DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4172–N–01]

Fiscal Year 1997 Notice of Funding Availability HUD-Approved Housing Counseling Agencies

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: Purpose. This notice announces the availability of Fiscal Year (FY) 1997 funding from the U.S. Department of Housing and Urban Development (HUD) for HUD-approved housing counseling agencies to provide housing counseling to homebuyers, homeowners, and renters.

Available Funds. Up to $13,125,000.

Eligible Applicants. All housing counseling agencies approved by HUD as of the publication date of this NOFA may apply for FY 1997 funding. This includes: (1) Multi-State, regional, or national intermediary organizations, and (2) local housing counseling agencies that do not elect to affiliate with a HUD-approved intermediary organization.

This NOFA contains additional information on the purpose and background of the NOFA and funding levels available to local counseling agencies and intermediary organizations respectively; eligible activities and funding criteria; and application requirements and procedures.

DEADLINE FOR RECEIPT OF APPLICATIONS: Completed applications must be submitted no later than 4:00 p.m. local time on June 2, 1997. As further described below, any completed application must be physically received by this deadline date and hour at the appropriate local HUD office for (local applicants) or the Office of Housing, Department of Housing and Urban Development, 451 7th Street, SW, Room 9166, Washington DC 20410; telephone (202) 708-0317 (voice); and the hearing and speech impaired persons may access this number by calling the Federal Information Relay Operator at 1-800-877-8339 (TTY number).

SUPPLEMENTARY INFORMATION: Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1995 (44 USC 3501–3520), and assigned OMB control number 2502-0261. 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.

Promoting Comprehensive Approaches to Housing and Community Development

HUD is interested in promoting comprehensive, coordinated approaches to housing and community development. Economic development, community development, public housing revitalization, homeownership, assisted housing for special needs populations, support services, and welfare-to-work initiatives can work better if linked at the local level.

ADDRESS: For local housing counseling agency applicants: An original and three copies of the completed application must be submitted to the local HUD office having jurisdiction over the locality or area in which the proposed program is located. These copies should be sent to the attention of the Single Family Division Director, and the envelope should be clearly marked, "FY 1997 Counseling Application". A list of Single Family Division Directors and local HUD Offices appears at the end of this NOFA. Failure to submit an application to the correct office in accordance with the above procedures will result in disqualification of the application.

For national, regional and multi-State housing counseling agencies: An original and three copies of the completed application must be submitted to the person listed below in HUD Headquarters. The envelope should be clearly marked, "FY 1997 Counseling Application".

FOR FURTHER INFORMATION CONTACT: Monica Schuster, Director, Marketing and Outreach Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, 451 7th Street, SW, Room 9166, Washington DC 20410; telephone (202) 708-0317 (voice); and the hearing and speech impaired persons may access this number by calling the Federal Information Relay Operator at 1-800-877-8339 (TTY number).

Toward this end, HUD in recent years has developed the Consolidated Planning process designed to help communities undertake such approaches.

In this spirit, it may be helpful for applicants under this NOFA to be aware of other related HUD NOFAs that have recently been published or are expected to be published in the near future. By reviewing these NOFAs with respect to their program purposes and the eligibility of applicants and activities, applicants may be able to relate the activities proposed for funding under this NOFA to the recent and upcoming NOFAs and to the community’s Consolidated Plan.

With respect to homeownership, the Department expects to publish in the Federal Register in the next few weeks the Homeownership Zones NOFA.

To foster comprehensive, coordinated approaches by communities, HUD intends for the remainder of FY 1997 to continue to alert applicants to upcoming and recent NOFAs as each NOFA is published. In addition, a complete schedule of NOFAs to be published during the fiscal year and those already published appears under the HUD Homepage on the Internet, which can be accessed at http://www hud gov/ nofas.html. Additional steps on NOFA coordination may be considered for FY 1998.

For help in obtaining a copy of your community’s Consolidated Plan, please contact the community development office of your municipal government.

I. Purpose and Substantive Description

A. Authority and Purpose

HUD’s housing counseling program is authorized under Section 106 of the Housing and Urban Development Act of 1968 (12 USC 1701x). The purpose of the program is to promote and protect the interests of housing consumers participating in HUD and other housing programs, as well as to help protect the interests of HUD and mortgage lenders.

