
f. Contribution of a Leasehold interest			
Total of all Leveraging		$	

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HOPWA Applicant Certifications

These certified statements are required by law.

The Applicant hereby assures and certifies that:

1. Within the HOPWA eligible population, it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and regulations pursuant thereto (Title 24 CFR Part I), which state that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance, and will immediately take any measures necessary to effectuate this agreement. With reference to the real property and structure(s) thereon which are provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer, the transferee, for the period during which the real property and structure(s) are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

It will comply with the Fair Housing Act (42 U.S.C. 3601-19), as amended, and with implementing regulations at 24 CFR Part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing. For Indian tribes, it will comply with the Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*), instead of Title VI and the Fair Housing Act and their implementing regulations.

It will comply with Executive Order 11063 on Equal Opportunity in Housing and with implementing regulations at 24 CFR Part 107 which prohibit discrimination because of race, color, creed, sex or national origin in housing and related facilities provided with Federal financial assistance.

It will comply with Executive Order 11246 and all regulations pursuant thereto (41 CFR Chapter 60-1), which state that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal contracts and shall take affirmative action to ensure equal employment opportunity. The applicant will incorporate, or cause to be incorporated, into any contract for construction work as defined in Section 130.5 of HUD regulations the equal opportunity clause required by Section 130.15(b) of the HUD regulations.

It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701(u)), and regulations pursuant thereto (24 CFR Part 135), which require that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project and contracts for work in connection with the project be awarded in substantial part to per-sons residing in the area of the project.

It will comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and with implementing regulations at 24 CFR Part 8, which prohibit

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discrimination based on handicap in Federally-assisted and conducted programs and activities.

It will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07), as amended, and implementing regulations at 24 CFR Part 146, which prohibit discrimination because of age in projects and activities receiving Federal financial assistance.

It will comply with Executive Orders 11625, 12432, and 12138, which state that program participants shall take affirmative action to encourage participation by businesses owned and operated by members of minority groups and women.

If persons of any particular race, color religion, sex, age, national origin, familial status, or handicap who may qualify for assistance are unlikely to be reached, it will establish additional procedures to ensure that interested per-sons can obtain information concerning the assistance.

It will comply with the reasonable modification and accommodation requirements of the Fair Housing Act and, as appropriate, the accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, as amended.

2. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 49 CFR Part 24.

3. It will comply with the environmental laws and authorities at 24 CFR part 50 which implements the National Environmental Policy Act and related acts. The applicant agrees to supply HUD with information necessary for it to perform any necessary environmental review of each property. The applicant will carry out mitigating measures required by HUD or select an alternate eligible property. The applicant will not acquire, rehabilitate, convert, lease, repair or construct property to provide housing or commit HUD, State, local or other funds to program activities with respect to any eligible property until HUD approval is received.

4. Any building or structure assisted with amounts under this part will be maintained as a facility to provide assistance for eligible persons: (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than three years in cases involving non-substantial rehabilitation or repair of a building or structure.

7. It and its principals (see 24 CFR 24.105(p)):

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions (see 24 CFR 24.110) by any Federal department or agency;

(b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted for or other-wise criminally or civilly charged by a govern-mental entity (Federal, State or local) with commission of any of the offenses enumerated in (b) of this certification; and

(d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

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Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation behind this page.

HOPWA Applicant Certifications

Signature of Authorized Certifying Official & Date

X

Title

Name of Applicant

form HUD-40110-B (2/00) Page no: [ ] Please include this page in your application.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY PROGRAM (SECTION 202 PROGRAM)

Program Overview

Purpose of the Program. This program provides supportive housing for very low-income persons 62 years of age or older.

Available Funds. Approximately $426 million.

Eligible Applicants. Private nonprofit organizations and nonprofit consumer cooperatives.

Application Deadline. **May 18, 2000.**

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed applications on or before 6:00 pm, local time, on May 18, 2000, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800-HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209.

For Application Kits. For an application kit and any supplemental materials, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800-HUD–2209. When requesting an application kit, please refer to the Section 202 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov and from the appropriate Multifamily Hub or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Aretha Williams at HUD Headquarters at (202) 708–2866, or access the Internet at http://www.hud.gov.

HUD encourages minority organizations to participate in this program and strongly recommends that prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to ensure that any necessary arrangements can be made to enable your attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions concerning the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

For FY 2000, $426,258,926 is available for capital advances for the supportive housing for the elderly program. The FY 2000 HUD Appropriations Act (HUD Appropriations Act) provides $610,000,000 for capital advances, including amendments to capital advance contracts, for supportive housing for the elderly as authorized by section 202 of the Housing Act of 1959, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: the term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 202 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY 2000 formula consists of one data element: a measure of the number of one and two person renter households with incomes at or below HUD's Very-low Income Limit (50 percent of area median family income, as determined by HUD, with an adjustment for household size), which have housing deficiencies. The counts of elderly renter households with housing deficiencies were taken from a special tabulation of the 1990 Decennial Census. The formula focuses the allocation on targeting the funds based on the unmet needs of elderly renter households with housing problems.

Under Section 202, 85 percent of the total capital advance amount is allocated to metropolitan areas and 15 percent to nonmetropolitan areas. In addition, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 20 units in metropolitan areas and 5 units in nonmetropolitan areas. The total amount of capital advance funds to

support these minimum set-asides are subtracted from the respective (metropolitan or nonmetropolitan) total capital advance amounts available. The remainder is fair shared to each HUD Office jurisdiction whose fair share exceeds the minimum set-aside based on the allocation formula fair share factors described below. NOTE: The allocations for metropolitan and nonmetropolitan portions of the Multifamily Hub or Program Center jurisdictions reflect the most current definitions of metropolitan and nonmetropolitan areas, as defined by the Office of Management and Budget.

A fair share factor is developed for each metropolitan and nonmetropolitan portion of each local HUD Office jurisdiction by dividing the number of renter households for the jurisdiction by the total number of rental households in the United States. The resulting percentage for each local HUD Office jurisdiction is then adjusted to reflect the relative cost of providing housing among the HUD Office jurisdictions. The adjusted needs percentage for the applicable metropolitan or nonmetropolitan portion of each jurisdiction is then multiplied by the respective total remaining capital advance funds available nationwide.

Based on the allocation formula, HUD has allocated the available capital advance funds as shown on the following chart:

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FY 2000 SECTION 202 ALLOCATIONS BY FIELD OFFICE

	METROPOLITAN		NONMETRO		TOTALS	
OFFICES	UNITS	CAPITAL ADVANCE	UNITS	CAPITAL ADVANCE	**UNITS**	**CAPITAL ADVANCE**
BOSTON HUB						
BOSTON	168	15,214,143	9	797,706	177	16,011,849
HARTFORD	84	7,297,153	5	434,195	89	7,731,348
MANCHESTER	44	3,013,806	33	2,235,212	77	5,249,018
PROVIDENCE	50	4,472,832	5	446,369	55	4,919,201
TOTAL	346	29,997,934	52	3,913,482	398	33,911,416
NEW YORK HUB						
NEW YORK	460	44,777,600	5	486,948	465	45,264,548
BUFFALO HUB						
BUFFALO	129	10,340,281	26	2,036,996	155	12,377,277
PHILADELPHIA HUB						
CHARLESTON	20	1,404,033	16	1,150,835	36	2,554,868
NEWARK	193	18,302,320			193	18,302,320
PHILADELPHIA	162	13,439,971	20	1,679,861	182	15,119,832
PITTSBURGH	83	5,954,042	17	1,244,808	100	7,198,850
TOTAL	458	39,100,366	53	4,075,504	511	43,175,870
BALTIMORE HUB						
BALTIMORE	71	5,164,560	10	719,592	81	5,884,152
RICHMOND	67	4,269,338	23	1,443,330	90	5,712,668
WASHINGTON	72	5,552,109			72	5,552,109
TOTAL	210	14,986,007	33	2,162,922	243	17,148,929

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
GREENSBORO HUB						
COLUMBIA	47	3,133,698	18	1,163,257	65	4,296,955
GREENSBORO	78	6,269,766	37	2,940,328	115	9,210,094
TOTAL	125	9,403,464	55	4,103,585	180	13,507,049
ATLANTA HUB						
ATLANTA	77	4,856,545	34	2,165,619	111	7,022,164
KNOXVILLE	38	2,268,404	11	680,724	49	2,949,128
LOUISVILLE	50	3,302,515	27	1,787,028	77	5,089,543
NASHVILLE	52	3,271,794	19	1,183,302	71	4,455,096
SAN JUAN	40	3,442,146	14	1,226,049	54	4,668,195
TOTAL	257	17,141,404	105	7,042,722	362	24,184,126
JACKSONVILLE HUB						
BIRMINGHAM	59	3,687,389	24	1,470,824	83	5,158,213
JACKSON	20	1,209,254	29	1,754,942	49	2,964,196
JACKSONVILLE	227	15,074,328	15	973,769	242	16,048,097
TOTAL	306	19,970,971	68	4,199,535	374	24,170,506
CHICAGO HUB						
CHICAGO	211	18,704,076	32	2,808,201	243	21,512,277
INDIANAPOLIS	79	5,480,717	23	1,567,809	102	7,048,526
TOTAL	290	24,184,793	55	4,376,010	345	28,560,803
COLUMBUS HUB						
CINCINNATI	64	4,296,481	5	336,806	69	4,633,287
CLEVELAND	105	7,873,284	14	1,067,414	119	8,940,698
COLUMBUS	48	3,209,421	17	1,134,315	65	4,343,736
TOTAL	217	15,379,186	36	2,538,535	253	17,917,721

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
DETROIT HUB						
DETROIT	111	8,587,701	5	387,529	116	8,975,230
GRAND RAPIDS	45	2,937,094	18	1,178,858	63	4,115,952
TOTAL	156	11,524,795	23	1,566,387	179	13,091,182
MINNEAPOLIS HUB						
MINNEAPOLIS	74	6,068,463	27	2,248,294	101	8,316,757
MILWAUKEE	84	6,587,923	30	2,359,726	114	8,947,649
TOTAL	158	12,656,386	57	4,608,020	215	17,264,406
FT. WORTH HUB						
FT. WORTH	102	6,300,968	31	1,886,723	133	8,187,691
HOUSTON	66	4,043,731	12	724,819	78	4,768,550
LITTLE ROCK	37	2,039,902	26	1,469,556	63	3,509,458
NEW ORLEANS	67	3,965,559	16	941,449	83	4,907,008
SAN ANTONIO	56	3,315,084	12	722,758	68	4,037,842
TOTAL	328	19,665,244	97	5,745,305	425	25,410,549
KANSAS CITY HUB						
DES MOINES	37	2,396,698	27	1,750,419	64	4,147,117
KANSAS CITY	62	4,184,417	27	1,768,064	89	5,952,481
OKLAHOMA CITY	45	2,629,918	21	1,238,986	66	3,868,904
OMAHA	20	1,363,454	15	1,017,753	35	2,381,207
ST LOUIS	59	4,485,112	20	1,504,193	79	5,989,305
TOTAL	223	15,059,599	110	7,279,415	333	22,339,014
DENVER HUB						
DENVER	79	5,634,696	38	2,477,076	117	8,111,772

OFFICES	METROPOLITAN UNITS	METROPOLITAN CAPITAL ADVANCE	NONMETRO UNITS	NONMETRO CAPITAL ADVANCE	TOTALS UNITS	TOTALS CAPITAL ADVANCE
SAN FRANCISCO HUB						
SAN FRANCISCO	191	17,985,288	12	1,046,877	203	19,032,165
HONOLULU	20	2,921,688	5	730,422	25	3,652,110
PHOENIX	59	3,851,831	10	627,305	69	4,479,136
SACRAMENTO	59	4,977,489	11	890,316	70	5,867,805
TOTAL	329	29,736,296	38	3,294,920	367	33,031,216
LOS ANGELES HUB						
LOS ANGELES	342	28,901,223	5	422,022	347	29,323,245
SEATTLE HUB						
SEATTLE	78	6,386,021	16	1,322,249	94	7,708,270
ANCHORAGE	20	2,921,688	5	730,422	25	3,652,110
PORTLAND	61	4,552,133	22	1,556,784	83	6,108,917
TOTAL	159	13,859,842	43	3,609,455	202	17,469,297
NATIONAL TOTAL	4,572	362,320,087	899	63,938,839	5,471	426,258,926

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital Advances may be used for the construction or rehabilitation of a structure, or acquisition of a structure from the Federal Deposit Insurance Corporation (formerly held by the Resolution Trust Corporation) (FDIC/RTC). Capital Advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for occupancy by very low-income elderly persons for at least 40 years.

Project rental assistance contract (PRAC) funds are used to cover the difference between what the residents pay for rent and the HUD-approved expense to operate the project. Project Rental Assistance Contract funds may also be used to provide supportive services and to hire a service coordinator in those projects serving the frail elderly residents. The supportive services must be appropriate to the category or categories of frail elderly residents to be served.

(B) *Eligible Applicants.* Private nonprofit organizations and nonprofit consumer cooperatives are the only eligible applicants under this Section 202 Program. Neither a public body nor an instrumentality of a public body is eligible to participate in the program.

A Sponsor or Co-sponsor may not apply for more than 200 units of housing for the elderly in a single Hub or more than 10 percent of the total units allocated to all HUD Offices. Also, no single application may propose more than the number of units allocated to a HUD office or 125 units, whichever is less. Reservations for projects will not be approved for fewer than 5 units. Affiliated entities that submit separate applications are considered to be a single entity for the purpose of these limits.

(C) *Eligible Activities.* Section 202 capital advance funds must be used to finance the development of housing through new construction, rehabilitation, or acquisition of housing from the FDIC/Resolution Trust Corporation. Project Rental Assistance funds are provided to cover the difference between the HUD-approved operating costs and the amount the residents pay (each resident pays 30 percent of adjusted income) as well as to provide supportive services to frail elderly residents. In projects principally serving the frail elderly, eligible costs include the salary of a service coordinator.

(D) *Ineligible Activities.* Section 202 funds may not be used for nursing homes, infirmaries, medical facilities, mobile home projects, community centers, headquarters for organizations for the elderly, nonhousekeeping accommodations, or refinancing of sponsor-owned facilities without rehabilitation.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, as an applicant, you must comply with the following requirements:

(A) *Statutory and Regulatory Requirements.* You must comply with all Section 202 Program statutory and regulatory requirements, as listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS' comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) of this program section of the SuperNOFA, below, will be used to determine the capital advance amount to be reserved for projects for the elderly:

(a) The total development cost of the property or project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you must pay for) may not exceed:

Nonelevator structures:

$33,638 per family unit without a bedroom;

$38,785 per family unit with one bedroom;

$46,775 per family unit with two bedrooms;

For elevator structures:

$35,400 per family unit without a bedroom;

$40,579 per family unit with one bedroom;

$49,344 per family unit with two bedrooms.

(b) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the accessibility requirements of § 891.120(b); and the project design and cost standards of § 891.120 and § 891.210.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA, above, by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis. This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands, or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, above, the amount of the capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(D) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount, not to exceed $10,000 in accordance with § 891.145, with the following exception. If you, as Sponsor or Co-Sponsor, have one or more Section 202 or one or more Section 811 project(s) under reservation, construction, or management in two or more different HUD geographical regions (Hubs), the minimum capital investment shall be one half of one percent of the HUD-approved capital advance amount, not to exceed $25,000.

(E) *Economic Opportunities for Low and Very Low-Income Persons (Section 3).* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons), and its implementing regulations at 24 CFR part 135. You must ensure that training, employment and other economic opportunities shall, to the greatest extent feasible, be directed toward low-and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns

which provide economic opportunities to low and very low income persons.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* HUD will screen all applications received by the deadline for curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of the application. The following is a list of the deficiencies that will be considered curable in a Section 202 application:

Exhibits

(1) Form 92015–CA (Application Form)*
(2) (a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4) (c)(ii) Energy efficiency
(d)(i) Evidence of site control
(d)(ii) Evidence site is free of limitations, restrictions or reverters
(d)(iii) Evidence of permissive zoning
(d)(vi) Phase I Environmental Site Assessment
(d)(vii) Letter from State Historic Preservation Officer (SHPO)
(5) Applications submitted to other Offices
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance*
(b) HUD–50070, Certification of a Drug-free Workplace
(c) Form—HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form—HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form—HUD 2992, Certification Regarding Debarment and Suspension
(f) Executive Order 12372 Certification
(g) Form—HUD 2991, Certification of Consistency with Consolidated Plan
(h) Conflict of Interest Resolution
(i) Resolution for Commitment to Project*
(k) Combined Certifications

The HUD Office will notify you in writing if your application is missing any of the exhibits or portions of exhibits and you will be given 14 days from the date of the HUD notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the **General Section** of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of that rejection with all the reasons for rejection, and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD office. If the rejection is due to the nonsubmission of the following exhibits because of the failure of a third party to provide information under the control of the third party but outside your control (e.g., by contract), and you were not provided the opportunity to cure the deficiency during the curable deficiency period, you can submit the information required to cure the deficiency during the 14 calendar day appeal period:

(1) Exhibit 4(d)(iii), Evidence of permissive zoning, and/or

(2) Exhibit 7(g), Form-HUD 2991, Certification of Consistency with the Consolidated Plan.

The information required to cure the above identified deficiencies includes the deficient Exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date.

The HUD office will make a determination on an appeal before making its selection recommendations. All applications will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, it will be rated according to the rating factors in Section V(D) of this Section 202 Program section of the SuperNOFA.

(C) *Ranking and Selection Procedures.* Applications submitted in response to the advertised metropolitan allocations or nonmetropolitan allocations that have a total base score (without the addition of EC/EZ bonus points) of 60 points or more and meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA will be eligible for selection, and HUD will place them in rank order per metropolitan or nonmetropolitan allocation. These applications, after adding any bonus points for EC/EZ, will be selected based on rank order, up to and including the last application that can be funded out of each HUD office's metropolitan or nonmetropolitan allocation. HUD offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections in each allocation area, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent, rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

Once this process has been completed, HUD offices may combine their unused metropolitan and nonmetropolitan funds in order to select the next ranked application in either category, using the unit reduction policy described above, if necessary.

After the offices have funded all possible projects based on the process above, combined metropolitan and nonmetropolitan residual funds from all HUD Offices in each Multifamily Hub will be combined. These funds will be used first to restore units to projects reduced by HUD offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable applications within the Multifamily Hub that can be selected with the remaining funds without skipping over any application. HUD may use any remaining residual funds, however, to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than five units.

Funds remaining after these processes are completed will be returned to Headquarters. HUD will use these funds to restore units to projects reduced by HUD offices as a result of the instructions for using their residual funds. Second, HUD will use these funds for selecting applications based on field offices' rankings beginning with the highest rated application nationwide. Only one application will be selected per HUD office from the national residual amount. If there are no approvable applications in other HUD offices, the process will begin with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in

accordance with the application submission requirements identified in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two EZ/EC bonus points, as described in the **General Section** of the SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), and (B)(3)(e) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a) **(15 points)** The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (i.e., number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability; and

(b) **(10 points)** The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and elderly communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in OMB's Statistical and Policy Directive No. 15. (See 62 FR 58782, October 30, 1997.).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD office. The data could include information on the number of existing Federally assisted housing units (HUD and RHS) for the elderly in the area and current occupancy in such facilities; Federally assisted housing for the elderly under construction or for which fund reservations have been issued; and in accordance with an agreement between HUD and the RHS, comments from the RHS on the demand for additional assisted housing and the possible harm to existing projects in the same housing market area. The Department will also review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how your proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between your proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d) and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a) **(15 points)** The proximity or accessibility of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended occupants; adequacy of utilities and streets; freedom of the site from adverse environmental conditions; compliance with site and neighborhood standards (24 CFR 891.125(a), (d) and (e));

(b) **(10 points)** The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minority elderly persons/families, and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. Where appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

—Expanding housing opportunities in non-minority neighborhoods (if located in such a neighborhood); or

—Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority elderly. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 202 Supportive Housing for the Elderly program (24 CFR 891.125(b) and (c)) when considering sites for your project.

(ii) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

—The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,

—The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market as a whole; or,

—The neighborhood's total percentage of minorities exceeds 50 percent of the population. The term ''nonminority area'' is defined as one in which the minority population is lower than 10 percent.

(c) **(3 points)** The extent to which your proposed design will meet the special physical needs of elderly persons;

(d) **(3 points)** The extent to which the proposed size and unit mix of the housing will enable you to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion;

(e) **(3 points)** The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, initially and over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve;

(f) **(3 points)** The extent to which the proposed supportive services meet the identified needs of the anticipated residents; and

(g) **(3 points)** The extent to which you demonstrate that the identified supportive services will be provided on a consistent, long-term basis.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) **(5 points)** The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) **(5 points)** The extent of your activities in the community, including previous experience in serving the area where the project is to be located, and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in the community's Consolidated Planning process, and are working toward addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h) and (B)(3)(i) of Section VI of this program section of the SuperNOFA.

(a) **(4 points)** Your involvement of elderly persons, particularly minority elderly persons, in the development of the application, and your intent to involve elderly persons, particularly minority elderly persons, in the development and operation of the project;

(b) **(2 points)** The extent to which you coordinated your application with other organizations to complement and/or support the proposed project;

(c) **(2 points)** The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project;

(d) **(2 points)** The extent to which you developed or plan to develop linkages with other activities, programs or projects related to the proposed project to coordinate your activities so solutions are holistic and comprehensive; and

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the General Section of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(j) of Section VI of this program section of the SuperNOFA.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 202 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Sections VI(B)(2)(a), (b), and (c) of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation, (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. HUD offices will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on the information submitted in response to Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you will be able to submit information and exhibits you have previously prepared for prior applications under Section 202, Section 811, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 Programs, your experience in provision of housing and services, supportive services plan, community ties, and experience serving minorities.

(B) *General Application Requirements.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

(1) Form HUD–92015-CA, Application for Section 202 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a private nonprofit organization or nonprofit consumer cooperative, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS tax exemption ruling (this must be submitted by you and each Co-Sponsor, including churches). A consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption.

Note: If you received a Section 202 fund reservation within the last threefunding cycles, you are not required to submit the documents described in paragraphs (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community at large and to the minority and elderly communities in particular;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the elderly that you expect to serve in the proposed project;

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than

housing that demonstrates your management capabilities (including financial management) and experience; your experience in serving the elderly, including elderly persons with disabilities, and/or families and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating previously funded Section 202 or Section 811 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description, if applicable, of your efforts to involve elderly persons, including minority elderly persons, in the development of the application, as well as your intent to involve elderly persons in the development and operation of the project.

(3)(g) A description of the steps you took to identify and coordinate your application with other organizations to complement and/or support the proposed project as well as the steps you will take, if funded, to share information on solutions and outcomes relative to the development of the proposed project.

(3)(h) A description of your involvement in the community's Consolidated Planning process including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the Consolidated Plan issue areas in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations, or any committees that support programs and activities that enhance projects or the lives of residents of the projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(3)(i) A description of the linkages that you have developed or plan to develop with other related activities, programs or projects in order that the development of the project provides a comprehensive and holistic solution to the needs of the target population.

