DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4416–N–02]

Second Notice of Funding Availability; Family Self-Sufficiency (FSS) Program Coordinators for the Section 8 Rental Certificate and Rental Voucher Programs, Fiscal Year 1999

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability for fiscal year (FY) 1999 for Section 8 Family Self-Sufficiency (FSS) program coordinators.

SUMMARY: *Purpose of Program.* The Section 8 FSS program is intended to promote the development of local strategies to coordinate the use of assistance under the Section 8 rental certificate and rental voucher programs with public and private resources to enable participating families to achieve economic independence and self-sufficiency. An FSS program coordinator assures that program participants are linked to the supportive services they need to achieve self-sufficiency.

Available Funds. This is the second NOFA issued under this program for FY 1999. The first NOFA was issued on March 8, 1999 (64 FR 11278). Because funding remains available under this program, HUD is issuing a second Section 8 FSS Program Coordinators NOFA (FSS Program Coordinators NOFA). This second FSS Program Coordinators NOFA announces the availability of approximately $9 million remaining in Fiscal Year (FY) 1999 to fund Section 8 FSS program coordinators. Housing agencies that applied for funding under the March 8, 1999 FSS Program Coordinators NOFA will not receive additional funding under this NOFA.

Eligible Applicants. Public housing agencies (HAs) eligible to receive funding under this NOFA are only those that did not apply for funding under the first FY 99 FSS Program Coordinators NOFA, published on March 8, 1999 (March 8, 1999 FSS Program Coordinators NOFA) that either (1) Received funding under the FY 98 NOFA for Section 8 FSS Program Coordinators; or (2) did not receive funds under the FY 98 Section 8 FSS Program Coordinators NOFA and are authorized through their HUD-approved FSS Action Plan to administer Section 8 FSS programs of at least 25 FSS slots. Under this NOFA, both the voluntary Section 8 FSS slots and the mandatory Section 8 FSS slots reflected in the HA's HUD-approved FSS Action Plan are counted in determining the HA's Section 8 FSS program size. HAs that did not apply for funding under the March 8, 1999 FSS Program Coordinators NOFA that have Section 8 FSS programs of fewer than 25 approved slots, also may receive funding under this NOFA, if they are applying jointly with one or more other HAs, so that between or among the HAs they have HUD approval to administer at least 25 Section 8 FSS slots. There is no maximum Section 8 program size limit for HAs eligible to apply for funding under this NOFA.

Indian Housing Authorities (IHAs) are not eligible for funding under this NOFA since the Native American Housing Assistance and Self Determination Act of 1996 does not allow HUD to enter into new Annual Contributions Contracts (ACCs) with IHAs after September 30, 1997.

Application Deadline. The application deadline for the FSS Programs Coordinators is August 26, 1999, at the time described under section I of Additional Information of this NOFA.

ADDITIONAL INFORMATION

I. Application Due Date, Application Kits, and Technical Assistance

Application Due Date. The application deadline for funding under this Section 8 FSS Programs Coordinators NOFA is August 26, 1999, at the time described in Section I of this NOFA. The application deadline is firm as to date and hour. In the interest of fairness to all competing HAs, HUD will treat as ineligible for consideration any application that is not received by the application deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will not accept, at any time during the NOFA competition, application materials sent via facsimile (FAX) transmission.

Address for Submitting Applications. The original completed application should be submitted to the HA's local HUD Field Office HUB (Attention: HUB, Director of Public Housing) or local HUD Field Office Program Center (Attention: Program Center Coordinator). Throughout this NOFA, the Field Office HUBs and Program Centers will be referred to as the local HUD Field offices. Applicants should not submit any copies of their applications to HUD Headquarters.

Mailed Applications. Applications will be considered timely filed if postmarked on or before 12 midnight on the application due date and received by the HA's local HUD Field Office on or within ten (10) days of the application due date.

Applications Sent by Overnight/Express Mail Delivery. Applications sent by overnight delivery or express mail will be considered timely filed if received by the appropriate local HUD Field Office before or on the application due date, or upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than the specified application due date.

Hand Carried Applications. Applications must be delivered to the appropriate local HUD Field Office by 6:00 pm local time on the due date. Hand carried applications will be accepted during normal business hours before the application due date. On the application due date, business hours will be extended to 6:00 pm.