The Housing Counseling program is generally governed by HUD Handbook 7610.1, REV–4, dated August 9, 1995.

Section 106 authorizes HUD to provide counseling and advice to tenants and homeowners with respect to property maintenance, financial management, and such other matters as may be appropriate to assist tenants and homeowners in improving their housing conditions and in meeting the responsibilities of tenancy and homeownership. In addition, HUD-approved counseling agencies are permitted and encouraged by HUD to conduct community outreach activities...
and provide counseling to individuals, such as minorities and persons with 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 neighborhoods.

Under the housing counseling program, HUD contracts with qualified public or private nonprofit organizations to provide the services authorized by the statute. When Congress appropriates funds for this purpose, HUD announces the availability of such funds, and invites applications from eligible agencies, through a notice published in the Federal Register. Currently there are 746 HUD-approved local housing counseling agencies with 335 Branch Offices and 9 HUD-approved intermediary organizations. Annually, all HUD-approved agencies are eligible to apply for housing counseling grants.

However, an agency that is approved by HUD does not automatically receive HUD funding, and HUD expects that all counseling agencies will continually work to develop other funding resources. In FY ’96, 183 HUD-approved local housing counseling agencies and 4 HUD-approved national/regional/multi-state housing counseling agencies received funding from HUD.

B. Allocation Amounts

Fifteen million dollars ($15 million) has been appropriated from the 1997 Appropriations Act, P. L. 104–204, approved October 7, 1996 for this program. Of this amount, $13,125,000 is being made available under this NOFA for lump-sum, performance-based grants, as defined at 24 CFR part 84, subpart E. Approximately $5 million is being set aside to fund national, regional and multi-State organizations that apply for funding under this NOFA. No national/regional/multi-State agency may receive more than $1 million. Approximately $8,125,000 has been made available for grants to local HUD approved housing counseling agencies, and it has been allocated to each of the HUD Field Offices by a formula that gives equal weight to the percentage of HUD insured single family mortgage defaults within each Field Office jurisdiction as of August 31, 1996, compared to the nationwide total and the percentage of first-time homebuyers that were approved for FHA-insured mortgages within the Field Office jurisdiction during FY 1996 compared to the nationwide total for that period. This formula reflects the increased emphasis that HUD is placing on the expansion of homeownership opportunities for first-time homebuyers and its intent to ensure appropriate geographical distribution of program funds. For FY 1997, no individual local housing counseling agency may be awarded more than $100,000.

Allocations for use in local agency programs, by HUD Field Office, are estimated as follows:

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<th>HUD field office</th>
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<th>Allocation amount</th>
<th>No. of 1st timers</th>
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* (NH, ME, VT)
An allocation of $1,875,000 in program funding has been set aside for Housing Counseling support which may include: Continuation of the Housing Counseling Clearinghouse, 800 service to provide information to the public regarding local HUD-approved housing counseling agencies, and/or other HUD counseling initiatives.

If funds remain after HUD has funded all approvable grant applications in a HUD Field Office jurisdiction, or if any funds become available due to deobligation, that amount shall be reallocated and used in keeping with the statute and in a manner that will improve the delivery of housing counseling service nationwide. Left over and recaptured funds will be reallocated and used consistent with the terms of this NOFA. Consideration will be given to the field offices with the greatest need. The criteria will include the number of defaults and first-time home buyers, and if there is at least one housing counseling grantee servicing the locality.

C. Eligible Applicants

1. General

There are two types of HUD-approved organizations that are eligible to submit applications pursuant to this NOFA: (1) National, regional, or multi-State housing counseling organizations (also known as “intermediaries” or “umbrella groups”); and (2) local housing counseling agencies.

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affiliates in their application. These intermediaries must assure that their proposed affiliates are unique to their team and will not undertake a separate application for funds either as an affiliate of another intermediary or directly as a HUD-approved local counseling agency. Should any duplication occur, both the intermediary organization and the local agency involved will automatically be ineligible for further consideration to receive FY 1997 housing counseling funds. In addition, an intermediary-applicant must also assure that it has executed a sub-agreement with its affiliates that clearly delineates their mutual responsibilities for program management, incorporating appropriate timeframes for reporting results to HUD.