(4) Project information, including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the category or categories of elderly persons the housing is intended to serve and evidence demonstrating sustained effective demand for supportive housing for that population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing Federally assisted housing for the elderly (HUD and RHS; *e.g.,* public housing); State or local data on the limitations in activities of daily living among the elderly in the area; aging in place in existing assisted rentals; trends in demographic changes in elderly population and households; the numbers of income eligible elderly households by size, tenure, and housing condition; the types of supportive services arrangements currently available in the area; and the use of such services as evidenced by data from local social service agencies or agencies on aging. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located.

(4)(c) A description of the project, including the following: (4)(c)(i) A narrative description of the building design, including a description of the number of units with bedroom distributions, any special design features, amenities, and/or community space, and how this design will facilitate the delivery of services in an economical fashion and accommodate the changing needs of the residents over the next 10–20 years.

Note: If these community spaces, amenities, or features would not comply with the project design and cost standards of 24 CFR 891.120 and the special project standards of 24 CFR 891.210, you must state your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features;

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(d) Evidence that the Sponsor has site control and permissive zoning, including the following:

(4)(d)(i) Acceptable evidence of site control is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 50 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of section 202 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the section 202 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due, and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six months option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (*e.g.,* an earlier 202 or an FHA insured mortgage), you must submit evidence that consent to release of the site from that mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of section 202 capital advance. Where HUD determines that time constraints of the funding round will not permit all of the required official actions (*e.g.,* approval of Community Planning Boards) that are necessary to convey publicly-owned sites, a letter in the application from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase, or are acquiring the site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance

period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of such covenants or restrictions must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the application will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or the option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the section 202 project or from any other development team member.

(4)(d)(iii) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning and/or the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.);

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area, and how the site will promote greater housing opportunities for minority elderly and elderly persons with disabilities, thereby affirmatively furthering fair housing; (NOTE: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdictions's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include the need for improved housing quality and services for elderly minority families, lack of affirmative marketing and outreach to minority elderly persons, and the need for quality eldercare services within areas of minority concentration when compared with the type and quality of similar services and housing in nonminority areas.

(4)(d)(v) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated;

(4)(d)(vi) A Phase I Environmental Site Assessment, in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended. The Phase I study must be completed and submitted with the application. Therefore, it is important that you start the site assessment process as soon after publication of this SuperNOFA as possible.

If the Phase I study indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same environmental site assessment procedure identified above must be followed for that site.

Note: For properties to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I Environmental Site Assessment, and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I study indicated contamination or hazards, you must undertake a detailed Phase II Environmental Site Assessment by an appropriate professional. If the Phase II Assessment reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for the application to be considered for review under this FY 2000 funding competition, you must submit this information to the local HUD office on or before June 19, 2000.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and,

(*C*) A copy of the SHPO's response, if available.

(4)(e) Provision of supportive services in the proposed facility:

(4)(e)(i) A detailed description of the supportive services proposed to be provided to the anticipated occupancy;

(4)(e)(ii) A description of public or private sources of assistance that reasonably could be expected to fund the proposed services;

(4)(e)(iii) The manner in which such services will be provided to such persons (*i.e.*, on or off-site), including whether a service coordinator will facilitate the adequate provision of such services, and how the services will meet the identified needs of the residents.

Note: You may not require residents, as a condition of occupancy, to accept any supportive service.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD office in response to this announcement of Section 202 Program funding availability or the announcement of Section 811 Program (Supportive Housing for Persons with Disabilities) funding availability, published elsewhere in this SuperNOFA. Indicate by HUD office, the proposed location by city and State, and the number of units requested for each application. Include a list of all FY 1999 and prior year projects to which you are the Sponsor that have not been finally closed. Such projects must be identified by project number and HUD office.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations), by race/minority group, and status as owners or tenants, occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons that have moved from the site within the past 12 months.

Note: If any of the relocation costs will be funded from sources other than the section 202 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of site acquisition, relocation, construction, and other project costs).

(7) *Certifications and Resolutions*. In addition to the certifications and assurances listed in the **General Section** of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D, HUD–424M and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424*. Application for Federal Assistance and indication of whether you are delinquent on any Federal debt. (See instructions for submitting this form in the Consolidated Application Submission section of the **General Section** of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070)*. Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities*. Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880)*. A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992) (24 CFR 24.510)*. A certification attesting to the eligibility of your principals.

(7)(f) *Executive Order 12372 Certification*. A certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.

(7)(g) *Certification of Consistency with the Consolidated Plan (Plan), Form HUD–2991, for the jurisdiction in which the proposed project will be located*. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(h) *A certified Board Resolution that no officer or director of the Sponsor or Owner* has or will have any financial interest in any contract with the Owner or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title, and the beginning and ending dates of each person's term.

(7)(i) *A certified Board Resolution, acknowledging the responsibilities of sponsorship*, long-term support of the project(s), willingness to assist the Owner to develop, own, manage, and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. Also, the resolution shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of 1 percent of the HUD-approved capital advance, not to exceed $10,000, if nonaffiliated with a National Sponsor; one-half of 1 percent of the HUD-approved capital advance, not to exceed $25,000, for all other Sponsors;), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(j) *Certification of Consistency with the EZ/EC Strategic Plan HUD–2990)*. A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents.

(7)(k) *Sponsor's Combined Certifications*.

(7)(k)(i) *Certification in Connection with the Development and Operation of a Section 202 Project*. A certification of compliance with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

(7)(k)(ii) *Design and Cost Standards*. Certification of Compliance with HUD's Section 202 project design and cost standards (24 CFR 891.120 and 891.210), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990;

(7)(k)(iii) *Acquisition and Relocation*. Certification of Compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24 and 24 CFR part 891.155(e));

(7)(k)(iv) *Formation of Owner Corporation*. Certification that you will form an ''Owner'' (24 CFR 891.205) after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project;

(7)(k)(v) *Supportive Services*. Certification that you will not require residents to accept any supportive services as a condition of occupancy; and,

(7)(k)(vi) *Davis-Bacon*. Certification of compliance with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR part 50, all Section 202 assistance is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. The environmental review provisions of the Section 202 Program regulations are in 24 CFR 891.155(b).

IX. Authority

The Section 202 Supportive Housing for the Elderly Program is authorized by

section 202 of the Housing Act of 1959 (12 U.S.C. 1701q). See section 801 of the Cranston-Gonzalez National Affordable Housing Act (Pub.L. 101–625; approved November 28, 1990); the Housing and Community Development Act of 1992 (Pub.L. 102–550; approved October 28, 1992), and the Rescissions Act (Pub.L. 104–19; enacted on July 27, 1995).

APPENDIX A—ADDRESSES FOR SUBMITTING APPLICATIONS

Please see Appendix A to the Section 811 Program Section of this SuperNOFA. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to the Section 811 program section of this SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

BILLING CODE 4210–32–P

APPENDIX B

The non-standard forms, which follow, are required for your Section 202 Program application.

APPLICATION SUBMISSION REQUIREMENTS

PART I - APPLICATION FORM FOR SECTION 202 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: **Form HUD-92015-CA,** Application for Section 202 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: **Your Legal Status**

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

EXHIBIT 3: **Your purpose, community ties and experience:**

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large and to the minority and elderly communities _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

(e) Housing and/or supportive services experience description _____

(f) Efforts to involve elderly persons _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's Consolidated Planning process including:

(i) Agency that organizes/ administers the process _____

(ii) Consolidated Plan issue areas in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Linkages with other related activities, programs or projects _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL (AND/OR IDENTIFICATION OF SITE IF 811) AND SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED FACILITY

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

(c) A narrative description of the project, including:

(i) Building design _____

(ii) Whether and how project will promote energy efficiency _____

(d) Evidence of site control and permissive zoning:

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters _____

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

(C) SHPO's response, if available _____

(e) Provision of supportive services in proposed facility:

(i) Description of services _____

(ii) Public/private funding sources for proposed services _____

(iii) Manner in which services will be provided _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 202 or 811 NOFA _____

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 and Matrix _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Standard Form LLL, Disclosure of Lobbying Activities (if applicable) _____

(d) HUD-2880, Applicant/Recipient Disclosure/Update Report _____

(e) Employment, Engagement of Services, Awarding or Funding of Contracts, Subgrants, etc. (24 CFR 24.510) _____

(f) Executive Order 12372 Certification _____

(g) Certification of Consistency with the Consolidated Plan (Plan) (HUD-2991) _____

(h) Sponsor's Conflict of Interest Resolution _____

(i) Sponsor's Resolution for Commitment to Project _____

(j) Certification of Consistency with the EZ/EC Strategic Plan _____

(k) Sponsor's Combined Certifications _____

Supportive Housing for the Elderly Section 202

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0267
(exp.7/31/2002

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. . This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

HUD Use Only	202 Project Number	PRAC Number

1. Sponsor's Name(s), Address(es) & Telephone Number (s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," place the numeric code as shown below in this box ☐

Codes: 2 - Black; 3 - Native American; 4 - Hispanic; 5 - Asian Pacific; 6 - Asian Indian

3a. Address of Site

3b. Will project be located within the boundaries of the following Federally designated Areas: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes," please place the appropriate number as shown above in this box ☐

4a. Congressional District
4b. Census Tract

5. Type of Area
☐ Metropolitan
☐ Non-metropolitan

6. Capital Advance Amount Requested
$

7. Project Rental Assistance Contract Amount Requested
$

8. Total No. of Units

8a. Number & Type of Resident Units Proposed
☐ Efficiency ☐ One bedroom

8b. Resident Manager's Unit: (check appropriate type)
☐ Efficiency ☐ One bedroom ☐ Two bedroom

9. Number of Buildings

10. Type of Project
☐ New Construction
☐ Rehabilitation
☐ Acquisition (RTC)

Year Built (yyyy) ☐

11. Type of Building(s)
☐ Row/Townhouse ☐ Semi-detached
☐ Walkup ☐ Detached
☐ Elevator

12. Number of Stories

13. Number of Parking Spaces

14. Check utilities and services not included in the rent and to be paid directly by the tenant.
☐ Electric ☐ Water ☐ Heat ☐ Gas

15. Off-Site Facilities

	Public	At Site	Feet from Site
Water	☐	☐	
Sewer	☐	☐	
Paving	☐	☐	
Gas	☐	☐	
Electric	☐	☐	

16. Community Facilities to be included in Project:

17. Unusual Site Features
☐ None ☐ Poor Drainage
☐ Cuts ☐ Retaining Walls
☐ Fill ☐ Rock Foundations
☐ Erosion ☐ High Water Table
☐ Other (specify)

18. Mark one box
☐ Consultant
☐ Agent
☐ Authorized Representative

Name, Address & Telephone Number

19. If Sponsor is applying for more than one HUD program from any of the three SuperNOFAs, indicate which application(s) contain the forms with original signatures.

Program Name	Form

20. Sponsor's Attorney (name, address & telephone number)

By (Signature of Sponsor's Authorized Representative)

Type in Name

Type in Title

Date (mm/dd/yyyy)

Previous editions are obsolete

form **HUD-92015-CA** (5/98)
ref: Handbook 4571.3 Rev-1

EXECUTIVE ORDER 12372

CERTIFICATION

_____
(Name of Sponsor)

certifies that:

☐ (1) this application for a capital advance under the Section 202 or Section 811 program was submitted to the State of _____ on _____ for review or

☐ (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

_____
(Signature of Authorized Official)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if

(2)

such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____

Authorized Signature

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the Sponsor on the _____day of _____, _____.

_____
Authorized Signature

SPONSOR COMBINED CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 202 OR SECTION 811 SUPPORTIVE HOUSING PROJECT

   The requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

2. DESIGN AND COST STANDARDS

   HUD's design and cost standards (24 CFR 891.120 and 891.210 if 202 or 891.310 if 811), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

3. ACQUISITION AND RELOCATION

   The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR part 891.155(e)).

4. FORMATION OF OWNER CORPORATION

   You will form an Owner (24 CFR part 891.305) after issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance, and will provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

5. SUPPORTIVE SERVICES

You will not require residents to accept any supportive services as a condition of occupancy.

6. DAVIS-BACON

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

7. FLOOD DISASTER PROTECTION ACT OF 1973

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

8. NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

9. TRUTH AND ACCURACY

The information provided to HUD in its application under the Section 202 Supportive Housing for the Elderly or Section 811 Supportive Housing for Persons with Disabilities is true and accurate, to the best of its knowledge.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date

WARNING

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729 /FS3802).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SECTION 811 SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES PROGRAM

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR THE SECTION 811 PROGRAM OF SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES (SECTION 811 PROGRAM)

Program Overview

Purpose of the Program. This program provides funding for supportive housing for very low-income persons with disabilities who are at least 18 years old. (Please note that funding for a related program, Mainstream Opportunities for Persons with Disabilities, is found elsewhere in this SuperNOFA.)

Available Funds. Approximately $109 million.

Eligible Applicants. Nonprofit organizations that have a section 501(c)(3) tax exemption from the Internal Revenue Service.

Application Deadline. **May 18, 2000.**

Match Requirements. No.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application on or before 6:00 pm, local time, on May 18, 2000, at the address shown below.

See the **General Section** of this SuperNOFA for specific procedures governing the form of application submission (*e.g.*, mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Submit your completed application (an original and four copies) to the Director of the appropriate Multifamily Hub Office or Multifamily Program Center as listed in Appendix A to this program section of the SuperNOFA with the following exceptions:

1. Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage, Alaska Offices must be submitted to the Portland, Oregon Office.

2. Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

3. Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus, Ohio Office.

4. Applications for projects proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore, Maryland Office.

The application kit also includes a listing of the Multifamily Hubs and Program Centers, their addresses and telephone numbers, including TTY numbers. This information is also available from HUD's SuperNOFA Information Center at 1–800–HUD–8929 and from the Internet through the HUD web site at http://www.hud.gov. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209.

For Application Kits. For an application kit and any supplemental information, please call HUD's SuperNOFA Information Center at 1–800–HUD–8929. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Section 811 Program and provide your name, address (including zip code), and telephone number (including area code). The application kit also will be available on the Internet through the HUD web site at http://www.hud.gov and from the appropriate Multifamily Hub Office or Multifamily Program Center.

For Further Information and Technical Assistance. You may contact the appropriate Multifamily Hub Office or Multifamily Program Center, Gail Williamson at HUD Headquarters at (202) 708–2866, or access the Internet at http://www.hud.gov.

HUD encourages minority organizations to participate in this program and strongly recommends prospective applicants attend the local HUD Office workshop. At the workshops, HUD will explain application procedures and requirements, as well as address concerns such as local market conditions, building codes and accessibility requirements, historic preservation, floodplain management, displacement and relocation, zoning, and housing costs. If you are interested in attending the workshop, make sure that your name, address and telephone number are on the appropriate HUD Office's mailing list so that you will be informed of the date, time and place of the workshop. Persons with disabilities should call the appropriate HUD Office to assure that any necessary arrangements can be made to enable their attendance and participation in the workshop.

If you cannot attend the workshop, call the appropriate HUD Office if you have any questions regarding the submission of applications to that particular office and to request any materials distributed at the workshop.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of the application. For more information about the date and time of the broadcast, you should consult the HUD web site at http://www.hud.gov.

II. Amount Allocated

For FY 2000, $108,774,343 for capital advances is available for the Section 811 Program of Supportive Housing for Persons with Disabilities. The FY 2000 HUD Appropriations Act (HUD Appropriations Act) provides $201,000,000 for capital advances, including amendments to capital advance contracts; for supportive housing for persons with disabilities, as authorized by section 811 of the National Affordable Housing Act of 1990 (NAHA); and for project rental assistance, including amendments to contracts for project rental assistance, for supportive housing for persons with disabilities under section 811 of the NAHA.

Twenty-five percent (25%) of this amount is being set aside for tenant-based rental assistance for persons with disabilities administered through public housing agencies (PHAs) and nonprofit organizations under the Mainstream Housing Opportunities for Persons with Disabilities Program which is found elsewhere in this SuperNOFA.

In accordance with the waiver authority provided in the HUD Appropriations Act, the Secretary is waiving the following statutory and regulatory provision: The term of the project rental assistance contract is reduced from 20 years to 5 years. HUD anticipates that at the end of the contract terms, renewals will be approved subject to the availability of funds. In addition to this provision, HUD will reserve project rental assistance contract funds based on 75 percent rather than on 100 percent of the current operating cost standards for approved units in order to take into account the average tenant contribution toward rent.

The allocation formula used for Section 811 reflects the ''relevant characteristics of prospective program participants,'' as specified in 24 CFR 791.402(a). The FY 2000 formula consists of two data elements from the 1990 Decennial Census: (1) The number of non-institutionalized persons age 16 or older with a work disability and a mobility or self-care limitation and (2) the number of non-institutionalized persons age 16 or older having a

mobility or self-care limitation but having no work disability.

A work disability is defined as a health condition that had lasted for 6 or more months which limited the kind (restricted the choice of jobs) or amount (not able to work full time) of work a person could do at a job or business. A mobility limitation is defined as a health condition that lasted for 6 or more months, making it difficult for the person to go outside the home alone. This includes outside activities, such as shopping or visiting a doctor's office. A self-care limitation is defined as a health care limitation that had lasted for 6 or more months which made it difficult for the person to take care of his/her own personal needs such as dressing, bathing, or getting around inside the home. Temporary (short term) problems such as broken bones that are expected to heal normally are not considered problems.

Under the Section 811 Program, each HUD Office jurisdiction receives sufficient capital advance funds for a minimum of 10 units. The total amount of capital advance funds to support this minimum set-aside is then subtracted from the total capital advance available. The remainder is fair shared to each HUD Office jurisdiction whose fair share would exceed the set-aside based on the allocation formula fair share factors described below.

The fair share factors were developed by taking the sum of the number of persons in each of the two elements for each state, or state portion, of each local HUD Office jurisdiction as a percent of the sum of the two data elements from the Decennial Census, described above, for the total United States. The resulting percentage for each local HUD Office is then adjusted to reflect the relative cost of providing housing among the local HUD Office jurisdictions. The adjusted needs percentage for each local HUD Office is then multiplied by the total amount of capital advance funds available nationwide.

The Section 811 capital advance funds have been allocated, based on the formula above, to 51 local HUD Offices as shown on the following chart:

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Fiscal Year 2000 Allocations for Supportive Housing for Persons with Disabilities
[Fiscal Year 2000 Section 811 Allocations]

Office	Capital Advance Authority	Units
Boston HUB:		
Boston	$2,783,966	32
Hartford	1,818,322	22
Manchester	1,213,828	19
Providence	853,270	10
Total	6,669,386	83
New York HUB:		
New York	6,812,035	73
Total	6,812,035	73
Buffalo HUB:		
Buffalo	2,156,373	28
Total	2,156,373	28
Philadelphia HUB:		
Newark	3,773,225	42
Pittsburgh	1,848,175	27
Philadelphia	3,669,256	46
Charleston	1,334,792	20
Total	10,625,448	135
Baltimore HUB:		
Baltimore	1,643,037	24
Richmond	1,620,222	27
D.C.*	1,762,227	24
Total	5,025,486	75

* This amount includes Capital Advance Authority of $1,130,500 to fund Lt. Joseph P. Kennedy Institute, Inc., Berwyn Heights, Maryland. Since this 12 unit project was not selected in FY 1999 due to HUD error, the application will be funded from the FY 2000 allocation to the Washington, D.C. Office.

Greensboro HUB:		
Columbia	1,705,342	27
Greensboro	3,034,703	40
Total	4,740,045	67
Atlanta HUB:		
Atlanta	2,295,378	38
San Juan	2,242,725	28
Louisville	1,772,891	28
Knoxville	1,159,818	20
Nashville	1,341,080	22
Total	8,811,892	136
Jacksonville HUB:		
Jacksonville	4,505,996	71
Birmingham	1,897,123	32
Jackson	1,431,507	25
Total	7,834,626	128
Chicago HUB:		
Chicago	4,685,263	55
Indianapolis	2,024,107	31
Total	6,709,370	86
Columbus HUB:		
Cincinnati	1,304,121	20
Cleveland	2,357,806	33
Columbus	1,284,106	20
Total	4,946,033	73
Detroit HUB:		
Detroit	2,838,898	38
Grand Rapids	1,138,459	18
Total	3,977,357	56
Minneapolis HUB:		
Milwaukee **	**1,861,973**	25
Minneapolis	1,726,083	22
Total	3,588,056	47

** This amount includes Capital Advance Authority of $871,000 to fund the Eternal Life Church of God in Christ, Milwaukee, Wisconsin. Since this 12 unit project was not selected in FY 1999 due to HUD error, the application will be funded from the FY 2000 allocation to the Milwaukee Office.

Fort Worth HUB:		
Fort Worth	2,522,670	43
Houston	1,691,257	29
Little Rock	1,222,654	23
New Orleans	1,754,639	31
San Antonio	1,541,612	27
Total	8,732,832	153
Kansas City HUB:		
Des Moines	1,181,843	19
Kansas City	1,640,307	26
Omaha	651,588	10
Oklahoma City	1,315,642	23
St. Louis	1,667,826	23
Total	6,457,206	101
Denver HUB:		
Denver	1,939,997	30
Total	1,939,997	30
San Francisco HUB:		
Honolulu (Guam)	1,396,260	10
Phoenix	1,412,695	23
Sacramento	1,521,656	19
San Francisco	4,010,877	44
Total	8,341,488	96
Los Angeles HUB:		
Los Angeles	6,601,939	82
Total	6,601,939	82
Seattle HUB:		
Anchorage	1,396,260	10
Portland	1,575,517	22
Seattle	1,832,997	24
Total	4,804,774	56
National Total	$108,774,343	1,505

III. Program Description; Eligible Applicants; Eligible Activities

(A) *Program Description.* HUD provides capital advances and contracts for project rental assistance in accordance with 24 CFR part 891. Capital advances may be used to construct, rehabilitate, or acquire structures (including structures from the Federal Deposit Insurance Corporation (formerly held by the Resolution Trust Corporation) (FDIC/RTC), to be developed into a variety of housing options described in Section III(C) below. Capital advance funds bear no interest and are based on development cost limits published in this SuperNOFA. Repayment of the capital advance is not required as long as the housing remains available for at least 40 years for occupancy by very low-income persons with disabilities.

Project rental assistance contract (PRAC) funds are used to cover the difference between the tenants' contributions toward rent (30 percent of adjusted income) and the HUD-approved cost to operate the project.

(B) *Eligible Applicants.* Nonprofit organizations with a section 501(c)(3) tax exemption from the Internal Revenue Service are the only eligible applicants for this program. A Sponsor or Co-sponsor may not apply for more than 70 units of housing or 4 projects (whichever is less) for persons with disabilities in a single Hub. In addition, a Sponsor or Co-sponsor may not apply for more units in a given HUD Office than allocated for the Section 811 program in that HUD Office, or for more than 10 percent of the total units allocated in all HUD offices. A single application must propose at least five units, not necessarily in one structure if the project will be an independent living project and two units if the project will be a group home. Affiliated entities that submit separate applications are considered a single entity for the purpose of these limits.

(C) *Eligible Activities.* The types of housing that can be developed with Section 811 capital advance funds include small group homes, independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing.