For Application Kits, Further Information and Technical Assistance: There is no application kit for this NOFA. For answers to your questions, you may contact either the Public and Indian Housing Resource Center at 1–800–955–2232 or the HUB Director of Public Housing or the Program Center Coordinator in the local HUD Field Office. Hearing- or speech-impaired individuals may call HUD's TTY number 1–800–877–8339 (the Federal Information Relay Service TTY). Information can be accessed via the Internet at http://www.hud.gov. Prior to the application deadline, staff at the numbers given above will be available to provide general guidance, but not guidance in actually preparing the application. Following selection, but prior to award, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of an award by HUD.

II. Amount Allocated

For this second NOFA, FY 1999 funding in the amount of approximately $9 million remains available for HA administrative fees for Section 8 FSS program coordinators.

III. Program Description; Eligible Applicants; Eligible Activities

(A) Program Description

In recent years, HUD provided funding for Section 8 FSS program coordinators to HAs with Section 8 programs of fewer than 1,000 units. The FY 1994 and FY 1995 funds were awarded to these HAs based on a request for funding, and all complete

applications were funded. The FY 1996 funds were awarded based on a competitive NOFA. In FY 1996, state and regional HAs that administered more than 1,000 rental vouchers and certificates, but fewer than 1,000 mandatory FSS slots, were also eligible to apply, and some received funding. In FY 1997, HUD allocated funds for Section 8 FSS program coordinators to allow HAs that were previously funded to continue to pay a Section 8 FSS coordinator. Since funding for Section 8 FSS program coordinators was limited, HUD did not accept applications from HAs that were not previously funded. In FY 1998, HUD awarded funds to HAs that were funded for Section 8 FSS program coordinators in FY 1997 to continue to pay for an FSS coordinator for another year and was also able to fund additional eligible small HAs and state and regional HAs that did not receive Section 8 FSS program coordinator funding in the previous year.

HUD determined to make a sufficient amount available under the FY 99 Section 8 Program Coordinator NOFAs to enable HAs, including state and regional HAs, with approval to administer Section 8 FSS programs of at least 25 slots, to hire up to one Section 8 FSS program coordinator for one year at a reasonable cost, as determined by the HA and HUD based on salaries for similar positions in the locality. HUD approval to administer a Section 8 FSS program of a certain size is obtained when HUD approves the HA's Action Plan. In its Action Plan the HA indicates the number of families it will serve in its Section 8 FSS program, through both mandatory and voluntary slots. There is no maximum Section 8 rental certificate/voucher program size limit for HAs eligible to apply for funding under this NOFA. Each eligible HA is limited to an award of $46,350 under this NOFA, except that if HAs apply jointly, the maximum applies to the application as a whole, not to each HA. HAs that applied for funding under the March 8, 1999 FSS Program Coordinators NOFA will not receive additional funding under this NOFA.

(B) Eligible Applicants

(1) *HAs that received funding under the FY 98 FSS Program Coordinators NOFA.* All HAs that received funding under the FY 98 NOFA for Section 8 FSS program coordinators that did not apply for funding under the first Section 8 FSS Program Coordinators NOFA, the March 8, 1999 NOFA, will be funded in FY 1999 under this second NOFA to the extent funds are available, except those HAs submitting applications that are ineligible under Section VII(C) of this NOFA, provided the HA certifies on the required Attachment A certification of this NOFA, subject to HUD verification, that it has hired an FSS program coordinator with funding previously awarded for that purpose under the FY 98 Section 8 FSS Program Coordinators NOFA and has made progress in implementing the FSS program demonstrated by having completed activities in each of the categories in section 2 of the required Attachment A certification. The HAs funded in FY 98 will receive 103 percent of FY 98 funding (not to exceed $46,350) unless the HA submits a request for a higher or lower amount, subject to the $46,350 maximum. HUD will not provide FY 99 funding to any HA that received Section 8 FSS Program Coordinator funding in FY 98 that does not comply with all of the above requirements.

(2) *HAs that did not receive funding under the FY 98 Section 8 FSS program Coordinators NOFA.* HAs, including state and regional HAs, that did not receive FSS coordinator funding in FY 98 and did not apply for funding under the March 8, 1999 FSS Program Coordinators NOFA are eligible to apply under this NOFA if the HA has a HUD-approved FSS Action Plan authorizing the HA to administer a Section 8 FSS program of at least 25 Section 8 FSS slots. Both voluntary and mandatory Section 8 FSS slots are counted in determining the HAs Section 8 FSS Program size. HAs with HUD approval to administer Section 8 FSS programs of fewer than 25 slots may also apply if they apply jointly with one or more other HA so that between or among the HAs they have HUD approval to administer at least 25 Section 8 FSS slots. If HAs apply jointly, the $46,350 maximum amount that may be requested applies to the application as a whole, not to each HA separately. Joint applicants must specify a lead co-applicant which will receive and administer the FSS program coordinator funding.