Once funded, the national, regional, and multi-State intermediaries will be given broad discretion in implementing their housing counseling programs. On behalf of HUD, the intermediaries will act as managers in the housing counseling process and, as such, may determine levels and types of counseling activity for each of their affiliates, except that no single affiliate may receive more than $100,000. HUD will hold the intermediary organization accountable for the performance of its affiliates.

Local counseling agencies may apply either directly to HUD for funding, or as a part of an affiliated intermediary network. Since continuation of funding for housing counseling activities as a separate and discrete program for FY 1997 and thereafter is not guaranteed, HUD encourages local agencies to consider affiliating with a larger entity as one avenue of possible future funding and support for local programs. Local housing counseling agencies that are not currently HUD-approved may receive FY 1997 funding only as an affiliate of a HUD-approved national, regional, or multi-State intermediary’s application for FY 1997 funds. In this instance, the intermediary organization must certify that the quality of services provided will meet, or exceed, standards for local HUD-approved agencies.

2. Civil Rights Prerequisites

Applicants that fall into any one of the following categories will be ineligible for funding under this NOFA:

a. The Department of Justice has brought a civil rights suit against the applicant and the suit is pending.

b. There has been an adjudication of a civil rights violation in a civil action brought against the applicant by a private individual, unless the applicant is operating in compliance with a court order, or implementing a HUD-approved compliance agreement designed to correct areas of noncompliance.

c. There are outstanding findings of noncompliance with civil rights statutes, Executive Orders or regulations as a result of formal administrative proceedings, or the Secretary has issued a charge against the applicant under the Fair Housing Act, unless the applicant is operating under a conciliation or compliance agreement designed to correct areas of noncompliance.

d. HUD has deferred application processing by HUD under one of the following authorities:

i. Title VI of the Civil Rights Act of 1964 and the implementing guidelines of the Attorney General (28 CFR 50.3) and the HUD regulations (24 CFR 1.8);

ii. Section 504 of the Rehabilitation Act of 1973 and the HUD section 504 regulations (24 CFR 8.57);

iii. Executive Order 11063, as amended by Executive Order 12892 and HUD regulations (24 CFR Part 107);

iv. Title II of the Americans with Disabilities Act of 1990 and applicable regulations (28 CFR Part 36); or


3. Requirements to Affirmatively Further Fair Housing

Three Civil Rights acts and their implementing regulations form the basis for HUD’s evaluation of proposals for the extent to which they will affirmatively further fair housing:

a. Section 808(e)(5) of the Fair Housing Act requires HUD to administer all its programs in a manner which affirmatively furthers fair housing on the bases of race, color, national origin, religion, sex, disability, and familial status.

b. HUD’s regulation at 24 CFR 1.4(b)(6) which implements Title VI of the Civil Rights Act requires recipients of HUD funds to take affirmative action to overcome the effects of conditions which resulted from limiting participation of persons by race, color, or national origin even in the absence of prior discrimination by the organization.

c. Section 504 of the Rehabilitation Act of 1973 requires recipients of HUD funds to provide housing opportunities for persons with disabilities which are comparable to those for non-disabled persons and to ensure accessibility in all programs so funded.

All applications must address these requirements by discussing how the recipient plans to affirmatively further fair housing. This may be done in a variety of ways, as appropriate to the community. Making counseling offices and services accessible to persons with a wide range of disabilities and helping such persons to locate suitable housing in locations throughout the metropolitan or community area is suggested for both national, regional, or multi-state housing counseling organization, as well as for local counseling agencies. However, programs should be developed to meet the needs of all individuals regardless of race, national origin, or disability. The following are additional suggestions:

National, Regional, or Multi-State Housing Counseling Organizations

—Implement affirmative marketing strategies to attract all segments of the population listed as prohibited bases in the Fair Housing Act who are least likely to apply for Housing Counseling to purchase or retain their homes.

—Take actions to reduce concentrations of poverty and/or minority populations. This could include working with, or adopting the counseling practices of, agencies which conduct opportunity counseling to encourage low-income and minority persons to move to low-concentration areas and helping to locate suitable housing in such areas. It could also include working with local lenders to develop alternative lending criteria: For instance, the counseling agency may make referrals to the lenders of clients with good credit and payment histories, but who do not fit the standard profiles for lending practices or of clients with financial patterns which reflect cultural differences (such as family savings pools common among some Asian populations). Such activity 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.