(D) *Ineligible Activities.* Section 811 funds may not be used for any of the following:

(1) Nursing homes, infirmaries and medical facilities;

(2) Transitional housing facilities;

(3) Manufactured housing facilities;

(4) Intermediate care facilities;

(5) Community centers, with or without special components for use by persons with disabilities;

(6) Sheltered workshops and centers for persons with disabilities;

(7) Headquarters for organizations for persons with disabilities; and

(8) Refinancing of Sponsor-owned facilities without rehabilitation.

IV. Program Requirements

In addition to the program requirements listed in the **General Section** of this SuperNOFA, you must comply with the following requirements:

(A) *Statutory Requirements and Regulatory Requirements.* You must comply with all statutory and regulatory requirements listed in Sections III, IV and IX of this program section of the SuperNOFA.

(B) *HUD/RHS Agreement.* HUD and the Rural Housing Service (RHS) have an agreement to coordinate the administration of the agencies' respective rental assistance programs. As a result, HUD is required to notify RHS of applications for housing assistance it receives. This notification gives RHS the opportunity to comment if it has concerns about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider RHS comments in its review and application selection process.

(C) *Development Cost Limits.* (1) The following development cost limits, adjusted by locality as described in Section IV(C)(2) below, must be used to determine the capital advance amount reserved for projects for persons with disabilities:

(a) *For independent living projects and dwelling units in multifamily housing developments, condominium and cooperative housing:* The total development cost of the project attributable to dwelling use (less the incremental development cost and the capitalized operating costs associated with any excess amenities and design features you will pay for) may not exceed:

Non-elevator structures:

$33,638 per family unit without a bedroom;

$38,785 per family unit with one bedroom;

$46,775 per family unit with two bedrooms;

$59,872 per family unit with three bedrooms;

$66,700 per family unit with four bedrooms.

For elevator structures:

$35,400 per family unit without a bedroom;

$40,579 per family unit with one bedroom;

$49,344 per family unit with two bedrooms;

$63,834 per family unit with three bedrooms;

$70,070 per family unit with four bedrooms.

(b) For group homes only:

TYPE OF DISABILITY

No. residents	Physical/ develop-mental	Chronic mental ill-ness
2	$143,628	$138,645
3	154,452	149,094
4	165,276	158,376
5	176,100	167,658
6	186,912	176,940

(c) These cost limits reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of 24 CFR 891.310(a) (if applicable); the accessibility requirements of 24 CFR 891.120(b) and 891.310(b); and the project design and cost standards of 24 CFR 891.120.

(2) Increased development cost limits.

(a) HUD may increase the development cost limits set forth in Section IV(C)(1) of this program section of the SuperNOFA by up to 140 percent in any geographic area where the cost levels require, and may increase the development cost limits by up to 160 percent on a project-by-project basis.

This increase may include covering additional costs to make dwelling units accessible through rehabilitation.

(b) If HUD finds that high construction costs in Alaska, Guam, the Virgin Islands or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the development cost limits provided in Section IV(C)(1) of this program section of the SuperNOFA, the amount of capital advances may be increased to compensate for such costs. The increase may not exceed the limits established under this section (including any high cost area adjustment) by more than 50 percent.

(c) For group homes only, HUD Offices may approve increases in the development cost limits in Section IV(C)(1)(b), above, in areas where you can provide sufficient documentation that high land costs limit or prohibit project feasibility. An example of acceptable documentation is evidence of at least three land sales which have actually taken place (listed prices for land are not acceptable) within the last two years in the area where your project is to be built. The average cost of the documented sales must exceed seven percent of the development cost limit for your project in order for an increase to be considered.

(D) *Sites.* (1) NAHA requires you to provide in your application either:

(a) Evidence of site control, or

(b) A reasonable assurance that you will have control of a site within six months of notification of fund reservation.

(2) Accordingly, if you have control of a site at the time you submit your application, you must include evidence of such as described in Section VI(B)(4)(d)(i) of this program section of the SuperNOFA relative to site control and in the application kit. If you do not have site control, you must provide the information required in Section VI(B)(4)(d)(x) of this program section of the SuperNOFA relative to identification of a site and in the application kit for identified sites as a reasonable assurance that site control will be obtained within six months of fund reservation notification.

(3) Under Criterion (a) of Rating Factor 3 in Section V(D), below, related to your proposed site, your application has the potential of earning 15 points. Criterion (a)(i) is related to site approvability and is worth a maximum of 7 points. Three points for Criterion (a)(ii) will be awarded if your project will represent an integrated housing model (e.g., condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites). Criterion (a)(iii) which is worth five points for site control will be awarded as outlined in Section IV(D)(5) below. Regardless of whether you submit evidence of site control or have identified a site without obtaining control of the site, the site will be evaluated based on its proximity or accessibility to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment and other necessary services to the intended tenants.

(4) To meet the ''proximity'' or ''accessibility'' test, you must demonstrate that community services and amenities described above are either near or accessible to the residents. Sites where the community services and amenities described above are either near or accessible to the residents other than solely by a project residence or private vehicle will be rated more favorably than sites where residents must depend upon the project residence or private vehicle to access such community services and amenities. Your application will also be evaluated to determine whether it complies with the site and neighborhood standards in 24 CFR 891.125.

(5) Criterion (a)(iii) relates to the existence of legally acceptable site control. If you:

(a) Submit evidence of site control for all proposed sites in your application,

(b) The evidence is determined to be legally acceptable for all of the sites, and

(c) All of the sites are approvable (i.e., receive a score of 1 or higher for Criterion (a)(i), your application will receive 5 points for Criterion (a)(iii).

(6) If your application contains evidence of site control where either the evidence or the site is not approvable, your application will not be rejected provided you indicate in your application that you are willing to seek an alternate site and provide an assurance that site control will be obtained within six months of fund reservation notification.

(E) *Supportive Services.* You are required to include a Supportive Services Plan and a certification from the appropriate State or local agency that the provision of services identified in your Supportive Services Plan is well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your proposed project. Section VI(B)(4)(e) of this program section of the SuperNOFA, below, outlines the information that must be in the Supportive Services Plan. You must submit one copy of your Supportive Services Plan to the appropriate State or local agency well in advance of the application submission deadline date for the State or local agency to review your Supportive Services Plan (Exhibit 4(e) of the application kit) and complete the Supportive Services Certification (Exhibit 7(l) of the application kit) and return it to you so that you can include it in the application you submit to HUD.

(1) HUD will reject your application if the supportive services certification:

(i) Is not submitted with your application and is not submitted to HUD within the 14-day cure period; or

(ii) Indicates that the provision of supportive services is not well designed to address the individual health, mental health and other needs of persons with disabilities who will live in your project.

(2) In addition, if the agency completing the certification will be a major funding or referral source for your proposed project or be responsible for licensing the project, HUD will reject your application if either the agency's supportive services certification indicates—or, where the agency fails to complete item 2 or 3 of the certification, HUD determines that:

(i) You failed to demonstrate that supportive services will be available on a consistent long-term basis; and/or

(ii) The proposed housing is not consistent with State or local agency plans/policies governing development and operation of housing for persons with disabilities.

Any prospective resident of a Section 811 project who believes he/she needs supportive services must be given the choice to be responsible for acquiring his/her own services or to take part in your Supportive Services Plan which must be designed to meet the individual needs of each resident. Residents or applicants may not be required to accept any supportive service as a condition of occupancy or admission.

(F) *Project Size Limits.* (1) *Group home*—The minimum number of persons with disabilities that can reside in a group home is two, and the maximum number is six. Only one person per bedroom is allowed, unless two residents choose to share one bedroom or a resident determines he/she needs another person to share his/her bedroom.

(2) *Independent living project*—The minimum number of units that can be applied for in one application is five; not necessarily in one structure. The maximum number of persons with disabilities that can be housed in an independent living project is 18.

(3) *Exceptions*—If you are submitting an application with site control, you may request an exception to the above

project size limits by providing the information required in Section VI(B)(4)(d)(ix) in this program section of the SuperNOFA, below, and in the application kit. Not more than 25 percent of any amounts for capital advances or project rental assistance will be used for independent living projects that exceed 24 units.

(G) *Minimum Capital Investment.* Selected nonprofit organizations must provide a minimum capital investment of one-half of one percent of the HUD-approved capital advance amount not to exceed a maximum of $10,000 in accordance with 24 CFR 891.145.

(H) *Economic Opportunities for Low and Very Low Income Persons.* You must comply with section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u (Economic Opportunities for Low and Very Low Income Persons) and its implementing regulations at 24 CFR part 135. To comply, you must ensure that training, employment and other economic opportunities are directed, to the greatest extent feasible, toward low and very low income persons, particularly those who are recipients of government assistance for housing; and to business concerns which provide economic opportunities to low and very low income persons.

(I) *Accessibility.* If you intend to construct, substantially rehabilitate, or acquire, with or without rehabilitation, structures to be used as housing for persons with disabilities, you should note 24 CFR 891.310, which requires that your project meets accessibility requirements. In addition, you should note that 24 CFR 8.4(b)(5) prohibits the selection of a site or location which has the purpose or effect of excluding persons with disabilities from the Federally assisted program or activity. Thus, if you choose an existing structure, make sure that it can be made accessible without resulting in an infeasible project.

V. Application Selection Process

(A) *Review for Curable Deficiencies.* You should ensure that your application is complete before submitting it to the appropriate HUD office. HUD will screen all applications received by the deadline to determine if there are any curable deficiencies. A curable deficiency is a missing Exhibit or portion of an Exhibit that will not affect the rating of your application. The following is a list of the only deficiencies that will be considered curable in a Section 811 application:

Exhibits

(1) Form 92016–CA (Application Form)*
(2)(a) Articles of Incorporation*
(b) By-laws*
(c) IRS tax exemption ruling*
(4)(c)(ii) Energy efficiency
(d)(vii) Letter from the State Historic Preservation Officer (SHPO)
(d)(viii) Seek alternate site
(d)(ix) Exception to project size limits
(5) Applications submitted to other offices
(6) Relocation
(7) (a) Standard Form 424, Application for Federal Assistance*
(b) Form-HUD 50070, Certification of a Drug-Free Workplace
(c) Form-HUD 50071, Certification of Payments to Influence Federal Transactions and Standard Form-LLL, Disclosure of Lobbying Activities
(d) Form-HUD 2880, Applicant/Recipient Disclosure/Update Report
(e) Form-HUD 2992, Certification Regarding Debarment and Suspension
(f) Executive Order 12372 Certification
(g) Form-HUD 2991, Certification of Consistency with Consolidated Plan
(h) Conflict of Interest Resolution
(i) Resolution for Commitment to Project*
(k) Combined Certifications
(l) Supportive Services Certification
(m) Lead-Based Paint Certification

The HUD Office will notify you in writing if your application is missing any of the above exhibits or portions of exhibits and will give you 14 days from the date of the notification to submit the information required to cure the noted deficiencies. The items identified by an asterisk (*) must be dated on or before the application deadline date.

(B) *Rating.* HUD will review and rate your application in accordance with the Application Selection Process in the **General Section** of this SuperNOFA with the following exception. HUD will not reject your application based on technical review without notifying you of the rejection with all the reasons for rejection and providing you an opportunity to appeal. You will have 14 calendar days from the date of HUD's written notice to appeal a technical rejection to the HUD Office. If the rejection is due to the nonsubmission of the following exhibits because of the failure of a third party to provide information under the control of the third party but outside your control (*e.g.*, by contract), and you were not provided the opportunity to cure the deficiency during the curable deficiency period, you can submit the information required to cure the deficiency during the 14 calendar day appeal period:

(1) Exhibit 7(g), Form HUD–2991, Certification of Consistency with the Consolidated Plan; and/or

(2) Exhibit 7(l), Certification for Provision of Supportive Services. The information required to cure the above identified deficiencies includes the deficient Exhibit and documentation showing that the information had been requested from the third party at least 45 days prior to the application deadline date.

The HUD Office will make a determination on an appeal before making its selection recommendations. Your application(s) will be either rated or technically rejected at the end of technical review. If your application meets all program eligibility requirements after completion of technical review, your application will be rated according to the Rating Factors in Section V(D) below.

(C) *Ranking and Selection Procedures.* Applications that have a total base score of 60 points or more (without the addition of EC/EZ bonus points) and meet all of the applicable threshold requirements of Section II(B) of the **General Section** of the SuperNOFA will be eligible for selection and will be placed in rank order. HUD will select applications, after adding any bonus points for EC/EZ, based on rank order, up to and including the last application that can be funded out of each HUD Office's allocation. HUD Offices must not skip over any applications in order to select one based on the funds remaining. After making the initial selections, however, HUD may use any residual funds to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible. For this purpose, however, HUD will not reduce the number of units in projects of five units or less.

After this process is completed, residual funds from all HUD Offices within each Multifamily Hub will be combined. First, these funds will be used to restore units to projects reduced by HUD Offices based on the above instructions. Second, additional applications within each Multifamily Hub will be selected in rank order with only one application selected per HUD Office. More than one application may be selected per HUD Office if there are no approvable applications in other HUD Offices within the Multifamily Hub. This process will continue until there are no more approvable

applications within the Multifamily Hub that can be selected with the remaining funds. Applications may *not* be skipped over to select one based on funds remaining. However, HUD may use any remaining residual funds, to select the next rank-ordered application by reducing the number of units by no more than 10 percent rounded to the nearest whole number, provided the reduction will not render the project infeasible or result in the project being less than 5 units.

Funds remaining after these processes are completed will be returned to Headquarters. First, HUD will use these funds to restore units to projects reduced by HUD Offices as a result of the instructions for using their residual funds. Second, HUD will use these funds for selecting applications based on field offices' rankings, beginning with the highest rated application nationwide. Only one application will be selected per HUD Office from the national residual amount. If there are no approvable applications in other HUD Offices, the process will begin again with the selection of the next highest rated application nationwide. This process will continue until all approvable applications are selected using the available remaining funds.

(D) *Factors For Award Used To Evaluate and Rate Applications.* HUD will rate applications that successfully complete technical processing using the Rating Factors set forth below and in accordance with the application submission requirements in Section VI(B) below. The maximum number of points an application may receive under this program is 102. This includes two (2) EZ/EC bonus points, as described in the **General Section** of this SuperNOFA.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Staff (25 Points)

This factor addresses the extent to which you have the organizational resources to successfully implement the proposed activities in a timely manner. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(2), (B)(3)(a), (B)(3)(b), and (B)(3)(e) of Section VI of this program section of the SuperNOFA.

In rating this factor, HUD will consider the extent to which your application demonstrates your ability to develop and operate the proposed housing on a long-term basis, considering the following:

(a) (**12 points**) The scope, extent, and quality of your experience in providing housing or related services to those proposed to be served by the project and the scope of the proposed project (*i.e.*, number of units, services, relocation costs, development, and operation) in relationship to your demonstrated development and management capacity as well as your financial management capability;

(b) (**10 points**) The scope, extent, and quality of your experience in providing housing or related services to minority persons or families as well as your ties to the community at large and to the minority and disability communities in particular. For purposes of this program section of the SuperNOFA, ''minority'' means the basic racial and ethnic categories for Federal statistics and administrative reporting, as defined in OMB's Statistical and Policy Directive No. 15. (See 62 FR 58782, October 30, 1997.)

(c) (**3 points**) You have experience in developing integrated housing (*e.g.*, condominium units scattered within one or more buildings or non-contiguous independent living units on scattered sites).

Rating Factor 2: Need/Extent of the Problem (15 Points)

This factor addresses the extent to which there is a need for funding the proposed activities to address a documented problem in the target area. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(a) and (B)(4)(b) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider:

The extent of the need for the project in the area based on a determination by the HUD Office. In making this determination, HUD will consider your evidence of need in the area, as well as other economic, demographic, and housing market data available to the HUD Office. The data could include the availability of existing comparable subsidized housing for persons with disabilities and current occupancy in such housing, comparable subsidized housing for persons with disabilities under construction or for which fund reservations have been issued, and, in accordance with an agreement between HUD and RHS, comments from RHS on the demand for additional comparable subsidized housing and the possible harm to existing projects in the same housing market area. The Department also will review more favorably those applications which establish a connection between the proposed project and the community's Analysis of Impediments to Fair Housing Choice (AI) or other planning document that analyzes fair housing issues and is prepared by a local planning or similar organization. You must show how the proposed project will address an impediment to fair housing choice described in the AI or meet a need identified in the other type of planning document.

Rating Factor 3: Soundness of Approach (40 Points)

This factor addresses the quality and effectiveness of your proposal. There must be a clear relationship between the proposed activities, the community's needs and purposes of the program funding for your application to receive points for this factor. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(4)(c), (B)(4)(d), and (B)(4)(e) of Section VI of this program section of the SuperNOFA. In evaluating this factor, HUD will consider the following:

(a)(i) **(7 points)** Site approvability—The proximity or accessibility (other than by sole means of a project residence or private vehicle) of the site to shopping, medical facilities, transportation, places of worship, recreational facilities, places of employment, and other necessary services to the intended tenants; adequacy of utilities and streets, and freedom of the site from adverse environmental conditions (based on site visit for site control projects only); and compliance with site and neighborhood standards in 24 CFR 891.125(a), (d), and (e);

(a)(ii) **(3 points)** Integrated model—If your project will be an integrated model as described in Section IV(D) above, your application will receive 3 points for this Criterion.

(a)(iii) **(5 points)** Site control—If your application contains legally acceptable site control for all proposed sites and all of the proposed sites are approvable (i.e., receive a score of 1 or higher on Criterion (a)(i)), your application will receive 5 points for site control;

(b) **(10 points)** The suitability of the site from the standpoints of promoting a greater choice of housing opportunities for minorities and persons with disabilities and affirmatively furthering fair housing. In reviewing this criterion, HUD will assess whether the site meets the site and neighborhood standards at 24 CFR 891.125(b) and (c) by examining relevant data in your application or in the HUD Office. If appropriate, HUD may visit the site.

(i) The site will be deemed acceptable if it increases housing choice and opportunity by:

Expanding housing opportunities in non-minority neighborhoods (if

located in such a neighborhood); or — Contributing to the revitalization of and reinvestment in minority neighborhoods, including improvement of the level, quality and affordability of services furnished to minority persons with disabilities. You should refer to the Site and Neighborhood Standards provisions of the regulations governing the Section 811 Supportive Housing Program (24 CFR 891.125(b) and (c)) when considering sites for your projects.

(ii) For the purpose of this competition, the term ''minority neighborhood (area of minority concentration)'' is defined as one where any one of the following statistical conditions exists:

The percentage of persons of a particular racial or ethnic minority is at least 20 points higher than the minority's or combination of minorities' percentage in the housing market as a whole; or,

The neighborhood's total percentage of minority persons is at least 20 points higher than the total percentage of minorities for the housing market area as a whole; or

The neighborhood's total percentage of minorities exceeds 50 percent of the population. The term ''minority area'' is defined as one in which the minority population is lower than 10 percent.

(c) **(5 points)** The extent to which the proposed design of the project, including both the exterior and interior design, will meet the individual needs of persons with disabilities the housing is expected to serve;

(d) **(5 points)** The extent to which the proposed design of the project and its placement in the neighborhood will facilitate the integration of the residents into the surrounding community and promote the ability of the residents to live as independently as possible; and

(e) **(5 points)** At least 51% of your board members are persons with disabilities.

Rating Factor 4: Leveraging Resources (10 Points)

This factor addresses your ability to secure other community resources which can be combined with HUD's program resources to achieve program purposes. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(c) and (B)(3)(d) of Section VI of this program section of the SuperNOFA.

(a) (**5 points**) The extent of local government support (including financial assistance, donation of land, provision of services, etc.) for the project; and

(b) (**5 points**) The extent of your activities in the community, including previous experience in serving the area where the project is to be located, developing integrated housing models and your demonstrated ability to enlist volunteers and raise local funds.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you coordinated your activities with other known organizations, participate or promote participation in the community's Consolidated Planning process, and are working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in the community. Submit information responding to this factor in accordance with Application Submission Requirements in paragraphs (B)(3)(f), (B)(3)(g), (B)(3)(h), and (B)(3)(i) of Section VI of this program section of the SuperNOFA.

(a) **(4 points)** You involved persons with disabilities (including minority persons with disabilities) in the development of the application, and will involve persons with disabilities (including minority persons with disabilities) in the development and operation of the project;

(b) **(2 points)** The extent to which you coordinated your application with other organizations (including local independent living centers; a list of such can be obtained from the local HUD Office) to complement and/or support the proposed project;

(c) **(2 points)** The extent to which you demonstrated that you have been actively involved, or if not currently active, the steps you will take to become actively involved in the community's Consolidated Planning process to identify and address a need/problem that is related in whole or part, directly or indirectly to the proposed project; and

(d) **(2 points)** The extent to which you developed or plan to develop linkages with other activities, programs (for example, the Mainstream Housing Opportunities for Persons with Disabilities Program) or projects related to the proposed project to coordinate your activities so solutions are holistic and comprehensive.

Bonus Points

(2 bonus points) Location of proposed site in an EZ/EC area, as described in the **General Section** of this SuperNOFA. Submit the information responding to the bonus points in accordance with the Application Submission Requirements in paragraph (B)(7)(j) of Section VI of this program section of the SuperNOFA.

VI. Application Submission Requirements

(A) *Application.* Your application must include all of the information, materials, forms, and exhibits listed in Section VI(B) of this program section of the SuperNOFA (unless you were selected for a Section 811 fund reservation within the last three funding cycles). If you qualify for this exception, you are not required to submit the information described in Section VI(B)(2)(a), (b), and (c), below, of this program section of the SuperNOFA (Exhibits 2.a., b., and c. of the application kit), which are the articles of incorporation (or other organizational documents), by-laws, and the IRS tax exemption, respectively. If there has been a change in any of these documents since your previous HUD approval, you must submit the updated information in your application. The HUD Office will verify your indication of previous HUD approval by checking the project number and approval status with the appropriate HUD Office based on information submitted in Section VI(B)(2) below.

In addition to this relief of paperwork burden in preparing applications, you are able to use information and exhibits previously prepared for prior applications under Section 811, Section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the Section 202 or Section 811 programs, your experience in the provision of housing and services, supportive services plans, community ties, and experience serving minorities.

(B) *General Application Requirements.* Your application must contain the items listed in this Section VI(B). These items include the standard forms, certifications, and assurances listed in the **General Section** of the SuperNOFA that are applicable to this funding (collectively referred to as the ''standard forms''). The standard forms can be found in Appendix B to the **General Section** of the SuperNOFA. The remaining application items that are forms (i.e., excluding such items as narratives), referred to as the ''non-standard forms'' can be found as Appendix B to this program section of the SuperNOFA. The items are as follows:

Note: You may apply for a scattered site project in one application

(1) Form HUD–92016-CA, Application for Section 811 Supportive Housing Capital Advance.

(2) Evidence of your and each Co-Sponsor's legal status as a nonprofit organization, including the following:

(2)(a) Articles of Incorporation, constitution, or other organizational documents;

(2)(b) By-laws;

(2)(c) IRS section 501(c)(3) tax exemption ruling (this must be submitted by you and all Co-Sponsors, including churches).

Note: If you received a section 811 fund reservation within the last three funding cycles, you are not required to submit the documents described in paragraph (2)(a), (2)(b), and (2)(c), above. Instead, you must submit the project number of the latest application selected and the HUD office to which it was submitted. If there have been any modifications or additions to the subject documents, indicate such, and submit the new material.