HUD is opening eligibility for funding under this NOFA to HAs with larger Section 8 rental certificate/voucher programs because it believes that this action will support welfare reform activities across the nation. The FSS program has been found to be a critical element in welfare reform efforts in many communities.

HUD is requiring that applicants under this NOFA have HUD approval to administer Section 8 FSS programs of at least 25 FSS slots to ensure that the Section 8 FSS program coordinator funds are used in a cost-effective manner. The Department expects that Section 8 FSS programs of fewer than 25 FSS slots can be managed within HA resources.

(C) Eligible Activities

Funds are available under this NOFA to employ or otherwise retain the services of up to one Section 8 FSS program coordinator for one year. A part-time Section 8 FSS program coordinator may be retained where appropriate. Under the Section 8 FSS program, HAs are required to use Section 8 rental assistance together with public and private resources to provide supportive services to enable participating families to achieve economic independence and self-sufficiency. Effective delivery of supportive services is a critical element in a successful FSS program.

IV. Program Requirements

(A) Program Coordinator Role

HAs administering the FSS program use program coordinating committees (PCCs) to assist them to secure resources and implement the FSS program. The PCC is made up of representatives of local government, job training and employment agencies, local welfare agencies, educational institutions, child care providers, nonprofit service providers, and businesses.

An FSS program coordinator works with the PCC and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FSS program coordinator may ensure, through case management, that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, and that participants are fulfilling their responsibilities under the contracts.

(B) Staffing Guidelines

Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS participants, depending on the coordinator's case management functions.

(C) Eligible Applicants With HUD-Approved Exceptions to Mandatory Minimum Program Size

If HUD has approved either a full or partial exception to implementing a Section 8 FSS program of the mandatory minimum size for an eligible HA, solely because of lack of funds for reasonable administrative costs, the approval of the exception is hereby rescinded after funding for a Section 8 FSS program coordinator is awarded under this NOFA.

(D) Other Requirements

(1) *Compliance With Fair Housing and Civil Rights Laws.* All applicants must comply with all fair housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a). If an applicant: (a) has been charged with a systemic violation of the Fair Housing Act by the Secretary alleging ongoing discrimination; (b) is the defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or (c) has received a letter of noncompliance findings under Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, or section 109 of the Housing and Community Development Act of 1974, the applicant's application will not be evaluated under this NOFA if, prior to the application deadline, the charge, lawsuit, or letter of findings has not been resolved to the satisfaction of the Department. 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 necessary to address allegations of ongoing discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) *Additional Nondiscrimination Requirements.* Applicants must comply with the Americans with Disabilities Act, and Title IX of the Education Amendments Act of 1972. In addition to compliance with the civil rights requirements listed at 24 CFR section 5.105, each successful applicant must comply with the nondiscrimination in employment requirements of Title VII of the Civil Rights Act of 1964, U.S.C. sections 2000e *et seq.*; the Equal Pay Act, 29 U.S.C. section 206(d); the Age Discrimination in Employment Act of 1967, 29 U.S.C. sections 621 *et seq.*, and Titles I and V of the Americans with Disabilities Act, 42 U.S.C. sections 12101 *et seq.*

(3) *Affirmatively Furthering Fair Housing.* Each successful applicant will have a duty to affirmatively further fair housing. After the application is approved, 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 in a manner which will affirmatively further fair housing.

V. Application Selection Process

The funds available under this NOFA are not being awarded on a competitive basis. The Department anticipates that there may be sufficient funds available under the NOFA to fund all applications that meet the NOFA requirements. Applications will be reviewed by the local HUD Field Office to determine whether or not they are technically adequate based on the NOFA requirements. Categories of applications that will not be funded are stated in Section VII(C) of this NOFA.