Such housing would include accessible housing to accommodate persons with a variety of disabilities, i.e., mobility, hearing, visual, and persons with multiple chemical sensitivities (MCS), etc.

Local Housing Counseling Agencies

—Participate in local fair housing strategies with major emphasis on remedying the effects of past discrimination and limitations in the community. This could include working with CPD’s entitlement jurisdictions to help to identify impediments to fair housing choice...
which have been identified in the process of working with clients; becoming familiar with the jurisdiction's identified impediments and adjusting its counseling activities to help overcome these impediments; and/or working with other public and private resources to develop fair housing strategies applicable to the counseling activities, on a community-wide or metropolitan-wide basis. Counseling agencies could also work with local disability rights organizations and housing providers to identify and list by address and type, accessible housing which is available to accommodate persons with a variety of disabilities, i.e., mobility, hearing, visual, and MCS, etc.

4. Requirements Applicable to Religious Organizations

Where the applicant is, or proposes 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, the organization must undertake its responsibilities under the counseling program in accordance with the following principles:

a. It will not discriminate against any employee or applicant for employment under the program on the basis of religion and will not limit employment or give preference to employment to persons on the basis of religion;

b. It will not discriminate against any person applying for counseling under the program on the basis of religion and will not limit such assistance or give preference to persons on the basis of religion;

c. It will provide no religious instruction or religious counseling, conduct no religious services or worship, engage in no religious proselytizing, and exert no other religious influence in the provision of assistance under the housing counseling program.

D. Eligible Activities

Eligible activities will vary depending upon whether the applicant is a HUD-approved local counseling agency or a HUD-approved national, regional, or multi-State housing counseling intermediary. Lease, rehabilitation, or acquisition of facilities is not an eligible activity.

1. Local Housing Counseling Agencies

Local housing counseling agencies funded under this NOFA may use HUD funds to deliver comprehensive housing counseling or to specialize in the delivery of particular housing counseling services according to the needs identified for their target area in the plan that was previously approved by HUD. HUD recognizes that local housing counseling agencies may offer a wide range of services, including:

a. Renter assistance, including information about rent subsidy programs, rights and responsibilities of tenants, lease and rental agreements, etc.;

b. Outreach initiatives, including providing general information about housing opportunities within the community and providing appropriate information to persons with disabilities;

c. Pre-purchase homeownership counseling, covering such issues as purchase procedures, mortgage financing, downpayment/closing cost fund accumulation, accessibility requirements of the property—if appropriate, credit improvement, debt consolidation, etc.;

d. Post-purchase counseling, including such issues as property maintenance, personal money management, home equity conversion mortgages, etc.; or

e. Mortgage delinquency and default resolution, including restructuring debt, arrangement of reinstatement plans, loan forbearance, loss mitigation, etc.

HUD-funded local counseling agencies may elect to offer their services to a wide range of clients or may elect to serve a more limited audience, so long as limitations are not based on any of the prohibited bases of the Fair Housing Act. Potential clients include: renters; potential homebuyers including those homebuyers that have been underserved such as minority and persons with disabilities; homeowners eligible for and applying for HUD-related, 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 HUD-approved housing counseling agency to resolve a housing need (including the need of a person with a disability for accessible housing) or problem. Local housing counseling agencies may elect to offer this assistance in conjunction with any HUD housing program but must be familiar with FHA’s single family and multifamily housing programs.

2. National, Regional, or Multi-State Counseling Intermediaries

The primary activity of national, regional, or multi-State nonprofit housing counseling intermediaries will be to manage the use of HUD housing counseling funds, including the distribution of counseling funding to affiliated local housing counseling organizations. Local affiliates of the selected national, regional, or multi-State counseling intermediaries are eligible to undertake any or all of the housing counseling activities outlined above for the HUD-approved local housing counseling agencies. The local affiliates receiving funding through intermediaries do not need to be HUD-approved in order to receive these funds from the intermediary. However, the national, regional, or multi-State intermediary organization must be HUD-approved as of the NOFA publication date.