(2)(d) The number of people on your board and the number of those people who have disabilities.

(3) A description of your purpose, community ties, and experience, including the following:

(3)(a) A description of your purpose, current activities and how long you have been in existence;

(3)(b) A description of your ties to the community at large and to the minority and disability communities in particular;

(3)(c) A description of local government support for the project (including financial assistance, donation of land, provision of services, etc.);

(3)(d) Letters of support for your organization and for the proposed project from organizations familiar with the housing and supportive services needs of the persons with disabilities that you expect to serve in the proposed project (e.g., the local center for independent living, the Statewide Independent Living Council);

(3)(e) A description of your housing and/or supportive services experience. The description should include any rental housing projects (including integrated housing developments) and/or supportive services facilities that you have sponsored, owned, and/or operated; your past or current involvement in any programs other than housing that demonstrates your management capabilities (including financial management) and experience, and your experience in serving persons with disabilities and minorities; and the reasons for receiving any increases in fund reservations for developing and/or operating any previously funded Section 811 or Section 202 projects. The description should include data on the facilities and services provided, the racial/ethnic composition of the populations served, if available, and information and testimonials from residents or community leaders on the quality of the activities. Examples of activities that could be described include housing counseling, nutrition and food services, special housing referral, screening and information projects.

(3)(f) A description, if applicable, of your efforts to involve persons with disabilities (including minority persons with disabilities) and the local center for independent living in the development of your application and in the development and operation of the project.

(3)(g) A description of the steps you took to identify and coordinate your application with other organizations to complement and/or support your proposed project as well as the steps you will take, if funded, to share information on solutions and outcomes relative to the development of your proposed project.

(3)(h) A description of your involvement in the community's Consolidated Planning process, including:

(3)(h)(i) An identification of the lead/facilitating agency that organizes/administers the process;

(3)(h)(ii) An identification of the Consolidated Plan issue areas in which you participate;

(3)(h)(iii) Your level of participation in the process, including active involvement with any neighborhood-based organizations, associations or any committees that support programs and activities that enhance projects, or the lives of residents of projects, such as the one proposed in your application.

If you are not currently active, describe the specific steps you will take to become active in the Consolidated Planning process. (Consult the local HUD Office for the identification of the Consolidated Plan community process for the appropriate area.)

(3)(i) A description of the linkages that you have developed or plan to develop with other related activities, programs (for example, the Mainstream Housing Opportunities for Persons with Disabilities Program) or projects in order that the development of the project provides a comprehensive and holistic solution to the needs of the target population.

(4) Project information including the following:

(4)(a) Evidence of need for supportive housing. Such evidence would include a description of the proposed population and evidence demonstrating sustained effective demand for supportive housing for the proposed population in the market area to be served, taking into consideration the occupancy and vacancy conditions in existing comparable subsidized housing for persons with disabilities, State or local needs assessments of persons with disabilities in the area, the types of supportive services arrangements currently available in the area, and the use of such services as evidenced by data from local social service agencies. Also, a description of how information in the community's Analysis of Impediments to Fair Housing Choice was used in documenting the need for the project.

(4)(b) A description of how the proposed project will benefit the target population and the community in which it will be located;

(4)(c) A description of the project, including the following:

(4)(c)(i) A narrative description of the building(s) including the number and type of structure(s), number of bedrooms if group home, number of units with bedroom distribution if independent living units (including dwelling units in multifamily housing developments, condominiums and cooperatives), number of residents with disabilities, and any resident manager per structure; an identification of all community spaces, amenities, or features planned for the housing and a description of how the spaces, amenities, or features will be used, and the extent to which they are necessary to accommodate the needs of the proposed residents. If these community spaces, amenities, or features would not comply with the project design and cost standards of § 891.120 and the special project standards of § 891.310, you must demonstrate your ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities, or features; and a description of how the design of the proposed project will promote the integration of the residents into the surrounding community and the ability of the residents to live as independently as possible; and

(4)(c)(ii) A description of whether and how the project will promote energy efficiency, and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(4)(d) Evidence of control of an approvable site, OR identification of a site for which you provide a reasonable assurance that you will obtain control within 6 months from the date of fund

reservation (if you are approved for funding).

Site control—If you are submitting an application with site control, you must submit the following:

(4)(d)(i) Acceptable evidence that you have site control, which is limited to any one of the following:

(*A*) Deed or long-term leasehold which evidences that you have title to or a leasehold interest in the site. If a leasehold, the term of the lease must be at least 50 years;

(*B*) Contract of sale for the site which is free of any limitations affecting ability to deliver ownership to you after you receive and accept a notice of Section 811 capital advance. The only condition for closing on the sale can be your receipt and acceptance of the capital advance. The contract of sale cannot require closing on a date earlier than the Section 811 closing.

(*C*) Option to purchase or for a long-term leasehold which must remain in effect for six months from the date on which the applications are due and must state a firm price binding on the seller. The only condition on which the option may be terminated is if you are not awarded a fund reservation. The option must be renewable at the end of the six month option period.

(*D*) Where the proposed site is subject to a mortgage under a HUD program (*e.g.*, an earlier Section 811 or an FHA-insured mortgage), you must submit evidence that consent to release of the site from the mortgage has been obtained or has been requested from HUD and from the mortgagee, if other than HUD.

(*E*) For sites to be acquired from a public body, evidence is needed that the public body possesses clear title to the site and has entered into a legally binding agreement to lease or convey the site to you after you receive and accept a notice of Section 811 capital advance. If HUD determines that time constraints of the funding round will not permit you to obtain all of the required official actions (*e.g.*, approval of Community Planning Boards) that are necessary to convey publicly-owned sites, you may include in your application a letter from the mayor or director of the appropriate local agency indicating that conveyance or leasing of the site is acceptable without imposition of additional covenants or restrictions, and only contingent on the necessary approval action. Such a letter commitment will be considered sufficient evidence of site control.

(4)(d)(ii) Whether you have title to the site, a contract of sale, an option to purchase or are acquiring a site from a public body, you must provide evidence (a title policy or other acceptable evidence) that the site is free of any limitations, restrictions, or reverters which could adversely affect the use of the site for the proposed project for the 40-year capital advance period under HUD's regulations and requirements (*e.g.*, reversion to seller if title is transferred). If the title evidence contains restrictions or covenants, copies of the restrictions or covenants must be submitted with the application. If the site is subject to any such limitations, restrictions, or reverters, the site will be rejected. Purchase money mortgages that will be satisfied from capital advance funds are not considered to be limitations or restrictions that would adversely affect the use of the site. If the contract of sale or option agreement contains provisions that allow a Sponsor not to purchase the property for reasons such as environmental problems, failure of the site to pass inspection, or the appraisal is less than the purchase price, then such provisions are not objectionable and a Sponsor is allowed to terminate the contract of sale or the option agreement.

Note: A Proposed project site may not be acquired or optioned from a general contractor (or its affiliate) that will construct the section 811 project or from any other development team member.

(4)(d)(iii) Evidence that your project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make your proposed project permissible. You must provide the basis for your belief that the proposed action will be completed successfully before the submission of the firm commitment application (*e.g.*, a summary of the results of any requests for rezoning on land in similar zoning classifications and the time required for such rezoning, the procedures for obtaining special or conditional use permits on land in similar zoning classifications and the time required for such rezoning, or preliminary indications of acceptability from zoning bodies, etc.). NOTE: You should be aware that under certain circumstances the Fair Housing Act requires localities to make reasonable accommodations to their zoning ordinances or regulations to offer persons with disabilities an opportunity to live in an area of their choice. If you are relying upon a theory of reasonable accommodation to satisfy the zoning requirement, then you must clearly articulate the basis for your reasonable accommodation theory.

(4)(d)(iv) A narrative topographical and demographic description of the suitability of the site and area as well as a description of the area surrounding the site, the characteristics of the neighborhood, how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. (NOTE: You can best demonstrate your commitment to affirmatively furthering fair housing by describing how proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the applicable jurisdiction's Analysis of Impediments to Fair Housing Choice (AI), which is a component of the jurisdiction's Consolidated Plan, or any other planning document that addresses fair housing issues. The applicable Consolidated Plan and AI may be the Community's, the County's, or the State's, to which input should have been provided by local community organizations, agencies in the community, and residents of the community. Alternatively, a document that addresses fair housing issues and remedies to barriers to fair housing in the community that was previously prepared by a local planning, or similar organization, may be used. Applicable impediments could include a lack of units that are accessible to persons with disabilities, a lack of transportation services or other assistance that would serve persons with disabilities, or the need for improved housing quality and services for all persons with disabilities.

(4)(d)(v) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated.

(4)(d)(vi) A Phase I Environmental Site Assessment, in accordance with the American Society for Testing and Material (ASTM) Standards E 1527–97, as amended, in order for the application to be considered as an application with site control. The Phase I study must be completed and submitted with the application. The Phase I study is not a curable deficiency for the Section 811 Program. Therefore, it is important that you start the site assessment process as soon after publication of this SuperNOFA as possible.

If the Phase I study indicates the possible presence of contamination and/or hazards, you must decide whether to continue with this site or choose another site. Should you choose another site, the same environmental site assessment procedure identified above must be followed for that site.

Note: For properties to be acquired from the FDIC/RTC, include a copy of the FDIC/RTC prepared Transaction Screen Checklist or Phase I Environmental Site Assessment,

and applicable documentation, per the FDIC/RTC Environmental Guidelines.

If you choose to continue with the original site on which the Phase I study indicated contamination or hazards, you must undertake a detailed Phase II Environmental Site Assessment by an appropriate professional. If the Phase II Assessment reveals site contamination, the extent of the contamination and a plan for clean-up of the site must be submitted to the local HUD Office. The plan for clean-up must include a contract for remediation of the problem(s) and an approval letter from the applicable Federal, State, and/or local agency with jurisdiction over the site. In order for your application to be considered as an application with site control you must submit this information to the local HUD Office on or before June 19, 2000.

Note: This could be an expensive undertaking. You must pay for the cost of any clean-up and/or remediation.

(4)(d)(vii) A letter from the State Historic Preservation Officer (SHPO) indicating whether the proposed site(s) has any historical significance. If you cannot obtain a letter from the SHPO due to the SHPO not responding to your request or the SHPO responding that it cannot or will not comply with the requirement, you must submit the following:

(*A*) A letter indicating that you attempted to get the required letter from the SHPO but that the SHPO either had not responded to your request or would not honor or recognize your request;

(*B*) A copy of your letter to the SHPO requesting the required letter; and

(*C*) A copy of the SHPO's response, if available.

(4)(d)(viii) A statement that you are willing to seek a different site if the preferred site is unapprovable and that site control will be obtained within six months of notification of fund reservation.

(4)(d)(ix) If you are requesting an exception to the project size limits found in Section IV(F) of this program section of the SuperNOFA, describe why the site was selected and demonstrate the following:

(*A*) People with disabilities have indicated their preference to live in housing with as many units/people as proposed for your project;

(*B*) The increased number of units/people is warranted by the market conditions in the area in which the project is to be located.

(C) Your project is compatible with other residential development and the population density of the area in which your project is to be located;

(*D*) The increased number of people will not prohibit their successful integration into the community;

(*E*) Your project is marketable in the community;

(*F*) The size of your project is consistent with State and/or local policies governing similar housing for the proposed population; and

(*G*) A statement that you are willing to have your application processed at the project size limit should HUD not approve the exception.

Site identified—If you have identified a site, but do not have it under control, you must submit the following information:

(4)(d)(x) A description of the location of the site, including its street address, its unit number (if condominium), neighborhood/community characteristics (to include racial and ethnic data), amenities, adjacent housing and/or facilities, and how the site will promote greater housing opportunities for minorities and persons with disabilities thereby affirmatively furthering fair housing. You can best demonstrate your commitment to affirmatively furthering fair housing by describing how your proposed activities will assist the jurisdiction in overcoming impediments to fair housing choice identified in the community's AI or any other planning document that addresses fair housing issues. Examples of the applicable impediments include the need for improved housing quality and services for minority persons with disabilities and the need for quality services for persons with disabilities within the type and quality of similar services and housing in minority areas;

(4)(d)(xi) A description of the activities undertaken to identify the site, as well as what actions must be taken to obtain control of the site, if approved for funding;

(4)(xii) An indication as to whether the site is properly zoned. If it is not, an indication of the actions necessary for proper zoning and whether these can be accomplished within six months of fund reservation award, if approved for funding;

(4)(d)(xiii) A status of the sale of the site; and

(4)(d)(xiv) An indication as to whether the site would involve relocation.

(4)(e) A supportive services plan (a copy of which must be sent to the appropriate State or local agency as instructed in Section IV(E) of this program section of the SuperNOFA) that includes:

(4)(e)(i) A detailed description of whether the housing is expected to serve persons with physical disabilities, developmental disabilities, chronic mental illness or any combination of the three. Include how and from whom/where persons will be referred to and accepted for occupancy in the project.

(4)(e)(ii) Information concerning limitation of occupancy, if applicable. You may, with the approval of the Secretary, limit occupancy within housing developed under this program section of the SuperNOFA to persons with disabilities who have similar disabilities and require a similar set of supportive services in a supportive housing environment. However, the Owner must permit occupancy by any qualified person with a disability who could benefit from the housing and/or services provided, regardless of the person's disability. If you are requesting approval to limit occupancy in your proposed project(s), you must submit the following:

(*A*) A description of the population of persons with disabilities to which occupancy will be limited;

(*B*) An explanation of why it is necessary to limit occupancy of the proposed project(s) to the population described in (4)(e)(ii) above. This should include but is not limited to:

—An explanation of how limiting occupancy to a subcategory of persons with disabilities promotes the goals of the Section 811 Program; and,

—An explanation of why the housing and/or service needs of this population cannot be met in a more integrated setting.

(*C*) A description of your experience in providing housing and/or supportive services to the proposed occupants; and

(*D*) A description of how you will ensure that the occupants of the proposed project(s) will be integrated into the neighborhood and surrounding community.

(4)(e)(iii) A detailed description of the supportive service needs of the persons with disabilities that the housing is expected to serve.

(4)(e)(iv) A list of community service providers, including those that are consumer-controlled, and letters of intent to provide services to residents of the proposed project(s) from as many potential service providers as possible. You must make this list available to any residents who wish to be responsible for acquiring their own supportive services. However, a provider may not require residents to accept any particular service.

(4)(e)(v) The evidence of each service provider's capability and experience in providing such supportive services (applicable even if you will be the service provider);

(4)(e)(vi) Identification of the extent of State and/or local agency involvement in the project (i.e., funding for the provision of supportive services, referral of residents, or licensing the project). If there will be any State or local agency involvement, a description of the State or local agency's philosophy/policy concerning housing for the population to be served and a demonstration that your application is consistent with State or local plans and policies governing the development and operation of housing for the same disabled population;

(4)(e)(vii) If you will be making any supportive services available to the residents or will be coordinating the availability of any supportive services, a letter providing:

(*A*) A description of the supportive services that you will make available to the residents or, if you will be coordinating the availability of any supportive services, a description of the supportive service(s) and how the coordination will be implemented;

(*B*) An assurance that any supportive services that you will make available to the residents will be based on their individual needs; and

(*C*) A commitment to make the supportive services available or coordinate their availability for the life of the project.

(4)(e)(viii) A description of how the residents will be afforded opportunities for employment.

(4)(e)(ix) An indication as to whether the project will include a unit for a resident manager; and

(4)(e)(x) A statement that you will not condition occupancy on the resident's acceptance of any supportive services.

(5) A list of the applications, if any, that you have submitted or are planning to submit to any other HUD Office in response to this Section 811 funding announcement under this SuperNOFA or announcement for funding under this SuperNOFA of the Section 202 Program of Supportive Housing for the Elderly. Indicate, by HUD Office, the number of units requested and the proposed location by city and State for each application. Include a list of all FY 1999 and prior year projects to which you are a party, identified by project number and HUD Office, which have not been finally closed.

(6) A statement that:

(6)(a) Identifies all persons (families, individuals, businesses, and nonprofit organizations) by race/minority group and status as owners or tenants occupying the property on the date of submission of the application for a capital advance;

(6)(b) Indicates the estimated cost of relocation payments and other services;

(6)(c) Identifies the staff organization that will carry out the relocation activities; and

(6)(d) Identifies all persons that have moved from the site within the last 12 months. (This requirement applies to applications with site control only. Sponsors of applications with identified sites that are selected will be required to submit this information at a later date once they have obtained site control.)

Note: If any of the relocation costs will be funded from sources other than the section 811 capital advance, you must provide evidence of a firm commitment of these funds. When evaluating applications, HUD will consider the total cost of proposals (i.e., cost of site acquisition, relocation, construction and other project costs).

(7) *Certifications and Resolutions.* In addition to the certifications and assurances listed in the **General Section** of this SuperNOFA with the exception of SF–424A, SF–424B, SF–424C, SF–424D and the OMB Circulars which are not required, you are required to submit signed copies of the following:

(7)(a) *Standard Form 424.* Application for Federal Assistance and indication of whether you are delinquent on any Federal debt. (See instructions for submitting this form in the Consolidated Application Submissions section of the **General Section** of the SuperNOFA.)

(7)(b) *Drug-Free Workplace (HUD–50070).* Certification to provide a drug-free workplace.

(7)(c) *Payments to Influence Federal Transactions (HUD–50071) and Standard Form LLL, Disclosure of Lobbying Activities.* Certification of whether any of the funds received will be used to influence any Federal transactions and disclosure of those activities, if applicable.

(7)(d) *Applicant/Recipient Disclosure/Update Report, including Social Security Numbers and Employee Identification Numbers, (HUD–2880).* A disclosure of assistance from other government sources received in connection with the project.

(7)(e) *Certification Regarding Debarment and Suspension (HUD–2992)* (24 CFR 24.510)—a certification attesting to the eligibility of your principals.

(7)(f) *Executive Order 12372 Certification.* A certification that you have submitted a copy of your application, if required, to the State agency (single point of contact) for State review in accordance with Executive Order 12372.

(7)(g) *Certification of Consistency with the Consolidated Plan (Plan) (Form HUD–2991)* for the jurisdiction in which the proposed project will be located. The certification must be made by the unit of general local government if it is required to have, or has, a complete Plan. Otherwise, the certification may be made by the State, or by the unit of general local government if the project will be located within the jurisdiction of the unit of general local government authorized to use an abbreviated strategy, and if it is willing to prepare such a Plan.

All certifications must be made by the public official responsible for submitting the Plan to HUD. The certifications must be submitted as part of the application by the application submission deadline date set forth in this program section of the SuperNOFA. The Plan regulations are published in 24 CFR part 91.

(7)(h) *A certified Board Resolution that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner* or in any firm or corporation that has or will have a contract with the Owner, including a current listing of all duly qualified and sitting officers and directors by title and the beginning and ending dates of each person's term.

(7)(i) *A Certified Board Resolution acknowledging responsibilities of sponsorship,* long-term support of the project(s), your willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of your membership. Also, it shall indicate your willingness to fund the estimated start-up expenses, the Minimum Capital Investment (one-half of one-percent of the HUD-approved capital advance, not to exceed $10,000), and the estimated cost of any amenities or features (and operating costs related thereto) that would not be covered by the approved capital advance.

(7)(j) *Certification of Consistency with the EZ/EC Strategic Plan (HUD–2990).* A certification that the project is consistent with the EZ/EC strategic plan, is located within the EZ/EC, and serves EZ/EC residents.

(7)(k) *Sponsor's Combined Certifications.*

(7)(k)(i) *Certification in Connection with the Development and Operation of a Section 811 Project.* A certification of compliance with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108, and

other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

(7)(k)(ii) *Design and Cost Standards.* Certification of Compliance with HUD's Section 811 project design and cost standards (24 CFR 891.120 and 891.310), the Uniform Federal Accessibility Standards (24 CFR 40.7), section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

(7)(k)(iii) *Acquisition and Relocation.* Certification of Compliance with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR part 24 and 24 CFR part 891.155(e)).

(7)(k)(iv) *Formation of Owner Corporation.* Certification that you will form an ''Owner'' (24 CFR 891.305) after issuance of the capital advance; cause the Owner to file a request for determination of eligibility and a request for capital advance, and provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

(7)(k)(v) *Supportive Services.* Certification that you will not require residents to accept any supportive services as a condition of occupancy; and,

(7)(k)(vi) *Davis-Bacon.* Certification of compliance with the Davis-Bacon requirements and the Contract Work Hours and Safety Standards Act.

(7)(l) *Supportive Services Certification.* A certification from the appropriate State or local agency identified in the application kit indicating whether the:

(7)(l)(i) Provision of supportive services is well designed to serve the needs of persons with disabilities the housing is expected to serve;

(7)(l)(ii) Supportive services will be available on a consistent, long-term basis; and

(7)(l)(iii) Proposed housing is consistent with State or local plans and policies governing the development and operation of housing to serve individuals of the proposed occupancy category(ies) if the State or local agency will provide funding for the provision of supportive services, refer residents to the project or license the project. (The name, address, and telephone number of the appropriate agency will be identified in the application kit and can also be obtained from the appropriate HUD Office.)

(7)(m) *Certification that you will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act* (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35 (except as superseded in 24 CFR 891.325).

VII. Corrections to Deficient Applications

The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

VIII. Environmental Requirements

In accordance with 24 CFR part 50, all Section 811 assistance is subject to the National Environmental Policy Act of 1969 and applicable related Federal environmental authorities. The environmental review provisions of the Section 811 Program regulations are in 24 CFR 891.155(b).

IX. Authority

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990), as amended by the Housing and Community Development Act of 1992) (Pub. L. 102–550, approved October 28, 1992), and by the Rescissions Act (Pub. L. 104–19, approved July 27, 1995) authorized a new supportive housing program for persons with disabilities, and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAHA, and the HCD Act of 1992, to authorize supportive housing for the elderly).

APPENDIX A—LOCAL HUD OFFICES

Notes:

(1) The first line of the mailing address for all offices is Department of Housing and Urban Development. Telephone numbers listed are not toll-free.

(2) Applications for projects proposed to be located within the jurisdiction of the Seattle, Washington and the Anchorage Alaska Offices must be submitted to the Portland, Oregon Office.

(3) Applications for projects proposed to be located within the jurisdiction of the Sacramento, California Office must be submitted to the San Francisco, California Office.

(4) Applications for projects proposed to be located within the jurisdiction of the Cincinnati, Ohio Office must be submitted to the Columbus Ohio Office.

(5) Applications proposed to be located within the jurisdiction of the Washington, DC Office must be submitted to the Baltimore Maryland Office.