Upon completion of its review, each local HUD field office will prepare a listing of all technically adequate letters and certifications, which includes the total number of Section 8 rental certificates/rental vouchers administered by the HA, FSS program size reflected in the HA's HUD-approved Section 8 FSS Action Plan, and the amount of funding approved for each applicant. This listing will be forwarded to the Grants Management Center, 501 School Street, SW, Suite 800, Washington, DC 20024, which will then allocate the available funding among approvable applications. Approvable applications identified by each HUD field office will be grouped into two categories: *Category 1*—Applications from HAs that received Section 8 FSS program coordinator funding in FY 98; *Category 2*—Applications from HAs, including state and regional HAs, that did not receive Section 8 FSS program coordinator funding in FY 98. No applicant that applied for funding under the March 8, 1999 FSS Program Coordinators NOFA will be eligible for funding in either Category 1 or 2 under this second FSS Program Coordinators NOFA.

All technically adequate applications will be funded to the extent funds are available. If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will first fund all eligible category 1 applications starting from the smallest HAs first (i.e., those HAs with the smallest combined rental voucher and certificate programs first). If funding remains, HUD will then fund eligible applicants in Category 2 in size order starting from the smallest HAs first. If there are not sufficient monies to fund all applications from HAs with the same combined Section 8 rental certificate voucher program size, funding will be provided based on the size of the HA's Section 8 FSS program, reflected in the HA's HUD-approved Section 8 FSS Action Plan, starting with the largest approved Section 8 FSS program.

VI. Application Submission Requirements

(A) Application Requirement for HAs that Received FY 98 FSS Program Coordinator Funding

(1) *Applications for Funding at 103 percent of FY 98 Funding.* Each HA that received funding for a Section 8 FSS program coordinator under the FY 98 NOFA, and that did not apply for funding under the March 8, 1999 FSS Program Coordinators NOFA that wishes to receive funding under this NOFA at 103 percent of the FY 98 funding subject to the $46,350 maximum, must complete a certification in the format shown as ''Attachment A'' of this NOFA and submit it to the appropriate local HUD field office by the due date. The completed Attachment A certification along with the Fair Housing Certification (Attachment C of this NOFA) and the Certification Regarding Lobbying (Attachment D of this NOFA) constitute the entire HA application for funding under this section.

(2) *Application for Funding Other than 103 Percent of their FY 98 Funding Amount.* Any HA that received Section 8 FSS Program Coordinator funding in FY 98 and that did not apply for funding under the March 8, 1999 FSS Program Coordinators NOFA that wishes to receive funding for FY 99 at an amount either higher or lower than 103 percent of the FY 98 funding (subject to the $46,350 maximum) must submit the completed Attachment A certification, the Attachment C Fair Housing Certification, the Attachment D Certification Regarding Lobbying, and the salary comparability information required in items 4 and 5 of the Attachment B letter required under Section VI(B) of this NOFA.

(B) Request for FSS Program Coordinator Funds by Eligible HAs That Were Not Funded in FY 98

The applications of all HAs that did not receive funding under the FY 98 NOFA and that did not apply for funding under the March 8, 1999 FSS Program Coordinators NOFA must contain the following information stated in a letter from the Executive Director of the HA to the HUB, Director of Public Housing, or the Program Center Coordinator in the local HUD field office (see sample letter format, Attachment B). That letter plus the Fair Housing and Equal Opportunity Certification which is Attachment C of this NOFA and the Certification

Regarding Lobbying which is Attachment D of this NOFA constitute the entire HA application for funding under this section. The HA ''Attachment B'' letter must confirm that the HA did not apply for funding under the March 8, 1999 FSS NOFA and state:

(1) The total number of budgeted Section 8 rental certificates and rental vouchers from the most recent HUD-approved form HUD–52672, Supporting Data for Annual Contributions Estimates Section 8 Housing Assistance Payments Program.

(2) The total number of families currently enrolled in the HA's Section 8 FSS program.

(3) The total number of voluntary and mandatory Section 8 FSS slots reflected in the HUD-approved FSS Action Plan of the HA; *OR,* where HAs are applying jointly, the combined total HUD-approved Section 8 FSS program slots.

(4) The annual salary proposed for the Section 8 FSS program coordinator, plus any fringe benefits. Do not include costs of training, transportation, clerical support, equipment, supplies, or other administrative costs or overhead. The program coordinator salary should be set as follows:

(a) Determine the salary level, taking into consideration salaries for comparable jobs, modified by the hours worked.

(b) Set the annual salary, including any fringe benefits that pertain to the job.

(5) Evidence that demonstrates salary comparability with similar positions in the local jurisdiction.

(6) Joint applicants must indicate which HA will be the lead applicant and will receive and administer the FSS program coordinator funding.