E. Selection Process

1. Housing Counseling Agencies

All applications meeting the requirements of this NOFA will be selected for funding within their competitive category, if sufficient funds are available: (1) In the set aside for National, Regional, or multi-State organizations, or (2) within the HUD Field Office allocation for local housing counseling agency applicants.

a. Criteria/Ranking Factors: All applications from Intermediary agencies will be rated and ranked by staff in the HUD Headquarters Office. All applications from local counseling agencies will be rated and ranked by staff in the appropriate HUD Field Office and by the Secretary's Representative in the appropriate State office. The Secretary's Representative and the local HUD Office staff will use the same criteria and ranking factors, as follows:

i. Capability of the applicant as determined by HUD, including competent delivery of counseling services and timely drawdown of any HUD funds awarded in the prior Fiscal Year—up to 45 points (up to 40 points assigned by HUD's Housing staff; up to 5 points assigned by the Secretary's Representative). Staff will include but not be limited to the following: first-time home buyer education and counseling; default, loss mitigation and foreclosure prevention counseling; information on the availability and financing of housing counseling; counseling on rehabilitating and refinancing of housing; information on the purchase of housing from HUD and other government agencies; providing HECM counseling.

ii. Adequacy of the activities proposed by the applicant in response to housing needs identified in the applicant’s housing counseling plan as previously approved by HUD—up to 20
points (up to 15 points assigned by HUD's Housing staff; up to 5 points assigned by the Secretary's Representative);

iii. Evidence of private funding sources contributing to the applicant's operating budget over the past calendar year—up to 15 points assigned by HUD's Housing staff; and

iv. Evidence of current funding support from units of government located within the target area which the applicant intends to serve—up to 10 points assigned by HUD's Housing staff.

v. Extent to which proposal provides methods for affirmatively furthering fair housing—up to 10 points assigned by HUD's FHEO staff. Special consideration will be given to particularly innovative strategies and those designed to remedy the effects of past discrimination as described in paragraph C.3, Requirements to Affirmatively Further Fair Housing.

b. Selection Procedure: National, regional, and multi-State applications will be rated and ranked in Headquarters and selected for funding, in rank order, until all funds for such agencies are depleted. Local agency applications will be rated and ranked by the Field Office and selected for funding, in rank order, until all funds for such agencies are depleted.

i. Breaking a Tie

If two or more applications receive the same number of points and sufficient funds are not available to fund all such applications, first the application or applications requesting the smallest grants will be selected, if a sufficient amount remains to fund them. If two or more tied applications request the same amount and sufficient funds are not available to fund all such applications, the following system will be used to break the ties:

A. If the tied applications are for programs to be carried out in different jurisdictions, applications with the highest number of points for the rating criterion a.i. (adequacy of activities) stated above will be selected, if sufficient funds remain.

B. If the tied applications are to be carried out in the same jurisdiction, applications with the highest number of points for the rating criterion a.i. (capability) stated above will be selected, if sufficient funds remain.

ii. Realocations

Funds remaining after applying the procedures described in paragraph E.1.b. will be reallocated to Headquarters for distribution in accordance with the statute.

iii. Procedural Errors

Procedural errors by HUD discovered after initial ratings, but before notification to Congress of selected applicants, will be corrected and rankings will be revised.

iv. Reductions

HUD will approve an application for an amount lower than the amount requested or adjust line items in the proposed budget within the amount requested (or both) if it determines that:

A. The amount requested for one or more eligible activities is unreasonable, unnecessary, or unjustified;

B. An activity proposed for funding does not qualify as an eligible activity;

C. The applicant is not able to carry out all the activities requested; or

D. Insufficient amounts remain in that funding round to fund the full amount requested in the application.

v. Limitation of Geographic Scope

HUD may reduce the geographic scope of the proposed program if it determines that:

A. Two or more fundable applications substantially overlap; or

B. The proposed geographic scope is overly large given the capacity of the organization.

2. National, Regional, and Multi-State Counseling Organizations

If more applications are submitted to HUD Headquarters from national, regional, and multi-State organizations that meet all the requirements of this NOFA than can be funded with the amount allocated for this purpose, they will be rated by staff in HUD Headquarters using the above ranking criteria stated in paragraph 1.a., and the top-rated applications will be selected. Paragraphs 1.b., 1.i., b.iv., and b.v., above also apply to the selection of national, regional, and multi-State counseling organizations.

3. Notification of Approval or Disapproval

After completion of the selection process, but no later than six months after the deadline date for submission of the applications, as stated in this NOFA, HUD will notify, in writing, the applicants that have been selected and the applicants that have not been selected.