HUD—BOSTON HUB

Hartford Office

One Corporate Center, 19th Floor, Hartford, CT 06103–3220, (860) 240–4800, TTY Number: (860) 240–4665

Boston Office

Room 375, Thomas P. O'Neill, Jr., Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234, TTY Number: (617) 565–5453

Manchester Office

Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681, TTY Number: (603) 666–7518

Providence Office

Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5230, TTY Number: (401) 528–5403

HUD—NEW YORK HUB

New York Office

26 Federal Plaza, New York, NY 10278–0068, (212) 264–8000, TTY Number: (212) 264–0927

HUD—BUFFALO HUB

Buffalo Office

Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 551–5755, TTY Number: (716) 551–5787

HUD—PHILADELPHIA HUB

Philadelphia Office

The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3380, (215) 656–0600, TTY Number: (215) 656–3452

Charleston Office

Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000, TTY Number: (304) 347–5332

Newark Office

Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (973) 622–7900, TTY Number: (973) 645–3298

Pittsburgh Office

339 Sixth Avenue, Sixth Floor, Pittsburgh, PA 15222–2515, (412) 644–6428, TTY Number: (412) 644–5747

HUD—BALTIMORE HUB

Baltimore Office

Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (410) 962–2520, TTY Number: (410) 962–0106

Washington, DC Office

820 First Street, NE, Suite 300, Washington, D.C. 20002–4205, (202) 275–9200, TTY Number: (202) 275–0772

Richmond Office

The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, (804) 278–4500, TTY Number: (804) 278–4501

HUD—GREENSBORO HUB

Greensboro Office

Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (336) 547–4000, TTY Number: (336) 547–4055

Columbia Office

Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592, TTY Number: (803) 253–3071

HUD—ATLANTA HUB

Atlanta Office

Richard B. Russell Federal Building, 75 Spring Street, S.W., Suite 600, Atlanta, GA 30303–3388, (404) 331–5136, TTY Number: (404) 730–2654

San Juan Office

Edificio Administracion de Terrenos, 171 Carlos Chardon Avenue, Suite 301, San Juan, PR 00918–0903, (787) 766–5400, TTY Number: (787) 776–5609

Louisville Office

601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251, TTY Number: 1–800–648–6056

Knoxville Office

Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (423) 545–4384, TTY Number: (423) 545–4559

Nashville Office

Suite 200, 251 Cumberland Bend, Nashville, TN 37228–1803, (615) 736–5213, TTY Number: (615) 736–2886

HUD—JACKSONVILLE HUB

Jacksonville Office

Suite 2200,
Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121,
(904) 232–2626,
TTY Number: (904) 232–2631

Birmingham Office

Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209–3144, (205) 290–7617, TTY Number: (205) 290–7624

Jackson Office

Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1096, (601) 965–4700, TTY Number: (601) 965–4171

D—CHICAGO HUB

Chicago Office

Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard,
Chicago, IL 60604–3507,
(312) 353–5680,
TTY Number: (312) 353–5944

Indianapolis Office

151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303, TTY Number: (317) 226–7081

HUD—DETROIT HUB

Detroit Office

Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900, TTY Number: (313) 226–6899

Grand Rapids Office

Trade Center Building, 50 Louis Street, NW, Third Floor, Grand Rapids, MI 49503–2648, (616) 456–2100, TTY Number: (616) 456–2159

HUD—COLUMBUS HUB

Columbus Office

200 North High Street, 7th Floor, Columbus, OH 43215–2499, (614) 469–5737, TTY Number: (614) 469–6694

Cleveland Office

Renaissance Building, 1350 Euclid Avenue, Suite 500, Cleveland, OH 44115–1815, (216) 522–4058, TTY Number: (216) 522–2261

HUD—MINNEAPOLIS HUB

Minneapolis Office

220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000, TTY Number: (612) 370–3186

Milwaukee Office

Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214, TTY Number: (414) 297–1423

HUD—FT. WORTH HUB

Little Rock Office

Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488, (501) 324–5931, TTY Number: (501) 324–5931

New Orleans Office

Ninth Floor, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3099, (504) 589–7200, TTY Number: (504) 589–7279

Ft. Worth Office

801 N. Cherry Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 978–9000, TTY Number: (817) 978–9273

Houston Office

Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 313–2274, TTY Number: (713) 834–3274

San Antonio Office

Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 475–6800, TTY Number: (210) 475–6885

HUD—GREAT PLAINS

Des Moines Office

Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512, TTY Number: (515) 284–4728

Kansas City Office

Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462, TTY Number: (913) 551–6972

Omaha Office

Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100, TTY Number: (402) 492–3183

Saint Louis Office

Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583, TTY Number: (314) 539–6331

Oklahoma City Office

500 West Main Street, Suite 400, Oklahoma City, OK 73102–2233, (405) 553–7401, TTY Number: 1–800–877–8339

HUD—DENVER HUB

Denver Office

633 17th Street, Denver, CO, 80202–3607, (303) 672–5440, TTY Number: (303) 672–5248

HUD—SAN FRANCISCO HUB

Phoenix Office

Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434, TTY Number: (602) 379–4464

SAN FRANCISCO OFFICE

Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 436–6550, TTY Number: (415) 436–6594

HONOLULU OFFICE

Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8185, TTY Number: (808) 522–8193

HUD—LOS ANGELES HUB

Los Angeles Office

611 West 6th Street, Suite 800, Los Angeles, CA 90017–3106, (213) 894–8000, TTY Number: (213) 894–8133

HUD—SEATTLE HUB

Portland Office

400 Southwest Sixth Avenue, Suite 700, Portland, OR 97204–1632, (503) 326–2561, TTY Number: (503) 326–3656

BILLING CODE 4210–32–P

APPENDIX B

The non-standard forms, which follow, are required for your Section 811 Program application.

APPLICATION SUBMISSION REQUIREMENTS

PART I - APPLICATION FORM FOR SECTION 811 SUPPORTIVE HOUSING - CAPITAL ADVANCE

EXHIBIT 1: **Form HUD-92016-CA,** Application for Section 811 Supportive Housing Capital Advance _____

PART II - YOUR ABILITY TO DEVELOP AND OPERATE THE PROPOSED PROJECT

EXHIBIT 2: **Your Legal Status**

(a) Articles of Incorporation (or other organizational documents) _____

(b) By-laws _____

(c) IRS 501(c)(3) Tax Exemption Ruling _____

[EXCEPTION: SEE EXHIBIT TO DETERMINE IF YOU MAY BE EXEMPT FROM SUBMITTING THESE DOCUMENTS.]

(d) The number of people on your board and the number of board members who have disabilities _____

EXHIBIT 3: **Your purpose, community ties and experience:**

(a) Purpose(s), current activities, how long you have been in existence _____

(b) Ties to the community at large and to minority and disability communities _____

(c) Local government support for project _____

(d) Letters of support for your organization and for the proposed project _____

(e) Housing and/or supportive services experience _____

(f) Efforts to involve target population _____

(g) Identification/coordination with other organizations; information sharing on solutions/outcomes about project development _____

(h) Involvement in the community's Consolidated Planning process including:

(i) Agency that organizes/ administers the process _____

(ii) Consolidated Plan issue areas in which you participate _____

(iii) Level of your participation in the process _____

OR

Specific steps you will take to become active in the process _____

(i) Linkages with other related activities, programs or projects _____

PART III - THE NEED FOR SUPPORTIVE HOUSING FOR THE TARGET POPULATION IN THE AREA TO BE SERVED, SITE CONTROL AND/OR IDENTIFICATION OF SITE, SUITABILITY OF SITE, ADEQUACY OF THE PROVISION OF SUPPORTIVE SERVICES AND OF THE PROPOSED FACILITY

EXHIBIT 4: Project information including:

(a) Evidence of need for project _____

(b) How project will benefit target population and community _____

(c) A narrative description of the project, including:

(i) Building design _____

(ii) Whether and how project will promote energy efficiency _____

(d) Evidence of site control and permissive zoning, **OR** identification of site (in this latter case skip to **Identification of Site** below):

Evidence of Site Control

(i) Site control document(s) _____

(ii) Evidence site is free of limitations, restrictions, or reverters _____

(iii) Evidence of permissive zoning or statement of proposed action required to make project permissible _____

(iv) Narrative topographical/ demographic description of site/area suitability, how site will promote greater housing opportunities for minorities/target population _____

(v) Racial composition/ concentration map of site _____

(vi) Phase I Environmental Site Assessment _____

(vii) Letter from State Historic Preservation Office (SHPO) _____

OR

If no response from SHPO:

(A) Letter indicating no response from SHPO and why _____

(B) Your letter to SHPO requesting required letter _____

(C) SHPO's response, if available _____

(viii) Willingness to seek an alternate site _____

(ix) Request for exception to project size limits (if applicable for applications with site control only) - why site was selected and: _____

(A) Preference/acceptance of people with disabilites to live in proposed housing _____

(B) Increased number of people warranted by market conditions in area _____

(C) Compatibility of project with other residential development and population density of the area _____

(D) Increased number of people will not prohibit successful integration into the community _____

(E) Marketability of project in the community _____

(F) Project size consistent with State and/or local policies governing similar housing _____

(G) Willingness to have application processed at project size limit _____

Identification of a Site:

(x) Location of site _____

(xi) Steps undertaken to identify site; what must be done to obtain site control _____

(xii) Whether site properly zoned _____

(xiii) Status of the sale of the site _____

(xiv) Whether the site would involve relocation _____

(e) Provision of supportive services and proposed facility:

(i) Description of occupancy _____

(ii) Request for approval to limit occupancy, if applicable, including:

(A) Description of population to

which occupancy will be limited _____

(B) Why it is necessary to limit occupancy, including:

-- How goals of 811 will still be achieved _____

-- Why housing and services needs cannot be met in more integrated setting _____

(C) Experience in providing housing and/or supportive services to proposed population _____

(D) How you will ensure occupants will be integrated into neighborhood and community _____

(iii) Supportive services needs of proposed population _____

(iv) List of community service providers with letters of intent _____

(v) Evidence of each service provider's capability and experience _____

(vi) Extent of State and/or local agency involvement in project _____

(vii) Letter indicating your commitment to make services available or coordinate their availability _____

(viii) How residents afforded employment opportunities _____

(ix) Whether project will include manager's unit _____

(x) Statement that you will not condition occupancy on the resident's acceptance of supportive services _____

PART IV - GENERAL APPLICATION REQUIREMENTS, CERTIFICATIONS AND RESOLUTIONS

EXHIBIT 5: **A list of applications, if any, you have submitted or are planning to submit to any other HUD Office** in response to the Section 202 or Section 811 NOFA _____

EXHIBIT 6: **A statement that:**

(a) Identifies all persons occupying property on application submission date _____

(b) Indicates estimated cost of relocation payments/other services _____

(c) Identifies staff organization that will carry out relocation activities _____

(d) Identifies all persons who have moved from site within past 12 months _____

EXHIBIT 7: **CERTIFICATIONS AND RESOLUTIONS:**

(a) Standard Form 424 _____

(b) Drug-Free Workplace (HUD-50070) _____

(c) Certification of Payments to Influence Federal Transactions (HUD-50071), and _____

Standard Form LLL, Disclosure of Lobbying Activities (if applicable) _____

(d) Applicant/Recipient Disclosure/Update Report (HUD-2880) _____

(e) Certification Regarding Debarment and Suspension (HUD-2992) _____

(f) Executive Order 12372 Certification _____

(g) Certification of Consistency with the Consolidated Plan (HUD-2991) _____

(h) Sponsor's Conflict of Interest Resolution _____

(i) Sponsor's Resolution for Commitment to Project _____

(j) Certification of Consistency with the EZ/EC Strategic Plan (HUD-2990) _____

(k) Sponsor's Combined Certifications _____

(l) Supportive Services Certification _____

(m) Certification of Compliance with the Requirements of Lead-Based Paint Poisoning Prevention Act _____

Supportive Housing for Persons with Disabilities
Section 811

Application for Capital Advance Summary Information

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0462
(exp.6/30/2002)

For HUD Use Only	HUD Project Number	PRAC Number

1. Name(s), Address(es), Contact Person, and Telephone Number(s) of Sponsor(s)

2. Minority Sponsor Designation: A minority sponsor is one in which at least 51 percent of the board members are minority.
Is this sponsor a minority applicant? ☐ Yes ☐ No

If "Yes," identify by numeric code as shown below ..... ☐
Codes: 2 - Black; 3 - Native American
4 - Hispanic; 5 - Asian Pacific 6 - Asian Indian

3a. Location of Site (city & State)

3b. Will project be located within the boundaries of a Federally-designated: (1) Empowerment Zone, (2) Enterprise Community, (3) Urban Enhanced Enterprise Community, or (4) Strategic Planning Community?
(Contact local HUD Office for information on these designated areas.)
☐ Yes ☐ No
If "Yes", please indicate appropriate number as shown above. ☐

4a. Congressional District

4b. Census Tract

5. Capital Advance Amount Requested
$

6. Project Rental Assistance Contract Amount Requested
$

7. Application Contains
☐ Evidence of Site Control
☐ Identification of Site

8. Type of Construction
☐ New Construction
☐ Rehabilitation
☐ Acquisition

9a. Occupancy Type
☐ Physically Disabled
☐ Developmentally Disabled
☐ Chronically Mentally Ill
☐ Mixed Occupancy
Identify Categories

9b. Restricted Occupancy Requested
☐ Yes
☐ No
If "Yes", identify subcategory

10. Project Type & Number of Units/Residents Proposed

a. **Group Home**

Site	No. of Disabled Residents	Resident Mgr. Unit (Y/N)	Address
#1			
#2			
#3			
#4			

b. **Independent Living Project**

Site	Units by No. of Bedrooms				Total Disabled		Resident Mgr. Unit (Y/N)	Total Units	Address
	0	1	2	3	Units	Residents			
#1									
#2									
#3									
#4									

c. **Condominium**

Site	Units by No. of Bedrooms				Total Disabled		Resident Mgr. Unit (Y/N)	Total Units	Address
	0	1	2	3	Units	Residents			
#1									
#2									
#3									
#4									

Note: If an elevator structure in b or c above, indicate by placing an "E" next to the total number of units for each applicable site.

Note: For a group home(s), include the number of disabled residents in both the "Total Units" and the "Total Disabled Residents" categories. For an independent living project(s), include Resident Manager unit, if applicable, in the "Total Units" category.

Totals

	Units
	Disabled Residents
	Sites

11. Check utilities and services not included in the rent and to be paid directly by the tenant

- ☐ Electric
- ☐ Water
- ☐ Heat
- ☐ Gas

12. Unusual Site Features

- ☐ None
- ☐ Cuts
- ☐ Fill
- ☐ Erosion
- ☐ Poor Drainage
- ☐ Retaining Walls
- ☐ Rock Foundations
- ☐ High Water Table
- ☐ Other (specify)

13. Off-Site Facilities:

	Public	At Site	Ft. from Site
Water	☐	☐	_____
Sewer	☐	☐	_____
Paving	☐	☐	_____
Gas	☐	☐	_____
Electric	☐	☐	_____

14. Community Facilities to be Included inProject: (identified by site no. indicated in 10 above):

15. If Sponsor is applying for more than one HUD program from any of the three SuperNOFAs, indicate which application(s) contain the forms with original signatures.

Program Name Form

16. Name, Address and Telephone Number of (mark one box)

- ☐ Consultant
- ☐ Agent
- ☐ Authorized Representative

17. Sponsor's Attorney (name, address and telephone number)

By (signature of sponsor's authorized representative)

Type in Name

Title

Public reporting burden for this collection of information is estimated to average 46 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is in support of HUD's efforts to expand the supply of Supportive Housing for Persons with Disabilities under Section 811. The information is necessary to assist HUD to determine applicant eligibility and ability to develop housing for disabled with statutory and program criteria. A thorough evaluation of an applicant's qualifications and capabilities is critical to protect the Government's financial interest and to mitigate any possibility of fraud, waste or mismanagement of public funds. This application does not collect any sensitive information. HUD does not ensure confidentiality.

EXECUTIVE ORDER 12372

CERTIFICATION

_____
(Name of Sponsor)

certifies that:

☐ (1) this application for a capital advance under the Section 202 or Section 811 program was submitted to the State of _____ on _____ for review or

☐ (2) it contacted the State and a determination was made that the State review was not required.

Enclosed is a copy of the SF-424 which was sent with the application submitted to the State.

_____
(Signature of Authorized Official)

SPONSOR'S CONFLICT OF INTEREST RESOLUTION

TO: The Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

WHEREAS, Section 202 of the Housing Act of 1959, as amended, authorizes the making of capital advances for housing for the elderly to private, nonprofit corporations, OR Section 811 of the National Affordable Housing Act of 1990, as amended, authorizes the making of capital advances to nonprofit corporations for housing for persons with disabilities, no part of the net earnings of which inure to the benefit of any member, founder, contributor or individual;

WHEREAS, HUD has implemented this statutory requirement by promulgating a regulation providing that the Sponsor may not be controlled by or under the direction of persons or firms seeking to derive profit or gain therefrom. The regulation also prohibits any officer or director of the Sponsor from having any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings or equipment, construction of the project, procurement of the site or any other matters whatsoever, except with respect to management or supportive services contracts entered into by the Owner with the Sponsor or its nonprofit affiliate.

WHEREAS, HUD has determined that assurance of compliance with this prohibition can best be obtained by requiring that all officers and directors of the Sponsor certify that they do not have and will not have during their term of office, any prohibited financial interest.

WHEREAS, because of the time constraints imposed under the application process and difficulties in meeting these deadlines caused by such factors as large boards and unavailability of officers and directors of the board, some prospective Sponsors have been unable or experienced hardship in obtaining all of the required certifications for submission with the applications for fund reservation.

WHEREAS, HUD is willing to defer submission of the required Sponsors' Conflict of Interest and Disclosure Certifications until the submission of the firm commitment applications by those Owners for which fund reservations were approved, if

SPONSOR'S RESOLUTION FOR COMMITMENT TO PROJECT

TO: Secretary of Housing and Urban Development

SUBJECT: Section 202 Program - Application for Fund Reservation
Section 811 Program - Application for Fund Reservation

Sponsor:
Project Location:

1. WHEREAS, under the Section 202 Program for Supportive Housing for the Elderly, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $25,000 ($10,000 for sponsors not affiliated with a national sponsor) and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

OR

Whereas, under the Section 811 Program of Supportive Housing for Persons with Disabilities, the Sponsor acknowledges its responsibilities of sponsorship, long-term support, its willingness to assist the Owner to develop, own, manage and provide appropriate services in connection with the proposed project, and that it reflects the will of its membership. The Sponsor is required to make a commitment to cover the estimated start-up expenses, the minimum capital investment of 1/2 of one percent of the HUD-approved capital advance, not to exceed $10,000 and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

2. WHEREAS, HUD has determined that assurance by the Sponsor of its commitment and willingness to provide those funds can best be assured by requiring a resolution of the Board of Directors that funds will be made available for such purposes.

3. NOW, THEREFORE, the Board of Directors of the Sponsor hereby resolves and agrees that funds will be available for the subject project to meet estimated start-up expenses, the minimum capital investment and the estimated cost of any amenities or features (and operating costs related thereto) which would not be covered by the approved capital advance.

Adopted and approved by _____ of the Sponsor on the _____day of _____, _____.

_____
Authorized Signature

(2)

such certifications are provided by all the Sponsor's officers and directors listed below, who are duly qualified and sitting in these capacities from the date of the Sponsor's fund reservation application.

[LIST THE NAME, TITLE, AND THE BEGINNING AND ENDING DATES OF THE TERM OF ALL OFFICERS AND DIRECTORS]

NOW, THEREFORE, in order to induce HUD to forego requiring submission of the Conflict of Interest and Disclosure Certifications until after projects have been selected and fund reservations granted, it is hereby resolved and agreed by the Board of Directors of the Sponsor:

1. That it will submit an updated Incumbency Certificate, in a form prescribed by HUD, showing all changes in incumbency for submission with the Owner's Application for Firm Commitment, initial closing and final closing.

2. That no officer or director of the Sponsor has or will be permitted to have any prohibited interest which would prevent him or her from signing the required Conflict of Interest and Disclosure Certification.

3. That the fund reservation will be subject to cancellation by HUD if the officers or directors of either the Sponsor or the Owner fail to submit Conflict of Interest and Disclosure Certifications duly executed by each and all of their respective officers and directors.

4. That no HUD capital advance funds or project rental assistance funds will be expended on account of any contract or arrangement where a conflict of interest is determined to exist, and the Sponsor shall be responsible for the payment of any and all obligations involving its officers and directors.

5. That should any contract or arrangement entered into by the Owner be determined by HUD to involve a conflict of interest, involving either the Sponsor's or Owner's officers or directors, the Sponsor will exercise its best efforts to cause the Owner to promptly cancel or terminate such contract or arrangement at HUD's request.

Adopted and approved by the Board of Trustees of the Sponsor on the _____ date of _____, _____.

_____
Authorized Signature

SPONSOR COMBINED CERTIFICATIONS

The Sponsor, to the best of its knowledge and belief, hereby assures and certifies that it will comply with the following:

1. CERTIFICATION IN CONNECTION WITH THE DEVELOPMENT AND OPERATION OF A SECTION 202 OR SECTION 811 SUPPORTIVE HOUSING PROJECT

   The requirements of the Fair Housing Act, Title VI of the Civil Rights Act, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR Part 135, the affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108, and other applicable Federal, State and local laws prohibiting discrimination and promoting equal opportunity including affirmatively furthering fair housing.

2. DESIGN AND COST STANDARDS

   HUD's design and cost standards (24 CFR 891.120 and 891.210 if 202 or 891.310 if 811), the Uniform Federal Accessibility Standards (24 CFR 40.7), Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for covered multifamily dwellings designed and constructed for first occupancy after March 13, 1991, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100, and the Americans with Disabilities Act of 1990.

3. ACQUISITION AND RELOCATION

   The acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR part 24, and 24 CFR part 891.155(e)).

4. FORMATION OF OWNER CORPORATION

   You will form an Owner (24 CFR part 891.305) after issuance of the capital advance, will cause the Owner to file a request for determination of eligibility and a request for capital advance, and will provide sufficient resources to the Owner to insure the development and long-term operation of the project, including capitalizing the Owner at firm commitment processing in an amount sufficient to meet its obligations in connection with the project.

5. SUPPORTIVE SERVICES

You will not require residents to accept any supportive services as a condition of occupancy.

6. DAVIS-BACON

The Davis-Bacon Requirements and the Contract Work Hours and Safety Standards Act.

7. FLOOD DISASTER PROTECTION ACT OF 1973

The requirements under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) and the Coastal Barrier Resources Act (16 U.S.C. 3601).

8. NATIONAL ENVIRONMENTAL POLICY ACT

The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321) and applicable related environmental authorities at 24 CFR Part 50.4 and HUD's implementing regulations at 24 CFR Part 50.

9. TRUTH AND ACCURACY

The information provided to HUD in its application under the Section 202 Supportive Housing for the Elderly or Section 811 Supportive Housing for Persons with Disabilities is true and accurate, to the best of its knowledge.

Signature of Authorized Certifying Official	Title
Applicant Organization	Date

WARNING

HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties (18 U.S.C. 1001,1010,1012; 31 U.S.C. 3729 /FS3802).

CERTIFICATION FOR PROVISION OF SUPPORTIVE SERVICES

The undersigned certifies that this Agency has reviewed the Sponsor's Supportive Services Plan and finds that:

1. The provision of supportive services is:

   ☐ well designed ☐ not well designed

   to serve the individual needs of persons with disabilities for whom the housing is being developed.

2. The proposed housing is:

   ☐ consistent ☐ inconsistent

   with State or local plans and policies governing the development and operation of housing to serve persons with disabilities.