(C) *Fair Housing Certification and Certification Regarding Lobbying*

All HAs applying for funding under this NOFA must submit the Certification Regarding Fair Housing and Equal Opportunity which is included as Attachment C of this NOFA and the Certification Regarding Lobbying which is Attachment D of this NOFA.

VII. Corrections to Deficient Applications

(A) Acceptable Applications

To be eligible for processing, an application must be received by the appropriate local HUD field office no later than the date and time specified in this NOFA. The local HUD field office will initially screen all applications and notify HAs of technical deficiencies by letter.

(B) *Correction of Deficient Applications*

After the application due date, HUD may not, consistent with 24 CFR part 4, subpart B, consider unsolicited information from an applicant. HUD may contact an applicant, however, to clarify an item in the application or to correct technical deficiencies. Applicants should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of the applicant's response to any selection criterion. 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 technical deficiencies include failure to submit the proper certifications or failure to submit an application containing an original signature by an authorized official. In each case, HUD will notify the applicant in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. Applicants 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 deficiency is not corrected within this time period, HUD will reject the application as incomplete.

(C) Unacceptable Applications

(1) After the 14-calendar day technical deficiency correction period, the local HUD field office will disapprove HA applications that it determines are not acceptable for processing. The HUD notification of rejection letter must state the basis for the decision.

(2) Applications from HAs that fall into any of the following categories are ineligible for funding under this NOFA and will not be processed:

(a) An HA application submitted after the deadline date for this NOFA.

(b) An application from an HA that is not an eligible HA under Section III(B) of this NOFA or an application that does not comply with the requirements of Section VI(A) or VI(B) of this NOFA.

(c) An application from an HA that does not meet the requirements of Section IV.D(1) of this NOFA, Compliance with Fair Housing and Civil Rights Laws.

(d) An application from an HA that has serious unaddressed, outstanding Inspector General audit findings, or HUD Office management review findings for one or more of the following programs: Rental Voucher, Rental Certificate or Moderate Rehabilitation.

(e) An applicant that applied for funding under the March 8, 1999 FSS Program Coordinators NOFA.

VIII. Findings and Certifications

(A) Paperwork Reduction Act

The Section 8 information collection requirements contained in this notice were submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and have been assigned OMB control number 2577–0198. 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.

(B) Environmental Requirements

In accordance with provisions of 24 CFR Part 50.19(c)(5)(ii), a finding of no significant impact is not required under this Notice. This NOFA provides funding under 24 CFR Part 984, which does not contain environmental review provisions because it concerns activities that are listed in 24 CFR 50.19(b) as categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 C.F.R. 4321) (''NEPA''). Accordingly, under 24 CFR 50.19(c)(5), this NOFA is categorically excluded from environmental review under NEPA. No environmental review is required in connection with the award of assistance under this NOFA, because the NOFA only provides funds for employing a coordinator that provides public and supportive services, which are categorically excluded under 24 CFR 50.19(b)(4) and (12).

(C) Catalog of Federal Domestic Assistance Numbers

The catalog of Federal Domestic Assistance number for the Section 8 rental certificate program is 14.855. The number for the Section 8 rental voucher program is 14.857.

(D) Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the provisions of this NOFA do not have ''federalism implications'' within the meaning of the Order. The NOFA makes funds available for HAs to employ or otherwise retain the services of up to one FSS program coordinator for one year. As such, there are no direct implications on the relationship between the national government and the states or on the distribution of power and

responsibilities among various levels of government.

(E) 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 1942, a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure 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 that 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 applicant disclosure reports, but in no case for a period of less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

(F) Section 103 HUD Reform Act

HUD will comply with section 103 of the Department of Housing and Urban Development Reform Act of 1989 and HUD's implementing regulations in subpart B of 24 CFR part 4 with regard to the funding competition announced today. These requirements 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 section 103 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 section 103 and subpart B of 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel.

(G) Prohibition Against Lobbying Activities

Applicants for funding under this NOFA 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) and to the provisions of the Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants for Federal contracts and grants from using appropriated funds to attempt to influence Federal executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment, or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments and, if any payments or agreement to make payments of nonappropriated funds for these purposes have been made, a form SF–LLL disclosing such payments must be submitted. The certification and the SF–LLL are included as Attachment D of this NOFA.

The Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved December 19, 1995), which repealed section 112 of the HUD Reform Act, requires all persons and entities who lobby covered executive or legislative branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

IX. Authority

The Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1999 (Pub. L. No. 105–265, approved October 21, 1998) authorizes funding for program coordinators under the Section 8 FSS program. As a result, the Department determined to make a sufficient amount available under this NOFA, under 24 CFR part 984, in accordance with section 984.302(b), to enable HAs to hire up to one Section 8 FSS program coordinator for one year at a reasonable cost as determined by the HA and HUD, based on salaries for similar positions in the locality.

Dated: July 16, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Attachment A.—Required Certification Format for HAs That Received FY 98 Section 8 FSS Program Coordinator Funding *

Dear HUD Field Office HUB Director of Public Housing or Field Office Program Center Coordinator:

In connection with the second FY 99 NOFA for Section 8 FSS program coordinators, [enter date of publication of this NOFA publication], I hereby certify for the _____ (enter name) HA that:

(1) The HA has hired a Section 8 FSS program coordinator using HUD funds provided for that purpose on _____ (enter the ACC effective date of FY 98 FSS program coordinator funding increment), and

(2) The HA has (check all that apply):

____ (a) Formed and convened an FSS program coordinating committee,

____ (b) Obtained HUD approval of its Section 8 FSS action plan,

____ (c) Executed contracts of participation with FSS participants.

(3) The HA has_____ (enter number) Section 8 families currently enrolled in its Section 8 FSS program.

(4) The total number of (both voluntary and mandatory) Section 8 FSS slots identified in the HA's HUD-approved action plan or, when HAs are applying jointly, the combined total of Section 8 FSS program slots in the HUD-approved Action Plan is _____.

(5) The total number of budgeted Section 8 rental certificates and rental vouchers from the most recent HUD-approved HUD 52672 form is _____.

(**Note:** For HAs applying jointly, provide the total for all HAs included in the application.)

(6) The HA did not apply for Section 8 Program Coordinator funding under the Section 8 FSS Program Coordinators NOFA published on March 8, 1999.

Sincerely,

Executive Director

* **Note:** To qualify for funding under this NOFA, HAs that received Section 8 FSS Program Coordinator funding in FY 98 must

have hired an FSS program coordinator with funding awarded under that NOFA and demonstrate activities in each of the categories in section 2.(a), 2.(b) and 2(c) of this Attachment A certification.

Attachment B—New Requests for Section 8 FSS Program Coordinator Funds Sample Letter Format

Dear HUD Field Office HUB Director of Public Housing or Field Office Program Center Coordinator:

This is to request funds to pay the salary of a Section 8 Family Self-Sufficiency (FSS) program coordinator for one year, for the _____ housing agency (HA) Section 8 FSS program.

The __ HA did not apply for funding under the March 8, 1999 Section 8 FSS Program Coordinators NOFA.

1. Total number of budgeted Section 8 rental certificates and rental vouchers from the most recent HUD-approved form HUD–52672, Supporting Data for Annual Contributions Estimates Section 8 Housing Assistance Payments Program: _____.
2. Total number of families currently enrolled in the HA's Section 8 FSS program: _____.
3. Total number of Section 8 FSS program slots based on the number of (both voluntary and mandatory) FSS slots identified in the HA's HUD-approved Action Plan OR, when HAs are applying jointly, the combined total of Section 8 FSS program slots in the HUD-approved Action Plans of the HAs _____.
4. Section 8 FSS Program Coordinator Salary:
   a. *Salary level*, based on salaries for comparable jobs (modified by number of hours worked) _____
   b. *Annual Salary* plus Fringe Benefits: _____ Hours/Week; _____ $/Hour; _____ Fringe Rate(%)
   Annual Salary_____
5. Attachment: Evidence demonstrating salary comparability to similar positions in the local jurisdiction.
6. For joint applications: The lead applicant HA that will receive and administer the Section 8 FSS program coordinator funding is: _____.

If there are any questions, please contact _____ at _____.

Sincerely,

Executive Director.

Attachments

Attachment C—Fair Housing and Equal Opportunity Certifications

The housing agency (HA) certifies that in administering the funding for the Section 8 Family Self-Sufficiency program coordinators it will comply with the requirements of the 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, and will affirmatively further fair housing. CDBG recipients also must certify to compliance with section 109 of the Housing and Community Development Act.

_____

Name of HA

_____

Signature and Title of HA Representative

_____

Date

Attachment D—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 any 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 1342, 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.

_____

Signature of HA Representative

_____

Name of Signatory (Print or Type)

_____

Name of HA

_____

Date signed

[FR Doc. 99–19122 Filed 7–22–99; 2:10 pm]

BILLING CODE 4210–33–P