F. Funding Levels

Funding levels will be based on the amount authorized by the Congress, geographical distribution as described above, the local performance record of each counseling agency as determined by HUD's analysis of prior year counseling workload and results of the most recent biennial performance review, competent delivery of counseling services and timely drawdown of funds awarded, and the agency's needs, as specified in the application according to its housing counseling plan previously approved by HUD. In addition, applicants that can demonstrate successful efforts to obtain non-HUD funding in their applications will receive extra consideration in HUD's rating and ranking process. HUD funding provided must be less than the total actual cost of the agency's housing counseling program.

1. Local Housing Counseling Agencies

HUD will fund local agencies according to the budget submitted with the application, in an amount not to exceed $100,000. Amounts requested by local housing counseling agencies should reflect anticipated operating needs for housing counseling activities, based upon counseling experience during the last year and existing agency capacity. To the maximum extent possible, local counseling agencies also must seek other private and public sources of funding to supplement HUD funding. HUD never intends for its counseling grant funds to cover all costs incurred by an agency participating in the program.

Local housing counseling agencies may use the HUD grant to undertake any of the eligible counseling activities described in this NOFA and included in their HUD-approved plan. FY 1997 housing counseling grant funds also may be used for "capacity building" which permits up to $4,000 of the grant amount be used to: purchase computer equipment that meets, or exceeds, HUD specifications; enhance existing telecommunication equipment for the hearing-impaired (TTY) to serve persons with hearing impairments (as an alternative to using the TTY relay service); and install FAX machines. The Department will require that all grantees funded in 1997 which do not currently have adequate computer systems (and were not funded by HUD under the FY 1995 or FY 1996 NOFA) use all or a portion of their $4,000 capacity building portion of the grant to purchase computer hardware according to HUD specifications. Computer training for one staff person also may be paid from the $4,000 set-aside, as may training on how to use a TTY. Title to equipment acquired by a recipient with program funds shall vest in the recipient, subject to the provisions of 24 CFR parts 44, 84, and subpart E. Agencies funded under the FY 1995 and/or FY 1996 NOFA already received an allocation of capacity.
building funds and may not request additional capacity building funds in 1997.

II. National, Regional, or Multi-State Counseling Intermediaries

The intermediary organization will distribute the majority of funds awarded to their local counseling affiliates. Intermediaries should budget an amount which reflects their best estimate of cost to oversee and fund these counseling efforts, as well as the funding needs of their affiliates. Note that HUD housing counseling funding is not intended to fully fund either the intermediary's housing counseling program or the housing counseling programs of the local affiliates. To the extent possible, intermediaries and their local affiliates are expected to seek other private and public sources of funding for housing counseling to supplement HUD funding.

An intermediary may use up to $5,000 of its total grant amount for capacity building expenses such as: purchasing computer equipment; enhancing telephone service, such as purchasing telecommunications equipment for the hearing-impaired (TTY) to serve persons with hearing impairments (as an alternative to using TTY relay service); installing FAX machines; and preparing or publishing counseling materials. If the intermediary does not have an adequate computer system and was not funded under the FY 1995 or FY 1996 NOFA, the Department will require that the $5,000 capacity building portion of the grant be used to purchase necessary equipment meeting HUD specifications. Title to equipment acquired by a recipient with program funds shall vest in the recipient, subject to the provisions of 24 CFR part 84, subpart E. Intermediaries funded under the FY 1995 and/or FY 1996 NOFA may not request additional capacity building funds in FY 1997.

HUD will give the selected nonprofit intermediaries wide discretion to implement the housing counseling program with their affiliates. The intermediary may decide how to allocate funding among its affiliates and may determine funding levels at or below $100,000 for individual affiliates with the understanding that a written record will be kept of how this determination is made. This record shall be made available to the agencies affiliated with the intermediary.