3. The supportive services will be available on a consistent, long-term basis.

   ☐ Yes ☐ No

_____
Sponsor's Name

Executed this_____ date of _____, 20____

By: _____
(Print Name of Authorized Official)

_____
(Signature)

_____
(Title)

_____
(Agency Name)

CERTIFICATION OF COMPLIANCE WITH THE REQUIREMETNS OF LEAD-BASED PAINT POISONING PREVENTION ACT (SECTION 811 ONLY)

The Sponsor certifies that it will comply with the requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and implementing regulations at 24 CFR Part 35 (except as superseded in Section 891.325).

Signature of Authorized Certifying Official	Title
Applicant Organization	Date

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR MAINSTREAM HOUSING OPPORTUNITIES FOR PERSONS WITH DISABILITIES (MAINSTREAM PROGRAM)

Program Overview

Purpose of the Program. The purpose of this program is to provide vouchers under the Section 8 Housing Choice Voucher Program to enable persons with disabilities (elderly and non-elderly) to rent affordable private housing.

Available Funds. Approximately $50.25 million in five-year budget authority for approximately 1,800 vouchers is available to public housing agencies (PHAs) and nonprofit disability organizations.

Applications are also being invited from PHAs for one-year budget authority funding (non-Section 811 funds) that HUD anticipates may be available for the Mainstream Program in FY 2000. Specifically, any portion of the $40 million in one-year budget authority contained in FY 2000 appropriations related to designated housing plans; preferences in occupancy for the elderly in certain types of Section 8 project-based developments; or restrictions in occupancy to elderly only in certain types of Section 202, Section 221(d)(3), or Section 236 developments remaining unobligated will be added to the approximately $50.25 million in five-year budget authority available under this announcement. This one-year budget authority will be used only for non-elderly disabled families.

Eligible Applicants. PHAs and nonprofit disability organizations that provide services to disabled families are eligible to apply for the $50.25 million in five-year budget authority for applications submitted in FY 2000. While PHAs and nonprofit disability organizations are eligible to apply for the $50.25 million in five-year budget authority available under this announcement, only PHAs are eligible to apply for the one-year budget authority that may also be available under this announcement (see Section II(A) of this announcement regarding the possibility of one-year funding also being available for the Mainstream Program). Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

The vouchers that HUD will provide under this announcement must be made available to eligible disabled families regardless of their type of disability. (See the definition of disabled family in Section IV(E) of this announcement.) The Mainstream Program vouchers must not be issued by the administering agency on the basis of any preference system favoring any particular type of disability over another, nor shall the vouchers be issued solely on the basis of an administering agency's waiting list which is based on that agency's having heretofore served only certain types of disabled persons. The Section 8 Housing Choice Voucher Program regulations provide at 24 CFR 982.207(c) that a PHA may give preference for admission of families that include a person with disabilities; however, the PHA may not give preference for admission of persons with a specific disability. This regulatory requirement is also applicable to nonprofit disability organizations who receive funding under this announcement as such organizations must comply with the Section 8 regulatory requirements applicable to the Section 8 Housing Choice Voucher Program.

Application Deadline. **July 18, 2000.**

Match. None

Additional Information

If you are interested in applying for funding under the Mainstream Program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your completed application (an original and two copies) to HUD on or before 12:00 midnight, Eastern time, on July 18, 2000.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (i.e., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of one original and two copies. Submit your original application and one copy to: Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address until 6:00 pm, Eastern time, on the application deadline.

After 6:00 pm on the application deadline date, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

Submit the second copy of your application to your local HUD Field Office Hub or local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the General Section of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding for the Mainstream Program.

For Further Information and Technical Assistance. You may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064, or you may contact the Grants Management Center at (202) 358–0338. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Prior to the application due date, George C. Hendrickson will be available to provide general guidance and technical assistance about this announcement.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) *Available Funding for Mainstream Program.* Approximately $50.25 million in five-year funding is available for approximately 1,800 vouchers. This allocation is consistent with the FY 2000 HUD Appropriations Act. The FY 2000 HUD Appropriations Act provides that the Secretary of HUD may designate up to 25 percent of the amounts earmarked for capital advances including amendments to the capital advance contracts for supportive housing for persons with disabilities as authorized by section 811 of the

Cranston-Gonzalez National Affordable Housing Act (NAHA), for project rental assistance, for amendments to contracts for project rental assistance and supportive services associated with the housing for persons with disabilities as authorized by section 811 of NAHA. The FY 2000 HUD Appropriations Act made $201 million available for the Section 811 Program. The $50.25 million made available to applicants under this Mainstream Program funding announcement is no more than 25 percent of this $201 million.

All of the approximately $50.25 million in funding is for use in the housing of elderly and non-elderly disabled families. HUD will supplement the Mainstream Program funding with additional funding, up to as much as $40 million in one-year budget authority for Section 8 vouchers for non-elderly disabled families in support of designated housing plans, for non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, and for nonelderly disabled families not being housed in certain section 202, section 221(d)(3) and section 236 developments (or portions thereof) where the owners have restricted occupancy to elderly families. The FY 2000 HUD Appropriations Act states that to the extent the Secretary determines that the FY 2000 appropriations related to designated housing plans and certain types of Section 8 project-based developments and certain types of section 202, section 221(d)(3) and section 236 developments are not needed to fund applications, the funds may be used for other non-elderly disabled families. Any such remaining funds will be used to supplement funding for the Mainstream Program. As a result, as much as $40 million in one-year budget authority may be available in additional funding in FY 2000 for the Mainstream Program.

(B) *Funding for the Section 811 Program.* The Section 811 Program of Supportive Housing for Persons With Disabilities provides capital advances and project rental assistance in FY 2000 elsewhere in this SuperNOFA. The Section 811 Program of Supportive Housing for Persons With Disabilities will provide funding to nonprofit organizations (sponsors) for the development and operation of small, scattered-site housing to enable adults with disabilities to live as independently as possible in the community. The capital advance does not need to be repaid as long as the housing is used for its intended purpose for at least 40 years. The project rental assistance funds cover the difference between the HUD-approved operating expenses of the housing and the tenant's contribution towards rent which is 30 percent of adjusted income. The types of housing that are typically developed through the program are small group homes for no more than six persons, independent living projects containing individual apartment units for no more than 18 persons, and condominium units. Sponsors are required to ensure that residents have access to any necessary supportive services but cannot require the acceptance of such as a condition of occupancy. Through the FY 2000 Section 811 funding announcement in this SuperNOFA, a total of $108,774,343 in capital advance funds to support the development of 1,505 units has been allocated to 51 local HUD Field Offices.

(C) *Section 8 Voucher Funding.*

(1) *Lottery.* HUD will select approvable applications for funding by lottery in the event approvable applications are received for more funding than is available under this Mainstream Program announcement. In such event, a separate lottery will be held first to select applications for funding for the $50.25 million available in five-year budget authority available under this announcement, and a separate lottery will be held to select applications for funding for whatever amount of one-year budget authority may be available during FY 2000 for the Mainstream Program. PHAs should clearly indicate in their applications if they are applying for both five-year and one-year funding in order to ensure their inclusion in both lotteries. This would allow the last selected application (if a PHA) under the five-year funding lottery to be automatically funded with one-year budget authority for the remaining number of vouchers requested, but for which there was insufficient five-year budget authority at the point the PHA was selected in the five-year funding lottery. This would also allow a PHA to be automatically included in the lottery for one-year budget authority funding if not fortunate enough to be selected for any funding in the five-year budget authority lottery. PHAs applying for one-year funding must make it clear in their applications that they have a sufficient number of non-elderly disabled families to support the number of rental vouchers being requested. *As indicated earlier in this announcement, one-year budget authority funding is for use by PHAs solely for non-elderly disabled families, whereas five-year budget authority is for use by PHAs and nonprofit disability organizations for both elderly and non-elderly disabled families.*

(2) *Maximum Voucher Request.* There is a limit on the number of rental vouchers that may be requested. An eligible applicant may apply for a maximum of 75 vouchers. No more than a grand total of 75 vouchers will be awarded to any applicant under the FY 2000 Mainstream Program.

(3) *Determination of Funding Amount for the Applicant's Requested Number of Vouchers.* HUD will determine the amount of funding that an applicant will be awarded under this announcement based upon an actual annual per unit cost using the following three step process:

(a) HUD will extract the total expenditures for all the PHA's Section 8 tenant-based assistance programs and the unit months leased information from the most recent approved year end statement (Form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's Section 8 tenant-based assistance programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(c) HUD will multiply the annual per unit costs derived under paragraph (b) above by the Section 8 Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest cost utility included) to generate an adjusted annual per unit cost.

Note: Applicants who do not currently administer a Section 8 certificate or voucher program shall have their voucher funding based upon the annual actual per unit costs of the PHA in their most immediate area administering a Section 8 certificate or voucher program, using the three step process described immediately above.

(4) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to applicants that have not previously administered their own Section 8 tenant-based program that are selected for funding under this announcement. The preliminary fee will be provided to such applicants only in their first year administering Section 8 vouchers.

(e) *Underfunding Corrections.* If prior to the award of Mainstream Program funding under this announcement, HUD determines that any awardees under the FY 1999 Mainstream Program NOFA have been underfunded, HUD will increase funding to the amount that the awardee should have received.

III. Program Description, Eligible Applicants and Eligible Participants

(A) *Program Description.* The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide vouchers to enable persons with disabilities to rent affordable private housing of their choice.

The Mainstream Program will assist PHAs and non-profit disability organizations in providing Section 8 vouchers to a segment of the population recognized by HUD's housing research as having one of the worst housing needs of any group in the United States; i.e., very low-income households with adults with disabilities. In addition, the Mainstream Program will assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

(B) *Eligible Applicants.* Public housing agencies (PHAs) and nonprofit disability organizations that provide services to the disabled (as defined in Section IV(E) of this announcement) are eligible applicants. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply for new increments of Section 8 funding because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

(1) *PHAs.*

(a) A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is eligible to apply for funding.

(b) PHAs are encouraged to involve nonprofit disability organizations that provide services to disabled families, as defined in Section III(B)(2) of this announcement, in the administration of the Mainstream Program's vouchers.

(i) Such nonprofit disability organizations could function as either a contract administrator for the PHA's Section 8 Mainstream vouchers, or as a subcontractor responsible for providing case management services or assisting disabled families to locate suitable housing, gain access to supportive services, or identify private funding sources to cover the costs of unit modifications needed as a reasonable accommodation.

(ii) Such contractual arrangements must, however, ensure equal opportunity among the wide variety of disabled populations in the PHA's service area. PHAs are being encouraged to seek out nonprofit disability organizations to assist in the administration of the Mainstream vouchers due to such organizations' capacity for assisting disabled families, as well as their in-depth knowledge of the disability community.

(c) Some PHAs currently administering the Section 8 rental voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these applicants as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction. The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and program compliance problems. *Immediately after the publication of this SuperNOFA, the Office of Public Housing in the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. The local HUD Field Office shall, concurrent with its response to the PHA, provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(2) *Nonprofit Disability Organization.* A private organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual, that provides services to persons with disabilities and has received a federal tax-exempt designation from the U.S. Internal Revenue Service.

(a) The nonprofit entity must:

(i) Have a voluntary board;

(ii) Be authorized by its charter or State law to enter into a contract with the Federal Government to provide housing assistance;

(iii) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles; and

(iv) Practice nondiscrimination in the provision of assistance.

(b) A nonprofit disability organization meeting the definition of a nonprofit disability organization as defined in this Section III(B), and wishing to apply for the funding available under this announcement must have the capacity to:

(i) Comply with the Section 8 Management Assessment Program (SEMAP) certification requirements under 24 CFR part 985.

(ii) Carry out such Section 8 and SEMAP specific related activities as making determinations as to rent reasonableness, performing housing quality standards (HQS) inspections and enforcement, conducting annual reexaminations of participant families, as well as otherwise meeting Section 8 program requirements under 24 CFR parts 887 and 982.

(iii) Manage the Section 8 Mainstream Program vouchers in a manner equivalent to an overall performance rating under SEMAP (24 CFR part 985) of ''standard'' during the first fiscal year of its receiving Mainstream Program funding.

(iv) Administer rental housing programs or manage rental housing, as demonstrated by a specific list of rental housing programs the nonprofit disability organization has administered or the rental housing the organization has managed (e.g. private rental housing, HUD or State-related housing programs, etc.).

Nonprofit disability organizations are encouraged to seek out PHAs in their geographic area to develop cooperative contractual relationships under the Mainstream Program, and to enhance services to disabled families. In addition to contacting local PHAs, nonprofit disability organizations may also wish to contact regional (multi-county), or state-wide PHAs who may be applying for Mainstream Program funding.

(C) *Eligible Participants.* Only a disabled family that is income eligible under 24 CFR 982.201(b) may receive a voucher awarded under the Mainstream Program. While elderly and non-elderly disabled families are eligible to receive a voucher awarded to a PHA or nonprofit disability organization using five-year budget authority under this announcement, only non-elderly disabled families are eligible to receive a voucher awarded to a PHA using one-year budget authority that may be available for the Mainstream Program under this announcement. Applicants with disabilities will be selected from the PHA's or nonprofit disability organization's Section 8 waiting list.

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further, applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Section 8 regulations.* Applicants must administer the Mainstream Program in accordance with HUD regulations and requirements governing the Section 8 Housing Choice Voucher Program.

(2) *Section 8 admission requirements.* Section 8 assistance must be provided to eligible applicants in conformity with regulations and requirements governing the Section 8 Housing Choice Voucher Program and the PHA's administrative plan.

If there is ever an insufficient pool of disabled families on the PHA's or nonprofit disability organization's Section 8 waiting list, the PHA or nonprofit disability organization shall conduct outreach to encourage eligible persons to apply for this special allocation of rental vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from Section 8 assistance. If the PHA's or nonprofit disability organization's Section 8 waiting list is closed, and if the PHA or nonprofit disability organization has insufficient applicants on its Section 8 waiting list to use all awarded vouchers under this announcement, the PHA or nonprofit disability organization shall open the waiting list for applications from disabled families.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this announcement for five years for the five-year funding or for one year for the one-year funding under this announcement from the date the rental assistance is placed under an annual contributions contract (ACC).

(D) *PHA and Nonprofit Disability Organization Responsibilities.* In addition to the responsibilities under the Section 8 Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs and nonprofit disability organizations that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA or nonprofit disability organization programs to eligible applicants who choose not to participate.

(4) Provide Section 8 search assistance.

(5) In accordance with regulatory guidance, provide higher rents to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.* The following definitions apply.

(1) *Disabled Family.* A family whose head, spouse, or sole member is a person with disabilities. The term ''disabled family'' may include two or more persons with disabilities living together, and one or more persons with disabilities living with one or more live-in aides. A disabled family may include a person with disabilities who is elderly. (Note: This definition applies to the approximately $50.25 million in five-year budget authority available under the Mainstream Program, as well as to any one-year budget authority that may be available. This definition shall be modified, however, to be limited solely to non-elderly disabled families (families whose head, spouse or sole member is disabled and under the age of 62) regarding any funding available and awarded from the approximately $40 million in FY 2000 for designated housing allocation plans, or in connection with certain Section 8 project-based developments or certain section 202, section 221(d)(3) or section 236 developments. See Section II(A) of this announcement regarding the possibility of additional Mainstream Program funding during FY 2000 beyond the approximately $50.25 million available as announced under this announcement.)

(2) *Person with disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a ''person with disabilities'' is to be used for purposes of determining a family's eligibility for a Section 8 voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of reasonable accommodations.)

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(3) *Section 8 search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications to ensure that they are technically adequate and responsive to the requirements of this announcement. HUD Headquarters will fund all applications from PHAs and nonprofit disability organizations that are recommended for funding by the Grants Management Center unless HUD receives approvable applications for more funds than are available. If HUD receives approvable applications for more funds than are available, HUD will select applicants to be funded by lottery. A separate lottery will be held first for those PHAs and nonprofit disability organizations seeking funding under the five-year budget authority available under this announcement, and a separate lottery will next be held for those PHAs seeking funding under the one-year budget authority that may be available under this announcement. (Nonprofit disability organizations are not eligible to apply for the one-year budget authority that may be available under this announcement.) All applicants identified by the Grants Management Center as having submitted technically adequate and responsive applications will be included in the lottery. As applicants are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any State to 10 percent of the budget authority available for the Mainstream Program. The 10 percent limit shall be applied first during the lottery for the five-year funding and shall continue over into the lottery for any one-year funding that may be available. This, for instance, may result in a State reaching the 10 percent limit prior to the start of the lottery for any one-year funding that may be available, and therefore any PHAs from that State would not be eligible for any further Mainstream funding. If establishing this geographic limit would result, however, in unreserved budget authority, HUD may modify this limit to assure that all available funds are used.

Applications will be funded for the total number of units requested by the applicant and recommended for approval by the Grants Management Center (not to exceed 75 units) in accordance with this announcement. When remaining budget authority is insufficient to fund the last selected application in full, HUD Headquarters will fund that application to the extent of the funding available, unless the applicant indicates that it will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All applicants must complete and submit Form HUD–52515, Funding Application, for the Section 8 Housing Choice Voucher Program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the **General Section** of the SuperNOFA. The form must be completed in its entirety, with the exception of Section C, signed and dated.

In the instance of a nonprofit disability organization that does not currently manage a Section 8 tenant-based program, the nonprofit disability organization shall fill in Section B, Proposed Assisted Dwelling Units, of the form HUD–52515, by either basing the numbers the organization enters in this section on information requested from the nearest public housing agency, based upon its Section 8 waiting list, or based upon information from local advocacy groups and local public and private service agencies familiar with the needs of elderly and non-elderly persons with disabilities, census data, and pertinent information from the Consolidated Plan applicable to the applicant's jurisdiction. Section C, Average Monthly Adjusted Income, should be left blank. Section F, New HA Information, requires information on Financial and Administrative Capability and Qualification as an HA. For Financial and Administrative Capability, a nonprofit disability organization may reference that part of its application addressing the requirements for this program. For Qualification as an HA, the nonprofit disability organization should submit information validating its qualifications as a nonprofit disability organization as defined in Section III(B)(2) of this announcement. The submission of enabling legislation is not required, but a legal opinion supportive of the applicant's status as a nonprofit disability organization , as defined in this program section of the SuperNOFA, is required.

(B) *Letter of Intent and Narrative.* The applicant must state in its cover letter to the application whether the applicant will accept a reduction in the number of vouchers, and the minimum number of vouchers the applicant will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that an applicant may apply for under this announcement is limited to 75. The applicant should also indicate whether or not the applicant intends to enter into a contract with a nonprofit disability organization or PHA to serve as the contract administrator of the Section 8 Mainstream Program vouchers, or to otherwise provide services related to the Mainstream Program.

(C) *Description of Need for Mainstream Program Rental Assistance.* The PHA's and nonprofit disability organization's application must demonstrate a need for Mainstream Program vouchers by providing information documenting that the demand for housing for non-elderly and elderly persons with disabilities in

connection with a request for five-year funding under this announcement would equal or exceed the requested number of vouchers. If the PHA is requesting one-year funding, the demand for housing for non-elderly disabled persons must be demonstrated as equalling or exceeding the number of vouchers being requested. The applicant must assess and document the housing need for elderly and non-elderly persons with disabilities using a range of sources including, but not limited to: census data, information from the applicant's waiting list (both public housing and Section 8), statistics on recent public housing admissions and certificate and voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of elderly and non-elderly persons with disabilities, and pertinent information from the Consolidated Plan [including the Analysis of Impediments to Fair Housing Choice (AI)] applicable to the applicant's jurisdiction. (See 24 CFR 91.205(d).) The applicant's demonstrated need for vouchers must clearly support need on the basis of only non-elderly disabled families when requesting one-year funding. This distinction is important, as any FY 2000 Mainstream Program funding that may be available beyond the approximately $50.25 million under this announcement, must be used to assist only non-elderly disabled families and will be available only to PHAs. (See Section II(A) of this announcement regarding the possibility of substantially more Mainstream Program funding being available beyond the approximately $50.25 million.)

(D) *Mainstream Program Operating Plan.* The application must include a description of an adequate plan for operating a program to serve eligible disabled families, including:

(1) A description of how the applicant will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features; and

(2) A description of how the applicant will identify private or public funding sources to help participants cover the costs of modifications that need to be made to their units as reasonable accommodations to their disabilities.

(3) A description of how the applicant will use a nonprofit disability organization or PHA (if any) to assist in the administration of the Section 8 Mainstream Program.

(E) *Certification Applicable to Nonprofit Disability Organizations.* A nonprofit disability organization applying for funding available under this announcement must provide a certification stating that the applicant can meet the capacity requirements applicable to a nonprofit disability organization delineated in Section III(B)(2)(b) of this announcement. The certification must specifically list the four capacity requirements from that paragraph, and must specifically list the rental housing programs the nonprofit disability organization has administered or the rental housing the nonprofit disability organization has managed.

(F) *Statement Regarding the Steps the Applicant Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the applicant's statement should include, but necessarily be limited to:

(1) Elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

(G) *Program Summary.* Provide a separate one paragraph statement describing how the Mainstream Program vouchers will address the local housing needs of eligible disabled families in renting decent, safe, and affordable housing. Describe, where applicable, how the vouchers will be used to expand existing housing choices, and whether the applicant intends to use the vouchers to establish or expand upon its existing partnerships with local government, nonprofit agencies, or private industry groups. Also address any related notable local program activities, best practices, or accomplishments.

VI. Corrections to Deficient Applications

(A) *Acceptable Applications.* The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the Grants Management Center will disapprove all applications that the Grants Management Center determines are not acceptable for processing. The notification of rejection letter will state the basis for the decision.

(2) Applications that fall into any of the following categories will not be processed:

(a) Applications that do not meet the threshold fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) The PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(1)(c) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up rate of 90 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1998. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 90 percent or greater for its fiscal year ending in 1998. In the event the PHA is unable to meet either of these percentage requirements, the PHA may still pass category (c) if the PHA submits information to the Grants Management Center, as part of its application, demonstrating that it was able to either increase its combined certificate and voucher lease-up rate to 90 percent or greater for its fiscal year ending in 1999, or was able to increase combined certificate and voucher budget authority utilization to 90 percent or more for its fiscal year ending in 1999. PHAs that have been determined by HUD to have passed either the 90 percent lease-up, or 90 percent budget authority utilization requirement for their fiscal year ending in 1998 will be listed on the HUD Home Page site on the Internet's world wide web (http://www.hud.gov). A PHA not listed must either submit information in its application supportive of its 90 percent lease-up or 90 percent budget authority utilization performance for its fiscal year ending in 1999, or submit information as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD Home Page as having achieved either a 90 percent lease-up rate or 90 percent budget authority utilization rate for

fiscal years ending in 1998. Appendix A to this program section indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1998. Any PHA wishing to submit information to the Grants Management Center in connection with its 1998 fiscal year or 1999 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use the same methodology and data sources indicated in Appendix A.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

VII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. This announcement of funding availability provides funding for these activities under 24 CFR part 982, which does not contain environmental review provisions because of the categorical exclusion of these activities from environmental review. Accordingly, under 24 CFR 50.19(c)(5), issuance of this announcement of funding availability is also categorically excluded from environmental review under NEPA.