III. Checklist of Application Submission Requirements

A. General

Contents of an application will differ somewhat for local housing counseling agencies and for national, regional, or multi-State intermediaries; however, all applicants are expected to submit:

2. Standard Form 424B, Assurances—Non-construction Programs.
3. Drug-Free Workplace Requirements Certification.
5. Certification and Disclosure of Lobbying Activities, Standard FormLLL, for National Intermediaries only, if applicable.
7. Form HUD-9902, Housing Counseling Agency Fiscal Year Activity Report for fiscal year October 1, 1995 through September 30, 1996. Where an applicant did not participate in HUD’s Housing Counseling Program during FY 1996, this report should be submitted to reflect the agency’s counseling workload during that period in any case. This form must be fully completed and submitted by every applicant for FY 1997 HUD funding. HUD will reject any application that does not include this form.
8. Computer Equipment Inventory (if applicable).
9. Budget Worksheet. A realistic, proposed budget for use of HUD funds, if awarded. This should be broken down into two categories: Direct counseling costs and capacity building costs. Note that the budget submitted by a local agency may not exceed a total of $100,000, including capacity building costs which may not exceed $4,000. National, regional and multi-State organizations may submit a proposed budget up to $1 million, including capacity building costs which may not exceed $5,000.
10. Exhibits for National, regional, multi-State or local housing counseling agencies (as described below in B1-B3 and in the application kit).
11. Evidence of Housing Counseling Funding Sources (required by all applicants).
13. A description of counseling activities to be performed.
15. A description of organization capability.
16. Direct-labor and Hourly-labor rate and Counseling Time Per Client.
17. Congressional District Information.

B. National, Regional, and Multi-State Intermediaries

National, regional, and multi-State intermediaries must submit an application which covers both their network organization and their affiliated agencies. This application must include:

1. Description of affiliated agencies.
2. Relationship with affiliates. Briefly describe the intermediary's relationship with affiliates (i.e. membership organization, field or branch offices, subsidiary organizations, etc.).
3. Oversight System. Describe the process that will be used for determining affiliate funding levels, distributing funds, and monitoring affiliate performance.

IV. Corrections to Deficient Applications

After the submission deadline, applicants may cure only non-substantial, technical deficiencies that surface during HUD screening of their application. Applicants will have a "cure period" to correct such deficiencies that are not integral to HUD's review of the application. Applicants have 14 calendar days from the date HUD notifies them of any problem to submit the appropriate information to HUD. Notification of a technical deficiency may be in writing or by telephone. If the HUD notification is by telephone, a written confirmation will be transmitted by HUD to the applicant. Where HUD determines that an application as initially submitted is fundamentally incomplete, or would require substantial revisions, it will not consider the application further. Note: HUD will not inform applicants regarding application deficiencies other than as described in this section.

V. Other Matters

Environmental Impact

This NOFA does not direct, provide for assistance or loan and mortgage
insurance for, or otherwise govern or regulate property acquisition, disposition, lease, rehabilitation, alteration, demolition, or new construction, or set out or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this NOFA is categorically excluded from environmental review under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321).

Federalism Impact
The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this NOFA does not have “federalism implications” because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This NOFA only affects nonprofit or public organizations who seek funding for their housing counseling activities.

Impact on the Family
The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this NOFA has potential significant impact on family formation, maintenance, and general well-being only to the extent that the entities who qualify for participation in HUD’s housing counseling program under this notice will provide families with the counseling and advice they need to avoid rent delinquencies or mortgage defaults, and to develop competence and responsibility in meeting their housing needs. Since the potential impact on the family is considered beneficial, no further review under the Order is necessary.

Accountability in the Provision of HUD Assistance
Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and the final rule codified at 24 CFR part 4, subpart A, published on April 1, 1996 (61 FR 1448), 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, HUD published, at 57 FR 4942, a notice that also provides information on the implementation of section 102. The documentation, public access requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and public access requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 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 at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the application disclosed reports, but in no case for a period less than three 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 15.

Prohibition Against Advance Information on Funding Decisions
HUD’s regulation implementing section 103 of the HUD Reform Act, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than persons authorized to receive such information) 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 (202) 708-3813 (voice), (202) 708-1112 (TTY). (These are not toll-free numbers.) 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.

Prohibition Against Lobbying Activities
The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the HUD implementing regulations at 24 CFR Part 87. These authorities prohibit recipients of federal contracts, grants or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR Part 87, applicants, recipients and subrecipients of assistance exceeding $100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance. Required Reporting. A certification is required at the time application for funds is made that Federally appropriated funds are not being or have not been used in violation of section 319 and the disclosure will be made of payments for lobbying with other than federally appropriated funds. The standard disclosure form, SF-LLL, “Disclosure Form to Report Lobbying”, and the certification form must be used to disclose lobbying with other than Federally appropriated funds at the time of the application.

Catalog of Federal Domestic Assistance
The Catalog of Federal Domestic Assistance Program number is 14.169.


Stephanie A. Smith,
General Deputy, Assistant Secretary for Housing-Federal Housing Commissioner.

Appendix A—HUD Offices
Note: The title of all those listed is: Director, Single Family Division, U.S. Department of Housing and Urban Development. Telephone numbers are not toll-free.

HUD—New England Area
Connecticut State Office
Mr. Gary T. Le Vine, First Floor, 330 Main Street, Hartford, CT 06106-1860, (203) 240-4569

Massachusetts State Office
Mr. Edward T. Bernard, Room 375, Thomas P. O’Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222-1092, (617) 565-5335

New Hampshire State Office
Mr. Loren Cole, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101-2487, (603) 666-7755
Tulsa Area Office
Mr. Ken Beck, 50 East 15th Street, Suite 110, Tulsa, OK 74119-4032, (918) 581-7168 X3027

HUD—Great Plains
Iowa State Office
Mr. Patrick Liao, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309-2155, (515) 284-4435

Kansas/Missouri State Office
Mr. Deryl Sellmeyer, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101-2406, (913) 551-6820

Nebraska State Office
Ms. Nancy Sheets, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154-3955, (402) 492-3135

HUD—Rocky Mountains Area
Colorado State Office
Mr. Ron Bailey (Acting), First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, (303) 672-5343

Montana State Office
Mr. Gerard Boone, Room 340, Federal Office Building, Drawer 10095, 301 S. Park, Helena, MT 59626-0095, (406) 441-1300

Utah State Office
Mr. Richard P. Bell, Suite 550, 257 Tower, 257 East, 200 South, Salt Lake City, UT 84111-2048, (801) 524-5237

HUD—Pacific/Hawaii Area
Arizona State Office
Ms. Bernice Campbell, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004-2361, (602) 379-6704

California State Office
Mr. James McClanahan, Philip Burton Federal Building and U.S. Courthouse 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102-3448, (415) 436-6518

Hawaii State Office
Ms. Jill B. Hurt, 7 Waterfront Plaza (Suite 500), 500 Ala Moana Boulevard, Honolulu, HI 96813-4918, (808) 522-8190 X251

Nevada State Office and Reno
Ms. Sharon Atwell, Suite 700, Atrium Building, 333 No. Rancho Drive, Las Vegas, NV 89106-3714, (702) 388-6500 X1802

Fresno Area Office
Ms. Yvielle Edwards-Lee, Suite 138, 1630 E. Shaw Avenue, Fresno, CA 93710-8193, (209) 487-5032

Los Angeles Area Office
Mr. Malcolm Findley, 1615 West Olympic Boulevard, Los Angeles, CA 90015-3801, (213) 251-7220

Reno Area Office—see Nevada
Sacramento Area Office
Mr. Ron M. Johnson, Suite 200, 777 12th Avenue, Sacramento, CA 95814-1997, (916) 498-5220 X282

San Diego Area Office
Mr. Danny E. Mendez, Mission City Corporate Center, 2365 Northside Drive (Suite 300), San Diego, CA 92108-2712, (619) 557-2610 X227

Santa Ana Area Office
Mr. David A. Westerfield, Suite 500, 3 Hutton Centre, Santa Ana, CA 92707-5764, (714) 957-3745

Tucson Area Office
Ms. Bernice Campbell, Suite 700, Security Pacific Bank Plaza, 33 North Stone Avenue, Tucson, AZ 85701-1467, (520) 670-6000

HUD—Northwest/Alaska Area
Alaska State Office
Mr. Paul O. Johnson, Suite 401, University Plaza Building, 949 East 36th Avenue, Anchorage, AK 99508-4399, (907) 271-4610

Idaho State Office
Mr. Gary L. Gillespie, Suite 220, Plaza IV, 800 Park Boulevard, Boise, ID 83712-7743, (208) 334-1991

Oregon State Office
Ms. Pamela D. West, 400 S.W. Sixth Ave., Suite 700, Portland, OR 97204, (503) 326-2684

Washington State Office
Mr. David L. Rodgers, Suite 200, Seattle Federal Office Building, 909 First Avenue, Seattle, WA 98104-1000, (206) 220-5200 X3252

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