VIII. Authority

Authority for the approximately $50.25 million in 5-year budget authority available for the Mainstream Program under this announcement (general use rental assistance for persons with disabilities) is found in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2000 (Pub.L. 106–74, approved October 20, 1999). The FY 2000 HUD Appropriations Act states that the Secretary may designate up to 25 percent of the amounts earmarked for section 811 of the National Affordable Housing Act of 1990 (42 U.S.C. 8013) for tenant-based assistance, as authorized under that section.

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APPENDIX A

METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 90% budget authority utilization or 90% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1998. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1998 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1998 year for each funding increment which had an active contract term during all or a portion of the PHA year.

EXAMPLE:

PHA ABC
Fiscal year 10/1/97 through 9/30/98

HUD 52681 Approved Data:	
HAP	$2,500,000
Administrative Fee	$ 250,000
Hard to House Fee	$ 1,000
Audit	$ 2,000
Total	$2,753,000
Interest earned on administrative fee	($2,500)
Total contributions required	**$2,750,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/97-10/31/98	$1,300,000	$1,191,667
002	01/01/98-12/31/98	$1,200,000	$ 900,000
003	04/01/98-03/31/99	$ 950,000	$ 475,000
004	07/01/98-06/30/99	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**

Budget Authority Utilization

Total contributions required divided by	**$2,750,000**
Annual budget authority equals	**$2,941,667**
Budget Authority Utilization	**93.5%**

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1998 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1998.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, etc. were excluded from the contract units as the Department recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/97-10/31/98	242
002	01/01/98-12/31/98	224
003	04/01/98-03/31/99	178
004	07/01/98-06/30/99	280
Totals		924
Increment 003 litigation		(178)
Adjusted contract units		**746**
Unit months leased reported by PHA		8,726
divided by 12		727
Units Leased		**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.4%**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN DEVELOPMENTS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES RELATED TO CERTAIN TYPES OF SECTION 8 PROJECT-BASED DEVELOPMENTS AND SECTIONS 202, 221(d)(3) AND 236 DEVELOPMENTS

Program Overview

Purpose of the Program. The purpose of this program is to provide vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,600 Section 8 vouchers.

Eligible Applicants. Public housing agencies (PHAs). Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

Application Deadline. June 20, 2000.

Match. None

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your original and two copies of your completed application to HUD on or before 12:00 midnight, Eastern time, on June 20, 2000.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

Address for Submitting Applications. Your completed application consists of an original and two copies. Submit your original application and one copy to: Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address on the application deadline until 6:00 pm Eastern time. After 6:00 pm on the application deadline, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

A copy of your application should also be sent to your local HUD Field Office Hub or local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. You may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064, or you may contact the Grants Management Center at (202) 358–0338. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Prior to the application due date, George C. Hendrickson will be available to provide general guidance and technical assistance about this announcement.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available to provide assistance to approximately 3,600 non-elderly disabled families (who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing a preference for the admission of elderly families, and for non-elderly disabled families not being housed in certain Section 202, Section 221(d)(3) and Section 236 developments or portions thereof where the owners have restricted occupancy to elderly families).

In the event approvable applications are received for more than the approximately $20 million announced as available under this announcement, funds will be transferred from the approximately $20 million available under the funding announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent funds remain unobligated after funding all approvable applications under that announcement.

Any funding remaining unobligated under this announcement providing assistance for non-elderly persons with disabilities related to certain developments will be used first to fund any approval applications under the announcement for Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans, for which there may be insufficient funds. Any funds still remaining unobligated will be used to fund any approvable applications under the announcement for Mainstream Housing Opportunities for Persons with Disabilities for which there are insufficient funds.

(B) *Voucher Funding, Preliminary Fees and Underfunding Corrections.*

(1) *Voucher Funding.*

(a) *Maximum Voucher Request.* PHAs are limited to applying for no more than a maximum of 200 units (vouchers). A PHA may apply only for the number of units needed to house:

(i) Those non-elderly disabled families who are on the waiting list of an owner of a Section 8 project-based development identified in this announcement where the owner elected to provide preferences to elderly families and to house other non-elderly disabled families residing in the community who would qualify for one- or zero-bedroom units; or

(ii) Those non-elderly disabled families who are on the waiting list of, or are otherwise residing in the community, but in either instance are not being housed in certain assisted housing developments listed in this announcement where the owners have

restricted occupancy in the developments (or portion thereof) to elderly. Non-elderly disabled families in this second category would also need to qualify for one-or zero bedroom units.

Note: The PHA may apply for a two-bedroom unit under this Section I(B) in such instances where a non-elderly disabled family requires the extra bedroom for purposes of a live-in aide, or for medical equipment.

(b) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the amount of funding that you will be awarded under this announcement based upon an actual annual per unit cost using the following three step process:

(i) HUD will extract the total expenditures for all your Section 8 tenant-based assistance programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of your Section 8 tenant-based assistance programs by the unit months leased to derive an average monthly per unit cost.

(ii) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(iii) HUD will multiply the annual per unit cost derived under paragraph (ii) above by the Section 8 Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest utility included) to generate an adjusted annual per unit cost.

Note: If you do not currently administer a Section 8 certificate or voucher program your voucher funding will be based upon the annual actual per unit costs of a PHA in your most immediate area administering a Section 8 certificate or voucher program, using the three step process described immediately above.

(2) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own Section 8 tenant-based program that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering Section 8 vouchers.

(3) *Underfunding Corrections.* If prior to the award of funding HUD determines that any awardees under the FY 1999 NOFA for the same purpose have been underfunded, HUD will increase funding to the amount that the awardee should have received.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides Section 8 vouchers to non-elderly disabled families who are not currently receiving housing assistance in certain Section 8 project-based developments due to the owners establishing preferences for the admission of elderly families, or in certain types of Section 202, Section 221(d)(3), or Section 236 developments where the owners are restricting occupancy in the developments (or portions thereof) to elderly families. The vouchers will enable non-elderly disabled families to rent affordable housing. The specific types of developments covered under these two broad categories are as follows:

(1) Section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611 allowed owners of the *following covered Section 8 project-based developments* (limited to only such developments originally designed primarily for occupancy by elderly families) to provide preferences to elderly families in selecting tenants for available assisted units in those projects:

(a) Section 8 New Construction Program, 24 CFR part 880;

(b) Section 8 Substantial Rehabilitation Program, 24 CFR part 881;

(c) State Housing Agencies Program (insofar as involving new construction and substantial rehabilitation), 24 CFR part 883;

(d) New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884; and

(e) Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects (insofar as involving substantial rehabilitation), 24 CFR part 886, subpart C.

(2) Section 658 of the 1992 Act provides that an owner of a Federally assisted project (or portion thereof) that was designed for occupancy for elderly families may continue to restrict occupancy in such project (or portion) to elderly families in accordance with the rules, standards, and agreements governing occupancy in such housing in effect at the time of the development of the housing. The *three types of assisted housing developments covered by Section 658 are as follows:*

(a) Housing assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act (NAHA);

(b) Housing financed by a loan or mortgage insured under section 221(d)3) of the National Housing Act that bears an interest rate determined under section 221(d)5); and

(c) Housing insured, assisted or held by the Secretary or a State or State Agency under section 236 of the National Housing Act.

(B) *Eligible Applicants.*

(1) A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is eligible to apply for funding. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

(2) Some PHAs currently administering the Section 8 voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these PHAs as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction. The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and the program compliance problems. *Immediately after the publication of this SuperNOFA, the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field

Office shall provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Eligible participants include non-elderly disabled families who were on the waiting list (at the time of the PHA's application) of a covered development identified in this announcement where the owner had exercised a preference for the admission of elderly families, or restricted occupancy to elderly families, respectively, at the time the PHA received the names of these families from the owner of the development(s) for purposes of requesting Section 8 rental vouchers in response to this announcement. These non-elderly disabled families need not be listed on the PHA's Section 8 waiting list in order to be offered and receive Section assistance; i.e., it is sufficient that their names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Eligible participants also include other non-elderly disabled families residing in the community who would qualify for a one-or zero-bedroom unit. (See the note in this announcement at the end of Section II(B) for those limited instances in which a PHA could also apply for funding for a two-bedroom unit.) Non-elderly disabled families must be income eligible under 24 CFR 982.201(b) in order to receive a rental voucher.

IV. Program Requirements and Operations

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements:

(A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Section 8 regulations.* PHAs must administer the Section 8 vouchers received under this announcement in accordance with HUD regulations and requirements governing the Section 8 Housing Choice Voucher Program.

(2) *Section 8 admission requirements.* Section 8 assistance must be provided to eligible applicants in conformity with regulations and requirements governing the Section 8 Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this announcement subject to appropriations for renewal funding, from the date the rental assistance is placed under an annual contributions contract (ACC).

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Section 8 Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of modifications that need to be made to their units as a reasonable accommodation for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide Section 8 search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.*

(1) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(2) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. The term ''non-elderly disabled family'' may include two or more such persons with disabilities living together, and one or more such persons with disabilities living with one or more persons who are determined essential to the care and well-being of the person or persons with disabilities (live-in aides).

(3) *Person with Disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a ''person with disabilities'' is to be used for purposes of determining a family's eligibility for a Section 8 voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of meeting the requirements of Fair Housing laws, including providing reasonable accommodations.

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(4) *Section 8 Search Assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened all applications and disapproved any found unacceptable for further processing, the Grants Management Center will review all remaining applications to ensure that they are technically adequate and responsive to the requirements identified in this program section of this SuperNOFA.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications that are recommended for funding by the Grants Management Center, based upon the date and time the application is received in the Grants Management Center. As applications are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available funds will be transferred from the approximately $20 million available under the Rental Assistance for Non-elderly Persons with Disabilities in Support of Designated Housing Plans program to the extent such funds have not been obligated under that program for approvable applications. Applications will be funded for the total number of units requested and recommended for approval by the Grants Management Center. When remaining budget authority is insufficient to fund the last selected application in full the Grants Management Center will fund that application to the extent of the funding available, unless the application indicates that the PHA will only accept a higher number of units. In that event, HUD will fund the next selected application that has indicated a willingness to accept the lesser amount of funding for units available.

VII. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Section 8 Housing Choice Voucher Program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the **General Section** of the SuperNOFA. The form must be completed in its entirety, with the exception of Section C, signed and dated.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

(C) *Demonstration of Need: Certification/Waiting List Information and Other Non-Elderly Disabled Families Residing in the Community.* In order to support the number of vouchers being requested on the form HUD–52515, the PHA's application must include:

(1) A certification from the owner of a covered development (see the different types of covered developments listed in Section III(A)(1) and (2) of this announcement), stating the specific type of covered development, preferences are provided to elderly families in selecting tenants (Section 8 project-based developments) or occupancy in the development is restricted to elderly families (assisted housing developments), and the number of non-elderly disabled families on the owner's waiting list for the development. (PHAs may contact the local HUD Field Office's Director, Multifamily Division, to get the addresses and telephone numbers of the developments falling under Section III(A)(1) and (2) in this announcement. The PHA will then need to contact the management/owners of these developments within their jurisdiction to verify that the development is a covered development. Owners of covered developments are encouraged to cooperate with PHAs and provide the required certification (if applicable) in a timely manner, along with the names, addresses and telephone numbers of those families on the development's waiting list that are non-elderly disabled families.)

(2) PHAs must also submit information supportive of the number of other non-elderly disabled families residing in the community who would qualify for one-bedroom or zero-bedroom units (not on the waiting lists of covered developments). (See the note at the end of Section II(B) of this announcement which identifies those limited instances in which a PHA may apply for funding for a two-bedroom unit.) The application must demonstrate a need for vouchers by providing information documenting that the demand for housing for non-elderly disabled families would equal or exceed the requested number of vouchers (not to exceed 200). The PHA must assess and document the need using a range of sources including, but not limited to: census data, information from the PHA's waiting list (both public housing and Section 8), statistics on recent public housing admissions and certificate and voucher use, data from local advocacy groups and local public and private service agencies familiar with the housing needs of non-elderly disabled families, and pertinent information from the Consolidated Plan (including the Analysis of Impediments to Fair Housing Choice) applicable to the PHA's jurisdiction. (See 24 CFR 91.205(d).)

(D) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement should include, but not necessarily be limited to:

(1) Elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

(E) *Program Summary.* Provide a separate one paragraph statement describing how the vouchers being applied for will address the local housing needs of eligible disabled families in renting decent, safe, affordable housing. Describe, where applicable, how the vouchers will be used to expand existing housing choices, and whether the PHA intends to use the vouchers to establish or expand upon its existing partnerships with local government, nonprofit agencies, or private industry groups. Also address any related notable local program activities, best practices, or accomplishments.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period (as provided in the General Section), the Grants Management Center will disapprove all applications that the

Grants Management Center determines are not acceptable for processing. The notification of rejection letter will state the basis for the decision.

(2) Applications that fall into any of the following categories will not be processed:

(a) Applications that do not meet the threshold fair housing and civil rights compliance requirements of Section II(B) of the **General Section** of the SuperNOFA

(b) The PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B)(2) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up rate of 90 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1998. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 90 percent or greater for its fiscal year ending in 1998. In the event the PHA is unable to meet either of these percentage requirements, the PHA may still pass category (c) if the PHA submits information to the Grants Management Center, as part of its application, demonstrating that it was able to either increase its combined certificate and voucher lease-up rate to 90 percent or greater for its fiscal year ending in 1999, or was able to increase combined certificate and voucher budget authority utilization to 90 percent or more for its fiscal year ending in 1999. PHAs that have been determined by HUD to have passed either the 90 percent lease-up, or 90 percent budget authority utilization requirement for their fiscal year ending in 1998 will be listed on the HUD Home Page site on the Internet's world wide web (http://www.hud.gov). A PHA not listed must either submit information in its application supportive of its 90 percent lease-up or 90 percent budget authority utilization performance for its fiscal year ending in 1999, or submit information as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD Home Page as having achieved either a 90 percent lease-up rate or 90 percent budget authority utilization rate for fiscal years ending in 1998. Appendix A to this program section indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1998. Any PHA wishing to submit information to the Grants Management Center in connection with its 1998 fiscal year or 1999 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use the same methodology and data sources indicated in Appendix A.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the vouchers.

(e) An application that does not comply with the requirements of 24 CFR 982.102 and this program section after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities under this program are categorically excluded from the requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. This announcement provides funding for these activities under 24 CFR part 982, which does not contain environmental review provisions because of the categorical exclusion of these activities from environmental review. Accordingly, under 24 CFR 50.19(c)(5), issuance of this announcement is also categorically excluded from environmental review under NEPA.

IX. Authority

Authority for this program is found in the Departments of Veteran's Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2000 (Pub.L. 106–74, approved October 20, 1999). This FY 2000 Appropriations Act authorized appropriations for Section 8 vouchers to assist non-elderly disabled families affected by the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992, or the restriction of occupancy to elderly families in accordance with section 658 of the Act. The FY 2000 Appropriations Act also allows the Secretary to transfer any unobligated funds for this purpose to assist non-elderly disabled families to the extent they are not needed under Sections 651 and 658 for such families. Therefore, any funds remaining unobligated under this program section of this SuperNOFA will be used first to fund any approvable applications under the Rental Assistance for Non-Elderly Persons With Disabilities in Support of Designated Housing Plans program for which there are insufficient funds. Thereafter, any funds still remaining unobligated will be used to fund applications under the Mainstream Program in the SuperNOFA.

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APPENDIX A

METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 90% budget authority utilization or 90% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1998. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1998 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1998 year for each funding increment which had an active contract term during all or a portion of the PHA year.

EXAMPLE:

PHA ABC
Fiscal year 10/1/97 through 9/30/98
HUD 52681 Approved Data:

HAP	$2,500,000
Administrative Fee	$ 250,000
Hard to House Fee	$ 1,000
Audit	$ 2,000
Total	$2,753,000
Interest earned on administrative fee	($2,500)
Total contributions required	**$2,750,500**

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Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/97-10/31/98	$1,300,000	$1,191,667
002	01/01/98-12/31/98	$1,200,000	$ 900,000
003	04/01/98-03/31/99	$ 950,000	$ 475,000
004	07/01/98-06/30/99	$ 1,500,000	$ 375,000
Totals		$ 4,950,000	**$2,941,667**

Budget Authority Utilization

Total contributions required	**$2,750,000**
divided by	
Annual budget authority	**$2,941,667**
equals	
Budget Authority Utilization	**93.5%**

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1998 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1998.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, etc., were excluded from the contract units as HUD recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/97-10/31/98	242
002	01/01/98-12/31/98	224
003	04/01/98-03/31/99	178
004	07/01/98-06/30/99	280
Totals		924
Increment 003 litigation		(178)
Adjusted contract units		**746**

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate

Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.4%**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Billing Code 4210-32-C

FUNDING AVAILABILITY FOR RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES IN SUPPORT OF DESIGNATED HOUSING PLANS

Program Overview

Purpose of the Program. The purpose of the voucher funding being made available under the Section 8 Housing Choice Voucher Program through this announcement is to enable non-elderly families with disabilities to rent affordable private housing. The vouchers will assist public housing agencies (PHAs) in providing sufficient alternative resources to meet the housing needs of those non-elderly disabled families who would have been housed by the PHA if occupancy in a designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs who wish to continue to designate their buildings as ''mixed elderly and disabled buildings'' but can demonstrate a need for alternative resources for non-elderly disabled families.

Available Funds. Approximately $20 million in one-year budget authority for approximately 3,600 Section 8 vouchers.

Eligible Applicants. Public housing agencies (PHAs). Indian Housing Authorities, Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plan are not applicable to IHAs.

Application Deadline. **June 20, 2000.**

Match: None.

Additional Information

If you are interested in applying for funding under this program, please review carefully the **General Section** of this SuperNOFA and the following additional information.

I. Application Due Date, Application Kits, Further Information and Technical Assistance

Application Due Date. Submit your original and two copies of your completed application to HUD on or before 12:00 midnight, Eastern time, on June 20, 2000.

See the **General Section** of this SuperNOFA for specific procedures concerning the form of application submission (e.g., mailed applications, express mail, overnight delivery, or hand carried).

- *Address for Submitting Applications.* Your completed application consists of an original and two copies. Submit the original application to Michael Diggs, Director, Grants Management Center, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024. Applications which are hand carried or sent via overnight delivery service should be delivered to this address. The Grants Management Center is the official place of receipt for all applications in response to this announcement of funding availability. Your application will be accepted at this address until 6:00 pm, Eastern time, on the application deadline.

After 6:00 pm on the application deadline date, applications will be accepted in the South Lobby of HUD Headquarters, 451 Seventh Street, SW, Washington, DC 20410, until 12:00 midnight Eastern time.

Submit one copy of your application concurrently to the Office of Public Housing, Special Application Center, Room 2401, 77 West Jackson Boulevard, Chicago, IL 60604 (312–886–9754).

Submit the second copy of your application to your local HUD Field Office HUB or local HUD Field Office Program Center. A listing of HUD Field Offices is attached to the **General Section** of this SuperNOFA.

For Application Kits. An application kit is not necessary for submitting an application in response to this announcement. This announcement contains all the information necessary for the submission of your application for voucher funding under this announcement.

For Further Information and Technical Assistance. You may contact George C. Hendrickson, Housing Program Specialist, Room 4216, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708–1872, ext. 4064, or you may contact the Grants Management Center at (202) 358–0338. (These are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339 (this is a toll-free number).

Prior to the application due date, George C. Hendrickson will be available to provide general guidance and technical assistance about this announcement.

Satellite Broadcast. HUD will hold an information broadcast via satellite for potential applicants to learn more about the program and preparation of an application. For more information about the date and time of this broadcast, you should consult the HUD web site at www.hud.gov.

II. Amount Allocated

(A) *Available Funding.* Approximately $20 million in one-year budget authority is available for Section 8 rental vouchers for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, disabled families only, or elderly families and disabled families only. This funding is expected to provide assistance to approximately 3,600 non-elderly disabled families.

The FY 2000 HUD Appropriations Act allows the Secretary of HUD to transfer any unobligated funds for support of designated housing plans to assist non-elderly disabled families to the extent they are not needed to fund approvable applications related to designated housing plans during FY 2000. Accordingly, any funds remaining unobligated under this announcement will first be used to fund any approvable applications under HUD's announcement for Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments and Section 202, Section 221(d)(3) and Section 236 Developments, for which there are insufficient funds. Any funds still remaining unobligated under this announcement for funding in support of designated housing plans shall be used to fund any approvable applications under HUD's announcement for Mainstream Housing Opportunities For Persons With Disabilities, for which there are insufficient funds.

(B) *Voucher Funding.*

(1) *Maximum Voucher Request.* A PHA may apply for only the number of units needed to house those non-elderly disabled families that otherwise would have been housed if not for the designation of a project/building (or portion thereof) for occupancy by the elderly only. The size of the units applied for must bear a direct relationship to the size of the units designated. PHAs are limited to applying for no more than a maximum of 200 units (vouchers).

(2) *Determination of Funding Amount for the PHA's Requested Number of Vouchers.* HUD will determine the

amount of funding that a PHA will be awarded under this announcement based upon an actual annual per unit cost using the following three-step process:

(a) HUD will extract the total expenditures for all the PHA's Section 8 tenant-based assistance programs and the unit months leased information from the most recent approved year end statement (form HUD–52681) that the PHA has filed with HUD. HUD will divide the total expenditures for all of the PHA's Section 8 tenant-based assistance programs by the unit months leased to derive an average monthly per unit cost.

(b) HUD will multiply the monthly per unit cost by 12 (months) to obtain an annual per unit cost.

(c) HUD will multiply the annual per unit cost derived, as provided in this announcement, by the Section 8 Housing Assistance Payments Program Contract Rent Annual Adjustment Factor (with the highest cost utility included) to generate an adjusted annual per unit cost.

Note: Applicants who do not currently administer a Section 8 certificate or voucher program shall have their voucher funding based upon the actual annual per unit costs of the PHA in their most immediate area administering a Section 8 certificate or voucher program, using the three step process described immediately above.

(3) *Preliminary Fee.* A preliminary fee of up to $500 per unit for preliminary (start-up) expenses will be paid to PHAs that have not previously administered their own Section 8 tenant-based program that are selected for funding under this announcement. The preliminary fee will be provided to such PHAs only in their first year administering Section 8 vouchers.

(4) *Underfunding Corrections.* If prior to the award of funding under this Designated Housing announcement, HUD determines that any awardees under the FY 1999 Designated Housing NOFA have been underfunded, HUD will increase funding to the amount that the awardee should have received.

III. Program Description, Eligible Applicants, and Eligible Participants

(A) *Program Description.* This program provides Section 8 vouchers to assist non-elderly disabled families who would have been housed by a PHA if occupancy in the designated public housing project/building (or portion thereof) were not restricted to elderly households, and assist PHAs that wish to continue to designate their projects/buildings (or portions thereof) as ''mixed elderly and disabled buildings'' and can demonstrate a need for alternative housing resources for non-elderly disabled families that is consistent with the jurisdiction's Consolidated Plan and the low-income housing needs of the jurisdiction.

(B) *Eligible Applicants.* A PHA established pursuant to State law may apply for funding under this announcement. A regional (multi-county) or State PHA is eligible to apply for funding. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible to apply because the Native American Housing Assistance and Self-Determination Act of 1996 does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997. Further, IHAs would not otherwise have been eligible to apply under this announcement because the requirements of section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) regarding designated housing plan are not applicable to IHAs.

Some PHAs currently administering the Section 8 voucher and certificate programs have, at the time of publication of this SuperNOFA, major program management findings from Inspector General audits, HUD management reviews, or independent public accountant (IPA) audits that are open and unresolved or other significant program compliance problems. HUD will not accept applications for additional funding from these PHAs as contract administrators if, on the application due date, the findings are either not closed, or sufficient progress toward closing the findings has not been made to HUD's satisfaction.

The PHA must also, to HUD's satisfaction, be making satisfactory progress in addressing any program compliance problems. If the PHA wants to apply for funding under this announcement, the PHA must submit an application that designates another housing agency, nonprofit agency, or contractor, that is acceptable to HUD. The PHA's application must include an agreement by the other housing agency, nonprofit agency, or contractor to administer the new funding increment on behalf of the PHA, and a statement that outlines the steps the PHA is taking to resolve the program findings and program compliance problems. *Immediately after the publication of this SuperNOFA, the local HUD Field Office will notify, in writing, those PHAs that are not eligible to apply without such an agreement. Concurrently, the local HUD Field Office will provide a copy of each such written notification to the Grants Management Center.* The PHA may appeal the decision in writing, if HUD has mistakenly classified the PHA as having outstanding management or compliance problems. Any appeal must be accompanied by conclusive evidence of HUD's error and must be received prior to the application deadline. The appeal should be submitted to the local HUD Field Office where a final determination shall be made. Concurrently, the local HUD Field Office shall provide the Grants Management Center with a copy of its written response to the appeal, along with a copy of the PHA's written appeal. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(C) *Eligible Participants.* Only non-elderly disabled families that are income eligible under 24 CFR 982.201(b) and who live in public housing that has been designated for occupancy by the elderly, or non-elderly disabled families who are on the PHA's public housing waiting list, may receive a voucher awarded in conjunction with an approved designated housing plan. Such families need not be listed on the PHA's Section 8 waiting list in order to be offered and receive a Section 8 voucher. These families may be admitted to the Section 8 program as a special admission (24 CFR 982.203).

IV. Program Requirements and Definitions

In addition to the civil rights compliance and nondiscrimination requirements listed in the **General Section** of this SuperNOFA, grantees must meet the following program requirements: (A) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. Applicants will be required to identify the specific steps that they will take to:

(1) Address the elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing; or

(3) Promote fair housing rights and fair housing choice.

Further applicants have a duty to carry out the specific activities cited in their responses under this announcement to address affirmatively furthering fair housing.

(B) *Certifications and Assurances.* Each applicant is required to submit signed copies of Assurances and Certifications. The standard Assurances

and Certifications are on Form HUD–52515, Funding Application, which includes the Equal Opportunity Certification, Certification Regarding Lobbying, and Certification Regarding Drug-Free Workplace Requirements.

(C) *Voucher Assistance Requirements.*

(1) *Section 8 regulations.* PHAs must administer the Section 8 vouchers received under this announcement in accordance with HUD regulations and requirements governing the Section 8 Housing Choice Voucher Program.

(2) *Section 8 admission requirements.* Section 8 assistance must be provided to eligible applicants in conformity with regulations and requirements governing the Section 8 Housing Choice Voucher Program and the PHA's administrative plan.

(3) *Turnover.* When a voucher under this announcement becomes available for reissue (e.g., the family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this announcement subject to appropriations for renewal funding, from the date the rental assistance is placed under an annual contributions contract (ACC).

(D) *PHA Responsibilities.* In addition to PHA responsibilities under the Section 8 Housing Choice Voucher Program and HUD regulations concerning nondiscrimination based on disability (24 CFR 8.28) and to affirmatively further fair housing, PHAs that receive voucher funding shall:

(1) Where requested by an individual, assist program participants to gain access to supportive services available within the community, but not require eligible applicants or participants to accept supportive services as a condition of participation or continued occupancy in the program.

(2) Identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities.

(3) Not deny persons who qualify for rental assistance under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate.

(4) Provide Section 8 search assistance.

(5) In accordance with regulatory guidance, provide higher rent to owners necessary for the provision of accessible units and structural modifications for persons with disabilities.

(6) Provide technical assistance to owners for making reasonable accommodations or making units accessible to persons with disabilities.

(E) *Definitions.*

(1) *Designated Housing Plan.* A HUD-approved designated housing plan required of PHAs seeking to designate a project/building (or portion thereof) for occupancy by elderly families only, disabled families only, or elderly and disabled families only. See section 10(a) of the Housing Opportunity Extension Act of 1996 (Pub. L. 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 99–21 (HA). Section 10(a) amended section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e).

(2) *Elderly Family.* A family whose head of household, spouse, or sole member is 62 years or older.

(3) *Non-elderly Disabled Family.* A family who is not elderly, and whose head, spouse, or sole member is a person with disabilities. The term ''non-elderly disabled family'' may include two or more such persons with disabilities living together, and one or more such persons with disabilities living with one or more persons who are determined essential to the care and well-being of the person or persons with disabilities (live-in aides).

(4) *Person with disabilities.* A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently; and

(iii) Is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Note: While the above definition of a ''person with disabilities'' is to be used for purposes of determining a family's eligibility for a Section 8 voucher under this announcement, the definition of a person with disabilities contained in section 504 of the Rehabilitation Act of 1973 and its implementing regulations must be used for purposes of meeting the requirements of Fair Housing laws, including providing reasonable accommodations.

No individual shall be considered a person with disabilities for the purpose of determining eligibility solely on the basis of any drug or alcohol dependence.

(5) *Section 8 search assistance.* Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

V. Application Selection Process

After the Grants Management Center has screened PHA applications and disapproved any applications found unacceptable for further processing, the Grants Management Center will review all acceptable applications (exclusive of the Designated Housing Plan portion of the application—which is reviewed by the Special Application Center) to ensure that they are technically adequate and responsive to the requirements of this announcement of funding availability.

The Special Application Center will send to the Grants Management Center the following information on each designated housing plan submitted in conjunction with this announcement:

(1) A copy of the letter to the PHA approving or disapproving its designated housing plan.

(2) Special Application Center contact person and telephone number.

HUD Headquarters will fund on a first-come, first-serve basis all approvable applications from PHAs that are recommended for funding by the Grants Management Center and that the Special Application Center advises has an approved designated housing plan, based upon the date and time the application is received in the Grants Management Center. As PHAs are selected, the cost of funding the applications will be subtracted from the funds available. In the event approvable applications are received for more than the approximately $20 million available under this announcement, funds will be transferred from the approximately $20 million available under the announcement for non-elderly disabled families not receiving housing assistance in certain Section 8 project-based developments, or certain Section 202, Section 221(d)(3) or Section 236 developments, to the extent funds are not needed for approvable applications under that announcement. Applications will be funded for the total number of units requested by the PHA and approved by the Grants Management Center in accordance with this funding

announcement for support of Designated Housing Plans. When remaining budget authority is insufficient to fund the last selected PHA application in full, however, HUD Headquarters will fund that application to the extent of the funding available, unless the PHA's application indicates that the PHA will only accept a higher number of units. In that event, the next selected application shall be one that has indicated a willingness to accept the lesser amount of funding for the units available.

VI. Application Submission Requirements

(A) *Form HUD–52515.* All PHAs must complete and submit form HUD–52515, Funding Application, for the Section 8 Housing Choice Voucher Program (dated January 1996). This form includes all necessary certifications for Fair Housing, Drug Free Workplace and Lobbying Activities. The information entered in Section B of the form for bedroom size and number of requested units must bear a direct relationship to the bedroom size and number of units designated in the PHA's designated housing plan that will no longer be available for the future admission of non-elderly disabled families. Section C of the form should be left blank. A copy of Form HUD–52515 is included in the forms found in Appendix B to the **General Section** of the SuperNOFA. The form must be completed in its entirety, with the exception of Section C, signed and dated.

(B) *Letter of Intent and Narrative.* The PHA must state in its cover letter to the application whether the PHA will accept a reduction in the number of vouchers, and the minimum number of vouchers that the PHA will accept, since the funding is limited and HUD may only have enough funds to approve a smaller amount than the number of vouchers requested. The maximum number of vouchers that a PHA may apply for under this announcement is limited to 200.

(C) *Approvable Designated Housing Plan.* The application must include an approvable plan to designate housing in accordance with section 10(a) of the Housing Opportunities Extension Act of 1996 (Pub. L 104–120, approved March 28, 1996) as explained in Notice PIH 97–12 (HA), Requirements for Designation of Public Housing Projects. This Notice was extended by Notice PIH 99–21 (HA).

(D) *Designated Housing Plan Previously Approved.* Any PHA wishing to rely on a designated housing plan previously approved by HUD that did not require Section 8 vouchers or certificates for non-elderly disabled families or that now requires more Section 8 vouchers than previously justified, will require the PHA to submit the information required in paragraphs (A) and (B) above, a copy of the previously HUD-approved designated housing plan, and updated needs data supporting the need now for Section 8 vouchers not previously deemed necessary as an alternative housing resource. The updated needs data should indicate why the PHA does not have the appropriate resources to carry out the previously approved plan, identify the number of Section 8 vouchers needed for non-elderly disabled families, and address the housing needs in its consolidated plan.

Conversely, any PHA wishing to rely on a designated housing plan previously approved by HUD, contingent upon the PHA's future submission of an application for Section 8 certificates or vouchers as an alternative housing resource for non-elderly disabled families, will need to only submit the HUD-approval letter for the designated housing plan in lieu of the plan itself (updated needs data also unnecessary).

(E) *Statement Regarding the Steps the PHA Will Take to Affirmatively Further Fair Housing.* The areas to be addressed in the PHA's statement should include, but not necessarily be limited to:

(1) Elimination of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(2) Remedy discrimination in housing for persons with disabilities regardless of race, color, religion, sex, familial status, national origin, or nature of disability; or

(3) Promote fair housing rights and fair housing choice.

(F) *Program Summary.* Provide a separate, one paragraph statement describing how the vouchers being applied for will address the local housing needs of eligible disabled families in renting decent, safe, and affordable housing. Describe, where applicable, how the vouchers will be used to expand existing housing choices, and whether the PHA intends to use the vouchers to establish or expand upon its existing partnerships with local government, nonprofit agencies, or private industry groups. Also address any related notable local program activities, best practices, or accomplishments.

VII. Corrections to Deficient Applications

(A) *Acceptable Applications.* The **General Section** of the SuperNOFA provides the procedures for corrections to deficient applications.

(B) *Unacceptable Applications.*

(1) After the 14-calendar day technical deficiency correction period, the Grants Management Center will disapprove all PHA applications that the Grants Management Center determines are not acceptable for processing. The Grant Management Center's notification of rejection letter must state the basis for the decision.

(2) Applications from PHAs for Section 8 rental assistance that fall into any of the following categories will not be processed:

(a) Applications that do not meet the fair housing and civil rights compliance threshold requirements of Section II(B) of the **General Section** of the SuperNOFA.

(b) The PHA has major program management findings in an Inspector General audit, HUD management review, or independent public accountant (IPA) audit for its voucher or certificate programs that are not closed or on which satisfactory progress in resolving the findings is not being made; or program compliance problems for its voucher or certificate programs on which satisfactory progress is not being made. The only exception to this category is if the PHA has been identified under the policy established in Section III(B) of this announcement and the PHA makes application with a designated contract administrator. Major program management findings are those that would cast doubt on the capacity of the PHA to effectively administer any new Section 8 voucher funding in accordance with applicable HUD regulatory and statutory requirements.

(c) The PHA has failed to achieve a lease-up rate of 90 percent for its combined certificate and voucher units under contract for its fiscal year ending in 1998. Category (c) may be passed, however, if the PHA achieved a combined certificate and voucher budget authority utilization rate of 90 percent or greater for its fiscal year ending in 1998. In the event the PHA is unable to meet either of these percentage requirements, the PHA may still pass category (c) if the PHA submits information to the Grants Management Center, as part of its application, demonstrating that the PHA was able to either increase its combined certificate and voucher lease-up rate to 90 percent or greater for its fiscal year ending in 1999, or was able to increase combined certificate and voucher budget authority utilization to 90 percent or more for its fiscal year ending in 1999. PHAs that have been determined by HUD to have passed either the 90 percent lease-up, or

90 percent budget authority utilization requirement for their fiscal year ending in 1998 will be listed on the HUD Home Page site on the Internet's world wide web (http://www.hud.gov). A PHA not listed must either submit information in its application supportive of its 90 percent lease-up or 90 percent budget authority utilization performance for its fiscal year ending in 1999, or submit information as part of its application supportive of its contention that it should have been included among those PHAs HUD listed on the HUD Home Page as having achieved either a 90 percent lease-up rate or 90 percent budget authority utilization rate for fiscal years ending in 1998. Appendix A to this program section indicates the methodology and data sources used by HUD to calculate the lease-up and budget authority utilization percentage rates for PHAs with fiscal years ending in 1998. Any PHA wishing to submit information to the Grants Management Center in connection with its 1998 fiscal year or 1999 fiscal year for the purposes described immediately above (so as to be eligible under category (c) to submit an application) will be required to use the same methodology and data sources indicated in Appendix A.

(d) The PHA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the PHA to administer the rental vouchers.

(e) A PHA's application that does not comply with the requirements of 24 CFR 982.102 and the requirements of this announcement after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(f) The PHA's application was submitted after the application due date.

(g) The application was not submitted to the official place of receipt as indicated in the paragraph entitled ''Address for Submitting Applications'' at the beginning of this announcement.

(h) The applicant has been debarred or otherwise disqualified from providing assistance under the program.

VIII. Environmental Requirements

In accordance with 24 CFR 50.19(b)(11) of the HUD regulations, tenant-based rental activities assisted under this program are categorically excluded from zthe requirements of the National Environmental Policy Act of 1969 (NEPA) and are not subject to environmental review under the related laws and authorities. This announcement provides funding for these activities under 24 CFR 982, which does not contain environmental review provisions because of the categorical exclusion of these activities from environmental review. Accordingly, under 24 CFR 50.19(c)(5, issuance of this announcement of funding availability is also categorically excluded from environmental review under NEPA.

IX. Authority

Authority for the approximately $20 million in one-year budget authority for Section 8 rental vouchers (for non-elderly disabled families in support of designated housing plans to designate public housing for occupancy by elderly families only, disabled families only, or elderly families and disabled families only) is found in the Departments of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, FY 2000 (Pub.L. 106–74, approved October 20, 1999).

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APPENDIX A

METHODOLOGY FOR DETERMINING LEASE-UP AND BUDGET AUTHORITY UTILIZATION PERCENTAGE RATES

Using data from the HUDCAPS system, HUD determined which PHAs met the 90% budget authority utilization or 90% lease-up criteria. The data used in the determination was based on PHA fiscal years ending in 1998. The budget authority utilization and lease-up rates were determined based upon the methodology indicated below.

Budget Authority Utilization

Percentage of budget authority utilization was determined by comparing the total contributions required to the annual budget authority (ABA) available for the PHA 1998 year combining the certificate and voucher programs.

Total contributions required were determined based on the combined actual costs approved by HUD on the form HUD-52681, Year End Settlement Statement. The components which make up the total contributions required are the total of housing assistance payments, ongoing administrative fees earned, hard to house fees earned, and IPA audit costs. From this total any interest earned on administrative fees is subtracted. The net amount is the total contributions required.

ABA is the prorated portion applicable to the PHA 1998 year for each funding increment which had an active contract term during all or a portion of the PHA year.

EXAMPLE:
PHA ABC
Fiscal year 10/1/97 through 9/30/98
HUD 52681 Approved Data:

HAP	$2,500,000
Administrative Fee	$ 250,000
Hard to House Fee	$ 1,000
Audit	$ 2,000
Total	$2,753,000
Interest earned on administrative fee	($2,500)
Total contributions required	**$2,750,500**

Calculation of Annual Budget Authority

Increments	Contract Term	Total BA	ABA
001	11/01/97-10/31/98	$1,300,000	$1,191,667
002	01/01/98-12/31/98	$1,200,000	$ 900,000
003	04/01/98-03/31/99	$ 950,000	$ 475,000
004	07/01/98-06/30/99	$1,500,000	$ 375,000
Totals		$4,950,000	**$2,941,667**

Budget Authority Utilization	
Total contributions required	**$2,750,000**
divided by	
Annual budget authority	**$2,941,667**
equals	
Budget Authority Utilization	**93.5%**

Lease-up Rate

The lease-up rate was determined by comparing the contract units (funding increments active as of the end of the PHA 1998 year) to the unit months leased (divided by 12) reported on the combined HUD 52681, Year End Settlement Statement(s) for 1998.

Active funding increments awarded by HUD for special purposes such as litigation, relocation/replacement, housing conversions, etc. were excluded from the contract units as the Department recognizes that many of these unit allocations have special requirements which require extended periods of time to achieve lease-up.

EXAMPLE:

Increments	Contract Term	Units
001	11/01/97-10/31/98	242
002	01/01/98-12/31/98	224
003	04/01/98-03/31/99	178
004	07/01/98-06/30/99	280
Totals		924
Increment 003 litigation		(178)
Adjusted contract units		**746**

Unit months leased reported by PHA	8,726
divided by 12	727
Units Leased	**727**

Lease-up Rate	
Units leased	**727**
divided by adjusted contract units	**746**
equals	
Lease-up Rate	**97.4%**

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 24, 2000

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:

Forage production crop and forage seeding crop; published 1-25-00

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Iowa; correction; published 2-24-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Rough popcornflower; published 1-25-00

Willamette daisy, Fender's blue butterfly, and Kincaid's lupine; published 1-25-00

POSTAL SERVICE

Freedom of Information Act; implementation; published 1-25-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Reduced vertical separation minimum; published 2-7-00

Class C airspace; published 2-10-00

Class D airspace; published 12-14-99

Class D and Class E airspace; published 12-3-99

Class E airspace; published 10-19-99

IFR altitudes; published 1-14-00

Jet routes; published 12-20-99

VOR Federal airways; published 11-29-99

TREASURY DEPARTMENT

Customs Service

Drawback:

False drawback claims; penalties; published 1-25-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

African swine fever; disease status change—

Portugal; comments due by 2-28-00; published 12-29-99

AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Fees:

Official inspection and weighing services; comments due by 3-3-00; published 1-3-00

Grain inspection:

Rice; fees increase; comments due by 3-3-00; published 1-3-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Salmonids; take prohibitions; comments due by 3-3-00; published 1-3-00

West Coast salmonids; evolutionarily significant units; comments due by 3-3-00; published 1-3-00

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

American Fisheries Act; emergency implementation; comments due by 2-28-00; published 1-28-00

Caribbean, Gulf, and South Atlantic fisheries—

South Atlantic Fishery Management Council; hearings; comments due by 3-1-00; published 2-3-00

Northeastern United States fisheries—

Atlantic sea scallop; comments due by 3-1-00; published 2-4-00

Dealer and vessel reporting requirements; comments due by 3-2-00; published 2-16-00

Summer flounder, scup, and Black Sea bass; comments due by 2-28-00; published 1-28-00

West Coast States and Western Pacific fisheries—

Western Pacific pelagic; comments due by 3-3-00; published 2-17-00

DEFENSE DEPARTMENT

Air Force Department

Sales and services:

Release, dissemination, and sale of visual information materials; comments due by 2-28-00; published 12-28-99

ENERGY DEPARTMENT

Nuclear waste repositories:

Yucca Mountain Site, NV; suitability guidelines; hearings; comments due by 2-29-00; published 1-14-00

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:

Central air conditioners and central airconditioning heat pumps—

Energy conservation standards; comments due by 2-28-00; published 2-17-00

Energy conservation:

Commercial and industrial equipment, energy efficiency program—

Warm air furnaces and heating, air conditioning, and water heating equipment; test procedures and efficiency standards, etc.; comments due by 2-28-00; published 12-13-99

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Idaho; comments due by 2-28-00; published 1-27-00

Water programs:

Water quality planning—

Management regulation listing requirements; comments due by 3-3-00; published 2-2-00

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Commercial mobile radio services—

Wireless services campatibility with enhanced 911 services; reconsideration petitions; comments due by 2-28-00; published 12-29-99

Rulemaking proceedings; petitions filed, granted, denied, etc.; correction; comments due by 2-29-00; published 2-14-00

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:

Boards of directors and senior management; powers and responsibilities; comments due by 3-3-00; published 1-3-00

FEDERAL MARITIME COMMISSION

Ocean transportation intermediaries; individual contemporaneously acting as qualifying individual for ocean freight forwarder and non-vessel common carrier; comments due by 2-28-00; published 2-14-00

FEDERAL RESERVE SYSTEM

Equal credit opportunity, electronic fund transfers, consumer leasing, truth in lending, and truth in savings (Regulations, B, E, M, Z, and DD)

Disclosure requirements; delivery by electronic communication; comments due by 3-3-00; published 12-15-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Administrative practice and procedure:

Citizen petitions; miscellaneous amendments; comments due by 2-28-00; published 11-30-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

San Diego ambrosia; comments due by 2-28-00; published 12-29-99

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Illinois; comments due by 2-29-00; published 2-14-00

LABOR DEPARTMENT

Mine Safety and Health Administration

Coal mine safety and health:

Flame-resistant conveyor belts; comments due by 2-28-00; published 12-28-99

Underground coal mines—

Electric motor-driven mine equipment and accessories and high-voltage longwall equipment; comments due by 2-28-00; published 12-28-99

LABOR DEPARTMENT

Occupational Safety and Health Administration

Occupational safety and health standards:

Ergonomics program; comments due by 3-2-00; published 2-1-00

PERSONNEL MANAGEMENT OFFICE

Group life insurance; Federal employees:

Life insurance improvements; comments due by 2-28-00; published 12-28-99

Pay administration:

Back pay, holidays, and physicians' comparability allowances; comments due by 2-28-00; published 12-28-99

POSTAL SERVICE

Domestic Mail Manual:

Commercial mail receiving agency; mail delivery; comments due by 3-3-00; published 2-2-00

TRANSPORTATION DEPARTMENT

Coast Guard

Regattas and marine parades, anchorage regulations, and ports and waterways safety:

OPSAIL 2000, San Juan, PR; exclusion areas; comments due by 2-28-00; published 1-13-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 2-28-00; published 1-27-00

Bombardier; comments due by 3-2-00; published 2-1-00

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Empresa Brasilera de Aeronautica S.A.; comments due by 3-3-00; published 2-2-00

McDonnell Douglas; comments due by 3-3-00; published 1-18-00

Raytheon; comments due by 2-28-00; published 1-12-00

Class D airspace; comments due by 3-3-00; published 1-18-00

Class E airspace; comments due by 2-29-00; published 1-5-00

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Transportation operations and management:

Dedicated short range communications in intelligent transportation systems commercial vehicle operations; comments due by 2-28-00; published 12-30-99

TREASURY DEPARTMENT

Internal Revenue Service

Procedure and administration:

Entity classification changes; special rule for foreign eligible entities; comments due by 2-28-00; published 11-29-99

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 2130/P.L. 106–172

Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 (Feb. 18, 2000)

Last List February 16, 2000

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